

**CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD MINUTES
CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
100 NORTH ANDREWS AVENUE
THURSDAY, MAY 12, 2011, 7:00 P.M.**

<u>Members</u>	<u>Attendance</u>	Cumulative Attendance 3/2011 through 2/2012	
		<u>Present</u>	<u>Absent</u>
D. Ryan Saunders, Chair	P	3	0
Sal Gatanio, Vice Chair	A	2	1
Louise Dowdy	P	3	0
Dale Hoover	P	2	0
Tom Wolf	P	2	1

Alternates

Richard Schulze, Alternate	A	0	3
Cindy Smith, Alternate	P	3	0

Staff Present

Joyce Hair, Board Clerk
Summer Barranco, Board Attorney
Det. Paul Maniates
Scott Walker, Assistant Attorney
B. Chiappetta, Recording Clerk, Prototype Inc.

Communication to the City Commission

None

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	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
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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.

2. Roll call; witnesses sign log; swearing in

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

Witnesses were sworn in.

3. Approval of minutes for April 2011

The Board noted corrections to the minutes.

Motion made by Ms. Dowdy, seconded by Mr. Gatano, to approve the minutes of the Board's April 2011 meeting. In a voice vote, the motion passed unanimously.

Cases:

- 4. Case Number 10-09-05**
217 Southwest 19th Avenue
Residence
Owner: Luby and Bruce Hargrett
• **Notice of Status Hearing**

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Det. Maniates stated the property owner had received notice of the meeting on 4/23/11 and Mr. Hargrett was present.

Det. Maniates announced that in the past 30 days there had been no calls for service to the property. Det. Maniates had visited the property and found the signs to be in place. The property was in compliance and he recommended a status hearing for June 2011.

- 5. Case Number 11-03-02**
414 Northwest 15th Way
Owner: Rosa and Ventura Sorto
• **Notice of Status Hearing**

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Det. Maniates had met with the owner and his nephew at the property on April 26, 2011 to hand deliver a copy of the order and lease addendum. He had also discussed the trespass affidavit and stressed the importance of attending tonight's hearing. The owner had stated the tenant had not paid rent for five months and he was

uncomfortable visiting the property. Det. Maniates informed Mr. Sorto that he would work with the owner, and a patrolman would visit the property with him if needed.

Det. Maniates had met earlier in the day with the owner at the Police Station to fill out a trespass report and discuss the sign installation. The owner informed him that the required lighting was completed and he would install the sign. Det. Maniates had visited the property later in the day and presented photos he had taken of the sign and lights, which complied those issues. Det. Maniates said the owner had not made any payments. He recommended a status hearing for June 2011.

Mr. Walker introduced Fredy Bonilla, the owner's nephew, who acted as interpreter for Mr. Sorto. Mr. Walker said the property would probably be taken over by the bank through foreclosure. Det. Maniates said Mr. Sorto had not understood until he had explained it to him that the paperwork the City had sent was not related to foreclosure.

Mr. Sorto said he wanted to evict the tenants and work with the bank on a loan modification. He asked for help regarding the investigative costs payments.

Mr. Sorto informed Ms. Smith that he had previously had Section 8 tenants in the property for four years. He said he used to visit the property every weekend, but did not feel comfortable visiting the property with these tenants. He had looked into eviction, but the tenants had informed him that someone representing the bank had visited the property and informed them that the bank controlled the property and the tenants stopped paying rent. Mr. Sorto stated he had not performed background checks on these tenants and the person who signed the lease was no longer on the property. Mr. Sorto said the lease was made to Woodrow Armstrong and Jeremy Rivers. Chair Saunders noted that the person arrested at the property was Patrick Rivers.

Mr. Walker noted that the lease indicated that subletting was not permitted, so the owner had cause to evict the occupants. Mr. Sorto said he had never collected rent from the new occupants. Ms. Barranco said it seemed the occupants were still covered by landlord-tenant laws; the owner could not "boot them out on the street." Mr. Bonilla said he had tried to talk to the occupants, and someone was giving them advice regarding how they could continue to occupy the property.

Mr. Sorto stated he had not hired an attorney because he feared the property was being foreclosed upon. Chair Saunders asked what effect foreclosure would have on the Board's jurisdiction. Ms. Barranco said if this occurred, the bank, as new owner, must be notified of the problems. Mr. Walker stated the order had been recorded so when the bank took over the property, it would be aware of the order.

Mr. Sorto said he wanted to keep the property, if he could work with the bank. Mr. Walker said he would talk to another attorney regarding the lease, and whether the persons occupying the property now had any rights regarding tenancy.

Mr. Wolf said he had managed to evict people occupying a property who were not on the lease after instituting a trespass warrant.

Mr. Walker suggested waiving the fees to help Mr. Sorto consult with someone regarding eviction. Chair Saunders said the owner had not paid the \$1,649.88 investigative costs. Mr. Sorto said he could not afford to pay this and requested that it be reduced. Chair Saunders said the Board could accept installment payments or defer the fees, but could not waive them because they were part of the order. Ms. Barranco said the Board could modify or even waive the fees entirely.

Ms. Smith favored deferment. Mr. Wolf suggested deferring the fee for one month. If the eviction process was proceeding, the Board could discuss reducing the fees.

Motion made by Mr. Wolf, seconded by Mr. Hoover, to postpone the fees until the June hearing in order to allow the owner time to evict the current tenants. If the tenants were evicted by the June meeting, the Board could consider either re-imposing or reducing the fees at that time. In a roll call vote, motion passed 4-1 with Ms. Dowdy opposed.

Mr. Bonilla confirmed that Mr. Sorto had understood the Board's motion.

- 6. Case Number 11-03-03**
426 Northwest 14th Avenue
Residence
Owner: Lewis Tunnage
 • **Notice of Status Hearing**

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Det. Maniates stated the property owner had received notice of the meeting on April 23, 2011 and was present.

Det. Maniates announced that in the past 30 days there had been one call for service to the property, which was not nuisance related; this was a trespass call made by one of the tenants.

Det. Maniates said the owner was waiting to hear from FPL regarding the lighting. He presented photos of the signs posted inside two of the building windows. Det. Maniates

remarked that the property was well cleaned up. He stated the property was in compliance and recommended a status hearing for June.

Det. Maniates informed Chair Saunders that Mr. Tunnage had brought a list of tenants and that Patrick Rivers was not on the list. He said Det. Bozzi had not informed him yet regarding which apartment's tenant had instructed him which apartment to visit to buy drugs.

Mr. Walker noted that waiting for FPL to install poles for lights could take some time, and advised Mr. Tunnage that he could purchase bright spotlights from Home Depot and install them himself much sooner. Mr. Tunnage said the tenants had already ripped down several signs and lights, so he had asked FPL about the lights. This would add \$40 per month to his FPL bill. Mr. Tunnage added that there were tenants refusing to pay rent because they believed the property was in foreclosure, which it was not.

Det. Maniates stated the listed tenant for unit 6 was Wanda Jackson. Robert Lowrey was listed as the tenant in unit 3, directly across from unit 6. April Darrisaw had been in unit 6 when the arrest was made, and she had vacated immediately after the arrest. Mr. Tunnage indicated that he believed all current tenants had signed the drug addendums. He agreed to check this and turn in copies to the Police Department.

Mr. Tunnage said he was still awaiting information from FPL about the lights; he had no information from them regarding how long this would take. Mr. Walker advised the Board to consider what to do since the property was not complied regarding the outdoor lighting. Mr. Tunnage said the FPL lights would offer better protection for the entire complex, but agreed to install lights himself if the Board wished. Mr. Hoover said lights must be installed by the next hearing and Ms. Smith agreed.

Motion made by Mr. Hoover, seconded by Ms. Smith, to order the owner to install outside lights within 15 days. The owner must prove the lights were installed at the Board's next meeting.

Ms. Barranco advised the Board to be very specific regarding what lighting was required. Mr. Walker stated the owner had not complied with the previous order, so a fine of \$250 per day could be imposed. The Board should waive this fine for 15 days to afford the owner additional time to comply. Mr. Hoover agreed to edit his motion:

Mr. Hoover edited his motion to: waive the \$250 per day fine for 15 days until the owner had lights on all four corners. If, in 15 days, the lights were not installed on all four corners, the fine would begin to accrue. Mr. Walker referred to the original order, which specified that there should be no "dark areas" on the property. Chair Saunders re-

worded Mr. Hoover's motion. Mr. Hoover and Ms. Smith agreed to the amended language:

Motion made by Mr. Hoover, seconded by Ms. Smith, to give the owner 15 days to come into compliance with item 5 of the Order, as far as having no dark areas on the property. If, after that 15-day period, the owner had not done this, he would be fined \$250 per day until there were no dark areas on the property, in accordance with the Order. In a roll call vote, motion passed 5-0.

Board Discussion

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Ms. Dowdy remarked that people purchased property to rent out and did not care who they rented to. She said someone must start checking on the landlords, and she and Ms. Smith offered to perform citizen patrol in this area.

Chair Saunders advised Board members to discuss this with their Commissioners. Ms. Smith suggested Ms. Dowdy phone Commissioner DuBose and ask him to do the next Mayor's Run in this area when he next visited District 3.

Mr. Walker said they should consider changing the language regarding the Drug Lease Addendum to have owners get current tenants as well as new tenants sign them. Chair Saunders asked Mr. Walker to confer with Mr. Jolly on this idea and present something to the Board in June or July.

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

The Board's next meeting was scheduled for June 9, 2011.

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