

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, April 13, 2006 at 7:00 p.m.**

| | Attendance | 2006 Cumulative Attendance 3/06 to 3/07 | | Total Meetings |
|-----------------------------|------------|--|---------------|----------------|
| | | <u>Present</u> | <u>Absent</u> | |
| <u>Members</u> | | | | |
| Douglas Reynolds, Chair | P | 2 | 0 | 2 |
| Harry MacGrotty, Vice Chair | P | 2 | 0 | 2 |
| Caldwell Cooper | A | 0 | 2 | 2 |
| Ginnee Hancock | P | 2 | 0 | 2 |
| David C. Svetlick | P | 2 | 0 | 2 |
| Pat Mayers, Alternate | P | 2 | 0 | 2 |
| Laurie Watkins, Alternate | A | 0 | 2 | 2 |

Staff Present

| | |
|----------------------------------|---|
| Marcia Gair, Board Clerk | P |
| Bruce Jolly, Board Attorney | P |
| Scott Walker, City Prosecutor | P |
| Sgt. Anthony Vinson, Liaison | P |
| Sandra Goldberg, Recording Clerk | P |

1. Call meeting to order, Pledge of Allegiance

Chair Reynolds called the meeting to order at 7:00 p.m.

2. Roll call, witness sign in, swearing in

3. Approval of minutes for March 9, 2006

Motion made by Vice Chair MacGrotty, seconded by Ms. Hancock to approve the March 9, 2006 minutes as submitted. In a voice vote, the motion passed unanimously.

4. Case Number 06-02-04, 3306 West Broward Boulevard

- Notice of Status Hearing

Sgt. Anthony Vinson introduced the case. Sgt. Vinson stated that all stipulations required by the Board have been met by the property owner, including the investigative costs have been paid.

Chair Reynolds stated that there being no further issues; that the owner has complied with the Board's requirements, the matter is concluded.

6. Case Number 06-02-05, 1931 South Federal Highway
• **Notice of Status Hearing**

Sgt. Vinson introduced the case. As to Item 4, Sgt. Vinson stated that the owner hasn't scheduled any major events so there isn't any way to ascertain compliance with that item. Sgt. Vinson stated the owner is present to speak on behalf of his business.

Chair Reynolds asked if anyone from the neighborhood was present and wished to speak. There was no response from the audience.

Mr. Keith Chiaverini stated that there was a misunderstanding at the Nuisance Board meeting held two months ago. Dwight Ledbetter was under the impression that Mr. Chiaverini was the former owner. Mr. Chiaverini's company is the new owner and they have actually cleaned up the business and are working on making the business better for the neighborhood.

Chair Reynolds asked Sgt. Vinson if there had been any further reports or incidences at this property since the last Board hearing. Sgt. Vinson replied no. Chair Reynolds asked if there were any outstanding stipulations as of today's date. Sgt. Vinson replied Item 4, security for major scheduled events and Item 5, security for the parking lot on the west side of the property are still open. Sgt. Vinson stated that Mr. Chiaverini reported to him that he didn't own the parking lot on the west side; his parking is just that along SE 20th Street, on the south side of the building.

Chair Reynolds asked Mr. Chiaverini as to Item 5, the owner will provide security for the parking lot located on the west side of the property while the business is open, if that stipulation had been complied with. Mr. Chiaverini replied that they do not have a parking lot on the west side. Mr. Chiaverini added that his manager is out there every thirty minutes checking the property and removing anyone that's in that area, but their parking lot is actually on the south side of the building.

Chair Reynolds asked Mr. Scott Walker why the west side is referenced in the recommendations. Mr. Walker replied that the recommendations should be amended as the reference to the west side is an error. Chair Reynolds asked Sgt. Vinson if the City is in agreement with amending the recommendations. Sgt. Vinson replied yes.

Motion made by Ms. Mayers, seconded by Ms. Hancock to delete Requirement 5 from the original order.

Mr. Svetlick asked Mr. Chiaverini if the patrons were actually parking in the lot to the west side. Mr. Chiaverini replied no, there was not actually a parking lot there; it is an alley and contains their dumpster. Mr. Svetlick stated he thought there were about six parking spots back there. Mr. Chiaverini replied those are for the tattoo parlor. Mr. Chiaverini stated he has had Florida

Power and Light install lights in that whole area and they do patrol it, and they ask people to leave or they call the police.

Chair Reynolds asked Sgt. Vinson if the City has any objections to deleting Item 5 from the original order. Sgt. Vinson replied no.

In a roll call vote, the motion passed unanimously.

Chair Reynolds asked Sgt. Vinson if they wanted the owner to come back for status hearing at any point or do you wish to reserve on that. Sgt. Vinson replied he would like to reserve. Chair Reynolds reminded the owner that the Board retains jurisdiction for the year on the nuisance abatement case.

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

Sgt. Vinson stated that the attorney for the property owner had contacted him and requested that the case be deferred to the next Board meeting due to his wife's medical condition. Chair Reynolds asked the name of the attorney. Sgt. Vinson replied Oscar Grisales.

Chair Reynolds asked Sgt. Vinson if the deferral is acceptable to the City. Sgt. Vinson replied yes. Chair Reynolds deferred the case to the next Board meeting.

7. Case Number 06-01-02, 734 Northwest 4 Avenue
• **Notice of Status Hearing**

Sgt. Vinson introduced the case. Sgt. Vinson reported that Item 3, the requirement to remove the wood fence from the property, specifically between 734 and 740, has only been partially complied with. There is partial compliance in that the owner removed every other slat from the fence but did not remove the entire fence. Sgt. Vinson stated that the owner had also not complied with Item 4, the owner will maintain existing lighting and install flood lighting on all sides of the building. Sgt. Vinson stated he visited the property on 4/11/06 and the flood lights have not been installed.

Chair Reynolds asked if the property owner was present. Mr. Angel Cachinero approached the podium and stated he was one of the owners. Chair Reynolds asked Mr. Cachinero for his response for the noncompliance.

Mr. Cachinero stated that the fencing was not completely removed due to the fact that people were constantly dumping trash back there and it was an expense to him to remove the junk. Mr. Cachinero stated that the purpose of the requirement to remove the fence was to allow visibility onto the property. By removing every other slat he has accomplished that without the expense of installing an iron fence. Mr. Cachinero replied he had removed the ficus hedge and fixed the

porch lighting, but as far as the flood lighting, he has not been able to comply due to extensive hurricane damage. Mr. Cachinero stated he was waiting for the insurance money, he only received half of it to date and he would need more time to comply.

Chair Reynolds asked how much time had been allowed to complete the requirements. Mr. Cachinero replied sixty days. Chair Reynolds asked when the sixty days expired. Mr. Cachinero stated he believed it already has. Chair Reynolds asked why the lights were not installed within the sixty days. Mr. Cachinero stated it was due to lack of funds. Chair Reynolds asked if Mr. Cachinero had requested any type of relief or an extension. Mr. Cachinero stated that he was told by Mr. Scott Walker that he should not request an extension.

Mr. Walker clarified that at the last meeting Mr. Cachinero told the Board that he was going to receive the insurance money and take care of the order. Mr. Walker advised Mr. Cachinero that since he only received half of the insurance money that is new information and now is the time to request an extension from the Board due to new considerations.

Chair Reynolds asked Mr. Cachinero when he would receive the rest of the insurance money. Mr. Cachinero stated that as soon as the bank receives the approval that the necessary repairs have been done, they will release the other half; he estimates he should receive the money within thirty days, and he can get the flood lights installed in less than thirty days after that.

Chair Reynolds asked Mr. Cachinero what would be the cost to install the flood lights. Mr. Cachinero replied between \$2,500.00 and \$3,500.00.

Sgt. Vinson stated that Item 1, the No Trespassing sign was not posted on the property upon his inspection on April 11th; Mr. Cachinero had filed the affidavit however. Mr. Cachinero replied that he had posted the sign, but the sign wasn't laminated and it came down sometime within the last ninety days. Mr. Cachinero stated he obtained new signs and took it to a sign company to have it laminated so that it would withstand the elements. Chair Reynolds clarified to Mr. Cachinero it was his responsibility to make sure it stays on the wall; whatever it takes.

Ms. Hancock asked Mr. Cachinero how many owners owned the property. Mr. Cachinero stated four owners, he is the managing partner. Ms. Hancock asked if any lighting had been installed. Mr. Cachinero stated he had repaired the porch lights. Ms. Hancock asked that between the four owners why they couldn't come up with the \$2500 to install flood lights. Mr. Cachinero replied that they had over \$30,000 in hurricane damage and they had to prioritize the repairs so that the units were made habitable. Ms. Hancock asked what Mr. Cachinero's long term intentions are for the property. Mr. Cachinero stated was to maintain an income property.

Ms. Hancock questioned why the order from the Board took less importance in the repair prioritization process. Mr. Cachinero stated he was required to undertake many repairs to make the property habitable and also was required by the City to hook up to the sewer system within ninety days.

Vice Chair MacGrotty stated the problems with owning the property are the owner's responsibility whether simple or complex. Vice Chair MacGrotty stated that as the owner you didn't contact anyone with the City or the Board to find out if your actions were acceptable.

Chair Reynolds asked Mr. Walker what was the City's position on the fence; does it comply. Mr. Walker replied that technically no, but he asked Sgt. Vinson if he was satisfied with being able to see through the fence. Sgt. Vinson replied yes, he was satisfied. Mr. Walker recommended amending the order as the fence problem is solved.

Ms. Mayers asked wasn't there an issue with the removal of the slats causing another Building Code violation. Sgt. Vinson stated he wasn't sure of the Building Code requirements, but it does resolve the problem of seeing onto the property.

Chair Reynolds asked what relief the City was seeking. Mr. Cachinero stated that he was requesting additional time to do the lighting. Mr. Walker confirmed that since there was new information, the fact that Mr. Cachinero received only half of the hurricane damage insurance money, it would be appropriate to ask the Board for additional time.

Mr. Cachinero stated that at the previous Board meeting he thought he would receive all of the insurance money. Mr. Cachinero stated he has complied with seven of the nine requirements and has the sincere interest in completing them; however, his priorities to repair the damage to the building and hook up to the City's sewer system are higher.

Chair Reynolds commented that it seemed to him that looking at a \$250 per day fine on the property would be something that should get Mr. Cachinero's attention. Chair Reynolds asked how many times Mr. Cachinero had spoken with his three partners to help raise the funds to install the floodlights. Mr. Cachinero replied that based on all the different problems they had to take care of, they decided the risk of incurring the \$250 per day fine was one they thought they could make.

Motion made by Ms. Hancock to impose the \$250 per day fine. Mr. Jolly recommended that the motion be rephrased to state that the Board has found that compliance with Item 5 of the order was not reached by the deadline set by the Board and therefore impose the \$250 per day fine running from the stated deadline date. Ms. Hancock accepted the amendment. The motion was seconded by Vice Chair MacGrotty.

Vice Chair MacGrotty asked Mr. Cachinero who was holding the money. Mr. Cachinero stated that the bank was holding the money and the funds would be released after inspection of the repairs and a determination the repairs were done properly. Mr. Cachinero stated the repairs were completed a couple weeks ago. Vice Chair MacGrotty asked if the bank had been notified the repairs are completed. Mr. Cachinero stated yes, but he wasn't sure when the funds would be released.

Ms. Hancock stated that the owner was irresponsible not to find a way to come up with the funds to comply with the order. Mr. Cachinero was well beyond the allotted time given by the Board.

Mr. Svetlick asked Mr. Cachinero if he had connected the sewer yet. Mr. Cachinero stated that he received the notice not even a month ago; he has ninety days to do that. Mr. Svetlick stated that it's been ninety days since the Board's order. Mr. Svetlick questioned why in prioritizing the repairs, Mr. Cachinero put the City's order to hook up to the sewer before the Board's order to install the lights, when he had received the order for the sewer less than thirty days ago, but the Board's order was issued over ninety days ago; sixty days before receiving the notice for the sewer.

Mr. Cachinero stated that he explained to the Board ninety days ago there were extensive roof repairs and flood damage that he's been trying to correct the last ninety days. Mr. Cachinero stated he knew at the time of the last hearing that the sixty day time allotment to complete the Board's orders was unreasonable, but he didn't say anything at that time.

Mr. Svetlick asked if the apartments were all rented. Mr. Cachinero stated that he just rented the last unit. Mr. Svetlick asked Mr. Cachinero if he feels it would take another sixty days to come up with the funds to install the lights. Mr. Cachinero stated that he believes he could complete the light requirements within sixty days.

Chair Reynolds stated the motion on the table is to impose the \$250 per day fine for noncompliance with the flood lighting.

In a roll call vote the motion passed 3-2 with the votes as follows: Vice Chair MacGrotty, yes; Ms. Hancock, yes; Mr. Svetlick, no; Ms. Mayers, yes; Chair Reynolds, no.

Chair Reynolds stated that the \$250 per day fine is now imposed. Chair Reynolds asked Sgt. Vinson what is the City's position regarding the fence; does that comply with the order. Sgt. Vinson replied yes.

Vice Chair MacGrotty stated that the Board required at the last meeting that the balance of the investigative costs be paid; have they been paid? Sgt. Vinson replied no.

Chair Reynolds asked Mr. Cachinero why the payment hasn't been made. Mr. Cachinero replied he was planning on making the payment this week after this meeting. Chair Reynolds asked what the deadline was. Sgt. Vinson responded payment was due on April 8, 2006. Mr. Cachinero stated he did not have an answer to why the payment was late; his partner pays the checks, but he assumes it probably has to do with lack of funds.

Chair Reynolds asked if the City has any further issues on this case. Sgt. Vinson replied no. Ms. Hancock asked if the Board could impose additional fines for the lack of the payment of the investigative costs by the due date. Mr. Jolly replied no.

Vice Chair MacGrotty asked if a lien had been filed on the property. Sgt. Vinson replied yes.

Chair Reynolds asked Sgt. Vinson if he requests a status conference on this matter for the next month. Sgt. Vinson stated yes. Sgt. Vinson stated he would check with Code Enforcement to determine if there is a violation due to the removal of the slats of the fence.

Chair Reynolds commented to Mr. Cachinero that he was required to come back before the Board next month and the Board would revisit the issue of the payment of the fine and hopefully Mr. Cachinero will be in full compliance by the next time the Board meets.

8. Case Number 06-01-03, 1491 Northwest 22 Street

• Notice of Status Hearing

Sgt. Vinson introduced the case. Mr. Charles Brown, the owner was present. Sgt. Vinson stated that the only item not complied with is Item 3, the owner will evict any tenant responsible for any nuisance abatement crime, specifically the tenants in Apartment B. Sgt. Vinson stated that Mr. Brown contacted him on April 7, 2006 and stated he attempted to do that but he ran into a problem with the language on the eviction order. Mr. Brown stated that he had indicated on the eviction action that the tenant was a nuisance and when he went to court the judge threw the case out because the language was not specific to what type of nuisance.

Chair Reynolds asked Mr. Brown to clarify that he filed the eviction action and went to court but the judge denied the eviction relief. Mr. Brown replied that the language stated “a public nuisance” and the judge wanted more on it. Mr. Brown stated he has retained an attorney to do the eviction, but now he is proceeding with eviction based on nonpayment of rent. Chair Reynolds asked how far behind in rent the tenant is. Mr. Brown stated the tenant is a Section 8 tenant; and in the past two or three weeks her Section 8 subsidy was cancelled. Mr. Brown continued that the tenant’s portion is two months behind and the Section 8 portion is behind just the past month due to the cancellation.

Chair Reynolds asked Mr. Brown if he used an attorney on the first eviction. Mr. Brown replied that he did not because he hasn’t had problems in the past, but this was the first seven day notice he has attempted and he should have gone with the three day notice for nonpayment of rent. Mr. Brown stated that he went to court on the first eviction attempt two weeks ago. The second eviction should be going to court within the next week or so.

Chair Reynolds asked Mr. Brown if he was asking for additional time to get the eviction accomplished. Mr. Brown responded yes. Chair Reynolds asked Sgt. Vinson if the City has any objections. Sgt. Vinson replied no. Mr. Brown stated he would need until the end of the month to accomplish the eviction.

Mr. Walker stated he would request the case set on status until the next Board meeting. Chair Reynolds stated Mr. Brown must appear before the Board again next month. Chair Reynolds requested Mr. Brown bring to the Board meeting next month the court papers filed so we can see the pleadings stamped by the Clerk.

Vice Chair MacGrotty asked if the balance of the investigative costs had been paid. The Board had required the balance paid at the previous meeting. Mr. Brown replied that he paid the first amount of four hundred and some dollars. Sgt. Vinson confirmed that the due date for the payment of the balance of the costs was April 8, 2006. Mr. Brown stated he was unsure why the balance had not been paid but he was willing to pay the balance immediately.

Board Clerk Gair accepted a check in the amount of \$1,439.35 from Mr. Brown representing the balance of the investigative costs required to be paid.

9. Case Number 06-04-07, 701 Northwest 21 Terrace
• **Notice of Evidentiary Hearing**

Sgt. Vinson introduced the case. This property has been before the Board five times on nuisance abatement cases. The first time was January 13, 2000 for narcotics, the owner Mattie Harris, who paid \$968.00. The second time was November of 2000 for prostitution; owner Shamim and Anna Siddiqui, the Board assessed \$832 which was later waived by the Board. The third time was February 2003 for narcotics, the owners the same. The owners were fined \$236.62. The fourth case was in June of 2003 for narcotics, the owner was Shamim Siddiqui as an individual, the cost was \$1,021.49. The property was again brought before the Board in February of 2005 for prostitution, owner Mr. Siddiqui who was assessed \$1494.63. This case, also for prostitution, the owners are listed as Accredited Medical LLC, a business registered in Nevada, but the owners wholly stationed in California.

Mr. Jolly asked Sgt. Vinson to state for the record the case numbers for the previous cases presented to the Board. Sgt. Vinson stated the case numbers as follows: 99-9-001, 00-10-012, 03-02-01, 05-01-01.

Mr. Jolly asked Sgt. Vinson if in the findings of the Board in the previous where fines were imposed or costs assessed, there were findings of the property being a public nuisance as defined by statute and in the ordinance. Sgt. Vinson replied yes.

Mr. Jolly stated that the recitation as to notice of this hearing be as carefully or precisely defined as possible. Chair Reynolds asked if anyone representing the owner was present. Sgt. Vinson replied no. Chair Reynolds asked Sgt. Vinson the nature of the notice. Sgt. Vinson responded notice was sent by certified mail. Mr. Jolly stated certified mail was acceptable but the record needs to show the recitation as to when, where, and to whom.

Mr. Walker asked whether the previous cases were duly recorded in the County Records, so when the new owner took the property, were they aware that there were five prior findings of a public nuisance. Board Clerk Gair stated she would have to check the files. Ms. Gair stated that Mr. Siddiqui was aware of the previous case from Mrs. Harris.

Mr. Walker asked Mr. Jolly if he saw a problem if not all the cases were recorded in the public records. Mr. Jolly responded that the ideal situation would be that each and every order was recorded so in an arm's length purchase any orders that affected quality of title would have been recorded. Mr. Jolly continued that he believed the failure to record one or all of the orders preceding the current hearing would not necessarily be a prohibition on going forward on the current proceeding.

Mr. Walker stated that he was concerned about whether proper notice has been served. Mr. Jolly stated that if the notice went to the previous owner that the Board should not proceed today. If the notice went to the current owner and the Board is satisfied notice was received by the current owner, then the Board could go forward.

Mr. Walker asked the Board to indicate for the record who got service and who didn't. Chair Reynolds indicated the notices sent and their status as follows: the deed lists the owner as Accredited Medical LLC, a Nevada limited liability company; on the deed the address indicates 101 Convention Center Drive, Suite 700, Las Vegas, Nevada, Clark County. The letter sent to that address was returned showing "not at this address – moved". A second return receipt came back signed by M. Talley, sent to 880 West First Street, Suite 215, Los Angeles, California 90012, to the attention of Jennifer Burkner and M. Leake, neither of them signed the card.

Chair Reynolds asked Mr. Walker if there was a reason the City didn't use a process server. Mr. Walker stated because it was out of state addresses.

Chair Reynolds asked Mr. Jolly if he felt the City had provided adequate service. Mr. Jolly responded no. Mr. Jolly asked if there was a resident manager that could be approached for information. Sgt. Vinson stated that the previous police department liaison spoke with Jennifer Burkner who represented herself as the owner and stated that allegations of being a public nuisance were false. Sgt. Vinson reported that Mr. Michael Leake, who stated he was a manager that worked for Accredited Medical LLC, that the company would take care of the problems and supposedly would attend this Board meeting.

Vice Chair MacGrotty asked if Capt. Gillis spoke with Ms. Burkner. Sgt. Vinson replied yes, on February 22, 2006 Capt. Gillis spoke with Ms. Burkner in California. Mr. Walker stated he called the two phone numbers that Ms. Gair had located. Mr. Walker stated he received a receptionist when he called and he asked her to have Ms. Burkner and Mr. Leake to call him. Mr. Walker did not receive a return call.

Chair Reynolds asked Mr. Walker if he wants to withdraw this case at this time. Mr. Walker stated yes, however, he just wanted to apologize to the neighbors in attendance at this meeting, but he wants to make sure due process has been provided, especially in the event of an appeal.

Mr. Walker asked that the record indicate that the former owner, Mr. Siddiqui is alleged to be the current manager. Sgt. Vinson clarified that the current manager is Mr. Khan. Mr. Walker indicated that a defendant he is currently prosecuting that worked for Mr. Siddiqui appears to still be a part of this new operation. Mr. Walker stated he wanted the Board to be aware of that.

Mr. Walker asked if it would be adequate notice if notice was sent to Mr. Khan as manager for Accredited Medical LLC. Mr. Jolly stated that the record must show the relationship of whoever it is that is served so that there is a reasonable basis for concluding that the property owner is on notice of this hearing. Mr. Jolly stated he does not have that degree of confidence with the record as it exists tonight.

Chair Reynolds asked Mr. Walker if he wanted to proceed to table the case until the next Board meeting. Mr. Walker responded yes, they need to have proper service.

Chair Reynolds stated the Case 06-04-07 was tabled to the next Board meeting.

10. Board Discussion

There was no further Board discussion.

Next meeting: May 11, 2006

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:06 p.m.