

City of Lauderhill

*City Commission Chambers at City Hall
5581 W. Oakland Park Blvd.
Lauderhill, FL, 33313
www.lauderhill-fl.gov*



Meeting Minutes - Draft

Monday, August 5, 2024

10:00 AM

City Commission Chambers

Special City Commission Meeting

LAUDERHILL CITY COMMISSION

***Mayor Ken Thurston
Vice Mayor Lawrence Martin
Commissioner Melissa P. Dunn
Commissioner Denise D. Grant
Commissioner Sarai Martin***

***Desorae Giles-Smith, City Manager
Andrea M. Anderson, City Clerk
Angel Petti Rosenberg, City Attorney***

I CALL TO ORDER

Vice Mayor L. Martin called to order the Special City Commission Meeting at 10:10 AM.

II ROLL CALL

Present: 4 - Commissioner Denise D. Grant, Commissioner Melissa P. Dunn, Vice Mayor Lawrence Martin, and Commissioner Sarai Martin
Absent: 1 - Mayor Ken Thurston

Commissioner S. Martin arrived at 10:15 AM.

ALSO PRESENT:

Desorae Giles-Smith, City Manager
Angel Petti Rosenberg, City Attorney
Constance Stanley, Police Chief
Andrea M. Anderson, City Clerk

III THIS WILL BE A LIMITED AGENDA MEETING. THE ONLY ITEM TO BE DISCUSSED WILL BE THE FOLLOWING QUASI-JUDICIAL MATTER:**QUASI JUDICIAL MATTERS**

1. RESOLUTION NO. 24R-08-154: A RESOLUTION OF THE CITY OF LAUDERHILL CITY COMMISSION REVIEWING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER PREVIOUSLY ISSUED TO MEGHNA ENTERPRISES, LLC. VIA RESOLUTION NO. 21R-07-144, FOR ANNUAL POST-HEARING REVIEW AS A RESULT OF COMPLAINTS; PROVIDING A PUBLIC HEARING TO DISCUSS WHETHER A MODIFICATION, SUSPENSION, OR REVOCATION OF THE SPECIAL EXCEPTION OR ITS CONDITIONS IS NECESSARY FOR THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER GRANTED TO MEGHNA ENTERPRISES, LLC, SUBJECT TO conditions, TO ALLOW in the general commercial (cg) zoning district THE CONVEYANCE OF AN EXISTING CONVENIENCE STORE USE ON A 0.71± ACRE SITE AS LEGALLY DESCRIBED HEREIN AND AS RECORDED IN PLAT BOOK 51 PAGE 39 OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND MORE COMMONLY KNOWN AS 12 ST. FOOD MART LOCATED AT 4248 N.W. 12TH STREET, LAUDERHILL, FLORIDA; PROVIDING A PUBLIC HEARING TO DISCUSS WHETHER THE MODIFICATION, SUSPENSION OR REVOCATION OF THE ASSOCIATED CERTIFICATE OF USE (COU #28488) IS NECESSARY; PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [RES-24R-08-154-Special X Review - 12 St Food Mart rev](#)

[AR RES-24R-08-154](#)

[RES 21R-07-144 SEU - Meghna Enterprises - 12 St Food Mart - 4248](#)

[NW 12 Street](#)

City Attorney Rosenberg collectively swore in all persons wishing to speak on the subject quasi-judicial item.

Planning & Zoning (P&Z) Director Daniel Keester-O'Mills reviewed the subject resolution, as detailed in the backup, mentioning the following:

- Copies of the related code were provided to the Commission as part of the backup
- The proposed resolution was in response to the City being advised of ongoing criminal activity taking place within, and emanating from the subject business in violation of the City's Land Development Regulations (LDR)
- As noted in the backup, Article 4, section 1.8.1 of the LDR provided the grounds for the revocation of a special exception use development order.

Detective Brittney Hasson, Lauderhill Police Department provided details of the subject violations per the department's independent findings that corroborated the violations issued to the business owner, as noted in the backup, highlighting the following:

- The properties were: 4244 NW 12th Street, the 12th Street Food Market; and 4248 NW 12th Street, The Food Store; the latter was the specific location
- The Broward County Property Appraiser's records identify the business as Busy Bee Shops owned by the Kamhazis
- Muhammad Islam is identified as the business owner; on Sunbiz his business is listed under Meghna Enterprises, LLC, and as it was filed in February 2024, it was currently active for the store
- Mr. Islam has an expired driver's license; she ran his vehicle license plate number on the department's License Plate Reader (LPR) program, and they never showed as hitting the City of Lauderhill
- On all surveillances she conducted of Mr. Islam's business, he was never seen arriving or leaving the subject business
- She ran commercial data on Mr. Islam's vehicle tag, and the information showed his vehicle as being parked in New York
- A recent status check on Mr. Islam with Homeland Security showed at the end of July 2024 he flew in from Qatar into New York.

City Attorney Rosenberg asked for the record to reflect the physical presence of Commissioner S. Martin who remotely followed the meeting when it started on his way to City Hall.

Detective Hasson continued her presentation:

- Raheem Frater, the store manager, was present at the business on a daily basis; Mr. Frater had a police record that included: robbery with a firearm; grand theft; grand theft of a firearm; dealing in stolen property; possession of a firearm by a convicted felon; and several narcotics charges. His felony convictions

included: bookmaking; keeping a gambling house; aggravated fleeing with injuries; fleeing and eluding of law enforcement officers

- On all surveillances she conducted of the subject business, Mr. Frater was shown arriving early in the morning, and he closed the business; there was usually a line of people waiting to get into the business each morning, waiting for him to unlock the door
- On June 20, 2024, Mr. Frater was arrested, again, for bookmaking at the store; while making the arrest inside the store, she, along with other Lauderhill detectives, observed bookmaking paraphernalia that led to a search warrant of the business
- In May 2024, an undercover detective went inside the food store during an undercover operation to place a bookmaking wager; while inside the business, the undercover detective observed males drinking alcoholic beverages in front of the entrance doors; while entering the store, there was an unknown male at the counter rolling a marijuana cigarette in full view of Mr. Frater, who was working the counter at the time, and he made no effort to stop the unknown male
- After the May 2024 undercover operation, detectives wrote a warrant for the arrest of Mr. Frater; on June 20, 2024, the detectives entered the food store to arrest Mr. Frater, who was behind the counter; during that time, the detectives observed bookmaking paraphernalia in plain view; Mr. Frater was taken into custody
- The search warrant was signed by Judge Michael Rothschild, and executed; photographs in the presentation show displayed findings from the search warrant; findings included: a small scale with what appeared to be cannabis residue; gambling machines, and an ATM; located in the backroom were several backpacks of substances, including narcotics, individually packaged; wagering receipts; stacks of money; a computer screen showing an illegal gambling website; and a firearm was found behind the counter, despite Mr. Frater knowing he should not be in possession of a firearm.

Vice Mayor L. Martin sought clarification on what made the online gaming illegal.

Detective Hasson replied anyone found to “run a book”, was guilty of illegal bookmaking, which was an automatic felony; only legally deemed casinos, etc. in Dade and Broward Counties were allowed to engage in such activities. She continued her presentation:

- The gambling machines found in the back of the store were class three slot machines that used random numbers, similar to slot machines in standard casinos; they were categorized as games of chance, not games of skill, which made them illegal; it was illegal to possess the subject slot machines in the State of Florida, unless the business was a licensed casino, or if the owner(s) was a member of the Seminole or Miccosukee tribes allowed to operate legal casinos in Dade and Broward Counties.

Vice Mayor L. Martin questioned if during the detectives’ investigation there was indication the machines resulted in players being paid out cash.

Detective Hasson responded, previously, yes. She continued her presentation:

- Photographs of the exterior of the business showed the businesses addresses, both of which were utilized for one business; on Sunbiz, one address was used as a mailing address, and the other was used for the principal address, acting as though they were two different locations
- Thus, the business was, in fact, one establishment, but on paper it appeared as two addresses; the property owner obtained no approvals to expand, enlarge, or otherwise alter any portion of the spaces by the City Commission
- Store shelves were not fully stocked, and they contained expired foods, indicating the store was being used as a front for criminal activity
- During surveillance operations, individuals were seen loitering, entering and exiting the business with items or bags purchased in hand; there was a large freezer on the premises that was not operational; the freezer's location was behind the door to enter 4244.

City Attorney Rosenberg added that boxes delivered by UPS mail were stored in the freezer; the freezers location was blocked up to the entrance door, blocking 4244.

Detective Hasson continued her presentation:

- The backroom contained the backpacks filled with narcotics that were packaged and ready for sale; that is, the individually packaged narcotics ready to be handed out for sale were contained in one big bag that was inside the backpack; this indicated the store was being used for criminal activity
- A wall was broken in on the side to fit fortification, a common practice by criminals to install fortification around doors, windows, and other structures to prevent law enforcement from entering when executing search warrants; the fortification made it difficult for a SWAT team to enter backdoors, and other doors, giving criminals inside time to get rid of evidence, etc. before law enforcement made entry
- 911 call data was reviewed, all of which, with the exception of one, were pulled from 911 data for 2024
- Recent photographs showed individuals gambling and loitering at the front of the premises; loitering took place both outside and inside the store
- There was a public safety concern, as the business was located less than 100 feet from Wolk Park that included a children's playground.

Commissioner S. Martin asked if the subject store was still operational; if so, who was running the store.

Detective Hasson answered yes; Mr. Frater was released, and he continued to run the store. She was unsure if he was out on bond, but with the crime being a nonviolent one, offenders were let out relatively quick.

Vice Mayor L. Martin wished to know if Mr. Frater was under supervision.

Detective Hasson replied he was; he was arrested a few years prior for bookmaking, and he was still on probation at the time of another arrest for bookmaking; she needed to confirm his arrest, etc. history. He did have pending charges that were now felonies; he was a two-time convicted felon.

Vice Mayor L. Martin questioned if there were prior arrests at the subject store of other individuals.

Detective Hasson stated not that she saw when she ran the history of the property.

Commissioner Dunn wondered if the assumption was that the property owner did not know about the illegal activities being conducted on his property.

Detective Hasson said she could not state whether or not the property owner had knowledge of what was taking place on his property; he was not physically anywhere near the property to observe the activities on his property. He changed his home address recently to New York, so there appeared to be no plans to return to Lauderhill; it might be that the owner was content to allow Mr. Frater to run the present business in whatever manner Mr. Frater saw fit, while the owner continued to collect money from him.

City Attorney Rosenberg clarified the property owner was the registered agent for the business; certified and regular mailings were properly sent to the address listed on Sunbiz as the business mailing address. The certified mail was refused by the recipient, so the City hand delivered the written communications, per State statute, and Mr. Frater signed the notice receiving the mailings in person. Whether or not the property/business owner chose to respond, or be involved in whatever was taking place was not the City's issue, as long as proper notice was sent to the registered owner of the property. She noted after the City sent the letter, which was acknowledged as received in writing, the following day the City's surveillance showed additional gambling activity taking place outside the store.

Detective Hasson added, based on the outdated food on the shelves, and the observation of no one purchasing store items, it would appear the property owner could only be paid via Mr. Frater's illegal activities.

Commissioner Grant asked if Mr. Islam was listed as the sole proprietor of the property and the business.

Detective Hasson affirmed he was; she believed he was the only one named on the certificate of use (COU).

Commissioner Grant questioned if there was any evidence to show the property owner sold the business to Mr. Frater.

Detective Hasson believed this had not taken place, as though Mr. Frater did not speak to law enforcement, he previously mentioned the business owner was out of the country; he referred to himself as the manager, and when he was arrested, he was asked how he wished to secure the businesses, and he told them the keys were inside, and they should lock up the business, and give the keys to his mother.

Commissioner Grant wondered if there were any customer complaints.

Detective Hasson restated there were 911 calls; but those who patronized the store regularly already knew about the outdated merchandise.

City Manager Giles-Smith added the poor condition of the outside of the store rendered it unapproachable to customers desirous of purchasing grocery items of any kind.

Detective Hasson remarked that the close proximity of the store to Wolk Park made any parent reluctant to bring their children to that park.

Vice Mayor L. Martin wished to know if the property/business owner was affiliated with any other convenience stores in Broward County.

Detective Hasson believed Mr. Frater was associated with other convenience stores in Broward County. When Lauderhill detectives participated in a search warrant of another convenience store for bookmaking in a city close to Lauderhill, the gentleman arrested was asked how he wished the business to be secured, he made a phone call, and the person who came to secure the business was Mr. Frater. This took place about a week prior to Mr. Frater's arrest in Lauderhill.

Vice Mayor L. Martin asked if this was a task force situation, or did the City's efforts involve only Lauderhill.

Detective Hasson replied Lauderhill worked the case with the Broward Sheriff's Office (BSO), with her working the Lauderhill angle.

Mr. Keester-O'Mills summarized, based on Detective Hasson's investigation, the subject business was proved to be operating in manner detrimental to the public's health, safety, and welfare, and constituted a nuisance and violation of State statutes and local ordinances. It was on this basis that the City of Lauderhill's P&Z Department strongly recommended the revocation of the special exception development order granted to Meghna Enterprises LLC, along with the associated COU, pursuant to the City's LDR. The backup included P&Z staff's additional remarks.

Vice Mayor L. Martin opened the discussion to the public.

Willie Mae Cooper, Lauderhill resident, and president of West Ken Lark Homeowners' Association, (HOA), stated there were a number of businesses in the City that gave Lauderhill a bad name, and those activities needed to be curtailed. She was unfamiliar with the subject site, and its attracting unwanted, illegal activities, and though she understood the need to allow accused people the opportunity to defend themselves, in cases where the evidence was so overwhelming, the City should move to shut down such businesses. This has been a long time coming, and she thought the City made efforts to work with the property/business owner, but it was important for the City to attract businesses that enhanced Lauderhill, ones that gave the City a better name, and facilitated the safety of Lauderhill's youth.

Vice Mayor L. Martin received no further input from the public.

A motion was made by Commissioner M. Dunn, seconded by Commissioner S. Martin, that this Resolution be approved, hereby revoking both the existing special exception use development order, and the COU, as presented. The motion carried by the following vote:

Yes: 4 - Commissioner D. Grant, Commissioner M. Dunn, Vice Mayor L. Martin, and Commissioner S. Martin

Absent: 1 - Mayor K. Thurston

Abstain: 0

Vice Mayor L. Martin asked, for the public's benefit, what were the next steps.

City Attorney Rosenberg replied the special exception development order, as well as the COU, were now revoked, and the owner, or his designee was no longer allowed to conduct business at the subject location(s). The formal notification would be sent to the owner accordingly.

Vice Mayor L. Martin questioned if this equated to the immediate shutdown business.

City Attorney Rosenberg answered yes; the present proceedings were the public hearing that gave the property/business owner due process, as they were sent previous notice of the hearing at which they could attend, and present evidence in their defense, if they so choose. Staff would enter the business, change locks, etc., and police staff would coordinate with the owner to provide an opportunity to remove any property desired, other than those that were illegal.

Vice Mayor L. Martin asked that the record reflect that neither the property owner, or any representative for the property owner or the business attended the present hearing, even after being property noticed of the present public hearing.

IV COMMUNICATIONS FROM PUBLIC OFFICIALS

City Attorney Rosenberg pointed out the Commission was, technically, still on summer break, with three weeks left for members of the Commission to still be on break, so their attendance at the subject hearing was greatly appreciated. The next Commission meeting would take place on Monday, August 26, 2024.

Commissioner Dunn mentioned applications were now open for Cohort 9 for Lauderhill Shines. For anyone with a business in Lauderhill they wished to grow, or anyone wishing to start a business in Lauderhill, this was a great time for them to apply at lauderhill-fl.gov/shines, the application would be open until August 25, 2024.

City Manager Giles-Smith sought clarification the Mr. Islam's business would be immediately closed.

City Attorney Rosenberg affirmed it would, as the order was just approved, so City staff could immediately begin the shutdown process.

Vice Mayor L. Martin commented that over the course of conducting the City's convenience store initiative, the owner of the subject store, or any representative thereof was one who never attended any initiative meetings in an effort to benefit from any of the resources, and advice provided by the City, and its affiliates. There were such businesses in Lauderhill working to do the right thing, and they were being rewarded by the feedback from the community.

Police Chief Constance Stanley added, not only did they fail to attend any of the meetings, but one of the meetings was held at that plaza about a year ago, and Mr. Islam's store was one of the stores from which no representative attended. There were issues other store owners in that plaza were ever able to resolve.

Vice Mayor L. Marin mentioned an incident that took place at the Jamaican Independence Celebration that got out of hand, and he wished to personally apologize for the part that he played in it, noting he was always fighting for the City of Lauderhill.

Ms. Cooper asked when campaign signs were allowed to be posted in Lauderhill for upcoming City elections; she was getting calls, so she needed the information.

City Attorney Rosenberg explained there were differing rules for residential versus commercial districts. With regard to Lauderhill for the November 5th elections, signs could not be posted in residential areas prior to August 7, 2024; for nonresidential, commercial areas, signs could be posted 60 days prior to the election; that is, September 6, 2024.

Ms. Cooper mentioned one of the things she looked for in the officials representing the Lauderhill community was integrity; it weighed heavily on her, as she disliked persons who lied, people who took bribes, and she endeavored to live by that. She expected more from current representatives, as if they had no respect for the rules and regulations in place in the City in which they were running for office, this was a concern. She would be calling Mr. Campbell after the present meeting, as he currently had signs on NW 31st Avenue, and she received calls from residents that signs were posted in other cities, despite him running for a seat on the Lauderhill City Commission. This led her to feel he had no respect for rules in place in Lauderhill, and at the community's September meeting, she would inform residents of such activities, as Mr. Campbell lost credibility with her.

V ADJOURNMENT - 10:48 PM