

**City of Fort Lauderdale  
Nuisance Abatement Board Minutes  
City Hall, City Commission Chambers, 1<sup>st</sup> Floor  
100 North Andrews Avenue  
Thursday, August 9, 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	P	4	1	5
Harry MacGrotty, Vice Chair	A	4	1	5
Caldwell Cooper	A	4	1	5
David C. Svetlick	A	3	2	5
Patricia Mayers	P	5	0	5
Laurie Watkins, Alternate	P	4	1	5

**Staff Present**

Marcia Gair, Board Clerk  
Bruce Jolly, Board Attorney  
Sgt. John Eaves, Liaison  
Alexandra Grant, Recording Clerk

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

**Motion** made by Ms. Mayers, seconded by Ms. Watkins, to approve the minutes of the July 12, 2007 meeting. In a voice vote, the motion passed unanimously.

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

- **Notice of Status Hearing**

Sgt. Eaves presented the update on the case. Sgt. Eaves stated he had visited the property and the business owner is in compliance with all the Board's recommendations except for the lighting on the east side of the business. He added that the owner is currently dealing with permitting issues concerning lighting.

The property owner, Courtney Case, was present, and stated he finally received approval for a special light that shines straight down and will not spill over to the adjoining property. However, the permit had not been issued as the electrical contractor still needs to provide proof of insurance and Worker's Compensation. He explained that per Code, no lighting could spill over and this is the only light fixture he is able to use.

Chair Reynolds asked whether Sgt. Eaves was familiar with the type of lighting being proposed. Sgt. Eaves stated he is not familiar with this.

Chair Reynolds asked whether more nuisance calls had come in to the police department. Sgt. Eaves advised that 11 service calls and 2 nuisance-related calls were received since the last meeting; however he was unaware of the reason for the nuisance-related calls. Mr. Case stated he had also called the police department twice.

Chair Reynolds suggested that Sgt. Eaves investigate the lighting being proposed, track the reasons for the nuisance calls, and bring this case back at the following meeting.

Chair Reynolds opened the case to the public for comment.

Doug White, member of the South Middle River Citizens Association (SMRCA), and resident of the neighborhood, voiced disappointment that Sgt. Eaves did not have the case fully prepared with reference to the nuisance calls about this property. He also voiced concern about the proposed lighting. He pointed out that three months ago several residents of the neighborhood had appealed to the Board about this case. He commented that in his estimation, the nuisance calls are likely related to drug activities.

Chair Reynolds pointed out that everything is in compliance, except for the lighting.

Ms. Watkins requested a status report by the following month on the number of calls three months ago compared to now. Sgt. Eaves advised that of the 11 calls for service, the 2 nuisance-related calls appeared to be narcotics related.

Ms. Mayers asked when Mr. Case applied for the light. Mr. Case stated he had applied two and a half weeks ago; however he had to go back and forth until he found the current light being proposed, which was approved two days prior to the meeting.

Mr. Case stated he spent over \$30,000 on security and added that a police tower is now in the parking lot. He also hired two people to keep hangers-on away from the Laundromax. He commented that in his opinion most of the calls are coming from activities at the Laundromax.

P.J. Espinal, Vice-President of the SMRCA commented on the Mr. Case's cooperation and efforts to correct this situation. She wanted this topic to remain open and for pressure to remain on the Board, the police department and residents of the area. She advised that Mr. Case had volunteered his property for a joint neighborhood crime walk. She stressed the need for Laundromax to do something as this is the most comfortable place for the "bad guys" to "do their business." She suggested Laundromax should be

closed at 8 p.m. and asked for some way to make this business accountable to the Board and the neighborhood.

Mr. White recalled Mr. Jolly's previous comment that the actual owner of the business should be issued some stipulation requiring accountability to the Board.

Mr. Jolly stated he could not remember this Board ever directing a business operator limit the hours of operation. Ms. Gair advised that in the past, businesses may have offered to close early as part of a nuisance abatement solution; however, she needed to research this further.

After reviewing records in the file, Sgt. Eaves advised that from June 14 to July 11, there were 8 calls for service at the location; none were nuisance related. Also, from November, 2006 to June 2007 a total of 93 calls were placed, with 20 being nuisance related.

**Motion** made by Ms. Watkins, seconded by Ms. Mayers, to bring this case back to the Board the following month, pending a further update by the City.

**In a roll call vote the motion passed with a vote of 3-0 as follows: Ms. Mayers, yes; Ms. Watkins, yes; Chair Reynolds, yes.**

**5. Case Number 07-06-05, 800 Northwest 10 Terrace**

- **Notice of Status Hearing**

Sgt. Eaves presented the update on this case advising the property is in compliance with the Board's order. Sgt. Eaves stated he had not seen uniformed security on the premises, nor warning stickers on payphones, per the Board's order.

Ms. Watkins asked about calls concerning this site. Sgt. Eaves advised that 16 calls were received from July 1 to date and none were nuisance related; overall, from January through July, 2007, 53 calls had been received, with 10 being nuisance related.

Mr. Michael (Mickey) Rocque, legal counsel for the property owner and the store owner, advised that the payphones did not receive incoming calls. He stated the owners had not paid money as he has filed an appeal and would be setting a hearing to stay and contest this.

Chair Reynolds asked if security was in place. Mr. Rocque responded affirmatively and distributed photographs of visible security on the premises. He pointed out that the Board did not specify exactly which type of security should be provided. He added that Mr. Roy is in the process of selling the property due to the expenses this case entails.

Ms. Watkins voiced concern about the photograph of “a gentleman in running pants and a T-shirt stating Security.” She requested that proper information on the security company be provided at the next meeting.

Mr. Rocque advised that these photos depicted employees wearing “Security” shirts.

Mr. Jolly stressed that the idea of this case is to cure the nuisance. He recalled that per Sgt. Eaves report, there have been no nuisance calls in the past month. Mr. Jolly advised that Mr. Rocque’s appeal did not prevent the Board from taking any action it wished that evening.

Mr. Rocque requested that the Board waive the \$388.95 in investigative costs.

Chair Reynolds commented that the issue was whether the Board had the same interpretation of “uniformed security” as Mr. Rocque. Mr. Rocque reiterated that the Board did not specify what constituted uniformed security.

Ms. Mayers asked Sgt. Eaves if he directly checked for security on the premises and whether he went inside the store. Sgt. Eaves responded affirmatively and stated he had not seen any individual resembling the one depicted in the photographs.

Chair Reynolds asked if background checks were done on these individuals. Mr. Rocque stated this was not specified in the Board’s previous order.

Ms. Watkins commented that the Board wanted a legitimate company providing security, which does not extend to an employee wearing a T-shirt with the word “security” printed on it.

Chair Reynolds asked the City if it was satisfied with the efforts made by the owner so far. Sgt. Eaves stated there have been no further nuisance related calls and pointed out that if the individual outside the store acts as a deterrent, then he is happy with that.

Sgt. Kevin Finn stated he had never seen the individual in the photo despite extensive time he had spent observing the site on his off-duty hours. He advised he had been asked to pay particular attention to buildings adjacent to the store. Sgt. Finn stated that there is a marked decrease in loitering outside the store but a tremendous parking problem still remains. He agreed there is a need for a visible security officer out in front; however, he commented that if someone is actively in place monitoring outside the store and deterring the “bad guys” he does not care what they wear.

William Burrows, General Manager of the company that owns the neighboring apartment building, spoke of residents being intimidated because of crime around the

store. He stated he was on the premises earlier that day and saw five drug dealers and was approached by one. He agreed that uniformed security makes a big difference.

**Motion** by Ms. Mayers, seconded by Ms. Watkins, to define and clarify the term “uniformed security” on the premises to include a licensed and bonded security company to be visible from both the exterior and the interior of the store during all business hours.

Mr. Rocque spoke against this motion which he referred to as “a total material change to the Board’s previous order.” He reiterated that there are no further nuisance calls or violations and questioned whether the Board could make changes to its previous order based on hearsay and without following due process. He further stated that the store owner is not contributing to the crime problem and is doing everything possible to address the nuisance problems.

**In a roll call vote the motion passed with a vote of 3-0 as follows: Ms. Mayers, yes; Ms. Watkins, yes; Chair Reynolds, yes.**

**Motion** by Ms. Mayers, seconded by Ms. Watkins to waive the investigative costs.

**In a roll call vote the motion failed with a vote of 3-0 as follows: Ms. Mayers, no; Ms. Watkins, no; Chair Reynolds, no.**

**Motion** by Ms. Watkins, seconded by Ms. Mayers, to bring this case back the following month to determine compliance.

**In a roll call vote the motion passed with a vote of 3-0 as follows: Ms. Mayers, yes; Ms. Watkins, yes; Chair Reynolds, yes.**

## **6. Board Discussion**

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:10 p.m.