

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, April 14, 2005 at 7:00 p.m.**

	Current Meeting	Cumulative Attendance		Y-T-D #
		Present	Absent	Scheduled Meetings 3/05 – 2/06
<u>Members</u>				
Douglas Reynolds, Chair	P	2	0	2
Harry MacGrotty, Vice Chair	P	2	0	2
Caldwell Cooper	P	2	0	2
Ginnee Hancock	P	2	0	2
David C. Svetlick	P	2	0	2
Pat Mayers, Alternate	P	2	0	2
 <u>Staff Present</u>				
Marcia Gair, Board Clerk	P			
Scott Walker, City Attorney	P			
Bruce Jolly, Board Attorney	P			
Sgt. Reggie Gillis, Liaison	A			
Det. Derek Joseph	P			
Lisa Edmondson, Recording Clerk	P			

The regular meeting of the Nuisance Abatement Board convened at 7:10 p.m. on Thursday, April 14, 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. Election of Chair and Vice Chair

Nomination and motion made by Mr. Cooper, seconded by Mr. MacGrotty to reappoint Mr. Reynolds as Board Chair. In a roll call vote, the motion passed unanimously.

Nomination and motion made by Ms. Hancock, seconded by Mr. Svetlick, to reappoint Mr. MacGrotty as Board Vice Chair. In a roll call vote, the motion passed unanimously.

4. Approval of Minutes for March 10, 2005

Motion made by Mr. Svetlick, seconded by Mr. Cooper, to approve the minutes of the March 10, 2005 meeting. In a roll call vote, the motion passed unanimously.

5 Case Number 05-01-01, 701 Northwest 21 Terrace

- Notice of Status Hearing

Detective Joseph presented this case stating that there had been eight calls for service to the property with only one being nuisance-related, however, no warning letter was issued. The owner is in compliance with the Board's orders. Sgt. Gillis has confirmed onsite security and the Police Department is requesting no additional relief. Mr. Siddiqui, property owner, advised that a closing date for sale of the property has been scheduled for April 18th but additional time will be given if necessary.

6 Case Number 05-02-02, 800 Northwest 10 Terrace

- Notice of Status Hearing

Detective Joseph presented this case stating that there had been 35 calls for service to the property between 2/10/05 and 4/14/05, several of which were nuisance related; however, no warning letters were issued or warranted bringing action before the Board. The owner is in compliance with the Board's orders, with the exception of removal of the pay phone.

Sheldon Schapiro, Esquire, appeared on behalf of Jagdish Tankesore, the lessee. He advised that security cameras have been installed as well as the no-trespass signs, both of which have substantially reduced traffic. He indicated there is a civil/contractual problem with removing the pay phone.

Mr. Nirnedat Roy, the property owner, advised that the contract with the pay phone company provides for a one-time ten year automatic renewal. He has checked with counsel in regard to the contract and has brought Sgt. Gillis to meet with a pay phone company representative, all to no avail.

Mr. Goran Dragoslavic, owner of the pay phone company, appeared before the Board explaining that the phone has been properly installed and permitted. He added that he owns the building next door to the convenience store, has been watching for approximately four months, and has seen no nuisance activity around the phone. He cited situations he has had in other municipalities where it has been determined that, due to the increased use of cell phones for criminal activity, pay phones are not the direct cause of increased crime. Mr. Cooper disagreed, stating that the Police Department has indicated the pay phone at this location has been part of the problem.

Mr. Dragoslavic offered to remove one of the two telephones, place stickers on the phone indicating that all phone numbers will be logged, and block incoming calls. It was determined that there are approximately ten calls made per day per phone from that location. Mr. Schapiro agreed that implementing Mr. Dragoslavic's proposal for a

determined period of time, after which the police could see if there is a reduction in crime, would be a viable solution. Detective Joseph indicated the Police Department would be agreeable to such a plan.

Mr. Cooper pointed out that one of the issues with the phone is it being used as an excuse to be legally on the property.

Mr. Schapiro suggested that there has been no evidence presented proving that the phone in and of itself is a cause of the problem, and legally the Board cannot require a third party to comply with its order. He added that if, after trying Mr. Dragoslavich's solution, the Police Department determines the phone is a nuisance, they will come back before the Board for further discussion.

Mr. Jolly advised the Board that their previous order could be modified by proper motion and vote. He added that the owner is in a position where 1) he has to take action to avoid a penalty, 2) there could be a question of whether the contractual provisions are no longer able to be fulfilled (although Mr. Jolly was unable to find such a written provision in the contract with the phone company), 3) no actual evidence has been presented that the phone itself is a problem, and 4) it may not be the most viable solution to have the owner and phone company "fight it out" in court. Mr. Walker added there is the possibility that the owner could be in compliance with the Board's order evidenced by his attempts to have the phone removed.

Detective Joseph concurred that the proposed solution would give the Police Department time to monitor whether the phone is or is not contributing to the nuisance problem. Mr. Walker reminded the Board that they do have one-year jurisdiction over the property.

Motion made by Mr. Svetlick, seconded by Mr. MacGrotty to have the phone company 1) remove one telephone, 2) place stickers on the phone indicating that all phone numbers will be logged, and 3) eliminate incoming calls, with this matter to be brought back before the Board on July 14, 2005 for status conference and a report from the Police Department on phone activity. In a roll call vote, the motion passed 3-2 as follows: Mr. Svetlick, yes; Ms. Hancock, no; Mr. Cooper, no; Vice Chair MacGrotty, yes; Chair Reynolds, yes.

Vice Chair MacGrotty pointed out that generally they request phones be completely removed in these situations; however, this may be an opportunity for the Board to abate a nuisance in steps, allowing them another method of problem resolution.

7. Case Number 04-08-06, 1021 NW 3 Avenue

- Notice of Status Hearing

Detective Joseph presented this matter stating that neither the costs in the amount of \$1,883.56 nor the \$15,000 fine have been paid. There have been two calls for service to the property, neither of which has been nuisance related.

The owner, Miscarry Jean Pierre, appeared on his own behalf. He and his daughter have attended a Landlord Tenant class.

As the City was requesting no further relief, this matter was then dismissed.

8. Board Discussion

Mr. MacGrotty questioned the criteria for nuisance-related calls and was advised by Detective Joseph that although the police may be called to a property, the calls may not necessarily rise to the level of Board attention.

Mr. Walker reported that the sign at the Caribbean Market has been effective, as he has been prosecuting trespass complaints.

Ms. Hancock asked if it is possible to foreclose on the property involved in Case No. 04-08-06, and was advised by Mr. Walker that that action may have to wait until Board jurisdiction had run, however, Mr. Jolly said he would research that matter further and report back to the Board.

As the owner was still in attendance, Chair Reynolds asked that Case No. 04-08-06 be reopened for further discussion.

- Reopened Status Hearing - Case No. 04-08-06

Motion made by Mr. Cooper, seconded by Ms. Hancock, for the owner to return at the next meeting for Board discussion on moving the property toward foreclosure. In a roll call vote as follows the motion passed 4-1 as follows: Mr. Svetlick, no; Ms. Hancock, yes; Mr. Cooper, yes; Vice Chair MacGrotty, yes; Chair Reynolds, yes.

Thereupon, the meeting adjourned at 8:15 p.m.