

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, JUNE 12, 2014, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/2014 through 2/2015	
		<u>Present</u>	<u>Absent</u>
Dale Hoover, Chair [arr. 7:10]	P	3	0
Cindy Smith, Vice Chair	P	3	0
Don Karney	P	3	0
Lorraine Saunders	P	3	0
Bob Wolfe	P	3	0
<u>Alternates</u>			
Leah Manzo	P	2	1
Gustav Schmidt	P	2	1

Staff Present

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

Communication to the City Commission

None.

Index

	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1.	12-07-01	201 Southwest 11 th Court – Mary Ann Kerr	2
2.	13-04-01	1500 NW 6 th Street - Sistrunk Market	3
3.	13-12-02	17 South Atlantic Blvd. Beach Place	3
4.	14-05-02	2901 Northwest 19 th Street - Blue Store	4
		Board Discussion	6
		Communication to the City Commission	6

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 7:05 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 2014

Mr. Wolfe noted a change to the minutes.

Motion made by Mr. Wolfe, seconded by Ms. Saunders, to approve the minutes of the Board's May 2014 meeting. In a voice vote, the motion passed unanimously.

Cases:

1. **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 5/29/14. Det. Maniates reported that in the past 30 days there had been four calls for service, with none being nuisance related. Det. Maniates reported the property remained in non-compliance and continued to be a nuisance and recommended a status hearing for July 2014.

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

Ms. Kerr asked why she could not have company or help with work around the house and yard; these people were cited with trespassing. Det. Maniates said anyone at the property at Ms. Kerr's request was allowed to be there; anyone present for the wrong reasons was given a trespass warning and told to leave. Det. Maniates agreed to address Ms. Kerr's statement that everyone found at the property was told to leave.

Chair Hoover arrived at 7:10.

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

[Index](#)

- **Notice of Status Hearing**

Det. Maniates reported that business owner Tarek Bahlawan, had accepted notice of the meeting on 5/17/14. The property owner, Ali Almadi, had not accepted the meeting notice.

Det. Maniates reported the property was in compliance and jurisdiction would end on 6/21/14. He thanked the business owner for his efforts.

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.

3. Case Number 13-12-02
17 South Atlantic Blvd.
Beach Place

[Index](#)

- **Notice of Status Hearing**

Det. Maniates reported that the business owner, Thor Equities LLC, had accepted notice of the meeting on 5/19/14. The property manager, Kenyata Allain, had accepted notice of the meeting on 5/17/14.

Det. Maniates reported in the past 30 days there had been 44 calls for service to the property, 3 of which were nuisance related. Det. Maniates said 2 of the calls occurred when a K9 officer had alerted to drugs on 2 individuals. The third call occurred when a K9 officer alerted to a purse in a baby stroller. All three individuals had been in possession of cannabis and one individual had been in possession of 58 "Molly" pills. The person with pills had been arrested for a felony and the other two individuals had been issued notice to appear citations. Det. Maniates said an additional camera had been installed for two days to monitor Memorial Day weekend events. He remarked that drug activity had noticeably diminished. The property was in compliance and he recommended a status hearing in July.

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.

4. Case Number 14-05-02
2901 NW 19th Street
Blue Store

[Index](#)

• **Notice of Evidentiary Hearing**

Det. Maniates reported that the property owner, Raymond Elisha Gordon, had accepted notice of the meeting on 5/28/14. Det. Maniates had presented notice of the meeting to the store manager and met with the property owner on 6/2/14. Det. Maniates had also met with the property owner again on 6/10/14 and provided him with a copy of the Police recommendations. The owner's attorney, William Trick, had contacted Det. Maniates and informed him that his clients would stipulate to the Police recommendations.

Det. Maniates reported in the past 6 months there had been 44 calls for service to the property, 6 of which were nuisance related. There were also 6 additional misdemeanor arrests for possession of cannabis on the property. On 2/7/14, \$20 worth of cannabis had been purchased by an undercover detective; on 2/26/14, \$40 worth of cannabis had been purchased by an undercover detective; on 4/9/14, \$30 worth of synthetic cannabis had been purchased by an undercover detective inside the store; on 4/10/14, \$19.50 worth of synthetic cannabis had been purchased by an undercover detective inside the store; on 4/10/14, \$5 worth of cannabis had been purchased by an undercover detective; on 4/22/14, \$19.50 worth of synthetic cannabis had been purchased by an undercover detective inside the store.

Det. Maniates explained the Police recommendations for the property:

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, one laminated sign 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.
3. 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.
4. The owner will install and maintain a minimum of four (2) exterior surveillance video cameras and two (2) interior surveillance video cameras.
5. The owner will install and maintain exterior lighting that will completely illuminate the parking lot and both sides of the property. This lot will be illuminated from dusk to dawn. This will be completed within fourteen (14) days after the June 12, 2014 meeting.
6. The owner will maintain the property free of debris and trash.

7. 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. If the store continues to offer these items for sale, the remaining balance of the investigative costs in the amount of \$2,486.19 will be imposed immediately.
8. 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, June 16, 2014.
9. The investigative costs total a dollar amount of \$4972.37. The owner(s) is assessed 50% of this amount which totals \$2,486.19. This cost is to be paid prior to the July 2014 Nuisance Abatement Board Meeting (July 10, 2014). If no meeting occurs in July, then prior to the next scheduled Nuisance Abatement Board Meeting.
10. 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.
11. The owner will appear before the Nuisance Abatement Board at the July 10, 2014 Nuisance Abatement Meeting (or, if no meeting occurs at the succeeding Nuisance abatement meeting) for a Status Hearing.
12. The Nuisance Abatement Board will retain jurisdiction over the property for a period of (1) year from the date of this order.

Det. Maniates displayed photos of the property for the Board. He stated he and the owner were "on the same page" regarding what needed to be done. Det. Maniates informed Ms. Smith that it was his decision to require 50% of the investigative costs because he was confident the owner would do what needed to be done. He stated the store was operating 24 hours a day but if he felt there were major problems occurring overnight, he would bring this to the Board's attention. Det. Maniates stated the synthetic marijuana had been purchased from employees who had since been fired.

Ms. Smith asked how employees were screened and Mohammed Kasem, business owner, responded he did not perform background checks but he did phone previous employers.

Mr. Wolfe asked about the City statutes regarding paraphernalia and Me. Londeree said the sale of all paraphernalia was prohibited in Fort Lauderdale. He explained that there were State laws but City laws were more restrictive.

Mr. Trick asked Mr. Kasem if all synthetic cannabis had been removed from the store and Mr. Kasem replied that it had all been removed. Regarding loitering, Mr. Kasem stated customers were given two minutes before he called Police to report they were loitering.

Mr. Trick stated his client stipulated to the jurisdiction of the Board and to the Police recommendations as presented.

Motion made by Mr. Wolfe, seconded by Ms. Saunders, to declare the property a nuisance and to impose the Police recommendations as stated. In a roll call vote, motion passed 5-0.

Chair Hoover opened the public hearing portion of the meeting.

Mr. Raymond Gordon, one of the property owners, said the family did not associate with drugs or "tolerate foolishness." He said he would do whatever was required to support the Police Department. Mr. Gordon promised there would be no drugs at the store and that he would attend every meeting.

James Gordon, one of the property owners, said when they acquired the store it was at the height of the crack epidemic. He said he was a former BSO employee. Mr. Gordon believed the store was being used as a meeting place for drug deals. He said the family performed drive-by inspections of the store.

Elisha Gordon, one of the property owners, said when they had purchased the store, it had been drug infested. They had held community meetings with the Sheriff's Department to address the problem. Mr. Gordon said they had been asking for help with the problem for years. He informed Ms. Smith that they family owned the building and the people running the store had been there for 10 years.

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.

Board Discussion

[Index](#)

Ms. Smith asked about case 14-04-01, which had been rescheduled from last month but not placed on this month's agenda. Det. Maniates reported he had contacted the property owner, who had acted immediately to address the problem and adopted a drug and prostitution lease addendum. Det. Maniates had decided not to go forward with the case but promised to keep an eye on the property.

Communication to the City Commission

[Index](#)

None.

Adjournment

Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:54 PM.

Nuisance Abatement Board Meeting
June 12, 2014
Page 7

Next Meeting: July 10, 2014

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

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