

**City of Fort Lauderdale  
Nuisance Abatement Board Minutes  
City Hall, City Commission Chambers, 1<sup>st</sup> Floor  
100 North Andrews Avenue  
Thursday, February 8, 2007 at 7:00 p.m.**

	Attendance	2006 Cumulative Attendance 3/06 to 3/07		Total Meetings
		<u>Present</u>	<u>Absent</u>	
<b><u>Members</u></b>				
Douglas Reynolds, Chair	P	7	0	7
Harry MacGrotty, Vice Chair	P	6	1	7
Caldwell Cooper	P	4	3	7
David C. Svetlick	P	5	2	7
Patricia Mayers	P	6	1	7
Laurie Watkins, Alternate	P	5	2	7

**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 September 14, 2006**

**Motion** made by Mr. Cooper, seconded by Mr. Svetlick to approve the September 14, 2006 minutes as submitted. In a voice vote, the motion passed unanimously.

**4. Case Number 07-02-01, 636 Northwest 14<sup>th</sup> Terrace**  
    • **Notice of Evidentiary Hearing**

The property owner, Mr. Christopher Christ was present.

City Prosecutor Walker advised the Board that the property owner had just received the stipulation agreement and was still reviewing it. Mr. Walker stated that he would recommend that Item 5 of the Stipulation Agreement be amended to require the property to be cleaned up in ten days versus thirty days.

Chair Reynolds asked that the City proceed with the background on the case while Mr. Christ was reviewing the agreement. Mr. Walker indicated that the City was prepared to present testimony that drug transactions have occurred on the property and the property constitutes a nuisance under the statutes. Mr. Walker stated he was aware that the property owner has begun the eviction process to remove the offending tenants from the property.

Chair Reynolds asked Mr. Christ if he needed more time to review the agreement. Mr. Christ approached the Board and responded to questions from Chair Reynolds. Mr. Christ testified that he has been the owner of the subject property for approximately four years, that the property is a duplex rental property, and that he understood that if he signed the Stipulation Agreement the Board would retain jurisdiction over the property for one year. Mr. Christ also stated he understood that if any of the Stipulation Agreement provisions were not met, the Board could impose fines up to \$250 per day for each infraction. Mr. Christ further stated that he agrees that there are problems on the property and he is working on removing the tenants.

Chair Reynolds asked Mr. Christ if he agrees to be bound by the terms of the Stipulation Agreement or would he prefer to proceed with a trial in order to try to modify any terms of the proposed agreement. Chair Reynolds advised that by signing the agreement Mr. Christ was foregoing his right to a continuance to seek legal counsel. Mr. Christ stated he was unsure; therefore, Chair Reynolds requested the City to proceed with the findings of fact and allow Mr. Christ time to consider his decision.

Officer Benjamin Dusenbery, City of Fort Lauderdale Police Department, Street Narcotics Unit, approached the Board. Officer Dusenbery testified that narcotics purchases were made at the subject property on four occasions by a confidential informant to establish evidence for arrests. Officer Dusenbery indicated that arrests were made in Unit 1 of the subject property; the confiscated drugs were lab tested and confirmed; and he has been made aware that the drug sale operations have resumed at the subject property.

Mr. Walker moved to enter the police reports into evidence and asked the Board to declare the property a nuisance based on the testimony of Officer Dusenbery and take over jurisdiction of the property for one year. Mr. Walker also asked that the time required to clean up the property be revised from thirty days to ten days. Mr. Christ had no questions for the witness.

**Motion** made by Mr. Cooper, seconded by Mr. MacGrotty to find the subject property to be a nuisance under the statutes. In a voice vote, the motion passed unanimously.

Chair Reynolds stated that the property has been found to be a nuisance and the Board has jurisdiction for one year. Chair Reynolds asked Mr. Christ if he had any questions or objections to the City's proposed Stipulation Agreement. Mr. Walker reminded Mr. Christ that failure to comply with any provision of the agreement would result in a fine of up to \$250 per day per infraction which would become a lien on the property and the City could foreclose on the property. Mr. Christ stated he agreed with the terms of the Agreement.

Chair Reynolds reviewed the Stipulation Agreement provisions as follows:

1. The owner(s) will file a 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(s) will adopt the Lease Addendum and Permitting Eviction for Drug Related Activities for all new tenants and renewals.
3. The owner(s) 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(s) will install lights on all four outside corners of the building (according to all City of Fort Lauderdale Code requirements) within sixty (60) days.
5. The owner(s) will remove all trash on the property within ten (10) 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(s) is assessed 25% (\$464.78) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$1394.35) of the investigative costs if the owner(s) complies with the Board's Order within the specified time frame(s). If the owner(s) fails to comply within the specified time frame(s), the remaining 75% of the investigative costs will be assessed. (Total costs \$1859.13)
8. The owner(s) will appear before the Nuisance Abatement Board at the April Nuisance Abatement meeting (or, if no meeting occurs in April, 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.

Chair Reynolds confirmed that both parties are in agreement with the provisions as stated.

**Motion** made by Mr. Svetlick, and seconded by Ms. Mayers to accept the recommendations of the City to be incorporated into the Board's order.

Mr. Cooper asked Mr. Christ if he had help with eviction. Mr. Christ verified he was working with an attorney. Upon further questioning by Mr. Cooper, Mr. Christ indicated that he owned two additional rental duplexes on the same street; he visited the properties as often as he could but he was busy working; he has made several improvements to the properties since his ownership including sod, painting, a new roof, laid rocks, repaved driveway, light repairs and various other improvements.

Mr. Cooper advised that he identified several safety issues when looking at the photographs that Mr. Christ should consider addressing. Additionally, Mr. Cooper advised Mr. Christ that there were background checks he could run when considering tenants, such as through the Broward County Courthouse. Ms. Mayers indicated that free criminal checks could also be run through the Broward County Sheriff's Office and Mr. Christ could require that report to be submitted along with a rental application.

Mr. MacGrotty suggested that Mr. Christ consult with an attorney to develop a more stringent lease agreement that has enforcement capabilities to address the problems occurring on the property.

Chair Reynolds called the question to accept the recommendations into the Board's order. Upon a voice vote, the motion passed unanimously.

## **5. Board Discussion**

Mr. MacGrotty inquired why the Board has not met since September of 2006. Sgt. Vinson responded that the police department was making greater efforts to resolve the issues prior to the point it had to come before the Board and they were having success in that goal.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:40 p.m.