

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, July 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	3	1	4
Harry MacGrotty, Vice Chair	P	4	0	4
Caldwell Cooper	P	4	0	4
Ginnee Hancock	A	3	1	4
David C. Svetlick	P	4	0	4
Pat Mayers, Alternate	P	4	0	4
Laurie Watkins, Alternate	P	1	0	1
<u>Staff Present</u>				
Marcia Gair, Board Clerk	P			
Scott Walker, City Attorney	P			
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 7:05 p.m. on Thursday, July 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. Approval of Minutes for May 12, 2005

Motion made by Mr. Cooper, seconded by Mr. MacGrotty, to approve the minutes of the May 12, 2005 meeting. In a roll call vote, the motion passed unanimously.

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

- Notice of Status Hearing

Sgt. Gills reiterated a brief history of this case to the Board, advising that the phone had been removed. He stated there had been 20 calls for service to the property, 7 of which had been nuisance related. Sgt. Gills noted that although the problem had not yet been

completely resolved, there was marked improvement. The owner is in full compliance with the Board's order. No relief was being requested from the City at this time.

Mr. Cooper expressed concern that the problems had not been entirely eliminated. Sgt. Gillis stated he would continue to monitor the situation.

Motion made by Mr. MacGrotty, seconded by Mr. Cooper, to have a status hearing in two months on the property. In a roll call vote, the motion passed unanimously.

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

- Notice of Evidentiary Hearing

Sgt. Gillis provided a brief history of the case to the Board.

Mr. Walker stated that the owner was present; however, counsel for the tenant, Mr. Lupkin, was unable to attend due to a conflict. The tenant was also not present.

Mr. Walker reported that a stipulation had, just prior to the hearing, been signed by the property owner agreeing to the Board's requested provisions to add security and eliminate the sale of drug paraphernalia. Mr. Walker stated that although the owner could not afford on-site security, he has agreed to install video cameras allowing for 30-days of recording, which would be made available to the police department at their request. All of the original 14 provisions of the stipulation presented to the Board at the prior hearing are in compliance. The property owner has also agreed to jurisdiction of the Board.

Mr. Walker indicated the tenant is ready to pay the full amount of the costs, although the stipulation specifies that solely the tenant would be responsible for payment. Several of the Board members were concerned that there would be no recourse against the owner if he was not also held specifically responsible for the costs in addition to the tenant. Mr. Walker strongly suggested that the Board accept the stipulation as is, in order to get this matter under the official jurisdiction of the Board, which at the current time it was not.

Mr. Jolly told the Board they could rely on Mr. Walker's representations, however, the real party in interest not being present at the hearing was problematic, although he felt that if necessary, the stipulation could be legally defended should it be accepted by the Board.

The property owner, Mr. Pedro Beltran, testified through an interpreter that he agreed to and understood the terms of the stipulation. He also confirmed Mr. Walker's representation that he did not want to be held responsible for payment of the costs.

Mr. Jolly noted that anything with regard to “operation” of the property is the responsibility of the owner, agreeing that if the stipulation does not specify the owner also responsible for the costs, there would be no way to collect should the tenant default. Mr. MacGrotty expressed concern that the tenant could “disappear” leaving the costs unpaid. Mr. Jolly pointed out that the Board could have some recourse if the owner was found in noncompliance of the order invoking fine provisions against the property which would then be the responsibility of the owner.

The subject of night lighting for the entire property was also discussed as neighborhood residents pointed out that the center was dark at night. Also, in response to resident concerns, Mr. Walker indicated he could request a permanent trespass warning be given to any persons arrested on the property, with a no return provision.

As the City and the Board were unable to resolve the issue of payment of the costs, it was suggested that the matter be deferred pending further discussion.

Motion made by Mr. Svetlick, seconded by Mr. MacGrotty to table this matter to the next hearing. In a roll call vote, the motion passed unanimously.

6. Board Discussion

Mr. Cooper requested the status of the case for which they had recommended foreclosure. Mr. Walker advised he would report back to the Board with regard to that matter next month.

Thereupon, the meeting adjourned at 8:12 p.m.