

**CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD MINUTES
CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
100 NORTH ANDREWS AVENUE
THURSDAY, JULY 14, 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	4	1
Sal Gatanio, Vice Chair	A	3	2
Louise Dowdy	P	5	0
Dale Hoover	P	4	0
Tom Wolf	P	4	1

Alternates

Cindy Smith	P	5	0
Richard Schulze	P	1	3

Staff Present

Joyce Hair, Board Clerk
Richard Guiffreda, Board Attorney
Det. Paul Maniates
Scott Walker, Assistant Attorney
Barbara Hartmann, Recording Clerk, Prototype Inc.

Communication to the City Commission

None

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	<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1.	10-09-05	217 Southwest 19 Avenue – Luby & Bruce Hargrett	<u>2</u>
2.	11-03-03	426 Northwest 14 th Avenue - Lewis Tunnage	<u>2</u>
3.	11-03-02	414 Northwest 15 th Way - Rosa and Ventura Sorto	<u>3</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. Hartmann called roll and determined a quorum was present.

Witnesses were sworn in.

3. Approval of minutes for June 2011

Motion made by Ms. Dowdy, seconded by Mr. Hoover, to approve the minutes of the Board's June 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 owners had received notice of the meeting on 6/20/11.

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 several times during the past month and found the property to be in compliance. He recommended a status hearing for August 2011.

Det. Maniates said Mr. Hargrett stated the City's website indicated that there would be no Nuisance Abatement Board meeting in August and therefore he did not need to make a payment in August. Det. Maniates agreed to check the website to determine if this was accurate. Chair Saunders said the Board's Order specified that payments were due even during months when the Board did not meet, until full payment was received.

- 5. Case Number 11-03-03**
426 Northwest 14th Avenue
Residence
Owner: Lewis Tunnage

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- **Notice of Status Hearing**

Det. Maniates stated the property owner had received notice of this meeting on 6/16/11.

Det. Maniates announced that in the past 30 days there had been four calls for service to the property, none of which was nuisance related. The property was in compliance and Det. Maniates recommended a status hearing for August 2011.

Ms. Smith thanked Mr. Tunnage for the work he had done at the property.

6. Case Number 11-03-02
414 Northwest 15th Way
Owner: Rosa and Ventura Sorto

- **Notice of Status Hearing**

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Det. Maniates stated the property owner was in attendance.

Det. Maniates announced that in the past 30 days there had been one call for service to the property, which was not nuisance related. Det. Maniates said the owner was still in the process of evicting the tenants and was communicating with the bank regarding whether or not the property would be foreclosed upon.

Mr. Ventura Sorto, owner, confirmed for Mr. Walker that he had hired an eviction attorney but had not yet begun the process. He said he wanted to be sure he was keeping the property. He had not made any payments to the bank or received any rent.

Chair Saunders noted there had been no progress on the property.

Mr. Juan Sorto, the owner's son, said the tenants were still on the premises. He stated one of the units was occupied without electricity.

Chair Saunders asked if Mr. Tunnage was aware that the person who had been arrested on this property in March had provided the address of the previous case, a property owned by Mr. Tunnage. Det. Maniates said Mr. Tunnage was not aware of this, and that the person did not actually live at Mr. Tunnage's property.

Mr. Walker felt Mr. Sorto was going to lose the property. He said he would call Code Enforcement to inspect the property.

Mr. Walker stated the Board had waived the investigative costs to allow the owner time to hire an attorney and get the eviction process started; now they must assess the administrative costs.

Det. Maniates said the lighting and the Trespass signs had been complied, and the property had been cleaned very quickly. Chair Saunders noted the Order did not require the owner to hire an attorney and evict the tenants. He thought the only action the Board could take would be to amend the order. Chair Saunders stated the Board did not usually meet in August, but they could decide to meet to hear this case. Det. Maniates felt if Mr. Sorto had the additional time, he would move forward with the eviction.

Det. Maniates stated a tenant was responsible for creating the nuisance. Mr. Guiffreda said it would be reasonable for the Board to require eviction of the tenants.

Mr. Wolfe suggested they require Mr. Sorto to be able to prove at the Board's next meeting that he had begun the eviction process within the next two weeks.

Motion made by Ms. Smith, seconded by, Ms. Dowdy, to allow Mr. Sorto until July 28 to prove to Det. Maniates that he had begun the eviction process and that it was ongoing. If this did not occur, investigative costs of \$3,299.76 would be assessed and fines of \$250 per day would accrue until the property was in compliance. In a roll call vote, motion passed 5 - 0.

Det. Maniates stated he would accompany Mr. Sorto when he posted the three-day notice at the property. Chair Saunders advised Mr. Sorto he must do this immediately, regardless of whether or not he spoke with the bank regarding the foreclosure.

Board Discussion

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Det. Maniates presented a list of items considered drug paraphernalia the Board had requested. Chair Saunders said the County Attorney's office was drafting an ordinance making it illegal to sell paraphernalia to minors.

Chair Saunders agreed to send a list of additional paraphernalia items to Det. Maniates to add to the list.

Communication to the City Commission

None.

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Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:45 PM.

The Board's next meeting was scheduled for September 8, 2011.

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