

**City of Fort Lauderdale  
Nuisance Abatement Board Minutes  
City Hall, City Commission Chambers, 1<sup>st</sup> Floor  
100 North Andrews Avenue  
Thursday, September 13, 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	5	1	6
Harry MacGrotty, Vice Chair	P	5	1	6
Caldwell Cooper	P	5	1	6
David C. Svetlick	P	4	2	6
Patricia Mayers	P	6	0	6
Laurie Watkins, Alternate	A	5	1	6

**Staff Present**

Marcia Gair, Board Clerk  
Bruce Jolly, Board Attorney  
Lt. Wade Brabble, 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 August 9, 2007**

**Motion** made by Ms. Mayers, seconded by Mr. Cooper, to approve the minutes of the August 9, 2007 meeting. In a voice vote, the motion passed unanimously.

Chair Reynolds commended Ms. Gair for her service to the Board over the past nine years and announced this will be her final meeting. The Board members presented a plaque to Ms. Gair in recognition of her efforts.

**Item addressed out of sequence:**

5. **Case Number 07-06-05, 800 Northwest 10 Terrace**
  - **Notice of Status Hearing**

Scott Walker, City Attorney, advised that the Case referenced on item 5 had been stayed. Chair Reynolds informed the public that the Board would not address this item as it was pending review by the Circuit Court.

Lt. Wade Brabble introduced himself and announced he is the Board's new liaison from the City.

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

- **Notice of Status Hearing**

Lt. Brabble presented the update on this case and stated the property is in compliance with City requirements. He reported that the department had received 8 calls for service over the last month but none were nuisance related.

Mr. Cooper asked about the status of the wall to the rear of the property. In response, the property owner, Mr. Courtney Case, stated he had installed a fence across the easement to block traffic. Also, he is currently working with the City on vacating the alley to the rear of the property.

Chair Reynolds stated that the Board would contact Mr. Case if needed and thanked him for his cooperation.

**6. Case Number 07-09-06, 2655 NW 20 Street**

- **Notice of Evidentiary Hearing**

Mr. Walker stated he just met the property owner, William Harris, prior to the meeting and had not finished speaking with him.

Mr. Harris stated he had evicted the tenants and the property is empty. Mr. Walker advised Mr. Harris on the process of the evidentiary hearing. Mr. Harris stated he had not received the Board's recommendations.

Mr. Walker asked whether Mr. Harris had ever adopted a drug lease addendum allowing him to evict tenants. In response, Mr. Harris said he did not think this is written on the lease. Mr. Walker asked Mr. Harris if he agrees to adopt the drug lease addendum and post No Trespass affidavits. Mr. Harris responded affirmatively.

Mr. Walker asked Mr. Harris if he will agree to maintain adequate lighting on the property and not allow disabled vehicles on site. In response, Mr. Harris stated he will

do whatever the Board requests. Mr. Harris clarified that the fence at his 2655 property is not in disrepair; rather the fence at the 2657 lot is in disrepair.

Mr. Walker advised that the police department recommended that Mr. Harris pay fees in the amount of \$469.78. Mr. Walker asked if Mr. Harris will stipulate to the facts presented that determined this property to be a nuisance. Mr. Harris responded affirmatively.

Chair Reynolds explained the Board's function and advised Mr. Harris of his right to seek legal counsel. Chair Reynolds asked Mr. Reynolds if he is contesting the evidence presented.

Mr. Walker advised Mr. Harris that by stipulating that drug arrests took place on his property, he agrees the property can be deemed a nuisance by the Board.

Mr. Walker entered the City's police reports into evidence and spoke of 3 drug buys that were made on the property.

The following recommendations are made by the City:

1. The owner 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 trespass laws. (FLPD / Records Division 954-828-5465)
2. The owner will adopt the Lease Addendum and Permitting Eviction for Drug Related Activities for all new tenants and renewals.
3. The owner will remove all disabled vehicles from the property within thirty (30) days.
4. The owner will install exterior lighting on the front and rear of the building (according to all City of Fort Lauderdale Code requirements) within thirty (30) days.
5. The owner will repair the fence in order to prevent access to the rear of the property (according to all City of Fort Lauderdale Code requirements) within sixty (60) 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% (\$469.78) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$1,409.35) 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 \$1,879.13)

8. The owner(s) will appear before the Nuisance Abatement Board at the November Nuisance Abatement meeting (or, if no meeting occurs in November, 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.

**Motion** made by Mr. Cooper, seconded by Ms. Mayers, to establish that this property constitutes a nuisance. In a roll call vote, the motion passed unanimously.

Mr. Walker advised Mr. Harris that the police department is asking him to pay \$469.78, or 25% of the costs incurred conducting drug investigations on the property. Mr. Walker added that the Board will retain jurisdiction over the property for one year and that Mr. Harris is requested to return in November for a status report.

**Motion** made by Vice Chair McGrotty, seconded by Ms. Mayers, to adopt the police department's recommendations as submitted by the City. In a roll call vote, the motion passed unanimously.

Chair Reynolds requested that Mr. Harris carefully comply with the Board's recommendations.

## **7. Case Number 07-09-07, 1300 NE 4 Avenue**

- **Notice of Evidentiary Hearing**

Ahsan Israeli, of Citgo, introduced himself to the Board and announced he is currently running the business.

Chris Grzybowski, of Circle K Corporation, introduced herself and announced that the lease for Citgo will not be renewed.

Scott Walker, City Attorney, asked who is listed as the property owner. In response, Lt. Brabble advised that tax records list Circle K as the property owner. Ms. Grzybowski explained that Circle K owns the property and leases it to the business on site.

Mr. Walker advised Ms. Grzybowski that by stipulating to the evidence presented, she agrees to give the Board jurisdiction over the property for 12 months, to pay fees in the amount of \$74.52, and return in November for a status update. Ms. Grzybowski had no objections.

Police department records concerning the property were entered into evidence.

The following recommendations are made by the City:

1. The owner(s) will post additional No Trespassing signs, issued by the Fort Lauderdale Police Department, on the west and south side of the property within fourteen (14) days.
2. The owner(s) will install and maintain exterior video cameras that can be monitored by the clerk while at the counter, (according to all Code requirements) within sixty (60) days.
3. The owner(s) will post signs warning of video surveillance equipment within thirty (30) days.
4. The owner(s) will remove the payphone located in the parking lot, (according to all Code requirements) within sixty (60) 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% (\$74.52) of the investigative costs to be paid within thirty (30) days. The Board will waive the balance (\$223.57) 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 \$298.09)
7. The owner(s) will appear before the Nuisance Abatement Board at the November Nuisance Abatement meeting (or, if no meeting occurs in November, 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.

Chair Reynolds asked if Circle K is prepared to stipulate to the Board's remedies. Ms. Grzybowski accepted the terms stipulated.

Chair Reynolds opened the discussion to Public Comments.

Mr. Israeli explained he is the sublessee of Circle K and is currently running the business. He referred to 90-plus pages of records documenting calls he made to the police department concerning the property.

Chair Reynolds asked Mr. Israeli his position on the department's recommendations. Mr. Israeli stated he agreed with the recommendations.

Mr. Walker asked why Mr. Israeli had never installed cameras or hired security knowing that 90-plus calls about the property had been placed since 2000. In response, Mr. Israeli stated he cannot afford these measures and is working hard to help abate the nuisance issues.

Tim Smith, president of Middle River Terrace Neighborhood Association, expressed concern on behalf of residents in the area and stated their neighborhood is under siege by drug dealers.

Chair Reynolds asked Mr. Smith his position on the recommendations. Mr. Smith commented that these were weak and requested that the business owner remove drug paraphernalia from the store, clean up the garbage on site and improve the condition of the building.

Rixon Rafter, president of the Lake Ridge Civic Association, stated that for years this area has been plagued as a "dope location".

Pam Roloff, a resident of the area, presented photographs depicting the poor condition of the property. Ms. Roloff spoke of problems at the south side wall of the property where most of the drug action took place, especially at night. She also questioned how such a massive drug problem could be allowed with a police substation two blocks away.

Mr. Walker stated that the recommendations can include placing video cameras on the south side of the property.

Rick Dean, 1423 NW 3 Avenue, commented that the recommendations should be more severe. He felt stronger penalties might encourage other businesses like the Coastal Gas station and Laundromax to improve conditions on their properties as well.

Jane Sweeney, 1423 NW 3 Avenue, commented that the recommendations given will start the ball rolling. She feared that adding more recommendations might cause delays in addressing the nuisance issues.

Doug White, representing the South Middle River Civic Association (SMRCA), stated the recommendations should include brighter lighting and a drug lease addendum for the next lease. Also, he requested that drug paraphernalia not be allowed in the store.

Steve Moses, 1753 NE 4 Avenue, suggested that the police department do more to discourage loitering.

William Lamont, a resident of the area, agreed with the Board's recommendations and requested more lighting. He also asked that the sale of drug paraphernalia be restricted.

D. Justin, a resident of the area, stated that he is solicited by drug dealers and kids who loiter near the property every time he goes through the intersection.

Joanne Smith, president of SMRCA, requested that the recommendations restrict the sale of drug paraphernalia and also prohibit loitering.

Courtney Case, a resident of the area, commented that people do not respect police officers much anymore. He spoke of physical altercations he had had with individuals in the same neighborhood. Mr. Case stated he agreed with the recommendations but commented that at the same time, a vacant property may not be a good solution.

Robert Alcock, 1045 NW 2 Avenue, stated that over the past 5 years, he had suffered 7 break-ins which cost him thousands of dollars in security measures. Mr. Alcock commented that the business owner should take pride in the store and befriend the community members instead of the thugs. He stressed the need for a zero tolerance approach to drug activity in order for change in this area to take place.

Jim Oleto, 1727 NE 8 Avenue stated he is constantly approached by young kids who loiter around the store. He commented that the store needs better illumination on the south side.

Bruce Donner, a resident of the area, agreed with the recommendations and asked the Board to be very strict about security cameras.

William Lamont also asked the Board to recommend that no garbage be left lying around on the site.

Chair Reynolds closed the Public Comments.

Vice Chair MacGrotty asked if Lt. Brabble had visited the site. In response, Lt. Brabble stated that both he and Sgt. Eaves have visited the property and feel the lighting is sufficient as it stands. Lt. Brabble explained that lighting in and of itself will not change the nuisance situation and may in fact make the drug dealers feel safer. He commented that the recommendations are strong enough as the City does not want to create the impression of a fortress at the site. Lt. Brabble advised that signage and cameras are a good deterrent to drug dealers.

Chair Reynolds asked if the Board could legally restrict the sale of drug paraphernalia. In response, Mr. Walker raised the question of what items constitute drug paraphernalia.

Mr. Cooper suggested that the Board list 5 or 10 specific items that could not be sold in the store. Lt. Brabble advised that the City has at times requested store clerks to voluntarily remove specific items.

Mr. Israeli denied that drug paraphernalia is sold in the store.

Chair Reynolds asked Lt. Brabble if he saw a correlation to excessive garbage and criminal activity. Lt. Brabble responded affirmatively.

Mr. Jolly advised that the Board can recommend the property be maintained and the garbage removed regularly.

**Motion** made by Mr. Cooper, seconded by Mr. Svetlick, to approve the recommendations for the purpose of discussion. In a voice vote, the motion passed unanimously.

Mr. Cooper made the following amendments to the recommendations:

- The owner will post No Trespassing signs within 7 days instead of 14.
- The owner will install and maintain a minimum of 6 exterior video cameras with recorders on the north, south and west sides of the building within 60 days, with video available to the police department during all business hours.
- The owner will post signs warning of video surveillance.
- The owner will remove all pay phones outside the store.
- The owner will repair and maintain all exterior lighting.



- The owner will trim and maintain all hedges at 36" within 30 days.
- The owner will erect a device to prevent all access to the property from the wall at the rear of the building within 60 days.
- The owner will remove drug paraphernalia items from the store within 7 days.
- The owner agrees to pay a fine of \$250 per day for each item in non-compliance.
- The owner will appear before the Board in November for a status hearing.
- The owner agrees to the Board's jurisdiction over the property for the next 12 months.

Mr. Walker stated the owner agrees to all the recommendations but objects to the need for 6 security cameras. No further amendments were made to the recommendations.

**Motion** made by Mr. Cooper, seconded by Vice Chair MacGrotty, to approve the amendments to the recommendations as stated. In a roll call vote, the motion passed unanimously.

## **6. Board Discussion**

Thereupon, with no additional business to come before the Board, the meeting adjourned at 8:46 p.m.