

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, December 8, 2005 at 7:00 p.m.**

	Attendance	Cumulative Attendance		Total meetings
		<u>Present</u>	<u>Absent</u>	
<u>Members</u>				
Douglas Reynolds, Chair	P	7	1	8
Harry MacGrotty, Vice Chair	P	7	1	8
Caldwell Cooper	P	8	0	8
Ginnee Hancock	P	6	2	8
David C. Svetlick	P	8	0	8
Pat Mayers, Alternate	A	7	1	8
Laurie Watkins, Alternate	A	3	2	5
<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 7:01 p.m. on Thursday, December 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, witness sign in, swearing in**
- 3. Approval of Minutes for October 13, 2005**

Motion made by Mr. Cooper, seconded by Mr. MacGrotty, to approve the minutes of the October 13, 2005 meeting. In a voice vote, the motion passed unanimously.

**4. Case Number 05-10-08
750 Northwest 22 Road**

- Notice of Status Hearing

Sgt. Gillis provided a history of the property, saying a search warrant was served on the property and the tenant was evicted. Sgt. Gillis noted that the owner had complied with all the conditions: the tenant had been evicted; advertising had been removed from the front room, address numbers had been put on the building; lighting on the west side of the building had been repaired. The owner had complied the phone by cutting the line; he was unable to physically remove the phone.

Sgt. Gillis did not request any further relief at this time, or any future status conference and no action was taken by the Board.

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

- Notice of Status Hearing

Sgt. Gillis provided a history of the property. He reminded the Board that the tenant in Number 5 had been evicted. Sgt. Gillis noted that once the trees had been trimmed, there was no need to upgrade the lighting, as the City had originally requested. Sgt. Gillis confirmed for Chair Reynolds that there had been three calls for service and no nuisance abatement calls to the property since October 13.

Sgt. Gillis did not request any further relief at this time.

The owner stated he had complied with all the conditions. He asked the Board to waive the requirement to install the floodlights.

Motion made by Mr. MacGrotty, seconded by Mr. Cooper, to delete requirement Number 5 regarding the floodlights and to accept the recommendations of the Sergeant that the rest of the relief has been received. In a roll call vote, the motion passed unanimously.

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

- Notice of Status Hearing

Sgt. Gillis provided an update and confirmed that the tenant eviction requirement had been complied, but the no trespass affidavit, the address display, and floodlight installation had not been complied. As a result of the non-compliance, fines had hit their maximums. Sgt. Gillis confirmed for Chair Reynolds that the owner had paid the initial 25% of investigative costs, \$446.12.

Mr. Oscar Grisales, the owner's attorney, explained to Chair Reynolds that the trespass affidavit was not filed by September 19 because the owner thought that if the tenant was removed by that date, she did not need to file the affidavit. Sgt. Gillis testified that he had spoken with Mr. Grisales shortly after the due dates, and Mr. Grisales was aware that fines would run until all requirements were complied.

Sgt. Gillis requested that requirement number 2 be removed as the City needed to pursue it further; however, Mr. Cooper expressed concern regarding "removal" of this item and was advised by Chair Reynolds that the order stood as is.

Chair Reynolds asked about requirement number 3, eviction, with proof, within 30 days, of any tenant responsible for any nuisance abatement crime. Mr. Grisales confirmed that the tenant had simply left the premises; he was never formally evicted. Sgt. Gillis confirmed that the tenant was gone and this requirement was complied.

Mr. Grisales confirmed that the address numbers had been installed, but not until October 5. Sgt. Gillis said that apartment numbers were on the units, but the address numbers were missing.

Chair Reynolds clarified the difference between address and apartment numbers with Mr. Grisales.

Sgt. Gillis testified that nothing had been done to address the lighting requirement. Mr. Grisales said the property manager informed him that there were technical issues with the lighting requirement.

Mr. Grisales confirmed that 25% of investigative costs had been paid.

Chair Reynolds asked why neither Mr. Grisales nor his client had attended the October hearing. Mr. Grisales informed Chair Reynolds that he had filed for a continuance prior to the October hearing, but it had apparently had not been received by the City.

Mr. Grisales said the owner wanted to comply and requested additional time to do so. Sgt. Gillis requested the maximum fine. Mr. Jolly explained to the Board that the fines had already been imposed, but before a lien was put on the property, the Board must give the respondent the opportunity to be heard and then the Board must find that the respondent had not complied as ordered.

Mr. Grisales stated that the owner was a developer who intended to demolish the property within three to four months. The property manager was supposed to be responsible for complying the property and had not. He assured the Board that the owner would personally oversee the compliance issues from now on.

Mr. Walker said there were "hard costs" that the City must recoup.

Mr. Grisales explained to Ms. Hancock that the owner did not visit the property often; she delegated all of the day-to-day responsibilities to the property manager. Ms. Hancock resented the fact that the owner had bought the property and then allowed it to be trashed, and had subjected the other residents to the drug dealing of her tenants.

Mr. MacGrotty felt the owner had been unconcerned about the order, since she intended to demolish the property.

Motion made by Mr. MacGrotty, seconded by Mr. Cooper, to find the property was not complied pursuant to the order and that a fine of \$15,000 imposed in the form of a lien on the property. In a roll call vote, the motion passed unanimously.

**7. Case Number 05-10-07
522 Northwest 13 Avenue**

- Notice of Evidentiary Hearing

Sgt. Gillis explained that four controlled buys were conducted at the property and a search warrant resulted in six arrests. He had met with the owners and explained the recommendations as follows:

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1. The owners will adopt the Lease Addendum and Permitting Eviction for Drug Related Activities for all new tenants and renewals.
2. The owners will evict any tenant responsible for any nuisance abatement related crime within thirty (30) days (specifically tenant in apt #A) and provide proof of eviction or removal.
3. The owner will install floodlights on the west, north and south sides of the building (according to all City of Fort Lauderdale Code requirements) within thirty (30) days.
4. 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.
5. The owner is assessed 25% (\$549.60) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$1648.83) 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 \$2198.43)
6. The owner will appear before the Nuisance Abatement Board at the January Nuisance Abatement meeting (or, if no meeting occurs in January, at the succeeding Nuisance Abatement meeting) for a status hearing
7. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.

Mr. Bennett, the owner, said he thought that when they registered the trespass, they were protected and the police could immediately get rid of a bad tenant.

Sgt. Gillis said that the owner had disagreed with requirement number 5. Chair Reynolds clarified for Mr. Bennett that if all requirements were complied, the balance need not be paid. Ms. Bennett said she had sent a letter to the tenants in May regarding drug activity. Mr. Bennett said they only visited the property once per month in the past, but would visit more often in the future.

Chair Reynolds explained the process to the Bennetts. He noted that it had been the Board's general practice to structure the costs as they were in the fifth requirement. Sgt. Gillis said the City was willing to assess half the usual 25% of investigative costs; if they did not comply, the City would require them to pay the entire 87.5% balance.

Motion made by Mr. Svetlick, seconded by Mr. MacGrotty, to accept the stipulation between the City and the owner that the owner pay 12.5% of the investigative costs within 30 days. In a roll

call vote, the motion failed 2 – 3 as follows: Chair Reynolds, yes; Mr. MacGrotty, no; Mr. Cooper, no; Ms. Hancock, no; Mr. Svetlick, yes.

Mr. MacGrotty wanted to know what extenuating circumstances existed to justify the reduced investigative costs. Sgt. Gillis explained that the owner was trying to get the property complied, and the owner had also informed him that he was having financial problems. Mr. Cooper said that the investigative costs were paid by the taxpayers, and if the owners wanted to make money in the City, they should bear the responsibility of the costs. Mr. Cooper stated he would not vote for the 12.5%.

Ms. Hancock asked if the Bennetts had performed a background check on the tenant. Mr. Bennett said that the father had lived there, and when he went to a nursing home, his children stayed and had never missed a rent payment. Ms. Hancock said that the owners needed to know where the rent money was coming from. Ms. Bennett stated that one of the daughters paid the rent with a fixed-income check every month. Sgt. Gillis confirmed that after an arrest at the building, a nuisance abatement warning letter was sent out. The first letter the owner sign for was dated July 28.

Mr. Svetlick asked what the monthly income was at the building. Ms. Bennett stated that it was \$1,400 per month; they were operating at a deficit right now because one of the units was unoccupied.

Chair Reynolds advised that the City could alter the stipulation and the Board could vote again, or they could proceed to trial. Sgt. Gillis said the City would change requirement 5 back to the standard 25%. The owners agreed to pay half of the \$549.60 in 30 days and the other half in 60 days.

Motion made by Mr. Cooper, seconded by Mr. MacGrotty, to accept the stipulation between the City and, in addition, that the owner pay half of the 25% of the investigative costs within 30 days, and the other half within 60 days. In a roll call vote, the motion passed unanimously.

8. Board Discussion

Mr. Walker asked that his name be put on future notices so respondents would call him only.

Sgt. Gillis informed the Board that he had recently been promoted and Leann Swisher may be assuming his responsibilities at the Nuisance Abatement Board in a few months, after her maternity leave.

Mr. MacGrotty stated that the first stipulation should always be that the owner agreed the property was a nuisance. Mr. Walker and Mr. Jolly agreed.

Ms. Hancock inquired regarding Landlord Tenant Training; Sgt. Gillis advised he would contact Broward County.

Next meeting: January 12, 2006

Thereupon, the meeting adjourned at 8:05 p.m.