

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Wednesday, March 4, 2020

1:00 PM

Main Library - Council Chambers

Nuisance Abatement Board

Roll Call

Present 5 - Board Member Nancy O'Neill, Board Member Gary Baker, Board Member MaryAnn Lane, Board Member Meg Taylor, and Board Member Greg Brown

Absent 2 - Chair Leanne Grayston, and Board Member Susan Oliveto

Also Present: Matthew Smith – Assistant City Attorney, Rosemarie Call – City Clerk, Thomas Trask – Board Attorney, and Stephanie Beruvides - Paralegal

To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.

1. Call to Order – Board Attorney Trask

The meeting was called to order at 1:00 p.m. in Council Chambers at the Main Library.

Attorney Trask said an Interim Chair is needed for today's meeting.

Board Member Baker moved to appoint Nancy O'Neill as the Interim Chair. The motion was duly seconded and carried unanimously.

2. Approval of Minutes

2.1 Approve the minutes of the February 5, 2020 Nuisance Abatement Board meeting as submitted in written summation by the City Clerk.

Board Member Baker moved to approve the minutes of the February 5, 2020 Nuisance Abatement Board meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

3. Citizens to be Heard Regarding Items Not on the Agenda – None.

4. New Business Items

4.1 Case No. 2020-02 - City of Clearwater v. DEVOM LLC.

Assistant City Attorney Matt Smith presented a stipulated order for the Board's acceptance. Since the Board's last meeting, Mr. Smith conducted a site visit with a Clearwater police officer, the property owner and the attorney. He said the Clearwater Lieutenant identified the mitigation strategies discussed. The stipulation order is an agreement both parties have worked out; the Clearwater Police Chief has approved the order. Mr. Smith said the Board has retention on the matter for the next year; if the board order is not followed, the matter can be brought back to the Board for appropriate action. He said the nuisance activities on the property will soon be abated. The key points of the order are the Board declares the property a public nuisance, the property owner will maintain policies outlined in their attorney's letter, and the security cameras are running on a continual basis and will be available to Clearwater Police upon request. Mr. Smith said if the police in the future make cases at the property, the property owner will no longer rent to those individuals. The owner will also not rent to individuals who do not comply with the hotel's policies. The Clearwater Police Department will train hotel staff on how to identify suspicious activity. Mr. Smith said when there is cooperation from the owner, those instances will not be used against the owner. Mr. Smith said since there is an agreement, the City will not request any fines. Staff is requesting the Board accept the order.

Owner representative Shyamie Dixit said Mr. Smith was professional and cooperative. He said his client agreed with the order presented to the Board.

In response to questions, Mr. Smith there is no timeframe associated with the fence; reasonable amount of time is anticipated, but the Board may add a timeframe. There is a cinder block wall between the two properties and a tree. Mr. Dixit said the large oak tree is in the middle of the fence line and Mr. Amish Patel did not own the 5-ft. cinderblock wall. Mr. Patel said he addressed the gaps in the fencing with a heavy-duty plastic to deter individuals from slipping through from the other property. Mr. Dixit said a fence was erected on the property behind the open field and the homeless individuals are no longer living there. Mr. Smith said Clearwater Police will patrol the property to ensure Mr. Patel is following procedures; there has been a lot of interaction between the City and the owner to date. The City does not consider this to be a final matter or resolved completely, but it does not make sense to beat up a property owner when they are making quantifiable efforts.

Attorney Trask said the dates on pages 2 and 3 must reflect March 4, 2020.

Board Member Baker moved to approve the stipulation agreement, as presented, for Case No. 2020-02 - City of Clearwater v. DEVOM, LLC. The motion was duly seconded and carried unanimously.

4.2 Amend Rules of Procedure.

Staff is recommending the following changes to the Board's Rules of Procedure:

- Section 3 - Officers and Their Duties
 - Added language clarifying that the Chair shall neither make nor second a motion. This is consistent with other city boards, such as the Community Development Board.
 - Amended reference to Chairperson to Vice-Chairperson to Chair and Vice-Chair. Note - this amendment was carried throughout the document.
- Section 6 - Meetings
 - Amended meeting location to reflect the Board meets in Council Chambers at the Main Library. The current language lists City Hall as the meeting location.

Board Member Baker moved to approve Item 4.2, as presented. The motion was duly seconded and carried unanimously.

5. Adjourn

The meeting adjourned at 1:17 p.m.

Attest

City Clerk

Chair
Nuisance Abatement Board