

**CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD MINUTES
CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
100 NORTH ANDREWS AVENUE
THURSDAY, APRIL 9, 2009, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/09 through 2/10	
		<u>Present</u>	<u>Absent</u>
Douglas Reynolds, Chair	P	2	0
Laurie Watkins, Vice Chair	P	2	0
Linda Dawkins [Alternate]	P	1	1
Ted Fling	P	2	0
Pat Mayers	P	2	0

Staff Present

Joyce Hair, Board Clerk
Bruce Jolly, Board Attorney
Det. Joel Maney, Liaison
Scott Walker, Assistant City Attorney [7:06]
B. Chiappetta, Recording Clerk, Prototype, Inc.

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	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1.	08-12-08	2162 NW 6 Street – Green Store	<u>2</u>
2.	09-01-01	1300 Northwest 6 Street – NADA Market	<u>2</u>
3.	09-01-02	1500 Northwest 6 Street – Sistrunk Market	<u>3</u>

Board Discussion

Purpose: Promote, protect, and improve the health, safety, and welfare of the citizens by imposing administrative fines and other non-criminal penalties in order to provide an equitable, expeditious, effective, and inexpensive method of enforcing ordinances under circumstances when a pending or repeated violation continues to exist.

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. Chiapetta called roll and determined a quorum was present.

Witnesses were sworn in.

3. Approval of minutes for March 2009

Motion made by Ms. Mayers, seconded by Ms. Watkins, to approve the minutes of the Board's March 2009 hearing. In a voice vote, the motion passed unanimously.

4. Case Number 08-12-08

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2162 NW 6 Street

The Green Store

- **Notice of Status Hearing**

Det Maney reported the owner had accepted notice of this hearing on April 3, 2009. Det Maney showed graphics depicting a comparison of activity at the store prior to and after the NAB's action regarding the property. He remarked that there had been much illegal activity on the property prior to the NAB's action, but the property was now "absolutely void of any activity whatsoever."

Mr. Jolly said the release of lien order had "made the City Manager's office uncomfortable" and the office had prepared a new Order of Dismissal and Release of Lien that would clear the title so the property could be transferred. Mr. Jolly had reviewed this document and he recommended the Board make a motion to pass the order as prepared and to enter the order.

Motion made by Ms. Mayers, seconded by Ms. Watkins, to approve the Order of Dismissal and Release of Lien as proposed by the City. In a roll call vote, motion passed 5 - 0.

[Mr. Walker arrived at 7:06]

5. Case Number 09-01-01

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1300 Northwest 6 Street

NADA Market

- **Notice of Status Hearing**

Det Maney reported the owner had accepted notice of this hearing on April 9, 2009. He stated the owner was currently out of the country.

Det. Maney informed the Board that in the past six months there had been 101 calls for service to the property, 11 of which were nuisance abatement related, and in the past 30 days there had been 9 calls for service to the property.

Det. Maney said the business was in full compliance with full owner cooperation. He added that the Police Department was addressing issues at the location and in the vicinity, which was a major source of calls for service. Det. Maney recommended a status hearing at the Board's May meeting.

Mr. Fling asked about the recent calls for service to the property. Det. Maney stated two of the nine calls for service in the past month had been nuisance abatement related. He said the owner was cooperating and making progress with the property. He noted the Police Department had work to do in order to clean up the immediate vicinity. Det. Maney believed that with the owner and Police Department working together they would eventually resolve the situation.

A status conference was scheduled for the Board's May meeting.

6. Case Number 09-01-02
1500 NW 6 Street
Sistrunk Market

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- **Notice of Evidentiary Hearing**

Det Maney reported the owner had accepted notice of this hearing but was currently out of the country. He noted that this property belonged to the same owner as the previous property, NADA Market.

Det. Maney informed the Board that in the past six months there had been 201 calls for service to the property, 11 of which were nuisance abatement related, and in the past 30 days there had been 9 calls for service to the property, one of which was nuisance abatement related.

Det. Maney stated there was a rooming house over the Sistrunk Market that brought some "less desirables" into the area. He explained that for traffic stops made in the 1500 block of Northwest 6th Street or the 600 block of Northwest 15th Avenue, the computer system assigned them to the Sistrunk Market, so the calls for service statistics for the property were inflated.

Det. Maney said he was working with the owner of this property and the store proprietor. He had been impressed at the speed with which the trash and debris had been removed from the southwest corner of the property, and the other recommendations

had been complied with. Det. Maney recommended a status hearing be scheduled for the Board's May meeting.

Mr. Fling noted that the order copy distributed to the Board was incomplete.

A status hearing was scheduled for the Board's May 2009 meeting.

8. Board Discussion

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Mr. Jolly reminded the Board that there had been a question regarding their jurisdiction over a case for which a stay had been granted. He had determined that there was a precedent establishing that for whatever period of time a stay was in existence, enforcement was stayed as well.

Mr. Jolly said there had also been a question regarding the extent to which the Board could modify a previously entered order. He stated if evidence was brought forward at a status hearing that there was a continuing problem, a different problem, or the Board's existing order was not effecting a solution, the Board could enter a new, modified order stemming from the first violation.

Mr. Walker agreed to send a memo to the Board stating when their jurisdiction over the Parisian Hotel would end.

The Board's next meeting was scheduled for May 14, 2009.

Thereupon, with no additional business to come before the Board, the meeting adjourned at **7:18** p.m.

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