

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, April 12, 2007 at 7:00 p.m.**

	Attendance	2007 Cumulative Attendance 3/07 to 3/08		Total Meetings
		<u>Present</u>	<u>Absent</u>	
<u>Members</u>				
Douglas Reynolds, Chair	P	1	0	1
Harry MacGrotty, Vice Chair	P	1	0	1
Caldwell Cooper	P	1	0	1
David C. Svetlick	P	1	0	1
Patricia Mayers	P	1	0	1
Laurie Watkins, Alternate	P	1	0	1
<u>Staff Present</u>				
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. Election of Officers

Motion made by Mr. MacGrotty, seconded by Ms. Mayers to nominate Douglas Reynolds for the position of Chair. Being no further nominations, in a voice vote, the motion passed unanimously.

Motion made by Ms. Mayers, seconded by Mr. Cooper to nominate Harry MacGrotty for the position of Vice Chair. Being no further nominations, in a voice vote, the motion passed unanimously.

4. Approval of minutes for February 8, 2007

Motion made by Mr. Cooper, seconded by Ms. Mayers to approve the February 8, 2007 minutes as submitted. In a voice vote, the motion passed unanimously.

[The Board heard Items 5 and 6 in reverse from the agenda.]

5. Case Number 07-04-02, 517 Northwest 15 Terrace

- **Notice of Evidentiary Hearing**

Sgt. Vinson stated that this site was the subject of unlawful sale of controlled substances between the period of January 7, 2007 and January 13, 2007. On January 26, 2007 two arrests were made of the individuals occupying Apartment Number 2.

Mr. Walker asked since the property owner was not present, that the Board note for the record how and when the property owner was noticed. Mr. Walker reviewed the file and noted that three notices had been sent via certified mail; two were returned unclaimed but a third was signed for by an occupant of the subject property on April 6, 2007, but not the addressee. Board Attorney Jolly stated that the signature was sufficient to prove service as long as the address listed was the correct address; therefore notice of service is satisfactory.

Mr. Walker stated that he has not had any communications with the property owner regarding the matter and has not had the opportunity to relay the recommendations of the police department to the owner. Therefore, since the owner was not present, Mr. Walker asked that the Board accept the affidavits of the police reports and sworn testimony and have the property declared a nuisance.

Motion made by Mr. Svetlick, seconded by Mr. Cooper to declare the subject property a nuisance under the statutes. In a voice vote, the motion passed unanimously.

Sgt. Vinson proceeded to recite the police recommendations to abate the nuisance 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 #2) and provide proof of eviction or removal.
4. The owner(s) will remove all debris on the property within fourteen (14) days.

5. 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.
6. The owner(s) is assessed 25% (\$431.12) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$1293.36) 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 \$1724.48)
7. The owner(s) will appear before the Nuisance Abatement Board at the May Nuisance Abatement meeting (or, if no meeting occurs in May, at the succeeding Nuisance Abatement meeting) for a status hearing.
8. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.

Mr. Walker asked that one change be incorporated in the recommendations to require the property owner to pay 100% of the investigative costs under Item 6.

Motion made by Mr. MacGrotty, and seconded by Mr. Cooper to accept the recommendations of the City with the change on Item 6 to require repayment of 100% of the investigative costs. In a voice vote, the motion passed unanimously.

6. Case Number 07-02-01, 636 Northwest 14 Terrace

- **Notice of Status Hearing**

Mr. Chris Christ was present for the status hearing.

Sgt. Vinson reported that Mr. Christ had complied with all of the stipulation agreement requirements in that the trespass affidavit has been filed and posted; the lease addendum had been incorporated into the lease; the tenants had been evicted; and the trash had been removed. Sgt. Vinson stated that the lights had not yet been installed due to some mitigating circumstances.

Mr. Christ informed the Board that he hired an electrician to install the lights; however, upon application for a permit to install the lights, the City is now requiring him to replace the entire electrical system including new meters, a new box outside, and a new box inside. The electrician submitted the permit application for that but did not submit the new load calculations so the permit was denied. The electrician is now putting together the load calculations and will resubmit for the permit. Mr. Christ indicated he hoped to have the permit soon and the work completed within thirty days.

Mr. Walker asked that the Board reschedule Mr. Christ for a status hearing in May. Sgt. Vinson stated that it may take longer than thirty days to complete the light installation.

The Board agreed to grant Mr. Christ forty five (45) days to complete the light installation and Mr. Christ shall appear before the Board at its May meeting for a status hearing. Mr. Christ will not be required to appear for the status hearing in May if the lights are installed and verified by Sgt. Vinson prior to that date, or unless otherwise determined necessary.

7. Board Discussion

Chair Reynolds asked Mr. Walker for an update on appeal cases. Mr. Walker reported that the case that was on appeal is no longer pending in circuit court. The tenant has changed. The new tenant is willing to come before the Board at its next meeting to discuss the adjacent property.

Ms. Mayers asked about the status of the property that was under foreclosure. Mr. Walker stated that the foreclosure process is moving forward.

Mr. Cooper inquired why the police recommendations are no longer coming to the Board with the distribution of the meeting packets. Sgt. Vinson reported that due to individual case circumstances and his schedule it was not always possible to get the recommendations prepared in time for the packet distribution.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:20 p.m.