City of Lauderhill

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

Meeting Minutes - Draft

Thursday, September 12, 2024

3:00 PM

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

Mayor Thurston called to order the Special City Commission Meeting at 3:00 PM.

II ROLL CALL

Present: 5 - Commissioner Denise D. Grant,Commissioner Melissa P. Dunn,Vice Mayor Lawrence Martin,Commissioner Sarai Martin, and Mayor Ken Thurston

Commissioner S. Martin arrived at 3:12 PM.

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-09-216: A RESOLUTION OF THE CITY OF LAUDERHILL CITY COMMISSION REHEARING THE REVIEW OF 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 THE BUSINESS OWNER WITH ANOTHER OPPORTUNITY TO BE HEARD AT THE 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 4248 N.W. 12TH STREET, LAUDERHILL, FLORIDA; PROVIDING A REHEARING OF THE MATTER TO DISCUSS WHETHER THE MODIFICATION, SUSPENSION OR REVOCATION OF THE ASSOCIATED CERTIFICATE OF USE (COU #28488) IS NECESSARY; PROVIDING A REHEARING TO DETERMINE WHETHER THE BUSINESS SHOULD BE ORDERED TO REMAIN CLOSED; PROVIDING FOR AN EFFECTIVE DATE.

Attachments: RES-24R-09-216-REHEARING-Special X Review - 12 St Food Mart rev.pdf
AR 24R-09-216

Owner Representative Authority.jpeg

12 St Food Mart-N-REHEARING-PostApproval SE-Review noh.pdf

owner authority affidavit.pdf

Food Store Powerpoint

cert mail proof of service.pdf

fed ex proof of service.pdf

RES 24R-08-154 Review and Revocation of SEU Meghna Enterprises 4248 NW 12 ST
Food Store Powerpoint (As Referenced Within Minutes)

City Attorney Rosenberg gave a recap, stating the subject matter was initially heard by the City Commission on August 5, 2024. At that time, notices were sent out to the registered agent for the business, Meghna Enterprises d/b/a 12th Street Food Store. The Commission heard the matter at that time, presentations were made, and the Commission voted to revoke the special exception, the COU, and order the business closed. On August 6, 2024, the City closed the business, and on that same day she was contacted by Azazul Islam on behalf of the business, indicating that, while he acknowledged that employees had apparently received the notice and the information regarding the August 5th hearing, his brother and he, owners of the business, were not made aware by the employee of the then hearing date. He asked if it was possible to have an opportunity to be heard, so he could personally appear before the City Commission to speak on the matter. As he was not listed on any of the documents of record as being affiliated with the business, she explained to him he would need to provide the City with documentation, and a letter of authority from Muhammad Islam, the registered business owner. On a letter dated August 12, 2024, Azazul Islam emailed her a letter from Muhammad Islam that read as follows:

I, Muhammad R. Islam, owner of Meghna Enterprises, LLC, d/b/a 12th Street Food Mart, since I moved to New York City, as of now, I'm authorizing Mr. Azazul Islam, address: 1509 Lyons Road, Coconut Creek, Florida 33063, 954-696-0707, as representative of me, and Meghna Enterprises to the City of Lauderhill about Resolution file ID 24R-57-39.

Ms. Rosenberg stated this letter was notarized and mailed to the City, thereby giving Azazul Islam the authority to appear before the Commission at the present meeting as Mr. Muhammad Islam's representative. She contacted each member of the Commission to determine whether or not they would be willing to allow another hearing, which they did, though this was not required by City Code; this was being done to make sure due process was fully permitted, providing the owner(s) an opportunity to be heard in person. Certified mailings were sent, as well as mailings by Federal Express, hard copy mail, and postings at the business address. She observed Azazul Islam in attendance at the present meeting. As in the previous special meeting, city staff would do a presentation, after which Azazul Islam could speak. Ms. Rosenberg collectively

swore in all persons wishing to speak on the quasi-judicial item.

Planning & Zoning (P&Z) Director Daniel Keester-O'Mills briefly outlined the backup provided for the subject resolution.

Detective Hasson gave a PowerPoint presentation. Recapping the details provided in the backup, much of which was the same as presented at the August 5, 2024, highlighting the following:

• During the police department's (PD) investigation, at no point did they observe the business owner, Muhammad Islam, present at the subject property/business; his car and home address were currently listed as being in the Bronx, New York
• The backup detailed the presence of Raheem Frater at the subject business; he had multiple past convictions, and present criminal cases, etc.; Mr. Frater was taken into custody for bookmaking and running the store as a front for illegal gambling; this led to a search warrant for the store being executed on that day
• Fortifications installed at the back door and windows were done to make it difficult for law enforcement to enter when serving a search warrant
• There were numerous calls for service to the property due to concerns about a myriad of suspicious activities observed; pictures were included in the presentation showing persons selling narcotics, throwing dice, etc. in front of the store
• The subject business's illegal activities presented a public safety concern, as the business was less than 100 feet from Wolk Park that had a children's playground.

Mayor Thurston asked the record to reflect Commissioner S. Martin joined the meeting.

Azazul Islam remarked they owned the subject business since 2014, which the current owners inherited from their mother. Eventually, the owners got busy: Muhammad Islam moved to New York City to become a police officer; he ran his own business, hiring Mr. Frater a few years ago; he did not monitor his activities; the last three months he was out of the country visiting his children over the summer. He said Mr. Frater informed him business was slow, so he paid it little attention; when he visited the property, he always observed people outside the front of the business. When he ran the business himself a few years prior, he came to the Commission, and the police with the old business owners asking for help, noting he made many of the 911 calls at that time as his employees were too afraid to call the police. The persons at the front of his business played dice, etc. and carried guns, etc., so good employees he hired ended up leaving. Mr. Islam stated the PD assigned patrol cars to the property for an hour or two every day, and during those times the unwanted activities decreased; the illegal activities taking place then and now were not what the owners wanted, as they sought to engage only in legal business activities. The business was currently closed, and Mr. Frater no longer worked for them; if the Commission approved the reopening of his business, he would have a greater presence at the business, and hire employees to run the business with a whole different approach. He was currently a mechanic, and worked six days a week.

Mayor Thurston asked if when Mr. Frater operated the business, did the owners receive any income from him.

Mr. Islam stated he received a net profit income of about $1,000.00 to $1,500.00 a month; and he saw from Mr. Frater's reports business was very slow. He had other businesses whose profits decreased significantly, so he thought business was just slow in general, and having hiring difficulties, he trusted Mr. Frater.

Commissioner Dunn questioned the operational costs for the business.

Mr. Islam replied they were about nine to $10,000.00.

Commissioner Dunn wished to know when last Mr. Islam visited the store, and when he did so, was the door blocked as shown.

Mr. Islam stated he last visited the property on May 30, 2024. He noted the backdoor was blocked due to a break in occurring in the middle of the night; the backdoor was put on by the building owners; the store was broken into three times, for which there were 911 call records: once through the bathroom window, once through the front window, and once through the backdoor. There were two doors into the business; one door was blocked, and the other was for people to access the business; the blocked door went to the back of the counter, hence the decision to block it. The freezer shown in the pictures was where they kept packages for UPS, etc.

Commissioner Dunn thought low profits from the business, and in its state just prior to the City's closing it, should have signaled to the owners the need to do something different to improve profits. She wondered what the store was selling to make $11,500.00 a month.

Mr. Islam claimed the store sold chips, sodas, etc., and when he went out of town in May 2024, the business did not look as it did when it was recently closed by the City. Before that time, he had someone going to the business, sometimes his wife, every week to restock the store; he had airline tickets to prove his wife and he were away visiting family.

Vice Mayor L. Martin recalled at the August 5th presentation, there was a PD report of Mr. Frater being associated with a suspect that was arrested for conducting criminal activity in another like store in another city.

Detective Hasson stated Azazul Islam owned another store off NW 31st Avenue and Sunrise Boulevard, across from the City, noting Lauderhill PD not only executed search warrants at the subject Lauderhill location, but in her attachment to the Broward Sheriff's Office (BSO) Organized Crime Unit, they executed several search warrants on Mr. Islam's stores in general, two at the NW 31st store where Mr. Frater was arrested for bookmaking, and keeping a gambling house, of which he was convicted. Though Mr. Islam claimed to have fired Mr. Frater from the Lauderhill store since the City closed the store, she observed Mr. Frater at Mr. Islam's other store on NW 31st and Sunrise.

Vice Mayor L. Martin questioned if Mr. Islam had any surveillance cameras mounted at his stores; if so, was he able to see what was happening at his stores even if he was out away.

Mr. Islam answered yes.

Vice Mayor L. Martin wondered if Mr. Frater was a family member but no answer could be heard. He asked fire department staff if there were any potential safety hazards having a blocked backdoor.

Fire Chief Robert Torres answered yes, the barred backdoor of the subject Lauderhill business was blocking an exit from the building.

Detective Hasson commented on Mr. Islam's expectation of income from the subject property if the store was not being restocked. She personally felt Mr. Islam was aware of the illegal bookmaking activities, as inside the store were computers, printers, gambling machines, etc., so he had to know the sources of the income from the store, as well as his store on Sunrise store. Mr. Frater was arrested for criminal activities as the store's manager, because he was the one committing the crimes, while the store owners escaped since they were not physically present committing the crimes.

Assistant City Attorney Zach Davis-Walker explained the elements regarding violations of the special exception, so the Commission clearly understood what was permitted, and what their authority was with regard to how a business was operating. Special exceptions were uses that could be approved within a zoning district if conditions were imposed to protect public health, safety, or general welfare by mitigating potential land use incompatibilities. He briefly reviewed section 4.6 that P&Z staff reviewed ahead of recommendations for approval of a special exception use. There were seven factors: the effect of such use on surrounding properties; the suitability of the use in regard to its location, site characteristics, and intended purpose; access, traffic generation, and road capacities; economic benefits and liabilities; demands on utilities, community facilities, and public services; compliance with Comprehensive Land Use Plan for Broward County, and with the City of Lauderhill; and factors relating to safety, health, and general public welfare. Mr. Davis-Walker commented that when these conditions were first put in place, it was not always known if subsequent issues might arise that would give the City grounds to revoke a special exception after it was granted. If any one of the following grounds was found by the Commission to exist, it would warrant the revocation of a special exception: approval was obtained by fraud or misrepresentation; the use for which such approval was granted was not being exercised; the use for which the approval was granted ceased to exist, or had been suspended for one year or more; the development order, special exception use development order, or development permit was being, or had been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law, or other regulation; that the use for which approval was granted was so exercised as to be detrimental to the public health, safety, or welfare, so as to constitute a nuisance; and that circumstances changed since the development order, special exception use development order or permit was granted; the previously approved use was causing incompatibilities that were not

satisfactorily mitigated. Mr. Davis-Walker noted this was the basis on which the P&Z Department recommended revocation in the specific item, as at the outset of the subject special exception use being granted, there were no incompatibilities, but they later emerged over the time of the use's existence, creating undue demand on the City's public services by way of repeated need for police services. In its present manner of functioning, the subject use was not appropriate for the zoning district based on its being next door to a park.

Commissioner S. Martin sought clarification as to the owners' difficulty in retaining employees.

Mr. Islam affirmed this to be the case due to the number of people hanging out in front of his store engaged in illegal activities, as well as coming inside the store and committing crimes, such as breaking the counters and scaring employees.

Commissioner S. Martin wondered if Mr. Islam believed there were contributing factors causing the illegal activities inside and outside his store versus other stores in the plaza.

Mr. Islam commented in 2018 there was a shootout at the farm store next to his store, which he witnessed; in that incident one of the men involved was shot in front of his store.

Commissioner S. Martin said the City was working to clean up the subject area.

Mr. Islam answered yes. On the issue of the store being poorly stocked, he stated there was currently paperwork in the closed store showing they had a vendor that came weekly to restock the store, stating the pictures shown in the PD's presentation did not show the whole picture, as they only featured empty shelves in the store, not the almost 12 feet of well stocked coolers filled with merchandise, as well as a freezer filled with merchandise.

Vice Mayor L. Martin questioned if Mr. Islam was aware of the City's Convenience Store Initiative.

Mr. Islam said he was; he attended one of the meetings some three years prior.

Vice Mayor L. Martin informed Mr. Islam the group met every three months, and notices of upcoming meetings were sent to all the City's convenience store owners; they met so convenience store owners could express concerns about anything taking place at their business locations, and steps they could take to enhance the safety of their business. He could not recall seeing Mr. Islam at any of the meetings; it was likely in the very beginning of meetings taking place, though staff went through the records of attendance at those meetings when the subject issue with Mr. Islam's store arose, and they could find no record of Mr. Islam's or a representative of his store attending any meeting. He was unsure if the fact that Mr. Islam attended only one meeting spoke to the level of his concern about the troubling activities taking place at his store, considering the City's efforts to become a conduit between convenience store owners and the community, and the City of Lauderhill. Vice Mayor L. Martin expressed

concern about Mr. Islam having access to security camera footage showing what was taking place at his store, yet doing nothing, while Lauderhill PD was able to send people into the store where they observed individuals openly rolling marijuana, which he felt showed the owner had no regard for legal processes. The store manager Mr. Islam hired clearly did not have the owner's best interest in mind, and remained in Mr. Islam's employ at another of his stores post his arrest for illegal activities at his Lauderhill store. He noted a very significant fact for him was the close proximity of the nearby park, where young people, children, and families played, wondering if the PD received any recent calls of fights, and other aggressive behaviors at the subject store.

Detective Hasson said when she pulled the 911 calls for service, the most recent ones for criminal activity were the ones contained in the backup for gambling, and law enforcement needing to answer service calls repeatedly at the subject business. Much of the illegal activity occurred inside the store, sometimes spilling outside to the front of the store. Mr. Frater worked for Mr. Islam for a considerable amount of time, as PD did undercover deals for bookmaking, placing illegal bets, etc. even before Mr. Islam stated he was out of town.

City Attorney Rosenberg commented that in 2018 the City's PD removed machines from the subject premises.

Detective Hasson concurred, stating the PD executed a search warrant in 2018, and actually seized gambling machines that were now replaced with two more back in the store.

City Attorney Rosenberg said staff presented the grounds for recommending a revocation, of which only one had to be met, asking the Commission to approve the item.

Mr. Islam added, regarding the gambling machines, they had a company that installed them, and issued him a state license, which he posted on the store window behind the counter.

City Attorney Rosenberg remarked, for the purpose of clarity, it depended on exactly how the machines were being used, and if payouts were coming from them or not, but the whole basis of the subject resolution was not just around the presence of those machines, for which there were both legal and illegal uses. Their presence was just another component among many being raised.

Mr. Islam claimed every convenience store in Lauderhill had gambling machines on their premises; he thought it was a normal thing to have them on a convenience store premises.

City Attorney Rosenberg stated the Commission's motion would be to approve reconfirming the revocation of the special exception, the revocation of COU No. 28488, and the order that the business remain closed.

A motion was made by Commissioner M. Dunn, seconded by Mayor K. Thurston, that this Resolution be approved. The motion carried by the following vote:

Yes: 5 - Commissioner D. Grant, Commissioner M. Dunn, Vice Mayor L. Martin, Commissioner S. Martin, and Mayor K. Thurston

Abstain: 0

IV COMMUNICATIONS FROM PUBLIC OFFICIALS SHALL BEGIN IMMEDIATELY BEFORE ADJOURNMENT

V ADJOURNMENT - 3:45 PM