

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, September 8, 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	5	1	6
Harry MacGrotty, Vice Chair	P	6	0	6
Caldwell Cooper	P	6	0	6
Ginnee Hancock	P	5	1	6
David C. Svetlick	P	6	0	6
Pat Mayers, Alternate	P	6	0	6
Laurie Watkins, Alternate	P	3	0	3
<u>Staff Present</u>				
Marcia Gair, Board Clerk	P			
Scott Walker, City Attorney	P			
Bruce Jolly, Board Attorney	P			
Sgt. Reggie Gillis, Liaison	P			
Brenda Cooper, Recording Clerk	P			

The regular meeting of the Nuisance Abatement Board convened at 7:00 p.m. on Thursday, September 8, 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 August 11, 2005**

Motion made by Mr. Cooper, seconded by Mr. MacGrotty, to approve the minutes of the August 11, 2005 meeting. In a roll call vote, the motion passed unanimously.

Item number 6 was moved up on the agenda at the request of Sgt. Gillis.

- 6. Case Number 05-09-06, 630 Northwest 10 Terrace**
 - Notice of Evidentiary Hearing

Sgt.. Gills provided a brief history of the property and narcotics violations, reading into the record the police recommendations as follows:

1. The owner will file a No Trespass Affidavit with the Fort Lauderdale Police Department and post No Trespassing signs on the property within seven (7) days and thereafter enforce no loitering and trespass laws.
2. The owner will adopt the Lease Addendum and Permitting Eviction for Drug Related Activities for all new tenants and renewals.
3. The owner will evict any tenant responsible for any nuisance abatement related crime within thirty (30) days (specifically tenant in apt #1) and provide proof of eviction or removal.
4. The owner will install address numbers and apartment numbers on the building within fourteen (14) days.
5. The owner will install flood lights on the west, north and south sides of the building (according to all City of Fort Lauderdale Code requirements) within thirty (30) days.
6. 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.
7. The owner is assessed 25% (\$446.12) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$1338.36) of the investigative costs if the owner complies with the Board's Order within the specified time frame(s). If the owner fails to comply within the specified time frame(s), the remaining 75% of the investigative costs will be assessed. (Total costs \$1784.48)
8. The owner will appear before the Nuisance Abatement Board at the October Nuisance Abatement meeting (or, if no meeting occurs in October, at the succeeding Nuisance Abatement meeting) for a status hearing.
9. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.

Oscar Grisales, Esquire, appeared on behalf of the owner, Sandra Berstein. He indicated that the owner has agreed to the police recommendations and will come back before the Board at the next hearing if requested.

Motion made by Mr. Cooper, seconded by Mr. MacGrotty, to approve the stipulation. In a roll call vote, the motion passed unanimously.

Mr. Cooper asked counsel about the owner of the property and was advised by Mr. Grisales that she is an in-town owner; however, she was unable to attend the hearing. He also inquired whether she frequented the property, suggesting that she go over there more often.

Ms. Hancock inquired about Ms. Bernstein attending the landlord/tenant course. Mr. Walker agreed with that suggestion, although Sgt. Gillis advised that is not currently an option, as the program is in limbo and courses are not being conducted at this time.

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

- Notice of Status Hearing

Sgt. Gillis reported that there was no one present representing the property. There had been 21 calls for service, five of which were nuisance related, although no warnings were issued. There has however, been a problem with loitering, and marijuana being discovered around the property, although these problems have not yet met the criteria for a nuisance. No further action was requested by the Board or the Police Department.

5. Case Number 05-09-05, 837 Northeast 17 Terrace

- Notice of Evidentiary Hearing

The owner of the property, Mr. James B. Lockhart, was present. Sgt. Gillis gave a brief history of the property stating that there had been purchases of crack cocaine at the location, with subsequent arrests made. He read into the record the police recommendations as follows:

1. The owners will file a No Trespass Affidavit with the Fort Lauderdale Police Department and post No Trespassing signs on the property within seven (7) days and thereafter enforce no loitering and trespass laws.
2. The owners will adopt the Lease Addendum and Permitting Eviction for Drug Related Activities for all new tenants and renewals.
3. The owners will evict any tenant responsible for any nuisance abatement related crime within thirty (30) days (specifically tenant in apt #5) and provide proof of eviction or removal.
4. The owners will trim the trees and shrubs within fourteen (14) days and maintain clear visibility to the apartment complex.
5. The owners will install flood lights (according to all City of Fort Lauderdale Code requirements) on the first and second floor courtyard area within thirty (30) days.

6. 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.
7. The owners will appear before the Nuisance Abatement Board at the October Nuisance Abatement meeting (or, if no meeting occurs in October, at the succeeding Nuisance Abatement meeting) for a status hearing.
8. The owners are assessed 25% (\$456.12) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$1368.36) 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 \$1824.48.)
9. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.

With regard to item number 3, Sgt. Gillis stated he spoke with "tenant number 5" who relayed that he had gone to court, pled guilty to the offense, and indicated he only had a small amount of marijuana. Sgt. Gillis determined that the amount of marijuana was in excess of 20 grams, although it had been pled down to a lesser charge. It was therefore Sgt. Gillis' opinion that this tenant should be removed as specifically requested.

In response to Chair Reynolds' questioning, Mr. Lockhart stipulated that the matter constitutes a nuisance, he has read the City's recommendations, understands them, and is prepared to comply. Mr. Lockhart also understood that the Board would retain jurisdiction for one year, he may be required to appear before the Board periodically, and there are financial obligations which could result in a lien on the property if not paid.

Mr. Cooper asked Mr. Lockhart how often he frequented the property and was advised that his wife manages the property, but he drives by occasionally. Mr. Cooper asked that the owner keep a closer eye on the property.

With regard to the tenant, Mr. Lockhart advised he would be starting eviction proceedings.

***Motion** made by Mr. MacGrotty, seconded by Mr. Cooper, to approve the stipulation. In a roll call vote, the motion passed unanimously.*

Mr. Bruce Carnecchia, the apartment #5 tenant referenced in Stipulation item 3, spoke against the stipulation stating that he did not know he was to be evicted. He stated he was not involved in the sale of the narcotics and had no relationship with the persons with warrants, and had been living at the premises for nine years, further requesting that that item of the stipulation be held in abeyance, as his arrest had only been a misdemeanor.

7. Board Discussion

- 1021 NW 3 Avenue

Sgt. Gillis advised that the matter has been given to the Assistant City Attorney for further action.

Mr. Walker reported that after last month's meeting, phone calls had been made to find out about the City's foreclosure procedures. He indicated that the City has signed an agreement with outside counsel for 15% of any monies collected.

There was further discussion regarding recording of property liens and title ramifications, when foreclosure proceedings can be started, and the time line for proceeding. Mr. Jolly advised that once the Board makes their finding and the order is recorded, the lien exists, and it is up to the City to take further action.

Thereupon, the meeting adjourned at 7:45 p.m.