

**City of Fort Lauderdale  
Nuisance Abatement Board Minutes  
City Hall, City Commission Chambers, 1<sup>st</sup> Floor  
100 North Andrews Avenue  
Thursday, June 14, 2007 at 7:00 p.m.**

	Attendance	2007 Cumulative Attendance 3/07 to 2/08		Total Meetings
		<u>Present</u>	<u>Absent</u>	
<b><u>Members</u></b>				
Douglas Reynolds, Chair	A	2	1	3
Harry MacGrotty, Vice Chair	P	3	0	3
Caldwell Cooper	P	3	0	3
David C. Svetlick	P	3	0	3
Patricia Mayers	P	3	0	3
Laurie Watkins, Alternate	A	2	1	3

**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 May 10, 2007**

**Motion** made by Mr. Cooper, seconded by Ms. Mayers, to approve the minutes of the May 10, 2007 meeting. In a voice vote, the motion passed unanimously.

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

- Notice of Evidentiary Hearing

Sgt. Vinson announced the case for hearing. There have been five incidents/arrests; two narcotics purchases and three possession charges. The arresting officers were present to provide testimony, if necessary. Based upon the outcome of the previous meeting, it was determined that the hearing should be to determine Board findings.

Thereupon, Vice Chair MacGrotty, opened public hearing.

- PJ Espinal – Indicated that subsequent to the last meeting, there had been an improvement at Laundromax as there has been a police action plan; bicycle traffic has diminished. The current problem is that when the police go away, the criminal activity resumes. Ms. Espinal asked that Laundromax make the place “less comfortable” for the drug dealers, shorten the hours of operation, require a security guard, and build a rear wall to eliminate easy access.

With regard to the rear wall, Mr. Walker stated that the area is a City alleyway and the residential fences are illegal; however, he questioned whether the homeowners should be cited, and suggested that Mr. Volpi in P&Z move forward a vacation of the City’s right to the alleyway. It is not a utility easement as previously thought. The vacation will take City Commission approval. Mr. Walker indicated that they had started the vacation process that day to move it forward. Each landowner is being sent a letter to be signed and returned to the City indicating they want the alleyway in order to expand their fences and increase their yards.

- Robert Alcock – Felt that the owners along the back alleyway are part of the problem and should not be given the property without “some serious changes.”
- Arnel Polo (part owner of the Laundromax) – Stated the whole neighborhood is the issue. He indicated employees are responsible to ensure drugs are not sold inside the building.
- Brad Laird – Questioned if the police are luring dealers onto the property to make arrests, stating that simply driving onto the property attracts solicitations for drug purchases from people hanging out at the location.
- Pam Roloff – Expressed concern regarding hiring of a guard for the exterior of the premises, noting that the drug dealers are now also going across the street to the market.

Vice Chair MacGrotty asked Mr. Jolly to explain the parameters for the Board in making their decision. Mr. Jolly did not believe the nuisance was created by the property owners, although he stated that within the limited powers of the Board, the question is to determine how to halt the nuisance. Trespassing prosecutions by Mr. Walker (at least six in the previous 30 days) have shown the Laundromax as the “victim,” pointing out that the police are active in making trespass arrests.

- Dale Saunders (property owner at 200-250 West Sunrise) – He stated that the property and business owners are the “ones being hurt,” adding that the problem, depending on police presence, shifts back and forth across the

street. He also indicated that the tower placed in that location one time worked well to discourage criminal activity.

Discussion continued regarding responsibility for tower location as there is only one tower owned by the City. The suggestion was also made to park an empty police car nearby. Sgt. Vinson was not sure that FLPD had enough patrol cars available; however, the district supervisor could be contacted in that regard.

- Tony Featherly – Noted that the real issue is the Section 8 housing nearby.
- Gavin Banta (representing the Laundromax) – Both Mr. Case and the Laundromax owner have cooperated with the police and in spite of the call logs, are instructed to continue to call the police regarding trespassing violations. He pointed out that the drug dealing in the neighborhood is not property specific and flows over to surrounding businesses as the police department does not have the manpower to control the problem. He felt they should be “at a different meeting demanding more police.”

Mr. Walker asked Mr. Banta if any action had been taken to assist the employees working at the Laundromax and was advised that the employees have been instructed to call the police. Mr. Banta did not believe it was the employees' responsibility to confront the trespassers. Staffing has been changed in an effort to resolve the issue, and all possible actions have been taken to “improve the place.”

Vice Chair MacGrotty stressed that if the trespassers are removed from the property, drug selling activity should cease.

Mr. Banta said that the problem is a police issue, not a nuisance abatement issue, and that the City Commissioners should be contacted regarding adding additional police.

Mr. Walker agreed the problem is transient, asking how they can maintain vigilance and keep the problem from recurring and not moving around to different properties.

Mr. Case, the property owner, stated this has been an “alligator” he has been fighting since he purchased the property. He also has tried to buy the property across the street without success. Mr. Case reiterated the problems he has had with the neighbors and his efforts in cleaning up the property, further explaining that security will cost over \$100,000 per year, an expense he cannot afford.

Mr. Case has additionally completed the application for a variance on the alleyway and has had the alley surveyed. He did not feel that vacation of the entire alleyway would be beneficial as most of the problem is coming from the adjoining apartment complexes.

Mr. Cooper agreed it would be a tough decision, but it was his opinion that it is up to the property owner to patrol and protect his own property. He continued that the property in question is well maintained and an asset to the community.

**Motion** made by Mr. Cooper, seconded by Ms. Mayers, to adopt the police recommendations as follows with the omission of the security provision (item #3) and asking the following items be adopted: 1) add a security camera to the east side of the property, and 2) fence off the rear of the property to eliminate movement behind the building.

Mr. Walker told the Board that the owner has no problem stipulating to the additional provisions, although the City has not yet agreed to allow vacation of the property in order for him to build a fence. Mr. Cooper clarified that he was not talking about the alleyway - he was referring to east/west movement to the rear of the building. Mr. Case agreed to the added provisions in the police recommendations.

#### Police Recommendations

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 trespass laws. (FLPD/ Records Division 954-828-5465)
2. The owner(s) will install lights, if permissible and a security camera on the east side of the building (according to all City of Fort Lauderdale Code requirements) within sixty (60) days, if permissible.
3. The owner(s) will fence off the rear of building to prevent east/west pedestrian traffic 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% (\$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 for a status hearing.
7. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year.

With regard to the lighting, Mr. Case stated that per Code, light cannot spill over to adjoining properties and the close proximity of the building to the property line requires that he get permission from the City to put up the lights.

In a roll call vote, the **motion** passed unanimously.

## **5. Board Discussion**

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:26 p.m.