

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, JULY 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	5	0
Dale Hoover, Vice Chair	P	5	0
Lorraine Saunders	P	5	0
Cindy Smith	P	5	0
Adriane Reese	P	4	1

Alternates

Don Karney	P	5	0
Syretta Simon	A	3	2

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

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 7:00 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 June 2013

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

Cases:

1. **Case Number 11-10-08**
519 Northwest 23rd Avenue
Parisian Motel
 - **Notice of Status Hearing**

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Det. Maniates announced that the owner, Tania Ouaknine, had accepted receipt of the meeting notice on 6/20/13 and 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 for service related to the owner reporting a burglary at the Motel and from her vehicle, which had a broken window.

Det. Maniates had visited the property in the past month and noted no changes.

Det. Maniates stated the property was not in compliance due to the unpaid fines and said jurisdiction would end on August 21, 2013 but the Board could vote to extend jurisdiction over the property after that date.

Mr. Jolly had sent a letter to the City Attorney's office regarding the Board's recommendation that the City begin foreclosure proceedings against the property.

Det. Maniates informed Ms. Reese that the burglary had been reported at between 9:00 and 10:00 AM.

Ms. Reese asked if Ms. Ouaknine was living at the property and she replied the property was abandoned but she visited it periodically. She said this was a bad neighborhood and the neighbors were breaking in.

Chair Saunders asked Det. Maniates to have patrol units keep an eye on this property.

Motion made by Mr. Hoover, seconded by Ms. Reese to maintain jurisdiction over the property for an additional six months.

Ms. Reese asked if the City could fence off the property but Mr. Jolly stated this was not within the Board's purview. Chair Saunders had provided an update to the district Commissioner's aide and he thought the Commissioner might initiate movement.

In a roll call vote, **motion** passed unanimously.

Det. Maniates recommended a status hearing in September 2013.

4. **Case Number 12-07-01**
201 Southwest 11th Court
Residence
Owner: Mary Ann Kerr
• **Notice of Status Hearing**

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Det. Maniates announced that the owner, Mary Ann Kerr, had accepted receipt of the meeting notice on June 21, 2013.

Det. Maniates reported that in the past 30 days there had been four calls for service from the address with two being nuisance related. The two nuisance calls resulted from Det. Maniates' inspections; one was for possession of drug paraphernalia and the other was for possession of drug paraphernalia and cocaine.

Det. Maniates testified that on June 13, he had been alerted that a black male had been tampering with the Peace Keeper truck and had taken mail from a neighbor's mailbox. Later that day, Det. Maniates and other officers had performed a compliance check and found Robert Pachini disposing of a crack pipe in the yard. Mr. Pachini had been arrested and issued a trespass warning. Ms. Kerr, the owner, had been found passed out on her bed. Larry Kohs and Katie Peterson were also at the property.

A neighbor had informed Det. Maniates that her lawnmower had been stolen on June 25. On June 26 a blue BMW was present on the property and Edward Beckett, the vehicle owner, informed Det. Maniates that he was working with the street crimes detectives but the detectives had advised Det. Maniates that this was not true.

On July 4, Det. Maniates said Edward Beckett was in the bathroom removing the toilet tank lid to try to destroy evidence of drugs. Crack cocaine and a glass pipe were found

in the medicine cabinet. There was also a stolen truck on the property and the male driving it had been arrested. On July 6, Det. Maniates and other officers had visited the property and found Mr. Pachini present, in violation of the trespass warning he had been issued the previous week. He was taken into custody. A K-9 officer present had alerted to cocaine residue on Ms. Kerr's dresser and to a blue backpack in the home.

Det. Maniates reported he and other officers would continue to aggressively monitor the property. The property was still non-compliant and jurisdiction was scheduled to end on September 20, 2013.

Chair Saunders advised he wished the Board to continue jurisdiction over the property past September.

Chair Saunders opened the public hearing portion of the meeting.

Larry Kohs said he had received a call from Ms. Kerr stating she would be unable to attend this meeting so he was present to represent her.

Thomas Johnson said Ms. Kerr had called him to state she could not attend the meeting because she could not find transportation back from Hollywood.

Mr. Jolly reported the property was homesteaded, so the City could take no foreclosure action.

Det. Maniates informed the Board that a person he had found on the property stated he had had paid Ms. Kerr \$200 to stay at the house for a couple of weeks. Ms. Reese said this house was operating as a motel. Mr. Jolly said this made no difference because the property was homesteaded. Ms. Reese wanted to know if the footprint of the house had changed to allow for rentals.

Chair Saunders wanted to try to contact Ms. Kerr's mother in Panama. Ms. Smith hoped that if Ms. Kerr's mother was aware of the fines she would "kick her out and all these other people that are living there illegally..." Det. Maniates stated Ms. Kerr's mother had been sent the paperwork but had never responded. Chair Saunders requested that an invoice for the fines be sent to Ms. Kerr's mother. Mr. Jolly said he would investigate other enforcement actions against the property [other than foreclosure].

Ms. Reese wanted to know if Mr. Kerr was receiving any public assistance and if this conflicted with receiving rent from roommates. Mr. Londeree did not know.

Ms. Reeseey wanted to see copies of all lease agreements and to determine if the property was operating as a motel.

Mr. Kohs informed Mr. Londeree that he had lived at the residence for two years and said he had been the longest resident. Mr. Londeree said in Florida, taxes must be paid for income from tenants.

Ms. Reeseey asked if the property could be subject to forfeiture because drugs had been found on the property. Det. Maniates stated homesteaded property would not be subject to forfeiture.

Mr. Johnson said he had been staying at the property for approximately one week and Det. Maniates had stated he did not have a problem with him staying there. Det. Maniates said he had no problem with Mr. Johnson being there but he must find another place to go.

Mr. Johnson said he helped Ms. Kerr by chasing undesirables from the property.

Chair Saunders left the dais temporarily.

Mr. Karney said nothing Mr. Johnson said would change his mind about what must happen: "You all need to get out of the neighborhood."

Ms. Reeseey remarked that Mr. Johnson looked much less healthy than the last time he had appeared at a meeting.

Chair Saunders returned to the dais.

Ms. Saunders asked if Ms. Kerr actually lived at the property. Mr. Kohs nodded to indicate that Ms. Kerr did live at the property and Det. Maniates stated Ms. Kerr was present at some of his inspections and was absent at others.

Mr. Johnson said he had not seen anyone buy or use drugs at Mr. Kerr's house nor had he used drugs there.

Ms. Reeseey asked Det. Maniates Ms. Peterson's arrest history. Officer Brandon Diaz said she had been an informant for him in the past. Det. Maniates agreed to provide Ms. Peterson's arrest record to the Board.

Det. Maniates recommended a status hearing for September 5.

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

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- **Notice of Status Hearing**

This item was discussed out of order.

Det. Maniates announced that the business owner, Tarik Bahlawan, had accepted receipt of the meeting notice on June 27, 2013 and the owner, Ali Al-Madi was present.

Det. Maniates reported that in the past 30 days there had been 45 calls for service with none being nuisance related. There had been 14 trespassing calls, some of which were made by the store clerks.

Det. Maniates had visited the property several times and had monitored the property cameras from his phone. He had observed that traffic had declined, helped by the reduced store hours. The Peace Keeper had been located across the street from the store for a few weeks and he believed it to be a deterrent to criminal activity in the area.

Pursuant to the Board's request, Det. Maniates reported there had been 133 arrests at the property since February 2012 when Mr. Bahlawan had taken over the business. 108 arrests were misdemeanors and 25 were felonies. Mr. Al-Madi had indicated to Det. Maniates that he would continue to be cooperative with the Police.

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

Chair Saunders requested that Det. Maniates provide the Board with arrest statistics each month as well as calls for service and Det. Maniates agreed.

Chair Saunders opened the public hearing portion of the meeting.

Gino Shahan Jamison thanked the Board for addressing the issues at the property. He agreed that the Peace Keeper was a deterrent. Mr. Jamison said they had tried to meet with the owner regarding his plans for the property and how they would fit in with the community's plans for the area.

There being no other members of the public wishing to address the Board on this issue, Chair Saunders closed the public hearing portion of the meeting.

Mr. Al-Madi said since he had purchased this property he had worked with Police to clean up the area, and noted that he had been shot five times in 1995 because of his

efforts to clean up the illegal activity near the store. He agreed the area had improved over time.

Ms. Smith asked about improvements Mr. Al-Madi had performed at the property in the past five to ten years and he replied that he painted the building every two to three years and kept the area clean. They also picked up trash on the property many times per day. Ms. Smith asked why Mr. Al-Madi had not met with area representatives and Mr. Al-Madi stated he met with them all the time.

Det. Maniates clarified that traffics stops that also resulted in arrests were included in the counts he had provided. Chair Saunders said this was why the Board wanted a breakdown of all of the arrests. He requested Mr. Al-Madi meet with Mr. Jamison and other members of the community to discuss his long-term plans for the property.

Ms. Reeseey asked about the rental units upstairs and Mr. Al-Madi said these were rented weekly or monthly. Ms. Reeseey asked if Mr. Al-Madi had ever met with Dorsey Riverbend representatives and Mr. Al-Madi stated he used to meet with them all the time but had not done so for the past two to three years. Ms. Reeseey urged him to meet with the community.

Det. Maniates stated some of the arrests related to the tenants in the motel. Mr. Al-Madi described the process for admitting tenants and said tenants' information was kept on file. Mr. Al-Madi reiterated that he owned the building and Mr. Bahlawan owned the store and motel business. Ms. Reeseey asked to see copies of the documents and the drug addendums for tenants.

Mr. Bahlawan stated he managed and collected rents for the motel and gave the rent money to Mr. Al-Madi. Mr. Al-Madi said he leased the entire building to Mr. Bahlawan. Mr. Bahlawan paid him "for everything" at the end of the month.

Chair Saunders wanted to know if the businesses were registered separately and who the registered owners were. Det. Maniates agreed to provide this next month. Ms. Reeseey also wanted information on motel and bed taxes paid and how the motel was registered.

Mr. Bahlawan informed Ms. Reeseey that they paid tourist tax as well as sales tax for the rental units.

Board Discussion

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Det. Maniates informed the Board that Ms. Simon had moved out of the City so she was no longer a member of the Board.

Det. Maniates announced that this was Chair Saunders' last meeting. He thanked him for leading the Board with professionalism and compassion. Chair Saunders stated it had been an honor and a privilege to serve on the Board. He recommended Mr. Hoover succeed him as Chair.

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 8:43 PM.

Next Meeting: September 5, 2013

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