

**City of Fort Lauderdale  
Nuisance Abatement Board Minutes  
City Hall, City Commission Chambers, 1<sup>st</sup> Floor  
100 North Andrews Avenue  
Thursday, May 12, 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	A	2	1	3
Harry MacGrotty, Vice Chair	P	3	0	3
Caldwell Cooper	P	3	0	3
Ginnee Hancock	P	3	0	3
David C. Svetlick	P	3	0	3
Pat Mayers, Alternate	P	3	0	3

Staff Present

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

The regular meeting of the Nuisance Abatement Board convened at 7:00 p.m. on Thursday, May 12, 2005 at City Hall, 1<sup>st</sup> 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 April 14, 2005**

*Motion made by Mr. Cooper, seconded by Ms. Mayers, to approve the minutes of the April 14, 2005 meeting. In a roll call vote, the motion passed unanimously.*

**5. Case Number 05-03-03, 3600 Davie Boulevard**

- Notice of Evidentiary Hearing

Item 5 was moved up on the agenda for discussion.

Sgt. Gillis reported that there had been several cocaine purchases at the property, some of which were conducted inside the store. He advised that a stipulation had been entered

into with the owners and the tenant. The property owners as well as the tenant were in attendance.

Mr. Jolly suggested deferring consideration of the stipulation until all parties had an opportunity to address the Board.

Thereupon, Acting Chair MacGrotty opened the floor for public comment.

Mr. Roger Suarez stated that there have been problems at the convenience store for years, requesting that the Board take immediate action.

Ms. Chris Suarez concurred indicating that this property has been an ongoing problem for ten years with drug sales, prostitution, assaults, robberies, and the sale of alcohol and drug paraphernalia to minors.

Ms. Rita Jackson thanked the Raiders for their attention to the problem, and further asked that the Board require off duty officers on the property during all hours of operation, as well as that the store be closed.

Ms. Elizabeth Hays pointed out that the store is a focal point for problems in the area.

Ms. Debora Van Valkenburgh also requested action be taken to resolve the problem.

Thereupon, public hearing was closed.

Eliot Lupkin, Esquire, appeared on behalf of the tenant, Mr. Niaz. He advised that he had spoken with Mr. Walker and the property owners and had come to an agreement on a proposed stipulation.

Acting Chair MacGrotty suggested that the Board might have amendments they wished to add to the stipulation.

Mr. Jolly stated that a predicate to consideration of the stipulation would be for the owners and/or tenant to accept the property as a nuisance. Mr. Lupkin agreed on behalf of the tenant that the property was a nuisance.

Sgt. Gillis, in response to Mr. Cooper's question, indicated that the store clerk was in full view of the illegal activities. Mr. Cooper requested provisions in the stipulation that the sale of drug paraphernalia cease and that the store clerk be fired.

Ms. Hancock requested that the possibility of property forfeiture due to the sale of drugs be researched by Mr. Walker. Mr. Jolly stated that the property could be foreclosed on through Nuisance Abatement procedures, but forfeiture was covered under Florida

Statute and would be difficult to accomplish. Sgt. Gillis further advised that forfeiture was up to the discretion of the investigating detective and police department.

Ms. Hancock requested that the requirement for an off duty police officer to be on the premises be added to the stipulation.

***Motion** made by Mr. Cooper, seconded by Ms. Hancock, that the stipulation be accepted. In a roll call vote, the motion unanimously failed.*

Sgt. Gillis suggested that the determination of the necessity for on site security be made after they first see if the police recommendations in the stipulation are successful.

Mr. Jolly told Mr. Lupkin that it was his decision whether to hear the Board's recommendations then, or have the evidentiary hearing when Mr. Walker can be in attendance. He suggested that the Board limit their discussion to suggestions for revisions to the stipulation.

The following items were requested amendments to the stipulation:

- Fire the store clerk
- Get rid of any items in the store that could be sold as drug paraphernalia
- Provide on site security guard
- Add the words "inside the store" to recommendation no. 9 in the stipulation
- Require the landlord to terminate the lease in the event of further violations

Mr. Lupkin advised that the clerk has been fired.

Acting Chair MacGrotty cautioned the property owners that ultimately resolution of the nuisance is their responsibility, suggesting that they hire counsel.

Mr. Jolly suggested adjourning this matter allowing Mr. Lupkin time to confer with his client and the owners regarding the Board's recommendations.

Mr. Pedro Beltron, Jr., the owner's son, addressed the Board advising that his father, the property owner, would agree to sign an agreement with the tenant that if additional problems arise, he will terminate the lease.

Thereupon the matter was adjourned for the parties to discuss the stipulation with counsel.

#### **4. Case Number 04-08-06, 1021 NW 3 Avenue**

- Notice of Status Hearing

Sgt. Gillis advised that the fines had not yet been paid and this matter was returned to the Board at their request for discussion regarding foreclosure.

The owner, Miscarry Jean Pierre was present. James Jean-Francois, Esquire, appeared on behalf of the owner requesting that the Board reconsider imposition of the fine.

Mr. Jolly advised that the order had been entered and the matter concluded; the relevant issue being whether the fines and costs have been paid, and the only item before the Board was discussion regarding foreclosure on the property due to non-payment. He stated that it would be up to the appellate court to review the legality of the fine should Mr. Jean Pierre decide to appeal the Board's order.

*Motion made by Mr. Cooper, seconded by Ms. Mayers, to recommend to the City Commission foreclosure of the property. In a roll call vote, the motion passed unanimously.*

**Item 5** was then reconvened for further discussion.

Mr. Lupkin reported that he had spoken to the tenant who agreed to the additions of on site security, removal of drug paraphernalia from the store, and banning of the former store clerk from the premises.

Acting Chair MacGrotty asked that the matter be deferred pending further consultation with Mr. Walker.

Thereupon, Sgt. Gillis pulled this item from the agenda.

#### **6. Board Discussion**

Sgt. Gillis advised that the June 2005 meeting would be cancelled.

Thereupon, the meeting adjourned at 8:00 p.m.