

**CITY COMMISSION OF THE CITY OF PAHOKEE  
SPECIAL COMMISSION MEETING MINUTES  
Tuesday, September 21, 2010**

Pursuant to due notice the Special Commission meeting was held in the Parks & Recreation Complex Cafeteria at 360 E. Main St., Pahokee, Palm Beach County, Florida on Tuesday, September 21, 2010.

The meeting was called to order by Mayor Sasser at 6:10 p.m. Invocation was by Rev. Joe Killingsworth followed with the Pledge of Allegiance.

Official attendance was recorded as follows:

<b><u>Roll Call:</u></b>	Mayor J.P. Sasser	Present
	Vice Mayor Henry Crawford	Present
	Commissioner Keith Babb	Present
	Commissioner Allie Biggs	Present @ 6:20 p.m.
	Commissioner Diane Walker	Present.
	Interim City Manager Derrek Moore	Present
	City Attorney Gary Brandenburg	Present
	Sgt. At Arms: Lt. R. Alonso	Present
	City Clerk Susan Feltner	Present

Mayor Sasser addresses the audience and advises:

- Meeting is divided into two (2) separate issues
  1. Nuisance Abatement Board dealing with Baines Superette
  2. Club Coco's
- Comment cards should be filled out and given to the Clerk
- Turn off all cell phones, even on vibrate they are picked up by the equipment
- Asks that audience remains quiet, it is hard to hear
- Wants to give everyone an opportunity to speak.

Mayor Sasser inquires of Commission of the time limit for persons to speak. Commission concurs three (3) minutes. Also inquires if we should accept comment cards throughout the meeting. Vice Mayor Crawford suggests that when we move to next topic, not to accept cards on previous topic. Commission Concurred.

**(this portion of the page intentionally left blank)**

## **Topics:**

### **1. Nuisance Abatement Board – City Attorney**

City Attorney Brandenburg addresses the Commission and the audience and advises:

- Nuisance Abatement Board is Board authorized by Florida State Statutes Section 874
- Florida Legislature realized that local governments did not have the tools to deal with criminal activity. (i.e. Gangs, prostitution, selling of stolen property)
- Sheriff's Office requested that the City adopt a nuisance abatement ordinance to assist in dealing with the criminal issues. (City Ordinance 2010-09)
- What constitutes a nuisance:
  1. On more than two (2) occasions within a six-month period, as the site of unlawful sale, delivery, manufacture, or cultivation of any controlled substance
  2. On one (1) occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony, and the site has been previously used on more than one (1) occasion as the site of unlawful sale, delivery, manufacture or cultivation of any controlled substance.
- Regarding Baines Supermarket, Sheriff's Office provided evidence of a nature that qualified as a nuisance.
- At the hearing, the Sheriff's Office provided live witnesses who witnessed the activities, and provided a video showing the same
- The owner was provided an opportunity to present their case
- The Board found that there was sufficient evidence presented
- Board declared the property a nuisance and debated on a remedy to be imposed on the
- property to cease the criminal activity

### **1. Nuisance Abatement Board – Citizens Comments**

Mr. Sylvanius Miller, 176 N. Flame Ave., Pahokee, Fl. stated that he was born and raised here in Pahokee, questions why the business owner is responsible for persons outside of their business.

Munia Garcia, 789 East Main St., Pahokee, FL., questions who is in charge of making the decision in shutting Mrs. Frost down, doesn't think she should have suffered being closed for thirty days.

Mayor Sasser advised that businesses have no loitering signs, Mrs. Frost refused and in her own statement said she condoned the activity outside her business.

City Attorney Brandenburg advised the Commission that this not an opportunity for the members of the public to interrogate elected officials. This is an opportunity for them to ask questions and state their concerns

Commissioner Walker addresses the audience and advised that there is a written format to follow on the Agenda, and recommends that the agenda be followed. Under Item E-1 the Commission will make comments and try to answer all of the questions.

**(this portion of the page intentionally left blank)**

## Topics continued:

### 1. Nuisance Abatement Board – Citizens Comments continued

Pearl Freeman, 331 Banyan Ave., Pahokee, Fl., questions why we can close a store down that is important to black folks? Ms. Frost doesn't drive, I've seen those folks walk her home to Padgett Island at 1:30 in the morning

John Austin, 169 Adams Place, Pahokee, Fl. questions Why close her down because of the guys outside? She's not doing anything wrong, she's not selling drugs. If the police do their job right, you wouldn't have all this

Geroline Frost, owner Baines Superette, S. Lake Ave., Pahokee, FL., questions When is my business gonna open? I am losing everything and I need to make a living. My place is a public place, anybody can come in and buy what they want out of my place, I need to open my place and make a living

Sara Perez, # 6 N. Ridgeview Rd., Stuart, FL. and said, The attorney said "on two or more occasions in a six month period, manufacture, possession, delivery or selling" As far as I know, she didn't do any of this stuff. She is not obligated to post that sign. I think what happened to Ms. Frost is illegal and an injustice and should be corrected.

Ramon Hamilton 160 S. Elm Ave., Pahokee, FL. 33476, Asks of Commission, "Did you all not vote for this?", then say so. I don't agree that she should have been shut down. I think the nuisance abatement board was a good idea, the right idea.

Emilio Perez, business owner 251 E. Main St., Pahokee, FL. 33476, said I keep hearing the reason you closed her down is the drug dealers outside her building. That is PBSO's job to arrest people outside of the store. The store does not commit the crimes, the people do. Asks that the Commission, remove that Board that closed her down. We do not need that in Pahokee

Sydney Slydell, 392 J. Malone Drive, Pahokee, FL. 33476, inquires, Why does the nuisance abatement board have so much power that they can go and just shut anyone down for no apparent reason? I think if we put more police on duty and they do a better job. That's the only store we got on that side of town, now that they closed thriftway down. How many people in this town? 7,000? This town isn't big enough for a nuisance abatement board

Cyrinthia Boldin, 265 Barfield Hwy., Pahokee, FL.33476 and said there are so many issues we have in this town, until this shouldn't be an issue. There are so many things that we don't have, that what we do have we need to try and keep. This town is disappearing, vanishing, everything we have, we need. Let's talk about ways to make our city better, because we can't afford to lose a single thing.

### 1. Nuisance Abatement Board – Palm Beach County Sheriff's Office

Lt. Alonso of the Palm Beach County Sheriff's Office said that we are not here to re-try the case. Numerous drug arrests and other arrests have been made at that property. We try to work with the business owners. Crime stats here in the city shown we have reduced crime by 48%. Many cities in Palm Beach County and across the State use nuisance abatement to clean up areas that are ridden with crime.

## Topics continued:

### 1. Nuisance Abatement Board – Palm Beach County Sheriff's Office

Sheriff's Deputy Diaz addresses the Commission and audience and advised that he will show a video of a typical Friday night in front of Baines Superette. The Sheriff's office did not take this video, it is from You-Tube. The point of the no loitering trespassing sign is to aide Law Enforcement in helping the community for citizens that are not wanted on that property. This did not happen overnight, this was a six to seven month operation. We have approached Ms. Frost several times to work with us, and she has refused.

The audience noise is too loud to hear, Deputy Diaz lays down the microphone. Mayor Sasser states that if the audience does not quiet down, he will end this meeting.

### 1. Nuisance Abatement Board – Commissioner Comments

Commissioner Biggs addresses audience and said we do have to respectful enough to listen to each other. The intent of a nuisance abatement board is to promote and protect the welfare of the citizens of the community where they live. The ordinance is created to impose administrative fines and other non-criminal penalties to promote and protect and help provide an inexpensive method to controlling illegal drugs prostitution and crime related nuisances. We are here to make Pahokee better. We need to move forward, so that this does not happen again. Nuisance abatement board can be a good thing.

The audience noise is too loud to hear. Someone is yelling at the back of the cafeteria.

Commissioner Babb addresses the audience and said that everyone has a right to have their comments heard. We all need to work together to listen to each other, we are not always going to agree with each other. We want to look at the decision we made and improve on it, We don't want to close down any businesses.

Commissioner Walker addresses the audience and requests to the Commission that we revisit the board in a workshop so that we as a Commissioners have a clear understanding of their responsibilities. The process was followed whether we agree with it or not. Recommends that the nuisance abatement board be put on hold, with no new cases until we have a better understanding. We all have some responsibility in what has happened. We do not condone the behavior of citizens that do not follow the law.

### 2. Club Coco's – Citizen comments

Mayor Sasser calls Munia Garcia. No response.

Mayor Sasser calls Yvette Ruiz. No response.

Emilio Perez, owner of Club Coco's, 690 E. Main St., Pahokee, FL., stated that on September 3, 2010, the sheriff's office came and shut down the club. In the police report it says that the club requested it, said that is not true. Club has been open for a year and never once have they called PBSO or 911. Deputies were in Coco's parking lot looking into cars and photographing license tags. Coco's has security on staff. Off duty Police Officers who man the front doors.

## Topics continued:

### 2. Club Coco's – Citizen comments

Sara Perez, owner of Club Coco's, 690 E. Main St., Pahokee, FL., said that the club has all the required licenses. Club has been visited three (3) times each from Alcohol, Tobacco & Firearms and the Fire Marshall. Each time, club has passed inspections. Deputies are in the club every Friday night, they are always welcome. Recently feels that her business is being harassed, questions why is she being harassed.

Munia Gracia 789 East Main St., Pahokee, FL. stated that she has been manager of Club Coco's for a year. On Sept. 3, 2010 she and staff felt threatened by PBSO Sergeant Moore. She has submitted complaints. Believes PBSO's behavior agitated the crowd inside and outside and was very intimidating to customers. This incident has impacted the business. Feels businesses that are being harassed cater to the African American community and the citizens are uncomfortable.

Mayor Sasser calls Cyrintia Boldin. No response.

Mayor Sasser calls on Everett Pittman. No response.

Mayor Sasser calls on Christy Bryant. No response.

Mayor calls on Voskia Harvey.

Voskia Harvey of 223 Cypress Ave., Pahokee, FL., stated that he is fourth generation fo Harvey's in the community. He is the photographer that shot the video. People in community are taxing paying citizens and expect to be treated with the same respect. People feel intimidated to come to our city.

### 2. Club Coco's – Palm Beach County Sheriff's Office

Lt. Alonso of the Palm Beach Sheriff's Office stated that he was just informed there is an active complaint with regards to what happened at Coco's, and he cannot discuss those complaints. He stated that they have received complaints from neighboring businesses in the area around Coco's regarding patrons parking on other properties.

Major Araujo of the Palm Beach County Sheriff's Office addressed all and stated that he applauds everyone in attendance; this is how things get worked out. We cannot address some of the questions as Internal Affairs are investigating complaints made. Stated that we are only going to be as successful as a community, as you the community wants to be. We cannot put a police officer on every corner. If you have an issue with PBSO, exercise your right and file a complaint. Will not apologize for keeping the city safe.

People in audience speaking, not at microphone.

### 2. Club Coco's – Commissioner Comments

Commissioner Biggs thanks everyone for attending. Requests of Commission that the Commission and the Nuisance Abatement Board reconsider the hours that Mrs. Frost was given.

Commissioner Babb thanks everyone for attendance, everyone's comments are important. We will have to continue working together to solve the issues. Let's continue working with the Sheriff's Office.

**Topics continued:**

**2. Club Coco's – Commissioner Comments**

Commissioner Walker thanks everyone attending. Asks of Commission to put nuisance abatement board on hold till a workshop meeting is set.

**Hold any New Cases to be presented to the Nuisance Abatement Board.**

**Motion by Commissioner Walker. Second by Commissioner Babb.**

**Motion carried. Four (4) ayes. One (1) absent.**

Commissioner Walker asks that the September 28, 2010 Commission meeting be cancelled, so that we/staff can attend the County Commission meeting as it relates to funding issues. We do have a budget hearing scheduled for September 29, 2010.

**Cancel the September 28, 2010 Regular Commission meeting.**

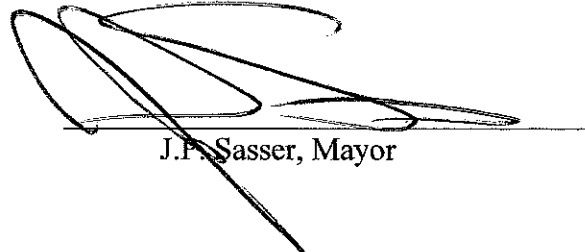
**Motion by Commissioner Walker, Second by Commissioner Babb.**

**Motion carried. Four (4) ayes. One (1) absent.**

There being no further business to discuss, Mayor Sasser adjourns the meeting at 8:29 p.m.



ATTEST: Susan Feltner, City Clerk



J.P. Sasser, Mayor