

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, October 13, 2005 at 7:00 p.m.**

	Current Meeting	Cumulative Attendance		Y-T-D #
		<u>Present</u>	<u>Absent</u>	Scheduled Meetings 3/05 – 2/06
<u>Members</u>				
Douglas Reynolds, Chair	P	6	1	7
Harry MacGrotty, Vice Chair	A	6	1	7
Caldwell Cooper	P	7	0	7
Ginnee Hancock	A	5	2	7
David C. Svetlick	P	7	0	7
Pat Mayers, Alternate	P	7	0	7
Laurie Watkins, Alternate	A	3	1	4
<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, October 13, 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 September 8, 2005**

Motion made by Mr. Cooper, seconded by Mr. Svetlick, to approve the minutes of the September 8, 2005 meeting. In a roll call vote, the motion passed unanimously.

- 4. Case Number 05-03-03, 3600 Davie Boulevard**
 - Notice of Status Hearing

Sgt. Gillis provided an update regarding this case. The property owner, Mohammad Niaz, was present. Sgt. Gillis advised the property owner is in compliance with the Board's Order, although there had recently been a notice on the door that the alcohol license had been revoked and the business was closed. Mr. Niaz, advised that the license

had been suspended for one week because beer had been sold to a minor; however, the license was reinstated on October 3rd. No further action was requested by the City.

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

- Notice of Status Hearing

Sgt. Gillis provided an update to the Board indicating that the owner has complied with the Board's order with the exception of installation of the flood lights within 30 days. Mr. Lockhart was not present at the hearing, however, he had requested through Sgt. Gillis that the Board waive the light requirement as the trees had been trimmed to where there is no light blockage. Sgt. Gillis advised that he visited the property a week and a half ago, the current lighting was sufficient to see into the corner, and had no problem waiving that requirement. Ms. Mayers questioned what would happen when the leaves grow back once again creating a lighting problem. Sgt. Gillis advised he would deal with that when that happens, but it would take a while as the tree had been trimmed back to the limbs.

Mr. Jolly indicated that a waiver of the lighting requirement could be entertained by Board. Mr. Svetlick asked whether the current lighting is sufficient per Code. Sgt. Gillis stated the lighting is sufficient, although he could not answer with regard to the square footage of the area being lit. It appeared to Mr. Svetlick that the lighting issue was in compliance.

No action was taken by the Board.

Mr. Walker pointed out that the police department is not interested in finding non-compliance due to the lighting issue. Mr. Jolly pointed out that the order stands, as no motion was made by the Board, and would need to be brought back before the Board for any further determination.

6. Case Number 05-09-06, 630 Northwest 10 Terrace

- Notice of Status Hearing

Sgt. Gillis provided an update on this case indicating that at this time, the owner has only complied with the eviction of a tenant and is otherwise non-compliant. Chair Reynolds asked Sgt. Gillis if he has been in contact with the owner. Sgt. Gillis indicated the owner has been non-responsive. He has been out to the property about eight times. Ms. Gair reported that the owner had received proper notice.

Sgt Gillis requested the imposition of fines.

***Motion** made by Mr. Svetlick, seconded by Mr. Cooper, finding that the Respondent has failed to comply with the Board's order within the time limits provided, authorizing the imposition of fines from the date of non-compliance at the prescribed rate of \$250.00 per day.*

Mr. Walker asked that the record show the owner failed to attend the meeting; Ms. Gair confirmed that the owner's attorney of record was notified.

***Motion** amended by Mr. Svetlick, seconded by Mr. Cooper, to include the previous waiver of 75% of the costs be rescinded and the balance in the amount of \$1,338.36 now be due in full. In a roll call vote, the motion unanimously passed.*

7. Case Number 05-10-08, 750 Northwest 22 Road

- Notice of Evidentiary Hearing

Sgt. Gillis provided a history of the property indicating that several controlled buys of cocaine had been conducted at the property with a subsequent arrest for possession.

Police recommendations were as follows:

1. The owner will file a new No Trespass Affidavit with the Fort Lauderdale Police Department and post No Trespassing signs on the property within fourteen (14) days and thereafter enforce no loitering and trespass laws. (FLPD / Records Division 954-828-5465)
2. The owner will evict any tenant responsible for any nuisance abatement related crime within thirty (30) days and provide the liaison with proof of eviction or removal.
3. The owner will remove all advertising from the front windows within fourteen (14) days.
4. The owner will install address numbers on the building within fourteen (14) days.
5. The owner will repair and maintain all lighting outside of the building within thirty (30) days.
6. The owner will remove, or move inside, the outside payphone, (according to all Code requirements) within sixty (60) days.
7. 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.
8. The owner is assessed 25% (\$489.78) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$1469.35) 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 \$1959.13)

9. The owner will appear before the Nuisance Abatement Board at the November Nuisance Abatement meeting (or, if no meeting occurs in November, at the succeeding Nuisance Abatement meeting) for a status hearing
10. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.

Mr. Hanna, counsel for the owner, appeared along with owner, Omar Amireh.

Mr. Walker indicated he had received a call that afternoon from Mr. Hanna who had just been retained. They have agreed to a Stipulation, although there was a question regarding No. 8 - the 25% investigative costs being assessed. Item No. 1 has already been done; No. 2, the eviction was started immediately upon being notified of the problems, although apparently, the tenant is avoiding service of process. Nos. 3 and 4, have not been done but will be; No. 5, there is no power to the property as the tenant did not pay the bill. There is no problem with No. 6, but the owner does not currently have possession of property as the tenant still has it locked, although it does appear that the property has been abandoned. No. 7 is understood. Owner has no objection to Nos. 9 and 10.

Mr. Jolly noted that the meaning of the stipulation is for the landlord to continue to operate in good faith and with all deliberate speed, subject to the limitations of the Court. Sgt. Gillis concurred that would be satisfactory to the City.

With regard to the pay phone, Mr. Walker pointed out that the phone is a source of drug sales. He also stated that the owner represented he did not sign the contract for the phone as he inherited the property upon the death of his brother. At this point, they do not know who signed the phone contract. Mr. Walker pointed out that the City is not asking the phone be removed; it could be relocated inside the store. The owner represented he will return to the Board with a copy of the contract with First American Telephone.

Mr. Cooper noticed from the photographs there appear to be two businesses on the premises; one currently operating. The electrical is on two separate meters. The property owner advised that he spoke with the owner of the restaurant and asked him to leave the lights on at night. He agreed. Mr. Cooper suggested installing one electric meter on the building that the property owner can control.

Motion made by Mr. Svetlick, seconded by Mr. Cooper, to accept the police recommendations. In a roll call vote, the motion passed unanimously.

8. Board Discussion

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