

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, SEPTEMBER 5, 2013, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/2013 through 2/2014	
		<u>Present</u>	<u>Absent</u>
Dale Hoover, Chair	P	6	0
Cindy Smith, Vice Chair	P	6	0
Adriane Reese	P	5	1
Lorraine Saunders	P	6	0

Alternates

Don Karney	P	6	0
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Staff Present

Det. Maniates
 Don Londeree, Assistant Attorney
 Richard Giuffreda, Board Attorney
 Joyce Hair, Board Clerk
 Jamie Opperlee, 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	2
2.	12-08-02	217 Southwest 19 th Avenue – Luby Hargrett	3
3.	11-10-08	519 NW 23 Avenue, Parisian Motel	3
4.	12-07-01	201 Southwest 11 th Court – Mary Ann Kerr	4
5.	13-04-01	1500 NW 6 th Street - Sistrunk Market	5
		Board Discussion	7
		Communication to the City Commission	7

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. Opperlee called roll and determined a quorum was present.

Witnesses were sworn in.

Election of Officers

Motion made by Ms. Smith, seconded by Ms. Reese, to elect Mr. Hoover as Chair. In a roll call vote, motion passed 5-0.

Motion made by Mr. Karney, seconded by Ms. Saunders, to elect Ms. Smith as Vice Chair. In a roll call vote, motion passed 5-0.

Approval of Minutes for July 2013

Ms. Reese pointed out that at their last meeting, the Board had run out of time and not addressed Red Pearl Massage, which had been on their agenda.

Motion made by Ms. Smith, seconded by Ms. Reese, to approve the minutes of the Board's July 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 June 20, 2013 and was present.

Det. Maniates reported that in the past 60 days there had been no calls for service to the property. He stated the property was still vacant, but the owner had confirmed that a new tenant would move in on October 1. Mr. Koster had requested the Board allow him to remove the nuisance abatement signs from the front and rear of the building and Det. Maniates recommended the Board grant the request. The property was in compliance and Det. Maniates recommended a status hearing in October 2013.

Mr. Koster confirmed that a tattoo parlor would occupy the property. He informed Ms. Reeseey that he believed Xua Wang and Angela Wang were the same person, the previous business owner. The lease had been under the name of Angela Wang.

Motion made by Ms. Smith, seconded by Mr. Karney, to allow Mr. Koster to remove the nuisance abatement signs. In a roll call vote, motion passed 4-1 with Ms. Reeseey opposed.

2. **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 June 20, 2013 and was present.

Det. Maniates reported that in the past 60 days there had been no calls for service to the property. He had visited the property several times and found nothing out of compliance. Det. Maniates stated the Board's jurisdiction would end on September 20, 2013. He thanked Ms. Hargrett for her cooperation. He reminded the Board that they had voted to hold the fine of \$6,250 in abeyance and Mr. Giuffreda confirmed the Board could abate the fine.

Motion made by Ms. Reeseey, seconded by Ms. Saunders, to abate the \$6,250 in fines. In a roll call vote, motion passed 5-0.

3. **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 July 26, 2013. She had sent a letter informing Det. Maniates that she could not be present at this meeting because of the Jewish holidays.

Det. Maniates reported that in the past 60 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 October 2013. He confirmed the building was still boarded up and the signs were still present.

Mr. Giuffreda remarked that there were liens against the property that exceeded what the property was worth, so foreclosure would not be worth the effort. Det. Maniates stated the property had been referred to the Unsafe Structures Board and the Code Enforcement Board.

**4. Case Number 12-07-01
201 Southwest 11th Court
Residence**

[Index](#)

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 July 23, 2013 and was present.

Det. Maniates reported that in the past 60 days there had been seven calls for service from the address with three being nuisance related. There had been one call for service from the surrounding area.

Det. Maniates had visited the property on July 31 and found Ms. Kerr, Larry Kohs, Thomas Johnson and a married couple present. On August 7, Det. Maniates had spoken with Ms. Kerr's mother in Panama and informed her that this property was under the Board's jurisdiction. Det. Maniates had tried unsuccessfully to contact Ms. Kerr's sister, with whom their mother lived in Panama.

Det. Maniates reported that on August 26, a patrol officer had inspected the property and found Katie Peterson, Anthony Burt and Mark Papagano at the property. They had each been given a trespass warning and told to leave. On August 27, an officer had visited the property and witnessed Ms. Kerr prepping drugs with a spoon and needle and she had been arrested. In the house were Thomas Johnson, Larry Kohs and Robert Nichols. Mr. Nichols had been given a trespass warning and told to leave. On August 31 an officer had inspected and found Ms. Kerr in possession of two crack cocaine pipes. She had been arrested and taken to Fort Lauderdale Police Department jail for booking. On September 3 Det. Maniates had inspected the property and found Katie Peterson present; she had been arrested for trespassing. Also on the property were Larry Kohs and Ms. Kerr.

Det. Maniates had obtained a copy of Katie Peterson's criminal history and provided it to Board members. He had contacted Code Enforcement regarding the property's status for code issues but had not heard back yet.

Det. Maniates said the property was out of compliance for unpaid fines, the arrest of the property owner and others on the property. Jurisdiction was set to end on September

20, 2013 but Det. Maniates recommended extending jurisdiction for a minimum of six months and bringing the property back for a status hearing in October.

Motion made by Ms. Reese, seconded by Ms. Smith, to extend jurisdiction for six months. In a roll vote, motion passed 5-0.

The Board was frustrated that their efforts had not resolved the issues on the property. Mr. Giuffreda said the Board could authorize their attorney to work with the City to explore options under Florida Statute 60.05 regarding injunctions or 120.69 regarding administrative procedures. Ms. Reese wanted to explore all possibilities.

Ms. Kerr confirmed for Ms. Reese that she was receiving no public assistance; her only income was from renting the room to Mr. Kohs.

Motion made by Ms. Smith, seconded by Ms. Reese to authorize the Board attorney to speak to the City Attorney regarding the Board's options under Chapter 893 as it would relate to Florida Statutes 60.05 and 120.69. In a roll call vote, motion passed 5-0.

The Board requested that the Peacekeeper surveillance device be brought back to the property when it became available.

Mr. Londeree said the property was currently homesteaded, but "with what's going on currently it may not always exist and we are working towards that." He said Ms. Kerr could receive up to 360 days in jail and 36 months of probation for her recent arrests. Det. Maniates said Mr. Kohs was trying to find another place to live.

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

[Index](#)

- **Notice of Status Hearing**

Det. Maniates reported that the owner of the property was Ali Almadi and the business owner was Tarek Bahlawan. Mr. Bahlawan had accepted notice of the meeting on July 23, 2013 and Mr. Almadi had accepted the meeting notice on July 23, 2013. The owner had left Det. Maniates a phone message stating he would return to the country on September 15 and any issues should be referred to Mr. Bahlawan.

Det. Maniates reported in the past 60 days there had been eleven calls for service to the property, two of which were nuisance related. On two separate incidents, two men had been arrested for possession of cannabis. Det. Maniates had been monitoring the property video and noted there was less activity at the property when the business was closed. Code Enforcement Supervisor Skip Margerum had informed him that the

property was taxed as: restaurant/take-out; after hours liquor sales; merchant retail and motel. Det. Maniates displayed a slide showing the calls for service and arrests on the property since February 2012. He reminded the Board that calls for service and arrests represented incidents on the property and in the adjacent street.

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

Det. Maniates said this was the second time the property had been under Board jurisdiction. Chair Hoover said the owner needed to attend the hearings. Mr. Bahlawan said he, Mr. Almadi and neighborhood representatives had met to discuss what should be done but the owner had been uncooperative.

Mr. Bahlawan and Det. Maniates confirmed that all tenants signed the drug addendum.

Gino Shahan Jamison, neighbor, said he and other neighborhood representatives had met with Mr. Bahlawan and Mr. Almadi but Mr. Almadi had been "belligerent" and "obstinate" and refused to entertain any of their suggestions. Mr. Jamison said the Nuisance Abatement Board was a "big joke" to Mr. Almadi, but thanked Mr. Bahlawan for his efforts.

Mr. Jamison said the City Commission had enacted a moratorium on any new convenience stores in this area, but there were other convenience stores that caused similar problems, including another nearby store owned by Mr. Almadi. Ms. Smith asked to know the calls for service to Mr. Almadi's other store and Det. Maniates agreed to provide them.

Laronda Ware, President of the Dorsey Riverbend Civic Association, agreed that activity decreased markedly when the store was closed, but said the activity just shifted to the store that was open 24 hours. She said there were residents who wanted the 15 Avenue store completely closed.

Mr. Giuffreda said the Board could send the owner notice that they wanted him to attend the meetings.

Motion made by Ms. Reese, seconded by Ms. Smith, to compel Mr. Almadi to appear at the Board's October 10, 2013 meeting and that he would be fined \$250 per day for non-compliance. In a roll call vote, motion passed 5-0.

Board Discussion

[Index](#)

Ms. Smith recommended Mr. Karney be made a regular Board member. Chair Hoover agreed to recommend this to the City Commission. Ms. Hair said the Commission was aware of the vacancies on the Board and were working on it.

Communication to the City Commission

[Index](#)

None.

Adjournment

Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:52 PM.

Next Meeting: October 10, 2013

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