

**CITY OF FORT LAUDERDALE
NUISANCE ABATEMENT BOARD MINUTES
CITY HALL, CITY COMMISSION CHAMBERS, 1ST FLOOR
100 NORTH ANDREWS AVENUE
THURSDAY, SEPTEMBER 18, 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	5	1
Sal Gatanio, Vice Chair	P	4	2
Louise Dowdy	P	6	0
Dale Hoover	P	5	0
Tom Wolf	P	5	1

Alternates

Cindy Smith	P	5	0
Richard Schulze	P	1	0

Staff Present

Joyce Hair, Board Clerk
Bruce Jolly, Board Attorney
Det. Paul Maniates
Scott Walker, Assistant Attorney
Brigitte 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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2.	11-03-03	426 Northwest 14 th Avenue - Lewis Tunnage	3
3.	11-03-02	414 Northwest 15 th Way - Rosa and Ventura Sorto	3
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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 July 2011

Motion made by Mr. Hoover, seconded by Ms. Dowdy, to approve the minutes of the Board's July 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 7/19/11.

Det. Maniates announced that in the past 60 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, but noted that the signs were becoming weathered and he would provide new ones. He displayed photos showing that the shrubbery was overgrown, and this was included in the Order.

Mr. Bruce Hargrett, owner, stated he had just trimmed the shrubbery a week ago, but Det. Maniates said his photos were taken earlier on September 18. Mr. Jolly said the order did not specify the height, and Mr. Hargrett agreed to trim them further. Det. Maniates said he would check with Code Enforcement.

Det. Maniates recommended a status hearing for October 2011.

5. Case Number 11-03-03

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426 Northwest 14th Avenue

Residence

Owner: Lewis Tunnage

- **Notice of Status Hearing**

Det. Maniates stated the property owner, Lewis Tunnage, had received notice of this meeting on 7/19/11 and was in attendance.

Det. Maniates announced that in the past 60 days there had been three calls for service to the property, one of which was nuisance related. The nuisance call was a traffic stop made in front of the property and had nothing to do with the property.

The property was in compliance and Det. Maniates recommended a status hearing for October 2011.

6. Case Number 11-03-02

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414 Northwest 15th Way

Owner: Rosa and Ventura Sorto

- **Notice of Status Hearing**

Det. Maniates stated the property owner, Ventura Sorto, was not in attendance.

Det. Maniates announced that in the past 30 days there had been three calls for service to the property, none of which was nuisance related. Det. Maniates said the owner had provided a three day notice to both apartments as of July 20, but when Det. Maniates visited the property, he had seen no notices, and he had spoken with two tenants. On July 26, Det. Maniates had spoken with Abby Freeman, who had assisted Mr. Sorto with the eviction process, and provided him with copies of the eviction notice. When Det. Maniates visited the property on September 2, both apartments were unoccupied.

Det. Maniates reported the property was in compliance and recommended a status hearing for October.

7. Case Number 11-08-05

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1704 Northwest 8th Court

Owner: George Peter

- **Notice of Evidentiary Hearing**

Det. Maniates stated the property owner, George Peter, had received notice of this meeting on 7/19/11 and was in attendance.

Det. Maniates announced that in the past 6 months there had been 10 calls for service to the property, seven of which were nuisance related. On 3/9, 3/16, 3/22, 4/6, 5/17 and 6/9 there were a cocaine purchases made using a confidential informant. On 6/23 a search warrant had been executed and approximately 10 grams of powder cocaine, 5 grams of crack cocaine and four prescription pills had been seized.

Det. Maniates stated the Police recommendations for the property:

1. The owner will adopt and enforce the Drug Lease Addendum and Permitting Eviction for Drug Related Activities for all new tenants and renewals.
2. The owner will file a No Trespass Affidavit with the Fort Lauderdale Police Department laminate and securely fasten No Trespassing signs on property within fourteen days and thereafter enforce trespassing laws.
3. The owner will conduct a criminal records check of each tenant prior to renting the residence.
4. Only tenants and people listed as occupants may reside in the premises. A list of tenants residing will be provided to the Nuisance Abatement Board.
5. The owner will install and keep in good working order exterior lighting (according to all City of Fort Lauderdale Code requirements) eliminating any dark areas prior to the October Nuisance Abatement Board Meeting (October 13, 2011) if no meeting occurs in October 2011 then this should be completed by the November 2011 Nuisance Abatement Board meeting. Lighting (flood light with two bulbs, one illuminating the walk way and the other the parking lot area) will be installed on the front of the property to illuminate the front parking lot area.
6. The owner will maintain the property free of debris.
7. The investigative costs total a dollar amount of \$1,835.13. The owner(s) is assessed 50% of this amount, which equals (\$917.57). This cost is to be paid prior to the October 13, 2011 Nuisance Abatement Board Meeting. If no meeting occurs in October, then prior to the next scheduled Nuisance Abatement Board Meeting. The Board will waive the remaining balance of (\$917.57) 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% (\$917.57) of the investigative costs will be assessed.
8. 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.
9. The owner will appear before the Nuisance Abatement Board at the October 13, 2011 Nuisance Abatement Meeting (or, if no meeting occurs, then at the succeeding Nuisance abatement meeting) for a Status Hearing.

10. The Nuisance Abatement Board will retain jurisdiction over the property for a period of one (1) year from the date of order.

Det. Maniates displayed photos of the property and described where lights and trespass signs would be mounted. He stated the owner was being extremely cooperative. Det. Maniates said the owner had already begun eviction proceedings against the tenant whose nephew had been involved in the narcotics arrest.

Because of the owner's cooperation, Det. Maniates recommended the fees not be imposed at this time.

Mr. Peter said he had already complied with the first two recommendations. He stipulated to the facts and agreed with the recommendations.

Motion made by Mr. Gatano, seconded by Mr. Wolf, to declare the property a nuisance. In a roll call vote, motion passed 5 - 0.

Mr. Walker explained the investigative costs to Mr. Peters and stated the costs would be held in abeyance.

Ms. Dowdy reported this property was directly across the street from one church and less than 500 feet from another church. Det. Maniates confirmed that the drug charges had been upgraded.

Mr. Peter stated he had a property manager who visited the property daily and he visited the property weekly.

Det. Maniates said Mr. Peter would be required to prove to a detective that he performed the criminal background checks on new tenants. Mr. Schulze wanted this to be a page in the lease. Mr. Jolly was unsure whether they should make the Police Department responsible to confirm this; the detective could confirm this when there was a new tenant.

Motion made by Mr. Hoover, seconded by Mr. Gatano, to approve the Police recommendations and to hold #7 in abeyance. In a roll call vote, motion passed 4 – 1 with Chair Saunders opposed.

Board Discussion

None.

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Communication to the City Commission

None.

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Thereupon, with no additional business to come before the Board, the meeting adjourned at 7:375 PM.

The Board's next meeting was scheduled for October 13, 2011.

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