

**CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD MINUTES
CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
100 NORTH ANDREWS AVENUE
THURSDAY, AUGUST 14, 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	5	0
Laurie Watkins, Vice Chair	A	3	2
Linda Dawkins [Alternate]	P	3	1
Pat Mayers	P	5	0
David C. Svetlick	P	5	0
Nathaniel Wilkerson	A	0	5

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.

Index

	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1.	07-11-10	The Parisian Motel	<u>2</u>
2.	07-10-07	Coastal Gas	<u>2</u>
3.	08-08-05	524 Northwest 13 Avenue	<u>3</u>
		Board Discussion	<u>6</u>

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 July 2008

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

[Index](#)

- 4. Case Number 07-11-10**
The Parisian Motel
519 Northwest 23 Avenue
Owner: Tania Ouaknine
- **Notice of Status Hearing**

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

Mr. Jolly explained the matter was assigned to Judge Gardner and the motion for Relief from Stay was due to be heard September 11. Mr. Jolly stated the City would soon file the response to the original petition contesting the claims that the order was unconstitutional. Chair Reynolds noted that the Nuisance Abatement Board's next meeting would be September 11 and Mr. Jolly could report the outcome of the hearing then.

Mr. Luis Ugaz, the owner's attorney, identified himself and Tania Ouaknine, the owner.

Lt. Brabble recommended the owner and her attorney be present at the Board's September 11 hearing.

[Index](#)

- 5. Case Number 07-10-07**
Coastal Gas
1301 Northeast 4 Avenue
Owner: Nikolas Kladis
- **Notice of Status Hearing**

Lt. Brabble informed the Board that there had been twenty-one calls for service to the property in the past six months, two of which were nuisance abatement related, and there had been four calls for service to the property in the past month, none of which

was nuisance-abatement related. Lt. Brabble reported the property was scheduled to remain under the Board's jurisdiction until June 13, 2009.

Lt. Brabble stated the property had been inspected in the past month and found to be in compliance with the Board's recommendations and the investigative fees had been paid. He suggested the owner be relieved from appearing before the Board unless there was change in the property's status.

Ms. Patricia Dressler, the owner's fiancée, said reporting to the Board had become "a real inconvenience" now that the property was in compliance.

6. Case Number 08-08-05
Residence
524 Northwest 13 Avenue
Owner: Rosmine Cyrus
• **Notice of Evidentiary Hearing**

Lt. Brabble informed the Board that there had been eight calls for service to the property in the past six months, three of which were nuisance abatement related, and there had been one call for service to the property in the past month which was not nuisance-abatement related.

Lt. Brabble reported the facts of the case concerned controlled buys at the property over a period of one month in April.

Lt. Brabble stated the recommendations from the Police Department:

1. The owner will post a "No Trespass Affidavit" sign on the west 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 have working and legal electricity via FP&L supplied to the structure to accommodate Item #6 within (72) hours.

6. The owner will install an exterior light fixture on the west side of the structure to ensure the vehicle parking lot is illuminated between dusk and dawn.
7. 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 September Nuisance Abatement Board meeting (September 11th) if no meeting occurs in September then prior to the next scheduled Nuisance Abatement Board meeting.
8. The owner will repair and maintain all fencing on the property (according to all City of Fort Lauderdale Code requirements) prior to the September Nuisance Abatement Board meeting (September 11th) if no meeting occurs in September then prior to the next scheduled Nuisance Abatement Board meeting.
9. The owner will remove the attached boards from the broken windows/frames and repair all broken windows on the property within (10) days and maintain the windows in good repair.
10. 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.
11. The owner will fix/repair any and all of the exterior hurricane shutters that are in disrepair as well as maintain them according to City of Fort Lauderdale Codes.
12. The owner will secure/lock all entrance/exit doors while the apartment(s) is/are void of tenants.
13. The investigative costs total a dollar amount of \$2,353.25. The owner(s) is assessed 50% of this amount, which equals \$1,176.63. This cost is to be paid prior to the September Nuisance Abatement Board meeting (September 11, 2008). If no meeting occurs in September, then prior to the next scheduled Nuisance Abatement Board meeting. The Board will waive the remaining balance (\$1,176.63) of the investigative costs if the owner complies with the Board Order within the specified time frame(s). If the owner fails to comply within the specified time frame(s), the remaining 50% (\$1,176.63) of the investigative costs will be assessed.
14. 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.

15. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year August 2009.

Mr. Walker said he had not heard from the owner, but the owner had communication with Nuisance Abatement Board staff. Lt. Brabble reported the owner was properly served notice of this hearing via the Polk County Sheriff's Department and he had spoken with her on the phone. She had also been faxed the recommendations. Lt. Brabble stated they had not received the delivery papers from the Polk County Sheriff's Office as yet, but the deputy had confirmed the service. The owner had informed Lt. Brabble on the phone that she was not able to attend the hearing this evening.

Lt. Brabble testified he had a phone conversation with the owner two weeks ago. At that time, the owner informed him she understood she was required to attend this hearing. Lt. Brabble reported the Polk County Sheriff's Office had then served the owner on August 5, and Detective Maney had spoken with the owner on August 6.

Mr. Walker moved the evidence packet into evidence, asked the Board to declare the property a nuisance and said he wanted to institute tougher recommendations than those already submitted. Mr. Walker said the owner had abandoned the property, and he wanted fines to be imposed immediately after the owner was served notice of the Board order.

Chair Reynolds felt there was a due process issue because the owner had been faxed the recommendations and Mr. Walker now wanted to change them. Mr. Jolly agreed he was not comfortable with this. He stated the most cautious approach would be to institute the recommendations the owner had already been sent.

Detective Cruz testified that he deployed several confidential informants at the property and he was the lead agent. He remarked that the property was in worse condition now than it was when he terminated his investigation three weeks ago. Detective Cruz reported the property was a blight on the neighborhood, a hangout for drug users, drug dealers and criminals. The building also lacked water and lighting.

Ms. Mayers asked about the residents. Detective Cruz said drug dealers were using the building as a safe haven from which to sell drugs. He added that some of the units were open and abandoned.

Mr. Walker stated he intended to have the building boarded up immediately.

Motion made by Mr. Svetlick, seconded by Ms. Mayers, to establish the property constituted a nuisance. In a roll call vote, the motion passed 4 - 0.

Mr. Walker and the Board discussed possible changes to the existing recommendations and Mr. Walker subsequently suggested they leave all recommendations in place, but impose the full investigative costs in number 13, and that any requirements with a 72-hour deadline would be required within 72 hours of the owner's personal service.

Motion made by Mr. Svetlick, seconded by Ms. Dawkins, to adopt the recommendations as modified by the City. In a roll call vote, the motion passed 4 - 0.

[Index](#)

7. Board Discussion

Lt. Brabble informed the Board he would no longer serve as their liaison and Sergeant Hugo Fontalvo would take over these responsibilities.

Thereupon, with no additional business to come before the Board, the meeting adjourned at **7:38** p.m.

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