

**City of Fort Lauderdale
Nuisance Abatement Board Minutes
City Hall, City Commission Chambers, 1st Floor
100 North Andrews Avenue
Thursday, May 10, 2007 at 7:00 p.m.**

	Attendance	2007 Cumulative Attendance 3/07 to 3/08		Total Meetings
		Present	Absent	
<u>Members</u>				
Douglas Reynolds, Chair	P	2	0	2
Harry MacGrotty, Vice Chair	P	2	0	2
Caldwell Cooper	P	2	0	2
David C. Svetlick	P	2	0	2
Patricia Mayers	P	2	0	2
Laurie Watkins, Alternate	P	2	0	2

Staff Present

Marcia Gair, Board Clerk
Bruce Jolly, Board Attorney
Scott Walker, City Prosecutor
Sgt. Anthony Vinson, Liaison
Travis Woods, Recording Clerk

- 1. Call meeting to order; Pledge of Allegiance**
- 2. Roll call; witnesses sign log; swearing in**
- 3. Approval of minutes for April 12, 2007**

Motion made by Mr. MacGrotty, seconded by Mr. Cooper, to approve the minutes of the April 12, 2007 meeting. In a voice vote, the motion passed unanimously.

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

- Notice of Status Hearing

Sgt. Vinson reported that the owner, Ghea Adeboyejo, was present, as well as her attorney, Mr. Mateer.

Mr. Walker had recommended the Board assess maximum investigative costs on the property as the owner had not appeared at the previous hearing. The tenant has been evicted, a no-trespass affidavit has been applied for, and the property is now in compliance.

Mr. Mateer moved *ore tenus* to vacate the Order entered April 16, 2007 on the good cause and grounds to mitigate the Order in that his client had never received actual notice of the requirement to attend the hearing; however, immediately upon it being brought to her attention, she retained counsel to address the complaint. Despite not personally receiving legal notice, the owner took immediate action, notifying her property owner and removing the tenants. Mr. Mateer asked that the costs be mitigated, indicating that Mr. Walker and Mr. Vinson had no objection to doing so.

Chair Reynolds clarified that the motion to vacate was as to the costs only, asking that the motion be reworded to request a reduction of costs previously imposed. Mr. Mateer requested the costs be reduced to 25% of the \$1,724.48 imposed. Mr. Walker pointed out that a signature had been obtained on the notice which is the reason the City had lawfully proceeded. He did grant, however, that although the owner's management company had not advised her of the action, as soon as she was made aware of it, she contacted Mr. Walker to resolve this matter.

Motion made by Ms. Mayers, seconded by Mr. MacGrotty, to allow the reduction in costs. In a roll call vote as follows the motion passed 3-2: Mr. Cooper, no; Ms. Mayers, no; Mr. Svetlick, yes; Vice Chair MacGrotty, yes; Chair Reynolds, yes.

5. Case Number 07-05-03, 201 West Sunrise Boulevard

- Notice of Evidentiary Hearing

Since November 2006, there have been 72 calls for service at the location; 18 of which have been for narcotics-type complaints, with four arrests made.

The owner, Courtney Case, and his counsel, Steve Elkin, were present at the hearing. Mr. Case is President of the corporation which owns the property.

Mr. Walker stated the parties have agreed to a stipulation, asking that the Board accept the police recommendations as follows:

1. The owner(s) will file a No Trespass Affidavit with the Fort Lauderdale Police Department and post new 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 install lights on the east side of the building (according to all City of Fort Lauderdale Code requirements) within sixty (60) days.
3. The owner(s) will hire uniformed security to patrol the premises within thirty (30) days. The hours can be sporadic and determined by the

owner(s); however, security must be present for a minimum of fifty-six (56) hours per week.

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(s) is assessed 25% (\$291.32) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$873.96) 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 \$1,165.28.)
6. The owner(s) will appear before the Nuisance Abatement Board at the July Nuisance Abatement meeting (or, if no meeting occurs in July, 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. Walker affirmed that the owner had stipulated the property is a nuisance for purposes of jurisdiction.

Chair Reynolds confirmed that Mr. Case and his counsel were agreeable to the terms of the stipulation.

Mr. MacGrotty questioned the term "sporadic security," asking if there were any particular times when the arrests took place, to ensure security is present during those hours. Mr. Vinson responded that activity took place predominately when the business was closed, however, from all reports, the activity is constant. Mr. MacGrotty was concerned if security was not present on a full time basis, the illegal activities would not cease.

Mr. Cooper inquired regarding: 1) criminal background checks of the tenant's employees; 2) if the owner of the property has any percentage income besides the monthly rental amount from the Laundromax business; 3) if the owner of the property would be interested in limiting access from the rear of the building, possibly fencing or walling off the area.

With regard to the rear building access, Mr. Walker stated there is a utility easement with underground cabling which has precluded the owner from building a wall or fence, although Mr. Walker is looking into options in that regard as, from a crime prevention standpoint, a wall could significantly deter the criminal activity.

In response to Mr. Cooper's concern that the business itself is the problem, not the property owner, Mr. Jolly indicated that the stipulation and proposal before the Board pertain to the landowner, not the business; however, at some point in the future, the business tenant may also be brought before the Board.

Motion made by Mr. MacGrotty, seconded by Ms. Mayers, to approve the police recommendations and stipulation as stated.

Thereupon, Chair Reynolds opened the meeting for public comment.

- Mr. White – requested the Board vote against or amend the stipulation to increase the number of hours for security.
- Ms. Roloff – provided pictures of the property as well as inside the business, showing the amenities available creating an attractive place to hang out; she asked for an armed community officer in addition to an armed security guard at the premises, alleged that the business' employees are also drug dealers, and requested that additional employees be hired.

The public hearing was then interrupted with Mr. Walker indicating the owner had agreed to a stipulation revision as follows:

3. The owners will hire or cause to be hired uniform security to patrol the premises within thirty (30) days. The hours can be sporadic and determined by the owner; however, security must be present for a minimum of fifty-six (56) hours per week doing both inside and outside surveillance.

Mr. Walker explained current State Statute, appellate law, and procedures to be undertaken by the City with regard to nuisance properties to the residents. He also asked that this matter be brought back at the June meeting to hear status with regard to measures taken pertaining to the security guard.

- Ms. Roloff requested that the business hours of operation be reduced to 11:00 p.m. daily instead of 1:00 a.m.

Mr. Walker reiterated that if the stipulation as agreed does not work, the matter will be brought back to the Board for reconsideration of the terms; jurisdiction will remain over the property for one year. He added that the tenant will be brought in at some point to answer to the nuisance violations.

With regard to employees, Mr. Jolly pointed out that he did not believe the Board could impose on a business operator or a property owner who they could hire.

Mr. MacGrotty confirmed with several residents that illegal activities occur at the premises whether the business is open or closed, day or night.

The public hearing then continued:

- Ms. Espinaz, representing South Middle River Association and a board member of Community Area Planning Initiative and Citizen's Crime Alert – questioned whether the CRA had been involved in helping the Laundromax come into the area; adding that crime has steadily worsened and has been a problem since the business opened; she requested hours of operation should be restricted, a perimeter wall be required, and 24-hour security implemented.
- Mr. Sterner, Vice President, Progressive Village Civic Association – stated problems are spilling over into his neighbor, urging the Board to vote against the motion as the stipulation as presented is not adequate.

Mr. Walker, in response to resident comments, added that the landlord does not receive added revenues from the vending machines or video games. He did agree that the employee of the tenant, when asked, would not take any action with regard to the drug dealing on the premises.

It was pointed out that the onus of the Statute is mainly consequences to the landowner. If, at the end of the process the owner is not in compliance and fines are assessed and remain unpaid, a lien can be foreclosed on the property. Mr. Jolly stressed that the property cannot be shut down except "under the most egregious and long term documented activity" where the City has taken all legal steps necessary.

- Mr. Litty, board member of South Middle River Association – asked that the Board not approve the stipulation, a variance be allowed on the easement to permit building of a wall, public access police cameras be installed, only 30 days be given for lighting installation (bulletproof and monitored), and background checks for employees be mandated.
- Mr. Alcock – commented on criminal activity near his home, adding 56 hours of security is insufficient and the security officer should be armed.
- Mr. Lamont – asked that the property owner require the tenant to keep the location cleaner.

With no further speakers, Chair Reynolds closed public comment.

Mr. Case addressed the Board agreeing there is a drug problem in the neighborhood and stating that he has done everything he can to resolve the situation at the

Laundromax, as well as providing a brief history of the property prior to his purchase and reading several police reports into the record.

Mr. Walker suggested building into the stipulation a requirement that the owner at his expense will close off access from the back, although the City may not be able to get the utilities to agree to a variance.

Mr. Case said he had met with Terry Burgess at the City regarding closing off the easement and was advised nothing could be done. He added that he could not afford 24 hour security and, due to his frustrations with the situation, was considering selling the property. Mr. Elkin also stated that bringing the tenant before the Board would significantly help resolve the problem.

Mr. Elkin requested that, as the owner has complied with all previous requests of the police, he be given an opportunity to comply with the stipulation.

Mr. Walker asked for a scheduled June status report before the Board.

Subsequent to further conversation with the owner and counsel, Mr. Walker affirmed that the owner will attempt to secure and close off the north side easement area, in addition to all other agreements as listed in the stipulation.

Mr. Elkin questioned who would decide whether an armed security guard would be better or worse for the property.

Mr. Cooper asked that the Board vote the motion down for the purpose of tabling the issue for next month in order to: 1) allow Mr. Case and the tenant to be brought back before the Board, and 2) schedule a field trip for the Board members to the property. Mr. Jolly opined that the Board would not be precluded from a site visit, allowing for logistical issues to be resolved.

Mr. MacGrotty was concerned that a postponement would put off immediate relief for the residents.

In a roll call vote, the motion failed 4-1 as follows: Mr. Cooper, no; Ms. Mayers, no; Mr. Svetlick, yes; Vice Chair MacGrotty, no; Chair Reynolds, no.

Motion made by Mr. Cooper, seconded by Ms. Mayers, to table this issue to the next meeting for the purpose of a field trip and also to bring back the tenant, Laundromax and the property owner, Mr. Case, simultaneously before the Board.

There was brief discussion regarding determination of the property as a nuisance and Board jurisdiction.

Mr. MacGrotty reiterated that the Board should take immediate action to avoid further delay.

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

6. Case Number 07-05-04, 715 Northwest 15 Terrace

- Notice of Evidentiary Hearing

Sgt. Vinson gave a brief history of the illegal activity and arrests on the subject property.

Mr. Jean Sylvain, owner of the property, was present.

Mr. Walker stated that an agreement had been reached, with Mr. Sylvain stipulating to the facts in the police report, that the property is a nuisance, agreeing to one year jurisdiction of the Board, and agreeing to comply with the terms of the stipulation.

Mr. Walker then asked that the Board accept the stipulation and declare the property a nuisance.

Chair Reynolds confirmed Mr. Sylvain's understanding of the terms of the stipulation and associated penalties for noncompliance.

The police recommendations were 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 install lights on all four corners of the building (according to all City of Fort Lauderdale Code requirements) within sixty (60) 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(s) is assessed 25% (\$436.12) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$1,308.36) 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 \$1,744.48)
6. The owner(s) will appear before the Nuisance Abatement Board at the July Nuisance Abatement meeting (or, if no meeting occurs in July, 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.

Motion made by Mr. Cooper, seconded by Ms. Mayers, to accept the stipulation. In a roll call vote, the motion passed unanimously.

Mr. Walker confirmed with Mr. Sylvain that a permit will be required to install the lighting per Code.

7. Board Discussion

The logistics of the proposed site visit were then discussed. Mr. Jolly instructed that: 1) there must be a quorum – there may be no individual fact-finding missions; 2) while this matter is ongoing, there can be no discussion among the Board members as it would be a theoretical violation of the Sunshine Law; 3) a date needs to be determined and reflected in the minutes, with notice posted of when the visit will occur; 4) there will be no voting and no testimony taken at the site – all discussions will take place at the Board's subsequent meeting; and 5) there be law enforcement escort as well as Board counsel.

Mr. Walker asked if the tenant could be added as a respondent and was advised by Mr. Jolly that that should be given serious consideration. It was determined that the landlord and tenant should be advised of the time and date of the site visit.

Upon final determination of the date and time of the on-site visit, the Board members will be notified and notice posted.

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:57 p.m.