

**CITY OF FORT LAUDERDALE
 NUISANCE ABATEMENT BOARD MINUTES
 CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
 100 NORTH ANDREWS AVENUE
 THURSDAY, JULY 10, 2008 AT 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/08 through 2/09	
		<u>Present</u>	<u>Absent</u>
Douglas Reynolds, Chair	P	4	0
Laurie Watkins, Vice Chair	P	3	1
Linda Dawkins [Alternate]	A	2	1
Pat Mayers	P	4	0
David C. Svetlick	P	4	0
Nathaniel Wilkerson	A	0	4

Staff Present

Joyce Hair, Board Clerk
 Bruce Jolly, Board Attorney
 Lt. Wade Brabble, Liaison
 Scott Walker, Assistant City Attorney
 H. Testa, Recording Clerk, Prototype, Inc.

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	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
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1. Call meeting to order; Pledge of Allegiance

The meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited.

2. Roll call; witnesses sign log; swearing in

Ms. Testa called roll and determined a quorum was present.

Witnesses were sworn in.

3. Approval of minutes for June 2008

Motion made by Ms. Mayers, seconded by Ms. Watkins, to approve the minutes of the Board's June 2008 hearing. In a voice vote, the motion passed 4 - 0.

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4. Case Number 07-11-10 519 Northwest 23 Avenue – The Parisian Motel Owner: Tania Ouaknine

- **Notice of Status Hearing**

Lt. Brabble informed the Board that there had been five calls for service to the property in the past six months, none of which was nuisance related. He reported there was currently a Stay of order in effect by a judge, and so the City had taken no further action at the property since the Board's March meeting.

Mr. Jolly advised the Board that the original judge to which the case had been assigned had retired and his replacement had not been assigned yet. This was scheduled to occur on July 14. The City had filed a motion for relief from Stay and would inquire about this on the 14th. Mr. Jolly explained that the court would decide how soon to rule in this type of case. He noted that at some point, the Circuit Court would either issue an order to show cause or dismiss the petition. If the order to show cause was issued the City would begin the process to show cause, which Mr. Jolly explained was "heard solely on paper."

Mr. Jolly explained that their motion for relief from Stay would trigger court review, and even if the Court did not grant the relief from the Stay, the motion was intended to get the judge's interest to take some action.

Chair Reynolds requested a status report on the property.

Lt. Brabble reported they had noted no additional violations since February 22. He stated they had limited their inspections to the exterior of the property and had not entered it.

Lt. Brabble requested the next hearing be scheduled for August 14 and the Board agreed.

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5. Case Number 08-06-04 1313 Northeast 5 Avenue – Residence Owner: E Investment and Consultants, Inc.

- **Notice of Evidentiary Hearing**

Lt. Brabble reported that on February 29, Detective Bentoncourt arrested a subject for possession of marijuana on the property; on April 3 Detective Morro purchased \$20 worth of cocaine from a subject on the property at on April 4 Detective Coffin purchased \$40 worth of cocaine from a subject on the property. Lt. Brabble stated there had been 77 calls for service to the property over the past six months, 14 of these were nuisance related cases. In the past month there had been five calls for service, and none of these was nuisance related.

Lt. Brabble stated the recommendations from the Police Department:

1. The owner will post a No Trespass Affidavit sign on the East wall of the property within (72) hours and enforce trespass laws.
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 conduct a tenant screening process utilizing an outside service prior to renting the residence. This process will include a criminal records search.
4. Only tenants and people listed as occupants may reside in the premises.
5. The owner will maintain and keep in good working order all exterior lighting on the front, rear and sides of the building (according to all City of Fort Lauderdale Code requirements) prior to the August Nuisance Abatement Board meeting (August 14) if no meeting occurs in August then prior to the next scheduled Nuisance Abatement Board meeting.
6. The owner will maintain and keep in good working order the existing light pole and attached lights which is currently located between the parking lots at 1313 & 1317 Northeast 5 Avenue (according to all City of Fort Lauderdale Code requirements) prior to the August Nuisance Abatement Board meeting (August 14) if no meeting occurs in August then prior to the next scheduled Nuisance Abatement Board meeting.
7. The owner will repair and maintain all fencing on the property (according to all City of Fort Lauderdale Code requirements) prior to the August Nuisance Abatement Board meeting (August 14) if no meeting occurs in August then prior to the next scheduled Nuisance Abatement Board meeting.

8. The owner will repair all broken windows on the property within (10) days and maintain the windows in good repair.
9. The owner will remove any trash including but not limited to discarded items (household and landscape) from the property within (10) days and maintain the exterior of the property keeping it free of debris.
10. The owner will provide adequate trash receptacles at all times in the parking lot to facilitate the amount of trash from the residents. This must be accomplished within (10) days.
11. The owner(s) is assessed 50% (\$487.02) of the investigative costs to be paid prior to the August Nuisance Abatement Board meeting (August 14) if no meeting occurs in August then prior to the next scheduled Nuisance Abatement Board meeting. The Board will waive the balance (\$487.02) of the investigative costs if the owner complies with the Boards Order within the specified time frame(s). If the owner fails to comply within the specified time frame(s), the remaining 50% of the investigative costs will be assessed. (Total costs \$974.04)
12. 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.
13. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year July 2009.

Mr. Walker stated he had met with the owner, who would stipulate to everything. Mr. Walker reported the property was already complied and the owner had agreed to the Board's jurisdiction for one year.

Mr. Eyal Mordechai, owner of E Investment and Consultants, Inc, confirmed he understood the nature of the proceedings, agreed the property was a nuisance and submitted to the Board's jurisdiction for one year. He also agreed he waived his right to have an attorney present. Mr. Mordechai agreed to the City's recommendations which he said had already been done.

Mr. Mordechai said he had owned this property for 15 years and had rented the apartment to a woman. He had received a call from the police department that one of her sons had been released from jail and was living at the apartment. Mr. Mordechai said the day he received the call from the Police Department that there was drug activity in the parking area, on February 1, 2008, he had immediately completed a no trespassing affidavit.

Sometime in March, Mr. Mordechai was contacted by Officer Garcia, who recommended he check his apartments individually for drug activity. He had investigated with his son, but had discovered no drug activity. Mr. Mordechai said after the third arrest, he had met Officer Garcia at the building and she indicated which apartments had drug activity. Within 72 hours, Mr. Mordechai had evicted residents of three apartments.

Lt. Brabble agreed Mr. Mordechai had been very cooperative. He stated the property was now basically in compliance with the recommendations. The only item not yet complied was the trash receptacles.

Mr. Tim Smith, Middle River Terrace neighborhood association President, confirmed that Mr. Mordechai had cleaned up the property. Mr. Smith remarked that the building had been a problem 10 years ago, was cleaned up, but had fallen back into disrepair. He believed Mr. Mordechai "took his eye off the ball and he just got lazy and he let those drug dealers take over his building."

Mr. Smith requested that the recommendations include a requirement to keep the hedge trimmed low to prevent the drug dealers from hiding behind it as they had done. Neither Mr. Walker, nor Mr. Mordechai objected to this requirement, and agreed to keep the hedge no higher than 3 1/2 feet.

Motion made by Mr. Svetlick, seconded by Ms. Myers, to adopt the stipulation between the City and the owner as amended. In a voice vote, the motion passed 4 - 0.

Mr. Walker did not believe a status conference was necessary at this time, and Lt. Brabble agreed.

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6. Board Discussion

Caribbean Food Store - 800 NW 10 Terrace - Jurisdiction expires 7/12/08

Lt. Brabble reported there had been 46 calls for service to the property in the last six months, one of these was nuisance related. There had been 18 calls for service in the past month, none of these was nuisance related. He remarked there had been a dramatic drop in activity and the property was in compliance.

Laundra Max - 201 West Sunrise Boulevard - Jurisdiction expires 6/14/08

Lt. Brabble reported that there had been 52 calls for service to the property in the past six months, three of these were nuisance related. There had been 8 calls for service to

the property in the past month. During the same time period in 2007, there had been 93 calls for service, 20 of which had been nuisance related. Lt. Brabble stated there were still issues regarding this area, but he believed they had the cooperation of the owner, Mr. Case.

Mr. Walker informed the Board that they had been enforcing the trespass affidavit and there was an arrest made at least once per week on the property pursuant to this. Mr. Walker explained the fees associated with a trespass arrest, and noted that these had increased significantly.

Thereupon, with no additional business to come before the Board, the meeting adjourned at **7:28** p.m.

[Minutes prepared by J. Opperlee, Prototype, Inc.]

****Note added by request of Douglas Reynolds, Chair – Laurie Watkins Vice Chair, is excused from the next four NAB meetings to return in December 2008 due to the fact she will be in Tallahassee working with the Democratic Presidential campaign.