

CITY OF LAKELAND

**Nuisance Abatement Board
August 21, 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 – June 26, 2024

SWEAR IN WITNESSES

**COMPLAINTS
411 West 7th Street
118 West 10th Street
1433 Powhatan Court**

MISCELLANEOUS

CALL FOR ADJOURNMENT

**Nuisance Abatement Board
June 26, 2024**

The Nuisance Abatement Board met in Lakeland Electric Conference Rooms 1A, 1B. Members Dawn Chapman, James Ring (Vice Chair), David Stille (Chair), and Alonzo Thompson were present. Members Terry Carter, Daniel Price, and John Quirk III 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 – April 17, 2024

Action: James Ring moved to approve the April 17, 2024 minutes. Dawn Chapman seconded, and the motion carried unanimously.

Deputy City Clerk Heather Bradman swore in all witnesses intending to provide testimony.

OLD BUSINESS

Officer Hammersla gave updates on past properties that were heard by the Nuisance Abatement Board.

1920 E Edgewood Ave, Unit M-2: The property remains in compliance. The home has been vacant and the former tenant, Lorraine Duffy, has not been observed at or around the residence. The owner, Raymond Duffy, has contacted Assistant City Attorney Alex Landback and informed him that he intends to put the house on the market, and would like the order in this case to be dismissed.

Action: James Ring moved to the dismiss the existing order on 1920 E Edgewood Ave, Unit M-2. Dawn Chapman seconded, and the motion carried unanimously.

823 N Iowa Ave: Officer Hammersla showed photos depicting the condition of the property before abatement and after. The exterior garbage and overgrown vegetation have been cleared and removed and the Code Enforcement Board ordered the demolition of the structures on the property. Assistant City Attorney Alex Landback informed the Board that the owner, James Macicha, filed a lawsuit against the City to stop demolition and there is a hearing next week. The judge might give the owner the opportunity to go into the property to retrieve irreplaceable items before demolition. The

conditions inside the residence are hazardous so, if the court allows him to enter, the owner will not be accompanied by City staff.

1124 West Lime Street: The structure on the property has been demolished so it is now a vacant lot. Officer Hammersla did not recommend lifting the abatement order, which expires on November 3, 2024.

821 N Missouri Ave and 814 N New York Ave: Appearing on behalf of the owner, Florida Investment Group LLC, Eric Greenhow reiterated on his commitment to improving the community and commented on the need to improve communication between LPD and property owners so they can address issues before reaching nuisance abatement hearings.

Officer Hammersla confirmed both properties have been cleaned with no further issues. It was his recommendation that the NAB Order for 821 N. Missouri be dismissed. The property on 814 N New York Ave did not have an abatement order so no action is necessary as to that property.

Action: James Ring motioned to dismiss the existing order on 821 N Missouri Avenue. Dawn Chapman seconded, and the motion carried unanimously.

612 W Myrtle St: Chairman David Stille shared that he had received a letter from the owners of this property requesting the board consider reopening the case based on the information provided in the letter. A copy of the letter was provided to each of the board members and staff to review. Officer Hammersla did not recommend for the board to reconsider this case. No one appeared at the hearing on behalf of the owner.

The Chair asked if any board member wished to introduce a motion to reconsider the case based on the letter from the property owners. No motion to reconsider was introduced.

Action: Dawn Chapman moved to deny reconsideration of the abated property at 612 W Myrtle Street. Alonzo Thompson seconded, and the motion carried unanimously.

411 West 7th Street: This case involved a rooming house and was docketed for dismissal similar to 814 N New York Ave and 1920 Edgewood. Officer Hammersla advised that he did not see any significant actions taken on by the owner except for putting up a fence with a small No Trespassing sign. One of the tenants let Officer Hammersla inside and all the doors were still individually locked. Officer Hammersla explained that the tenant he met with confirmed all the tenants in the home pay separate rent to the owner, Dolphis Hamilton. Further, the owner has not complied with the order by providing proof to LPD that he has filed evictions, replaced the interior door handles, or commenced rehabilitation of the property. Assistant City Attorney Alex Landback read

the relevant parts of the nuisance abatement order into the record. No one appeared on behalf of the owner.

Action: James Ring motioned to close the property for one year. Dawn Chapman seconded and the motion carried unanimously.

Officer Hammersla asked the board for an effective date to board up the property. Two weeks is a reasonable timeframe which would be July 10, 2024. Officer Hammersla has already spoken with two of the tenants who said they are looking to live elsewhere because they are aware of the board's prior ruling during the April 17, 2024 meeting.

Action: James Ring motioned to amend the original motion to include the closure of the property for one-year effective July 10, 2024. Dawn Chapman seconded and the amended motion carried unanimously.

NEW COMPLAINT - 118 W 10th Street

Officer Hammersla presented this case on behalf of LPD. He advised that this property is not owner-occupied and is owned by Phoenix Properties, LLP. The owner was notified of illegal activities on the property in November 2023 and believed a resolution to the complaint was made. However, activities have persisted to include the property operating as a rooming house even though it is zoned as single family. The property is used to consume and sell illegal narcotics, has allegations of prostitution, and is frequented by drug users and dealers. LPD requested the board find that this property constitutes a nuisance and abate it for one year. The board should require proof of eviction or writ of possession from the property owner within 30 days as proof of action taken to address the nuisance.

Adil Khan appeared on behalf of the owner, Phoenix Properties, LLP, and addressed the board. He advised that the ownership group is primarily in the business of developing and managing medical buildings. This property was acquired as part of a strategic expansion to purchase properties across from Lakeland Regional Medical Center. When they were informed of nuisance activity last fall, they warned the tenant that continued activity would be a violation of the lease. The owners are terminating the lease early and will file an eviction on the tenant. They have been in contact with a property management company for obtaining demolition bids and proceeding with the permitting process.

The board members and LPD discussed that the property meets the criteria for a public nuisance. The shared goal is to improve the condition of the house, so it does not continue to attract illegal activity. The property owners would like time to eliminate the nuisance themselves without an abatement order that could restrict their plans to demolish the property. The board members discussed their willingness to provide an unofficial window of time to take appropriate action to address the nuisance and can take more drastic action later if necessary.

James Ring supports allowing 30 days to address the issue because of the company's longstanding reputation in the community. If the owner fails to act, then the board can do what is necessary,

The board was reminded that there will be no meeting in July, so the property owners would have around 60 days to address the nuisance. The board suggested after the eviction process, the owners could proactively board up the home until it is demolished so it does not become another hangout for vagrants.

Action: James Ring made a motion to allow the owner 60 days or until the next meeting to properly abate and address the issue. Dawn Chapman seconded, and the motion carried unanimously.

NEW COMPLAINT - 1433 Powhatan Court

Officer Hammersla presented this case for LPD. This property is owner occupied and was rebuilt in 2009 by the City of Lakeland Housing Division which attached a 30-year affordable housing lien. The home has been the frequent location for illegal drug activity. The owner, Natalie Hagan, has failed to deter the unlawful activities occurring on the property, which have been conducted by family members who are also residents of the home. LPD requested that the board find that this property constitutes a public nuisance and order the closure of the house for one year.

The owner was provided notice of the hearing but is not present. Rosalind Flournoy appeared on behalf of the owner. She advised that she is the owner's granddaughter and helps take care of her. She said they went through the trespass process to ensure no other family members live on the property except for her grandmother. Her grandmother had two major strokes and is bedridden. They are currently waiting on a new wheelchair to arrive because she has outgrown the old one. These circumstances prevented her grandmother from attending the meeting today.

Officer Hammersla asked Ms. Flournoy if she contacted the City of Lakeland ADA Specialist, Kristin Meador, to arrange transportation for her grandmother to this meeting. Ms. Flournoy advised that she did not but explained that she has been busy working on the guardianship process for her grandmother and attempting to secure her new wheelchair.

Officer Hammersla advised that LPD went to Carpenters Home Rehab to see how they could help the homeowner. Officers spoke with a worker who informed LPD that Natalie Hagan is very alert, coherent, and can make decisions. Further, Officers were informed that Ms. Hagan can move around in a wheelchair or scooter and would be provided transportation to the Nuisance Abatement Board hearing if she remained in Carpenters Home Rehab. Ms. Flournoy disputed that assertion and explained that her grandmother had been discharged from the facility well in advance of the hearing and there were no means of transporting her to the hearing to personally appear before the board.

Rosalind Flournoy explained she does not have a criminal history, she is a business owner, and doing the best she can to help her grandmother. Ms. Flournoy said her grandmother can address the situation personally if the board is willing to reschedule this property for another hearing. At that time, her grandmother will have a new wheelchair and she will secure reliable transportation for her to appear before the board.

Action: James Ring motioned to abate the property for one year effective 30 days from today's date. Dawn Chapman seconded, and the motion carried, 3-1. Alonzo Thompson voted nay.

The abatement will commence on July 26, 2024. The board asked LPD to work with the family to ensure Natalie Hagan receives assistance in the process.

MISCELLANEOUS – None

The meeting adjourned at 4:07 p.m.



Kelly S. Koos
City Clerk
863.834.6210

In re:

July 25, 2024

Complaint No.
24-005

Address of Property:
411 West 7th Street
Lakeland, FL 33805

Legal Description of Property:
411 WEST 7TH STREET – WASHINGTON PARK PB 1 PG 99 BLK 8 LOT 18.

NOTICE OF HEARING

TO: DOLPHIS HAMILTON
2878 DUNHILL CR
LAKELAND, FL 33810

Please be on notice that the City of Lakeland Nuisance Abatement Board will hold a hearing on the above-referenced property on **Wednesday, August 21, 2024, at 3:00 p.m. in the Lakeland Electric Conference Room 1A, 1B, Lakeland, Florida, located at 501 East Lemon St.**

Upon a finding the above-referenced property is a public nuisance, the Board has the power to order the closure of the place or premises or any part thereof, impose fines, order payment of reasonable costs, including attorneys' fees, and record orders of the board in public records, which orders shall become liens against the real property which is the subject of the order.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statute, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Specialist, Kristin Meador. Because providing a reasonable accommodation may require outside assistance, organizations, or resources, the City asks that any request be made with as much notice as possible, preferably 72 hours, but no later than 48 hours in advance of the event, at: (863) 834-8444, Email: ADASpecialist@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-(800) 955-8771 (TDD – Telecommunications Device for the Deaf) or the Florida Relay Service number: 1-(800) 955-8770 (VOICE), for assistance.

Dated this 25th day of July 2024.

CITY OF LAKELAND, FLORIDA
NUISANCE ABATEMENT BOARD

Heather L. Bradman, Deputy City Clerk

Proof of certified mail
originally sent found
on page 21.

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1. Article Addressed to: <p style="text-align: center;">Dan his Hamilton 2878 Dunhill Cr Lakeland, FL 33810</p>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
 9590 9402 8738 3310 4391 19	3. Service Type <input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input checked="" type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery
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Kelly S. Koos
City Clerk
863.834.6210

In re:

July 25, 2024

Complaint No.
24-007

Address of Property:
118 West 10th Street
Lakeland, FL 33805

Legal Description of Property:
232812055500001040 WASHINGTONPARK PB 1 PG 99 BLK 1 LOT 4 LESS R/W ON 10TH ST

NOTICE OF HEARING

TO: PHOENIX PROPERTIES, LLP
4798 S FLORIDA AVE, SUITE 215
LAKELAND, FL 33813
PRINCIPAL: ADIL KAHN

Please be on notice that the City of Lakeland Nuisance Abatement Board will hold a hearing on the above-referenced property on **Wednesday, August 21, 2024, at 3:00 p.m. in the Lakeland Electric Conference Room 1A, 1B, Lakeland, Florida, located at 501 East Lemon St.**

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Dated this 25th day of July 2024.

CITY OF LAKELAND, FLORIDA
NUISANCE ABATEMENT BOARD


Heather L. Bradman, Deputy City Clerk

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4798 S Florida Ave, Ste 215
Lakeland, FL 33813
Principal: Adil Kahn

Street and Apt. No., or PO Box No.
 City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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Lakeland, FL 33810

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 City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



Kelly S. Koos
City Clerk
863.834.6210

In re:

August 2, 2024

Complaint No.
24-006

Address of Property:
1433 Powhatan Court
Lakeland, FL 33805

Legal Description of Property:
RIDGECREST ADD PB 7 PG 41 BLK A LOTS 10 & 11 LESS BEG SE COR LOT 10 RUN NWLY 70 FT
RUN NELY TO A POINT ON N-LINE OF LOT 11 ELY 50 FT TO NE COR OF LOT 10 SWLY ALONG
LOT LINE 201.5 FT TO POB

NOTICE OF HEARING

TO: NATALIE HAGAN
1433 POWHATAN COURT
LAKELAND, FL 33815

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Dated this 2nd day of August 2024.

CITY OF LAKELAND, FLORIDA
NUISANCE ABATEMENT BOARD


Heather L. Bradman, Deputy City Clerk

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Tracking #: 9590 9402 8738 3310 4390 72			
Total			\$9.68

Grand Total: \$9.68

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 Approval #: 084675
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