

CITY OF LAKELAND

**Nuisance Abatement Board
January 17, 2024**

REGULAR MEETING

CALL TO ORDER – 3 p.m.

ROLL CALL

Terry Carter, Dawn Chapman, Daniel Price, John Quirk III, James Ring, David Stille,
and Alonzo Thompson

APPROVAL OF MINUTES – October 18, 2023

ELECT CHAIR & VICE CHAIR

COMPLAINTS

1920 East Edgewood Ave Unite #2

MISCELLANEOUS

CALL FOR ADJOURNMENT

**Nuisance Abatement Board
October 18, 2023**

The Nuisance Abatement Board met in the City Commission Chambers. Members David Stille, James Ring, Dawn Chapman, Daniel Price, Alonzo Thompson, Terry Carter, and John Quirk III were present. Assistant City Attorney Alex Landback, Deputy City Clerk Heather Bradman, Interim General Counsel for Lakeland Police Department David Carmichael, and City staff were present.

Call to Order – 3:00 p.m.

The meeting was called to order at 3:00 p.m.

Roll Call

Deputy City Clerk Heather Bradman called the roll.

Approval of Minutes

Action: Terry Carter moved to approve the January 18, 2023, minutes, and the July 19, 2023 minutes. Dawn Chapman seconded, and the motion was carried unanimously.

Chair David Stille introduced the new Nuisance Abatement Board member, Alonzo Thompson.

823 N Iowa Ave – James Richard Macicha

On October 11, 2023 a copy of the Complaint and Notice of the Hearing was personally served to James Macicha. On October 9, 2023, Mr. Macicha called the City Clerk and verbally requested a continuance. He did not provide a reason for the request. The next day, the City Clerk sent a letter to him advising he must request the continuance directly from the Nuisance Abatement board, either in writing or in person on the hearing date. Hours before this hearing, Mr. Macicha personally delivered a handwritten request to continue the hearing, claiming he had eye surgery the previous day and has an appointment in Tampa at 1:45 p.m.

Member Terry Carter felt it was the Nuisance Abatement Board's fault that the hearing was pushed back a month due to lack of quorum. He stated unless LPD had a compelling reason as to why this case must be heard today, then he agreed with the continuance.

Action: Member Terry Carter moved to reschedule hearing this property on November 15, 2023. No other board member seconded, and the motion die for lack of a second.

Chair David Stille stated the Board has already missed one meeting for this case because of a lack of quorum. At that meeting, Mr. Macicha was present. He acknowledged Mr. Macicha's request for continuance, but thinks it is better to hear the case.

Member Terry Carter asked if there was anyone here to represent the property owner. There was not.

Member Terry Carter reiterated that Mr. Macicha has a valid reason to ask for a continuance and it was not his fault that the meeting was cancelled last month due to lack of a quorum.

Action: Member Terry Carter moved for the continuance of this case until the next available date, November 15, 2023. Member John Quirk seconded. Before a vote, Chair David Stille asked if LPD would like to speak on the continuance of this case.

Legal Counsel David Carmichael informed the Nuisance Abatement Board that Mr. Macicha has called before requesting a continuance, but never provided information about impending surgery or medical limitations. Mr. Macicha has a long history of asking to continue proceedings. Mr. Carmichael stated that absent of the property owner being here, the Board can still hear the facts of the case now and the owner could present his side at the next hearing. However, LPD believes his property represents and continues to represent a danger to the community.

Action: Member Terry Carter withdrew his motion.

Vice Chair James Ring said based on the ongoing nuisance that is evident in the documentation he would not be in favor of a continuance.

Member John Quirk III asked if there have been any changes to the property since the last hearing that was cancelled. The owner has continued to collect items of garbage.

Deputy City Clerk Heather Bradman swore in all witnesses.

LPD Officer Edwin Sanchez has had personal contact with the owner of that property. The owner, James Macicha, has been hostile towards law enforcement. The residence has no power and no water. Mr. Macicha and other individuals live on the porch because he has junk piled inside the residence that reaches up to the ceiling. At one point, there were bags of human feces found on the property because there are no working toilets in the residence. The owner gathers items such as lawnmowers, refrigerators, and stoves to take onto his property. He is a self-proclaimed hoarder who cannot stop. Garbage from the residence goes all the way to the property line and emergency personnel cannot go through. Two years ago, the City helped clean up the property and it has since reverted to a state of nuisance.

Resident John Morrow lives at 834 N Iowa Ave which is almost directly across the street from Mr. Macicha's property. Mr. Morrow sees many transients in this area because they are surrounded by Parker Street Ministries, Lighthouse Ministries, and Talbot House Ministries. Despite repeated mitigation processes, the property just goes back to the same condition it is in now. Mr. Morrow has heard screaming come from the home.

Code Enforcement Manager, Suny Marshall, confirmed the testimonies heard are very accurate. Her department has been heavily involved with the property to include citing and cleaning. Over the past two years code enforcement has increasingly received more pleas to abate the property. Code enforcement has exhausted the extent of their enforcement capacity and needed to involve LPD and NAB.

Member Terry Carter asked about the City's plan during the year. Closing the property would provide relief from the constant activity. The closure will allow Code Enforcement time to work with LPD and the CAO on plan a to move forward.

Action: Member James Ring moved to abate this property for 1 year. Member Terry Carter seconded, and the motion carried unanimously.

The Board discussed notice. The owner would receive notice of closure effective 30 days from the date of the signed order.

On behalf of the Board, Member James Ring apologized to LPD, Code Enforcement, and the citizens that they were here last month but there was not a quorum. He thanked everyone's continued efforts to abate nuisance properties.

1124 W Lime St – Barbara James

Deputy City Clerk Heather Bradman swore in two new witnesses.

LPD Officer Michael Hammersla reviewed the complaint. People in the neighborhood are not safe because there are homeless people living and showering in the backyard. The owner has been fully aware of everything needed from code enforcement. There is constant foot traffic by homeless people day and night, rats are coming from inside the house, a dead body was found in the basement, and two dogs were taken by animal control because they were mangy and full of fleas. There is a second person on the deed, John Edward Winters. LPD has done an extensive national search and could not find him. In 2011 Barabara James got an injunction on John Winters for violence and he has not been seen since. They believe one or two of the regular transients pay Ms. James to stay on the property. The City has helped Ms. James before by providing a trespass warning authorization, but she continues to let people back on her property. Ms. James is willing to give the house up and sell it. She understands there are fines. If we abate the house, she would have another place to stay. Her daughter and granddaughter live diagonally behind her on Sycamore. She also has a friend she can live with. She has received contact information for the homeless coalition. Officer

Hammersla personally served her the notice of hearing for today and suggested she attend. She declined.

Action: Member Terry Carter moved to abate the property for 1 year. Member James Ring seconded, and the motion was carried unanimously.

Member James Ring appreciated the empathetic approach LPD has used in trying to abate these properties.

The meeting adjourned at 3:49 p.m.