



VISION
A vibrant, innovative, culturally-inclusive, world-class community.

MISSION
A community working together to achieve an exceptional quality of life.

NUISANCE ABATEMENT BOARD
February 18, 2026

CALL TO ORDER – 3 p.m.

**JD Arbuckle
John Quirk III
Ryan Duke**

**ROLL CALL
Cyle Rickner
Elena Giarratano
Alonzo Thompson**

Daniel Price

Approval of Minutes – January 21, 2026

SWEAR IN WITNESSES

RECONSIDERATION

**2025-005 815 N. Mass Ave.
815 N Mass Ave LLC**

CALL FOR ADJOURNMENT

MINUTES

DRAFT

1

Nuisance Abatement Board

January 21, 2026

Nuisance Abatement Board January 21, 2026

The Nuisance Abatement Board met in the City Commission Chambers. Members John Quirk III (Chair), Daniel Price, Alonzo Thompson, Elena Giarratano, Ryan Duke, JD Arbuckle, and Cycle Rickner were present. Assistant City Attorney Alex Landback, Police General Counsel David Carmichael, and Deputy City Clerk Heather Bradman were present.

Chair John Quirk called the meeting to order at 3:00 p.m.

Deputy City Clerk Heather Bradman called the roll for attendance.

Election of Officers

Per administrative policy, each board or committee shall elect a chairperson annually, and no member may serve more than two consecutive terms as chairperson. The vice chair shall be elected at the same time.

Motion: Member Daniel Price moved to nominate John Quirk as Chair and Alonzo Thompson as Vice Chair. Member Elena Giarratano seconded.

Chair John Quirk asked for further nominations. There were none.

Action: Chair John Quirk called for the vote and the motion was carried unanimously.

Approval of Minutes – September 17, 2025

Motion: Member Daniel Price moved to approve the minutes. Member Elena Giarratano seconded.

Chair John Quirk asked for further comments. There were none.

Action: Chair John Quirk called for the vote and the motion was carried unanimously.

Swear in Witnesses - None

New Complaints – None

General Counsel David Carmichael introduced himself to the Board. He explained that while there are no new cases to report for this meeting, LPD has addressed several ongoing cases. Of those, two were resolved favorably after outreach to the landlords, and one was resolved after the landlord successfully evicted the tenant and abated the nuisance.

Mr. Carmichael also noted that in future meetings he will be able to provide more detailed case updates, including Case #2025-005 (815 North Massachusetts Avenue).

Reconsideration

Case #2025-005; 815 North Massachusetts Avenue

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This case is not being reconsidered at this time. Due to pending litigation, LPD is unable to move forward with closing the property. The property owners have retained legal counsel, and a settlement is currently being negotiated, with the possibility of a mutually agreeable resolution. The owners have paid their fines¹ and have begun addressing some of the proposed sanctions discussed during the September 17, 2025, hearing.

General Counsel David Carmichael noted that in cases involving landlords and tenants, imposed fines often have a greater impact than property abatement. In discussions with Assistant City Attorney Alex Landback, he suggested that potential updates to the Nuisance Abatement Ordinance could include allowing imposed fines to become liens, with the possibility of foreclosure.

Board Member Elena Giarratano inquired about ownership determination for 823 West 5th Street (Case #2025-006). It was explained that the property was inherited by approximately seven siblings. One owner is currently incarcerated, while another brother is not. Serving all owners simultaneously has been challenging. The brother who is not incarcerated indicated that probate proceedings had been initiated. Further investigation revealed that a probate estate was opened four years ago but later became inactive. The brother is now working to revive the process and has initiated an administrative probate. Once the court issues a ruling, LPD anticipates that only one individual will need to be served. Despite informal evictions and boarding of the property, individuals continue to gather at the location for nuisance-related activities.

Board members and staff will reconvene in the City Commission conference room immediately following this meeting for a training session.

The meeting adjourned at 3:15 p.m.

¹ It was discovered after the meeting that the fine has not yet been paid.

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Nuisance Abatement Board

Board Training January 21, 2026

The Nuisance Abatement Board met in the City Commission Conference Room. Members John Quirk III (Chair), Daniel Price, Alonzo Thompson, Elena Giarratano, Ryan Duke, JD Arbuckle, and Cycle Rickner were present. Assistant City Attorney Alex Landback, Police General Counsel David Carmichael, City Clerk Kelly Koos, Deputy City Clerk Heather Bradman, and Assistant to the City Clerk Trish Edwards were present along with members of the Lakeland Police Department.

The training session began at 3:25 p.m.

Overview of Public Hearing

Alex Landback began by explaining the nuisance abatement process:

- Board receives complaint. Officers will present their case.
- Property owners have opportunity to tell their side.
- The Board will accept public comments.
- Board decides if evidence meets required criteria. Does the evidence support a finding of a nuisance that needs to be abated? The Board then has 2 decisions:
 1. Does a public nuisance exist?
 2. What remedies will abate the nuisance?

The Board must first find if there is a nuisance. The Board must decide in the form of a motion to find that a nuisance does or does not exist. After the finding, the board may enter an order to require the owner to adopt procedures to abate the nuisance or the Board may enter an order to immediately close the property. When the owner sues the City it keeps the City from closing the property. There may be other paths to bring compliance. The goal is compliance.

NAB Powers & Authority:

- Impose a fine
- Require payment of costs
- Fine becomes a lien
- Foreclose on lien

For property/premises not owner-occupied:

- The owner shall have a reasonable time in which to abate the nuisance before the board imposes the fine.
- All time during which the owner has had actual notice of the nuisance shall be considered in determining a reasonable time.
- If requested by the owner, members of the police department will provide testimony in any action brought to abate the nuisance.

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A rental property that is declared a nuisance under this section may not be abated if:

- The nuisance was committed by someone other than the property owner, and;
- The property owner commences rehabilitation of property within 30 days after property is declared a nuisance, and;
- The property owner completes rehabilitation within a reasonable time thereafter.

Abatement as the Central Objective

Concept - Least-Restrictive Means Approach

What is the least restrictive remedy that is reasonably likely to eliminate the nuisance?

Bifurcating the Process:

- Phase 1 - Determination of Public Nuisance
- Phase 2 - Remedy & Abatement; Under phase 2 if the owner has not done work towards compliance, then the board may want to consider closure.

David Carmichael explained bifurcating the process makes this more flexible. The bifurcation process may allow the first order to be completed more quickly and get compliance underway more quickly. By not going for closure right away, it will allow a quick order to find a nuisance exists and requiring compliance right away.

The City is not reinventing the wheel on this. We are observing best practices of other cities. The police officers are going to observe how other cities deal with problem apartment complexes.

Bifurcating the process also supports closure later because it shows the city gave every opportunity for the owner to come into compliance.

The Board discussed the complexity of abating a nuisance in a multi-family location.

David Carmicheal explained the need for a legal eviction. The tenant moving out is not the same as a legal eviction.

Officer Mike Hammersla explained if the owner does not evict the tenant, they can come back and that would be dangerous to any new tenant. A terminated lease will work in place of an eviction. They are always looking for evidence to show compliance.

Lieutenant Joe Parker explained:

- What established residency
- Trespassing those who are causing the problems
- When the owner/lessee reinvites someone who has been trespassed, the next step is probably closure

CPTED - Crime Prevention Through Environmental Design

DRAFT

The Police Department offers CPTED evaluations for free.

Bifurcating the Process

Phase 1: Determination of Public Nuisance

Whether the City has met its burden

Whether the statutory and ordinance criteria are satisfied

Making clear findings of fact based on evidence in the record

Phase 2: Remedy & Abatement

The nature and severity of the nuisance

The owner's level of knowledge and involvement

Steps taken to mitigate conditions

Practical feasibility and enforceability

Whether graduated or conditional remedies are appropriate

Orders should be specific, measurable, and directly tied to the conditions identified in the findings.

Tenant occupied properties generate a diversion. CPTED is a diversion. The police handle the diversion process prior to bringing a case to the Nuisance Abatement Board. The owner/lessee's noncompliance is what triggers a Nuisance Abatement hearing. When the case goes before the board, the police will make a recommendation. The board can do a diversion or a closure. The Board makes the decision to move forward based on the facts presented.

David Carmichael explained the finding of a nuisance loops in other government agencies. Business owners could lose their liquor license if they have a NAB complaint.

Sunshine Law & Public Records Law

Alex Landback explained the Board member's responsibility.

- No discussion on existing or potential cases outside of a public hearing.
- No email/text message discussions. Those are outside of the Sunshine.
- No side conversations in the hearing. Speak into the microphone.
- Decisions based on evidence presented at the hearing.
- Board members are expected to vote unless they have a financial conflict. They are encouraged to reach out to Mr. Landback in advance if they have a conflict. They will have to file a Voting Conflict form with the City Clerk.

The training session ended at 5:09 p.m.

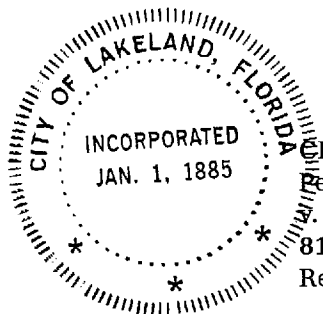
2025-005 815 N. Mass. Ave.

Certified as a true and correct copy of the original document(s) on file in the office of City Clerk, City of Lakeland, Florida.

this 15th day of October 2025

Kelly S. Koos, City Clerk
City of Lakeland, Florida
(Seal)

INSTR # 2025246426
BK 13743 Pgs 2131-2136 PG(s)6
10/20/2025 10:32:52 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 52.50



NUISANCE ABATEMENT BOARD
CITY OF LAKE LAND, POLK COUNTY, FLORIDA

CITY OF LAKE LAND, FLORIDA,
Petitioner

CASE NO. 2025-005

815 N MASS AVE LLC,
Respondent

Property Address:
815 N. Massachusetts Avenue
Lakeland, FL 33801

Legal Description:
DEED APPEARS IN ERROR
SCHIPMANS SURVEY DB G PG 360 361 BLK
20 LOT 3 LESS S 15 FT & THAT PORTION OF
S1/2 LOT 5 DESC AS BEG SW COR S 1/2 LOT
5 RUN N 38 FT E 75 FT S 10.94 FT E 60 FT S
26.67 FT W 135 FT TO POB

FINAL ORDER OF NUISANCE ABATEMENT BOARD
OF THE CITY OF LAKE LAND

This complaint was heard by the Nuisance Abatement Board ("Board") of the City of Lakeland, Florida on September 17, 2025. The Board, having received sworn written complaint, testimony, affidavits, other competent evidence, and being otherwise fully advised in the premises, issues its findings of fact, conclusions of law, and orders as follows:

FINDINGS OF FACT

1. The Respondent, 815 N MASS AVE LLC, is the titled owner of the subject commercial property located at 815 North Massachusetts Avenue, Lakeland, FL 33801 ("Subject Property"). The Subject Property primarily consists of a convenience store, operated by a commercial tenant, with a parking lot located in the front along Massachusetts Avenue.
2. The Complaint and Notice of Hearing were duly served on the Respondent, and the Board has jurisdiction over the matter. The sworn complaint is attached to this Order and incorporated by reference ("Complaint").
3. The Respondent had the opportunity to appear before the Board, in person or through legal counsel, to offer evidence in defense of or in mitigation against the Complaint. Raia Odeh and Adel Odeh, owners of 815 MASS AVE LLC, appeared on behalf of Respondent.
4. Testimony and evidence presented by the Lakeland Police Department established a persistent and ongoing pattern of criminal activity occurring at or directly related to the subject property.

5. The Board received sworn testimony from Officer Michael Hammersla, who is assigned to the Neighborhood Liaison Section of the Lakeland Police Department and has over 30 years of experience in narcotics and nuisance investigations.
6. Ofc. Hammersla documented the ongoing nuisance and narcotic activities occurring at the Subject Property, including open consumption of alcohol, public intoxication, use and possession of narcotics, sale of controlled substances, and other assorted criminal activity.
 - a. Over the past decade, law enforcement has received over 2,600 calls for service at or around the subject property. Between April 1, 2024 and March 31, 2025 alone, there were 323 calls for service and 113 arrests at this location.
 - b. Between September 8, 2024 and June 1, 2025, there were at least fourteen (14) arrests for narcotics-related offenses connected to the location:
 - (1) September 8, 2024: Officer witnessed a hand-to-hand transaction; buyer arrested with crack cocaine and marijuana.
 - (2) September 20, 2024: Officer observed a transaction in a vehicle; buyer arrested with possession crack cocaine; seller later charged.
 - (3) September 20, 2024: Officer arrested previously trespassed subject in possession of methamphetamine.
 - (4) November 13, 2024: Officer arrested a previously trespassed subject in possession of a trafficking quantity of fentanyl; charged with sale/delivery.
 - (5) November 20, 2024: Officer arrested a loitering subject in possession of methamphetamine.
 - (6) December 18, 2024: Officer arrested a loitering subject in possession of cocaine.
 - (7) December 21, 2024: Officer arrested a subject for possession with intent to sell counterfeit methamphetamine; suspect admitted to ongoing sales.
 - (8) January 1, 2025: Officer arrested previously trespassed subject for possession of methamphetamine.
 - (9) January 10, 2025: Arrest for Possession of Synthetic Drug, and Poss. of Drug Paraphernalia.
 - (10) January 18, 2025: Officer pursued a suspect who discarded baggies containing cocaine.
 - (11) February 14, 2025: Possession of Heroin, Armed Trespass
 - (12) February 14, 2025: Possession of Cocaine, Possession of Paraphernalia on a previously trespassed subject.
 - (13) April 15, 2025: Resisting Officer without violence and Possession of Paraphernalia
 - (14) April 15, 2025: Cannabis Possession

7. Ofc. Hammersla testified that the property continues to serve as a regular gathering point for convicted felons and other individuals engaged in the use and distribution of illegal narcotics. Store employees are observed mingling with such individuals without reporting or discouraging the conduct, and in some cases appear to facilitate or tolerate the activity.
8. LPD has previously provided written warnings to the Respondent. On June 2, 2025, LPD eventually discussed the issues with the Respondent, who either denied knowledge of what was occurring or faulted a nearby homeless shelter. The Respondent likewise had blamed a former employee for excessively requesting LPD to respond to the location.
9. After speaking with the Respondent on June 2, 2025, the issues persisted, with at least 10 calls for service documented over a 2-week period, including an arrest for the sale of narcotics at the Subject Property.
10. This culminated in the filing of the original sworn nuisance abatement complaint, which was heard by the Board on July 16, 2025. As reflected in the approved minutes from that hearing:

Alex Landback swore in Adel Odeh and Raia Odeh.

The property owners, Adel and Raia Odeh, who lease the commercial space, expressed a willingness to cooperate. They acknowledged that nuisance conditions existed but noted they had already taken steps to abate the issues, including firing problem employees, installing surveillance cameras, and changing store management.

The owners committed to resolving outstanding issues within 30 days and returning to the Board with a status update on August 15, 2025 to avoid the possibility of closure.

Board members questioned the nature of the lease and ownership structure, and whether a language barrier existed (it did not).

David Carmichael and Officer Hammersla confirmed that, although no signed agreement was yet in place, the owners were actively working with law enforcement and understood the severity of the situation.

Action: LPD General Counsel David Carmichael recommended withdrawing the case from the docket pending the outcome of corrective actions. The Board agreed to allow the owners to demonstrate progress at a later meeting.

11. Ofc. Hammersla testified that, despite their representations at the July hearing, the Respondent implemented only minimal measures while the nuisance activity continued to be maintained on the Subject Property.
12. Following the July 16 hearing, criminal activity continued on the Subject Property, requiring nineteen (19) additional call-outs by LPD.
13. Evidence was presented that the store routinely sells products commonly used as drug paraphernalia, including but not limited to glass tubes, steel wool, small containers, and

other household products. These items, while lawful to sell, are readily and frequently repurposed for illegal drug use. The quantity and display of such products in a relatively small commercial space supports the inference that the business caters to individuals engaged in illegal activity.

14. Testimony and photographic evidence established that individuals were observed purchasing these items from the store and were subsequently arrested while in possession of those same items used to ingest narcotics. This directly connects the store's sales practices to the facilitation of drug activity. A particular example that was testified to in the hearings was LPD case (2025-73465) another narcotics-related arrest where a Defendant was observed buying paraphernalia from the location, building a pipe and then driving off, only to be stopped by LPD and found to be in Possession of Cocaine and Paraphernalia.
15. In addition to narcotics activity, Ofc. Hammersla testified to ongoing issues of open drug use and alcohol consumption, public intoxication, loitering, disorderly conduct, and suspected prostitution occurring in the store's parking lot.
16. Representatives of neighboring businesses provided sworn testimony as to safety concerns, loss of clientele, and negative impacts on their operations due to the continued criminal activity and loitering associated with the Subject Property.
17. The Respondent had an opportunity to present evidence to the Board in its defense. The owners of Respondent disputed the claims made during the hearing, stating that 90% of what was said by LPD is not true, and that the Subject Property is fine now. They also asserted that activities occurring outside the front of the store were beyond their control as landlords.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to § 893.138, Florida Statutes, and Article IV, Chapter 38 of the Code of Ordinances of the City of Lakeland.
2. Based on the competent and substantial evidence presented and incorporated herein, the Subject Property constitutes a public nuisance as defined under applicable law.
3. The Subject Property has been used on one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance, as described in § 893.138, Florida Statutes.
4. The Board further finds that a direct nexus exists between the nuisance activities and the Subject Property, such that the conduct, operation, or maintenance of the convenience store on the premises is conducive to such nuisance. The combination of persistent narcotics activity, sale of drug-related items, and the tolerance or encouragement of loitering and unlawful behavior has contributed to and facilitated the conditions conducive to ongoing nuisance activity.

5. The Board finds that the Respondent had actual and constructive knowledge of the nuisance conduct occurring on the Subject Property. The Respondent was given an adequate opportunity to abate the nuisance activity occurring on the Subject Property and failed to do so.
6. Accordingly, the Board finds that closure of the premises is the only effective means of abating the nuisance, given the failure of prior efforts to gain compliance and the ongoing harm to the surrounding community.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED as follows:

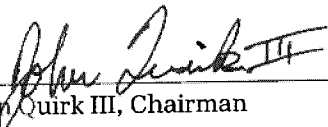
1. The Subject Property, located at 815 North Massachusetts Avenue, Lakeland, Florida, is hereby declared to be a public nuisance pursuant to § 893.138, Florida Statutes, and Sec. 38-86 of the Code of Ordinances of the City of Lakeland.
2. The Respondent shall immediately take all actions reasonably necessary to abate the nuisance, and shall cease operating, maintaining, or permitting any activity conducive to such nuisance on the premises.
3. Additionally, forty-five (45) days following the execution of this Order, the City of Lakeland is authorized to proceed with the closure of the Subject Property, such that entry into the property or onto the premises is prevented. Upon closure pursuant to this authorization:
 - a. the City shall post a trespass warning at the Subject Property indicating that the premises are closed by the City pursuant to a violation of the Lakeland Nuisance Abatement Ordinance; and
 - b. the Subject Property shall remain closed until one (1) year from the date of execution of this Order, unless the nuisance has been abated to the satisfaction of the Board or the City prior to that time.
4. This Order shall be recorded with the Polk County Clerk of Court so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order.
5. Pursuant to Sec. 38-89 of the City Code, the Owner is required to pay investigative and administrative costs to the City in the amount of \$5,000.00, which constitutes the recovery of reasonable costs, including reasonable attorney fees, associated with investigations of and hearings on public nuisances in this matter.
6. This amount shall become due and payable to the City of Lakeland within ninety (90) days of the date of this Order.
7. Upon recording, this Order shall constitute a lien against the place or premises which shall be superior to all other liens, except a lien for taxes, and shall bear interest at the maximum rate allowed by law as set forth in s. 687.03, as amended from time to time, from the date of

its filing. Interest shall continue to accrue until a judgment is rendered in a suit to foreclose on the lien or alternatively, as provided by law for the foreclosure of mortgages. Upon foreclosure, the city shall be entitled to recover all costs, including reasonable attorney's fees, associated with the recording of orders and foreclosure.

8. The Board retains jurisdiction over this matter for one (1) year from the date of this Order to address compliance, modification, or enforcement issues.
9. Any party seeking judicial review of this Order must do so by filing a petition for writ of certiorari in the Circuit Court of the Tenth Judicial Circuit within thirty (30) days after rendition of this Order, in accordance with Rule 9.100, Florida Rules of Appellate Procedure.

DONE AND ORDERED in Lakeland, Polk County, Florida, this 15th day of October, 2025.

NUISANCE ABATEMENT BOARD
OF THE CITY OF LAKELAND, FLORIDA

By: 
John Quirk III, Chairman