

**CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD MINUTES
CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
100 NORTH ANDREWS AVENUE
THURSDAY, DECEMBER 12, 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	9	0
Cindy Smith, Vice Chair	P	9	0
Adriane Reeseey	P	7	2
Lorraine Saunders	P	9	0
Bob Wolfe	P	1	0

Alternates

Don Karney	P	9	0
Elizabeth DiMaio	P	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

None.

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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 November 2013

Motion made by Ms. Smith, seconded by Ms. Saunders, to approve the minutes of the Board's November 2013 meeting. In a voice vote, the motion passed unanimously.

Chair Hoover welcomed new Board member Bob Wolfe.

Cases:

1. **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 November 27, 2013.

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 it was still vacant. Det. Maniates stated the side door entrance and all side windows were now boarded. He displayed photos of the property.

Det. Maniates confirmed the property was not in compliance and recommended a status hearing for January 2014. He informed Ms. Reese that the nuisance abatement signs were still posted on the property.

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

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- **Notice of Status Hearing**

Det. Maniates reported that business owner Tarek Bahlawan had accepted notice of the meeting on November 27, 2013. The property owner, Ali Almadi, had not accepted the meeting notice. He reminded the Board that both the business owner and property owner had stated at the previous meeting that they would be away for the holidays and could not attend this meeting.

Det. Maniates reported in the past 30 days there had been 31 calls for service to the property, none of which was nuisance related. He stated the property was in compliance and recommended a status hearing for January 2014. Det. Maniates informed Ms. Reese that the Peacekeeper had not been parked back in the neighborhood.

- 3. 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 December 3, 2013. Det. Maniates reported that in the past 30 days there had been six calls for service, two of which were nuisance related.

Det. Maniates stated on November 13, Patrol Division had conducted a property check and found Sean Keif in possession of heroin. Katie Peterson, who had been arrested in the past for trespassing, was also present and had been arrested for trespassing. On November 25, there was a battery committed by two males against Ms. Kerr's boyfriend and a man living at the property. On November 30, two arrests were made; one for a wanted person and one for possession of drug paraphernalia. On December 9, Katie Peterson had been found at the property and arrested again and another female had been given a trespass warning. Det. Maniates stated the property was not in compliance because of unpaid fines, because the owner had been arrested for drug-related offenses and because of other arrests at the property. He recommended bringing the property back for a status hearing in January 2014.

Chair Hoover opened the public hearing portion of the meeting. There being no members of the public wishing to address the Board on this matter, Chair Hoover closed the public hearing and brought the discussion back to the Board.

Mr. Jolly said even renting rooms in the property did not change the underlying character of the residence as a homesteaded property. Theoretically, if there was a foreclosure, the house would have to be partitioned and portions being rented could be sold to satisfy the liens. Mr. Wolfe stated he was the Deputy Property Appraiser and his

office might investigate if it were a more commercial venture; renting a room was not grounds for cancelling a homestead exemption. He added that the statutory standard for a homestead exemption was that the home was a permanent residence as of January 1. Mr. Wolfe said the City could ask the property appraiser's office for more specifics. Det. Maniates said he had sent an email regarding re-installation of the Peacekeeper in the area.

Mary Ann Kerr, owner, said the rent from the room helped cover the household bills. Mr. Jolly stated the City was investigating ways to "get that property in a situation where it is no longer the eyesore and nuisance that it has been to the balance of the neighborhood."

4. Case Number 13-12-02

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- **17 South Atlantic Blvd**
- **Beach Place**
- **Notice of Evidentiary Hearing**

Det. Maniates reported that business owner was Thor Equities LLC which had accepted notice of the meeting on December 9, 2013. The property manager, The Galleria at Beach Place, had accepted notice of the meeting on December 4, 2013.

Det. Maniates reported in the past six months there had been 614 calls for service to the property, 25 of which were nuisance related. Calls involved disturbances, assaults, batteries, wanted persons, trespassing, beverage violations and narcotics offenses. The Fort Lauderdale Police Department had made 48 arrests in six months; 16 of these were narcotics related. Det. Maniates displayed graphics describing the various arrests.

Det. Maniates informed the Board that on August 16, 2013, an undercover detective had purchased cannabis on the property; on August 31, 2013, one undercover detective had purchased cannabis and one had purchased cocaine on the property; on September 4, 2013, an undercover detective had purchased cocaine on the property. Det. Maniates displayed photos of the property and stated the narcotics arrests had been made inside the courtyard area.

Mr. Londeree informed the Board that Coleen Delcasino, the owner's attorney, was present and would agree to the Board's jurisdiction. Ms. Delcasino described the property and said it was a significant tourist destination. She said Beach Place undertook significant efforts to deter crime on its premises and in the surrounding area. In May 2013, they had increased security from 94 man hours per week to 520 man hours per week (four to five uniformed security officers on staff 24 hours per day, seven days per week.) Several tenants also employed off-duty police officers during peak weekend hours. The property also had four live-feed cameras, which were monitored at

all times. Despite these efforts, drug related crimes still occurred in the area. Ms. Delcasino stated Beach Place was willing to work with police to coordinate their efforts. They had already stipulated to the "vast majority" of the police recommendations, most of which were either already in compliance or they were working to bring into compliance. Ms. Delcasino had discussed a few minor changes to the recommendations with Mr. Londeree.

Chair Hoover remarked that the current security program must be lacking to see this number of arrests. Ms. Delcasino pointed out that many of the police calls were made by their security employees and the number of arrests was actually indicative of the success of their security measures.

Ms. Delcasino and Mr. Londeree confirmed for Mr. Jolly that they had reached an agreement regarding the recommendations.

Louis Sorrentino, Director and Chief Operations Officer of Navarro Security, said his employees were required to be former military or have at least five years' experience as uniformed security officers. They must also have a "D" license and undergo background checks. Security patrolled the property in eight-hour shifts around the clock. Mr. Sorrentino stated the management company sometimes monitored the live feed camera and the security supervisor sometimes monitored it.

Det. Maniates agreed to provide the Board with call and arrest statistics for Beach Place in 2012.

Det. Maniates reviewed the police recommendations for the property:

1. The owner will maintain a trespass affidavit on file with the Police Department and post laminated "No trespassing" signs, placement designated by the detective on the property with 7 days.
2. The owner will ensure that no person(s) loiter in the parking lot, on the sidewalks or on all sides of the property as well as inside the plaza areas during all open business hours.
3. The owner will install and maintain a minimum of four (4) exterior (outside perimeter) and no less than four (4) interior video recording cameras that can be monitored by management, (according to all code requirements) with video available to the Police department during all business hours by January 9, 2014.
4. The owner will clearly display, within 10 days, and for the duration of jurisdiction, four 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 the Detective.

5. The owner will install and maintain exterior lighting on the front, rear and sides of building plaza (according to all City of Fort Lauderdale Code requirements).
6. The investigative costs total a dollar amount of \$2,394.84. The owner(s) is assessed 50% of this amount which is \$1,197.42. This cost is to be paid prior to the January 9, 2014 Nuisance Abatement Board Meeting. If no meeting occurs in January, then prior to the next scheduled Nuisance Abatement Board Meeting. The Board will waive the remaining balance of the investigative costs if the owner complies with the Board's Order within the specified time frame(s). If the owner fails to comply with the specified time frame(s), the remaining 50%, \$1,197.42 of the investigative costs will be assessed.
7. The owner will provide a list of all occupants in the plaza, a copy of their business license and their hours of operation. The owner will provide the detective with a contact name and phone number for each business within fourteen (14) days.
8. The owner will provide the name of the current security firm and contact information, their hours of operation and a list of security officers who work at this property within seven (7) days.
9. If any of the above listed items are not complied with within the time frame set forth, a fine in the amount of \$250 per day, per item, not to exceed \$250.00 per day will be imposed for each day of non-compliance.
10. The owner will appear before the Nuisance Abatement Board at the January 9, 2014 meeting (or, if no meeting occurs at the succeeding Nuisance Abatement Board meeting) for a status hearing.
11. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year from the date of this order.

Ms. Delcasino requested the following amendments:

- 2) The owner will "*take reasonable efforts to ensure...*";
- 3) The owner will share the IP address of the current live feed camera system with Police for one month; if Det. Maniates determines additional upgrades are necessary, they will be addressed at the next meeting;
- 4) Delete.

Motion made by Mr. Wolfe, seconded by Ms. Saunders, to declare the property a nuisance and to accept the police recommendations as amended.

Chair Hoover opened the public hearing portion of the meeting.

Fred Carlson, neighbor, said he had visited the property recently and observed several of the businesses. He pointed out that most of the property was dimly lit and he had seen no security presence. He felt that adding lighting and visible guards would reduce criminal activity.

There being no other members of the public wishing to address the Board on this matter, Chair Hoover closed the public hearing and brought the discussion back to the Board.

Det. Maniates stressed that if he felt something needed to be addressed regarding the amendments, he would discuss this with the Board at their next meeting.

The Board discussed the recommendations and the requested amendments and agreed to the amendments proposed by Ms. Delcasino. By consensus, the Board also wished to assess the full investigative costs of \$2,394.84 immediately.

Mr. Wolfe amended his motion to include the assessment of \$2,394.84 in total investigative costs immediately and Ms. Saunders agreed to the amendment.

In a roll call vote, motion passed 4-1 with Chair Hoover opposed.

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 8:36 PM.

Next Meeting: January 9, 2013

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