

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, February 10, 2005 at 7:00 p.m.**

	Current Meeting	Cumulative Attendance		Y-T-D #
		Present	Absent	Scheduled Meetings 3/04 – 2/05
<u>Members</u>				
Douglas Reynolds, Chair	P	10	1	11
Harry MacGrotty, Vice Chair	A	9	2	11
Caldwell Cooper	P	9	2	11
Dil Hatchett	P	10	1	11
Ginnee Hancock	P	10	1	11
David C. Svetlick, Alternate	P	7	4	11
Pat Mayers, Alternate	P	3	0	3

Staff Present

Marcia Gair, Board Clerk
 Scott Walker, City Attorney
 Bruce Jolly, Board Attorney
 Sgt. Reggie Gillis, Liaison
 Lisa Edmondson, Recording Clerk

The regular meeting of the Nuisance Abatement Board convened at 7:00 p.m. on Thursday, February 10, 2005 at City Hall, 1st Floor Commission Chambers, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

- 1. Call meeting to order; Pledge of Allegiance**
- 2. Roll call; witnesses sign log; swearing in**
- 3. Approval of Minutes for January 13, 2005**

Motion made by Mr. Cooper, seconded by Ms. Hancock, to approve the minutes of the January 13, 2005 meeting. In a roll call vote, the motion passed unanimously.

Item 5 was then moved up on the agenda for hearing.

5. Case Number 05-02-02, 800 Northwest 10 Terrace

- Notice of Evidentiary Hearing

Sgt. Gills reported that there have been three contraband buys at the property with two arrests. In addition, drugs were found by the cash register inside the store, with the owner's son advising police that he was aware drugs were being sold on the premises.

Mr. Walker stated that the owner has stipulated to the facts of the case and has agreed to and accepted all of the police recommendations. Mr. Narinedat Roy was present as owner of the property. He asked that, with regard to item #4, he be given more time to determine his contractual obligations with the phone company and how to break the long term contract he has entered into with them, adding that the tenant does not wish to have the phones moved inside the business.

Mr. Sheldon Schapiro, counsel for the tenant, Jagdish Tankesore, indicated that the tenant will agree to absorb a portion of the cost for breaking the phone contract.

Mr. Walker then asked the Board to accept the police reports into evidence, declare the property a nuisance, and accept jurisdiction over the property.

With regard to item 4 of the police recommendations, Sgt. Gillis stated that the phones should be removed, not agreeing to waive that provision pending resolution of the owner's contractual obligation. Mr. Jolly also recommended the provision not be waived, although he did state that the Board could readdress or reconsider that matter during a future status conference.

Chair Reynolds reviewed and explained the stipulation with the owner, obtaining his consent and understanding of all provisions.

***Motion** made by Ms. Hancock, seconded by Mr. Cooper, to accept the police recommendations as follows, amending provision #1 to 48 hours, and provision #3 to 45 days. In a roll call vote, the motion passed 4-1 as follows: Chair Reynolds, yes; Mr. Cooper, no; Mr. Hatchett, yes; Ms. Hancock, yes; Mr. Svetlick, yes.*

- 1. The owners will file a No Trespass Affidavit with the Fort Lauderdale Police Department and post No Trespassing signs on the property within 48 hours and thereafter enforce no loitering and trespass laws.*
- 2. The owners will repair and maintain the existing lighting, specifically the south and southwest side, within 7 days (according to all Code requirements).*
- 3. The owners will install and maintain video equipment to monitor the front of the property and the entrance of the property and also post signs warning of surveillance equipment, (according to all Code requirements) within 45 days.*
- 4. The owners will remove, or move inside, the outside payphones, (according to all Code requirements) within 60 days.*

5. *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 \$250.00 per day, will be imposed for each day of non-compliance.*
6. *The owners are assessed 25% (\$441.12) of the investigative costs to be paid within 30 days. The Board will waive the balance (\$1323.36) of the investigative costs if the owners comply with the Board's Order within the specified time frame(s). If the owners fail to comply within the specified time frame(s), the remaining 75% of the investigative costs will be assessed. (Total costs \$1764.48)*
7. *The owner(s) will appear before the Nuisance Abatement Board at the April Nuisance Abatement meeting (or, if no meeting occurs in April, at the succeeding Nuisance Abatement meeting) for a status hearing.*
8. *The Nuisance Abatement Board will retain jurisdiction over the property for a period of 1 year.*

4. Case Number 05-01-01, 701 Northwest 21 Terrace

- Notice of Evidentiary Hearing

Sgt. Gillis provided a history of the property stating that the vice unit had made six arrests for prostitution, with two of those same individuals arrested on subsequent occasions. Mr. Siddiqui was present as owner of the property.

Mr. Walker stated that the owner has now agreed to all of the police recommendations, including payment of 100% of the costs.

Charles Brady, Esquire, introduced himself as new counsel for the owner, indicating that there was now a contract for purchase on the property, and items 1 and 3 of the recommendations had been implemented.

Chair Reynolds reviewed and explained the stipulation with the owner, obtaining his consent and understanding of all provisions.

Ms. Larhonda Ware, President of the Dorsey River Bend Homeowners Association, addressed the Board, expressing her concern regarding continuing to allow daily rentals and the ongoing problem of prostitution on the premises.

Addressing Ms. Ware's request to disallow daily rentals, Mr. Jolly stated that the property is zoned for that use, and he would not recommend that the Board prohibit a use allowed by Code.

Mr. Cooper questioned that the property was actually being sold as it had been under "contract" for purchase several times before. Mr. Brady acknowledged that he was also representing the seller in the real estate transaction and a contract had been executed.

***Motion** made by Mr. Cooper, seconded by Mr. Svetlick, to accept the police recommendations as follows, with the addition of scheduling a status conference in thirty days. In a roll call vote, the motion passed unanimously.*

- 1. Within twenty-four hours, the owner will discontinue hourly room rentals and provide daily, weekly or monthly room rentals only.*
- 2. Within thirty days, the owner will hire uniformed security to patrol the premises from 11 pm to 3 am, Thursday thru Saturday.*
- 3. Within seven days, the owner will prominently display City of Fort Lauderdale no trespass warning signs on all four sides of the property.*
- 4. Within sixty days, the owner will repair the fence, specifically the north side, according to all City of Fort Lauderdale Code requirements.*
- 5. If any part of this Order is not complied with within the time frame set forth, a fine in the amount of \$250.00, per day, per item, not to exceed \$250.00 per day, will be imposed for each day of non-compliance.*
- 6. The owner is assessed 100% of the investigative costs (total costs \$1,494.63) to be paid within 30 days.*
- 7. The owner will appear before the Nuisance Abatement Board at the March and April Nuisance Abatement meeting (or, if no meeting occurs in March or April, at the succeeding Nuisance Abatement meeting) for a status hearing.*
- 8. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.*

6. Board Discussion

Mr. Cooper inquired, regarding cases where the Board's resources have been exhausted, what steps could be taken to move those matters forward.

Mr. Jolly stated that the Board can 1) recommend foreclosure of the property, and 2) recommend injunctive relief, both of which can be done in tandem. However, any such case would have to be properly noticed and brought back before the Board at the discretion of the Police Department.

Thereupon, the meeting adjourned at 7:50 p.m.