

CITY OF LAKELAND

**Nuisance Abatement Board
June 26, 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 – April 17, 2024

**DISMISS EXISTING ORDERS
1920 E Edgewood Ave, Unit M-2
821 N Missouri Avenue
411 W 7th Street**

SWEAR IN WITNESSES

**COMPLAINTS
1433 Powhatan Court
118 W 10th St**

MISCELLANEOUS

CALL FOR ADJOURNMENT

Nuisance Abatement Board
April 17, 2024

The Nuisance Abatement Board met in Lakeland Electric Conference Rooms 1A, 1B. Members Dawn Chapman, Daniel Price, John Quirk III, James Ring (Vice Chair), and Alonzo Thompson were present. Members Terry Carter and David Stille (Chair) were absent. Assistant City Attorney Alex Landback, Deputy City Clerk Heather Bradman, General Counsel for the 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: Daniel Price moved to approve the March 20, 2024 minutes. John Quirk seconded, and the motion carried unanimously.

Deputy City Clerk Heather Bradman swore in all witnesses testifying in the hearing.

COMPLAINTS - 411 West 7th Street

Officer Macson McGuirk provided a PowerPoint presentation to the board. This property is owned by Dolphis Hamilton. The Lakeland Police Department has made several attempts to stop illegal activity and other nuisance problems at the residence. The property is a location for individuals who have significant histories of criminal activity to include prostitution, illegal use of narcotics, and other misdemeanor and felony offenses. In the past 9 years there have been 41 calls for police service. The residence is zoned as a single-family home, but it serves as a rooming house with separated, locked rooms that can be rented. LPD requests the board find this property a nuisance, find the owner has not abated this nuisance, and close the property for 1 year.

Property owner Dolphis Hamilton and his wife Andrea Hamilton said they rent the property to two individuals. They have seen a lot of different people on the residence and called LPD several times to do a trespass warrant, but nothing changes. He has not met Officer McGuirk until today. Mr. Hamilton has a scar on his face from an altercation on this property. He also had a gun pulled on him at the property.

The board discussed:

- This property is clearly not a single-family residence because every room has its own lock and key. Mr. Hamilton said he did not install those locks himself.

- The owner must inspect the property annually at the very least.
- Mrs. Hamilton explained they have gone to LPD to get a trespass warrant and got signs posted on the property, but individuals still stay at the residence.
- The Hamiltons cannot visit the property without experiencing an altercation or argument. They agree this is a problem.
- Mr. Hamilton owns between six and eight properties. The board finds it troubling that he does not know his tenants.

LPD General Counsel David Carmichael has talked to Mr. and Mrs. Hamilton about unlawful detainers and evictions. Since this property meets the qualifications to be declared a nuisance, he recommends the board find the nuisance exists and provide the property owner a 30-day window to start the process of resolving these issues. After that, the property owner will be given a reasonable amount of time to clean up the property with the help of LPD.

The board asked Mr. Hamilton what he plans to do in next 30 days? He is going to remove the front awning to ensure clear visibility of the property, he will trim trees, and he will evict the current tenants.

The board continued to discuss:

- Mr. Hamilton must ensure he has legal grounds to evict the tenants. He can evict them for violating the lease by subletting the property. LPD can trespass anyone who goes onto the property.

Action: John Quirk motioned to find the property a nuisance and give the property owner 30 days to address the nuisance so there is no perception the residence is a boarding house with criminal activity. If action is not taken with 30 days by the owner, the board will order a 12-month abatement of the property. Dawn Chapman seconded, and the motion carried unanimously.

COMPLAINT – 418 West 7th Street

Officer Macson McGuirk provided a PowerPoint presentation to the board. This address is also owned by Dolphis Hamilton. In the past 11 years there have been 184 calls for police service. LPD has identified this property to be a location for individuals to illegally use narcotics, engage in nuisance activity, and endanger public safety the welfare of current tenants and surrounding residents. This included a shooting that occurred in a crowd of people and residents refused to cooperate with LPD. This residence has been split into two apartments. The current residents have complained of shootings that do not get reported, trespassing, and loitering. Neighbors are afraid to go to the police for fear of retaliation. LPD requests the board find this property a nuisance, find the owner has not abated this nuisance, and close the property for 1 year.

The board discussed:

- It is heartbreaking on the day the community comes together to celebrate MLK Day, an incident of shooting violence occurs.

- After hearing shots fired, people in the area feel the violence is so commonplace that they continue to hang around outside with no regard to LPD's attempts to keep the community safe.
- The owners must do a better job by being more responsible. This a community where families live, and they should not be afraid to come out of their home.
- The current tenants do not have a criminal history and have called 911 when issues occur. Previous tenants are the ones who allowed this property to become a haven for criminal activity.

David Carmichael explained there is not enough grounds yet for this case to be an abatement. The statute requires a certain amount of types of criminal activity to occur within a 6-month window. With the transition of the new tenants, they have fallen short of the 6-month window.

Action: LPD is not asking for an abatement of the property at this time.

David Carmichael stated 411 and 418 W 7th Street are inextricably intertwined. He believes the action taken at 411 W 7th Street will have a radiating effect on other properties. The landowners are the anchors and the neighborhood can vastly change based on the positive work being done. The owners have already worked with LPD to trespass anyone who is not a resident of that property.

Mr. Hamilton said he eventually wants to sell the property because of the stress. He has seen the neighborhood deteriorate over the years. He will be a more responsible homeowner by conducting background checks, checking the property annually, and working with LPD to make the community better.

David Carmichael clarified the eviction may take longer than 30 days. If the owner begins the mitigation process now, the board must give them a reasonable amount of time to commence rehabilitation on the property. Previously, a reasonable amount of time has been six months. If anything comes up during that time, the property can be brought before the board again for abatement.

The board members told Mr. Hamilton that if he sells the property to make sure he informs the new owner of everything, including today's hearing.

LPD will continue to monitor the property to ensure there are no issues later. LPD cannot remove individuals from a property if they are invited as a guest.

MISCELLANEOUS - None

The meeting adjourned at 4:17 p.m.