

MEETING MINUTES

CITY OF FORT LAUDERDALE

**NUISANCE ABATEMENT BOARD**

**FIRE STATION 2 – 528 NW 2ND STREET, 3RD FLOOR**

**FORT LAUDERDALE, FLORIDA 33311**

**THURSDAY, APRIL 11, 2024, 7:00 P.M.**

**Cumulative**

**January-December 2024**

**Committee Members Attendance Present Absent**

Joel Slotnick, Chair P 3 0

Glen Lindsay , Vice Chair P 3 0

Avigdor Pemper A 1 2

Chris Smith (arr. 7:23) P 3 0

# Staff Present

Detective Carlton Smith

Joyce Hair, Board Clerk

Karen Cruitt, Recording Secretary, Prototype, Inc.

# Communication to the City Commission

None.

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| --- | --- | --- | --- |
| **Index** |  |  |  |
| **Item No.** | **Case Number** | Respondent | **Page** |

**4. 23-05-03 3081 NW 19th Street – 2**

**Status Hearing**

**5. 23-10-04 1010 NE 17th Avenue, Speedy’s – 2**

**Status Hearing**

**6. 24-03-02 101 SW 31 Avenue – Rainbow Market 2**

**Evidentiary Hearing**

**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.

1. **Call meeting to order; Pledge of Allegiance**

Chair Slotnick called the meeting to order at 7:17 p.m. and the Pledge of Allegiance was recited.

Assistant City Attorney Don Londeree advised that the Board may hear and discuss Agenda Items but may not vote upon them until a quorum is present.

1. **Roll call; witnesses sign log; swearing in**

Roll was called and it was noted a quorum was not yet present. Witnesses were sworn in.

The following Items were taken out of order on the Agenda.

**Cases**

1. **Case Number 23-05-03**

**3081 NW 19th Street**

* **Status Hearing**

Detective Carlton Smith stated that he remains in phone contact with the property owner, who apprises him of activity at the building. Since the previous month, there have been 30 Police calls for service, including 18 noise complaints. None of the calls were nuisance-related. The property is in full compliance.

1. **Case Number 23-10-04**

**1010 NE 17th Avenue**

**Speedy’s**

* **Status Hearing**

Detective Smith reported that he has visited the property several times and it has remained clean, with no congregants in the area. Over the last 30 days, there have been 10 Police calls, seven of which were Officer-initiated. The property is in compliance.

The Board took a brief recess at 7:21 p.m.

Mr. Smith arrived at 7:23 p.m., at which time it was noted a quorum was present and the meeting was reconvened.

1. **Approval of minutes for March 14, 2024**

**Motion** made by Mr. Smith, seconded by Vice Chair Lindsay, to approve. In a voice vote, the **motion** passed unanimously.

1. **Case Number 24-03-02**

**101 SW 31 Avenue**

**Rainbow Market**

* **Evidentiary Hearing**

Detective Smith reported that over the past six months, there have been 30 Police calls at the subject property, including four assaults, two stolen vehicles, several suspicious incidents, and a hit-and-run. The assaults included one aggravated battery call and one report of battery with a firearm. There have also been three purchases of narcotics on the property by informants, including crack cocaine and flakka.

Detective Smith continued that he has met with the store owner and property manager to discuss the issues at the site. Both have indicated willingness to bring the property into compliance. May Kahook, property manager, who was present at the meeting, accepted the jurisdiction of the Nuisance Abatement Board (NAB), stating that she has already installed cameras and additional lighting on the site based on the Detective’s recommendations.

Detective Smith showed photos of the subject site.

Recommendations for the Rainbow Market from the Fort Lauderdale Police Department include:

* Owner will maintain a trespass affidavit on file with the Fort Lauderdale Police Department and will post No Trespassing signs on the east and south sides of the property within 7 days
* Owner will eliminate and clearly display within 5 days, and for the duration of the jurisdiction, three signs measuring 16 x 20 stating the property is under the jurisdiction of the Nuisance Abatement Board and is being monitored by the Fort Lauderdale Police Department; placement of the signs will be determined by the investigative Detective
* Owner will install two No Parking signs in the alleys
* Owner will install 6 signs across the front of the parking lot and most of the building that read Customer Parking Only, 15 Minute Limit; placement of all signs will be determined by the investigative Detective
* Owner will provide a list of the occupants in the plaza, a copy of their business license, and hours of operation; owner will provide the investigative Detective with a contact name and phone number of each business within 14 days
* Owner will install and maintain a minimum of three exterior and at least one interior video camera that can be monitored by management according to all Code requirements, with video available to Police during all business hours, within 14 days
* Owner will immediately remove any narcotic paraphernalia, to include glass rose stems, rolling papers, and “chore boys” being sold from the convenience store
* Owner will immediately ensure that no persons loiter in the parking lot, on the sidewalk, south side alley, and all sides of the property, to include behind the plaza as well as inside the store, during business hours
* Owner will remove all large signs or products or anything that would block any windows and prevent anyone from seeing inside the store
* Owner will install and maintain exterior lighting on the front, rear, and sides of the building, to include the entire south side alley according to City of Fort Lauderdale Code requirements and will be illuminated from dusk till dawn within 21 days; investigative Detective will approve the type and placement and other parameters of lighting installation
* Owner will post video surveillance warning signs on the exterior wall of the business within a week
* Owner will secure a security guard during all business hours for a minimum of 30 days
* Owner will maintain the property free of debris and trash
* Owner will conduct property checks at location not less than once weekly and email the investigative Detective each week to advise on the status of the compliance with each item of this order, any nuisance-related activity, trespass, and any other concerns; should include photos of the location at the time of the inspection; not less than one inspection per month shall occur during nighttime hours
* Investigative costs total a dollar amount of $2237.94; the owner is assessed 50% of this amount and the investigative costs, which equals $1358.97; this cost is to be paid prior to the May 2024 Nuisance Abatement Board meeting on May 9, 2024; if no Nuisance Abatement Board meeting occurs in May, 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 Order within specified time frames; if the owner fails to comply within these time frames, the remaining 50% of the investigative costs will be assessed
* If any related arrests or sales of illegal drugs on the property occur, the remainder of the investigative costs will be imposed
* If any of the above items are not complied within the time frame set forth, a fine in the amount of $250/day per item, not to exceed $250/day, will be imposed for each day of noncompliance
* Owner will appear before the Nuisance Abatement Board meeting on May 9, 2024 for a status hearing, and all subsequent Nuisance Abatement Board meetings for the duration of the jurisdiction
* The Nuisance Abatement Board will maintain jurisdiction over the property for one year

**Motion** made by Mr. Smith, seconded by Vice Chair Lindsay, to accept the Rainbow Market as a nuisance. In a roll call vote, the **motion** passed unanimously (3-0).

Chair Slotnick asked if Ms. Kahook accepted, by stipulation, the recommendations read by Detective Smith. Attorney Londeree noted that he had been informed an attorney representing the Rainbow Market would be present at tonight’s meeting. Ms. Kahook replied that she did not intend to challenge the Order.

Attorney Londeree explained that what Ms. Kahook was being asked to stipulate to is the property being brought under the jurisdiction of the Board. Ms. Kahook advised that she understood the proceeding, adding that a decision was made not to bring legal counsel to tonight’s meeting.

Mr. Smith asked if it is the property’s first time in front of the Board. It was clarified that the property has previously been under the Board’s jurisdiction, although this was the first time with Ms. Kahook as the owner’s representative. Attorney Londeree further clarified that the Board’s jurisdiction is over the owner, not the lessor.

Ms. Kahook advised that if the current tenant business does not comply with the Order within the allotted timeline, the owner would find a new tenant. She added that there is a vacant space in the subject area which she would offer to the Police Department if needed. She hoped this would bring an end to problems in the area.

Chair Slotnick emphasized that the Board’s intent is not to create an inconvenience, but to help the property to correct its issues and succeed.

Mr. Smith addressed the recommendation of a security guard during business hours, Ms. Kahook advised that a security presence has already been engaged for once a day, at any hour, beginning the following Monday. If additional security is needed “during highlighted periods,” it will be provided; however, she felt a 24/7 presence was excessive. She recommended 24/7 security from Friday to Sunday.

Detective Smith pointed out that this was the Police Department’s recommendation because people are present on the property all the time, and an irregular presence on the property would only clear this activity for a few minutes. Ms. Kahook recalled that at another property, she had engaged off-duty Police Officers after hours and signed an agreement for the arrest of any loiterers, which resulted in success. She emphasized that all other recommendations are already being put into place.

Mr. Smith asked if the recommendation would mean a security officer is present in a marked car. Ms, Kahook confirmed this. Mr. Smith suggested that the security guard make at least six passes per day in a marked vehicle and in uniform to monitor the area and clear anyone loitering on the property.

It was clarified that this would mean a uniformed security guard in a marked vehicle would drive through the property at least six times per day for 30 days, checking on trespassers and following up on anything that looks suspicious, calling the Police if necessary, and keeping a reporting log.

Mr. Smith asked if the $250/day fine would have to come back to the Board for discussion and approval before it is implemented. It was confirmed that this would be done.

Mr. Smith also addressed the alley, requesting what would be done regarding that area. Detective Smith explained that the Order includes lighting, cameras, No Trespassing signs, and No Parking signs. Ms. Kahook stated that she would also contact the property’s waste management provider to determine if the dumpster could be moved to a different location. Mr. Smith recommended determining if a fence could be placed on the property and the waste management provider given a key to the fence.

Ms, Kahook advised that all actions taken today will be applied to the entire plaza, not only the subject property. She strongly emphasized her commitment to addressing issues on the property.

Ms. Kahook also requested the benefit of the doubt, stating that she took over the property on December 1, 2023 as property manager. She requested that no fees be applied at this time due to the cost of cameras, lighting, and security, and concluded that if all items in the Oder have not been fully complied with in 30 days, she would be willing to pay the full amount.

Attorney Londeree explained that the Board is permitted to waive all costs or defer costs until the end of their jurisdiction. He suggested that they consider making a motion to defer the cost, noting that the Statute governing the Board does not require them to charge any costs at this point. They have the option of charging these costs if compliance is not reached within a set time frame, or with revisiting the costs at a later date. He reiterated that fines do not apply unless the Board members vote to levy them.

Attorney Londeree further clarified that at today’s meeting, the Board is asked to accept the Police recommendations, including the costs associated with the case; once the recommendations are accepted, the Board may defer the costs.

**Motion** made by Mr. Smith, seconded by Vice Chair Lindsay, that we accept the Police recommendations with the following amendments as discussed before, being the six times a day, and amending #14 by deferring the $1358.97. In a roll call vote, the **motion** passed unanimously (3-0).

Ms. Hair explained that following today’s meeting, she will prepare a legal document listing the amended Police recommendations, which will be recorded as a public record and sent to Ms. Kahook via certified mail or by a meeting at the subject property. She also confirmed that the security presence will begin visiting the property six times per day, starting Monday, April 15, 2024.

1. **Board Discussion**

Chair Slotnick noted that the next Board meeting will be on May 9, 2024.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:05 p.m.

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

[Minutes prepared by K. McGuire, Prototype, Inc.]