



MINUTES

City Commission Town Hall Meeting

5:30 PM – Tuesday, October 18, 2022 – City Hall

CALL TO ORDER: 5:32 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Nan Cobb, Commissioner Willie Hawkins, Vice Mayor Emily Lee, Commissioner Karen LeHeup-Smith and Mayor Michael Holland

1. WORKSHOP ITEM WITH DISCUSSION, PUBLIC INPUT AND DIRECTION

Mayor Holland opened the meeting and explained it is a town hall meeting regarding the Sharp's Mobile Home Park. He laid ground rules for speaking noting they need to state their name and if they are a City resident and if they live in the park. He stated they will be limited to three minutes each and asked that speakers not repeat each other and keep it civil. He added the Commission wants to hear the residents' concerns and complaints.

Tom Carrino, City Manager, asked the Police Chief and Code Enforcement Supervisor to report on the status of the various code issues, filing of liens and pending foreclosures.

Craig Capri, Police Chief, commented on the current situation with Sharp's Mobile Home Park. He discussed various issues including trespassing, drug deals, squatters, health and safety issues, black mold, exposed wires and pipes, and issues with sewage. He stated the management has been unresponsive and absentee. He indicated that when residents have voiced their concerns they have gotten threatened. He noted that there are residents that have threatened other residents as well and he promised swift action if that continues. He commented on elderly residents who have gotten their rents increased significantly. He stated the park is a nuisance property more than just a code violation. He added that a fix will not be quick and emphasized that the owner and property manager need to be held accountable. He explained that the park is the Police Department and Code Enforcement's number one priority. He emphasized they have zero tolerance for the situation. He emphasized there is also a significant amount of police activity underway.

Eric Martin, Code Enforcement Supervisor, reported that day an issue with the lift station spraying sewage everywhere was reported to DEP (Department of Environmental Protection). He explained that fortunately a resident familiar with the lift station was able to shut the system down and the property manager has a repair underway. He stated his inspection of the property showed there are overgrown conditions, housing code violations, road and sidewalk issues. He cited 3 Sharp's Park as an unsafe structure and stated there is a pending demolition permit for tearing down that structure as well as Unit #5. He indicated that is waiting on a utility signoff from Duke Energy. He noted a housing code violation at Unit #26 that is unresolved. He cited various efforts by the owner to repair various issues. He commented on an electrical post in danger of falling that was replaced without a permit and added that the replacement caused other issues. He indicated that a Notice of Violation was going to be issued for that.

Chief Capri stated a multi-disciplinary investigation is underway including police, code enforcement and DEP.

The Commission confirmed that since February 2019, when the current owners bought the property, there have been 18 violations. They confirmed DEP can proceed on the property without the City's involvement. They asked how many times staff has talked with and emailed management and it was noted that staff had been unsuccessful in their attempts to contact the on-site property manager. Mr. Martin indicated he had spoken with the property manager regarding general grounds maintenance who responded that is the City's responsibility not theirs.

The Commission asked for a show of hands as to how many attendees own their homes in the park versus renting. It was determined that the majority own their homes. They asked about the repairs to the road with Mr. Martin indicating they are just doing patchwork. Chief Capri stated the park needs a major infrastructure overhaul.

Mr. Martin commented further on sewage issues and reported on a discussion he had with their project manager.

The Commission asked about the owners possibly relocating their mobile homes and were informed that the property owner cut all the tongues off so they couldn't be moved. It was also noted that, if a mobile home is older than 1983, it cannot be legally moved.

Mr. Carrino reviewed the process for assessing the violations. He explained that violations are presented to the Code Enforcement Board. If the violations are not corrected, then the owner is fined. If the violations are still not resolved, then the Board can place a lien against the property and 90 days after the lien is recorded, the City can foreclose. He further explained that the Board can authorize the City Attorney to foreclose on a lien at that time. Following that, the City Commission can act on the Board's action. He noted that the City has moved forward with foreclosure on one of the liens; however, there are other liens that may come before the Commission for foreclosure. He added that it can be a lengthy process but the City is moving forward.

The Commission confirmed that there have been active code violations since 2019 with Mr. Martin explaining they did initially get some response and removed two mobile homes and an unsafe freestanding structure. He explained that Hansel Rodriguez argued with the City about removing the homes due to the park exceeding the allowed density so they are reluctant to tear down anything they own as they will not be able to replace them.

The Commission asked about the tongues on the trailers being removed and questioned if that was legal and if they were doing it just to the ones they own or also to the ones that are privately owned.

Chief Capri advised the residents they need to continue paying their lot rent and document it for down the road. He emphasized they are trying to get the park into compliance.

Mayor Holland opened the floor to public comment at 5:53 p.m. and asked them to maintain civility and no cheering.

The following individuals addressed the Commission regarding the park's issues: 1) Vince Peterson on behalf of Debra Jones; 2) Daniel Baumgartner, whose sister purchased a home in the park, read a prepared statement; 3) Unknown speaker; 4) Amy Baker; and 5) Samantha Ellis.

Residents spoke about the following: 1) Manhole cover across from Mr. Peterson's mom's home and into which his aunt fell was being repaired with tar tape which is not a standard fix for a manhole cover; 2) Amount of dirt running up and down the road which created an issue for cars as well as a tripping hazard; 3) Thanked the Chief for his statements and Eric Martin for his efforts, commented on the treatment of the residents by the owner; 4)

Fire hazards in the park; 5) Lot rent doubling within a two-year period; 6) Cited a news article in the Gainesville Sun in December 2018 which indicated the increased lot rents would be used to improve the park and that has not occurred; 7) Need to assist the residents with relocation if park is foreclosed on; 8) Reason tongues were removed from the homes was for insurance purposes; 9) Many residents want to stay in the park; 10) Owner and property manager not caring about residents; 11) Sewage coming up through plumbing into tub and related issues; 12) Anything from the ground down supposed to be responsibility of property owner, not home owners; 13) Originally there were 219 homes in the park, now there are 191 occupied, 28 vacant; 14) Comments on how mobile homes are overseen in Florida by the Dept. of Health; 15) Concerns regarding passage of Resolution 22-68; 16) The number of residents that the Commission would be displacing if the property is foreclosed; and 17) Meetings among the residents regarding the resolution and its effect on the residents. Ms. Ellis emphasized that the majority of the residents were unaware of the legal action pending against the property owner.

The Commission cautioned that they will not be chastised by people they are trying to help. They emphasized the Commission cares about the residents and asked Ms. Ellis what she is doing to help the residents.

Commissioner Cobb explained she had met with Ms. Manning to try and assist her with relocating due to being evicted.

Derek Schroth, City Attorney, responded to Ms. Ellis who had asked if the City Commission knows how many residents they would be displacing. He stated that the City would not be displacing any residents.

Jacqueline True addressed the Commission regarding issues with residents being threatened with eviction regardless of them paying their lot rent; and the property manager going into people's personal mail boxes and marking them as vacant so they don't get their mail and submitting forms to the post office to have their mail forwarded to her (Allie Morales).

Chief Capri and the Commission confirmed they would institute an investigation into that as that is a federal offense.

Tristan Napian addressed the Commission regarding residents with health issues and low income being forced out due to increasing lot rents.

Public comment continued with the following residents speaking: Cathy Sernal; Tony Ortiz; and Dawn Napier.

The following additional comments were made by the residents: 1) Residents with health issues and low income being forced out due to increasing lot rents; 2) Issues with high water during rains; 3) Damage caused by storms and causing power outages not being repaired in a timely manner; 4) Difficulties in reaching the property manager; 5) Lack of rental contract; 6) Continuously increasing the lot rents; 7) Lot rents more than half of income; 8) Lack of paperwork for lot rentals; and 9) Number of residents fighting eviction.

An unknown Spanish-speaking resident questioned whether or not the residents are able to sell their mobile homes.

Mr. Schroth explained to the residents that they can legally sell their homes as the foreclosure only affects the underlying real property. He questioned whether or not someone would buy the home due to the sporadically increasing lot rents.

The Commission asked about the water shut offs and confirmed that the park is actually on a master meter, not individual meters.

Mr. Carrino stated he was not sure if the park owner has ability to shut off individual homes' water service with the Commission asking staff to check on that.

Richard Sincere explained he just bought his mobile home at the end of June. He indicated he was still waiting on his lot lease. He explained he broke his femur on July 3rd so he was unable to leave his home to pay his lot rent. He expressed concern regarding the property owner not coming by to pick up the rent check. He noted that lawn maintenance was supposed to be included but he has received no break down about his charges.

James Lund questioned which side of the park the foreclosure would affect with Mr. Schroth explaining the lien attaches to both sides of the park due to it all being owned by the same entity. Mr. Lund then asked if the residents would be forced to leave with Mr. Schroth explaining the foreclosure only is on the underlying property, not the individually owned homes. He explained how the foreclosure could occur. He stated that, in the event that someone else purchases the property at the sale, the City would have a plan in place to help protect the residents and make sure the property is safe.

Mr. Schroth noted that the owner has hired an attorney who asked the City to postpone the foreclosure which the City Commission denied. They have not made any further contact nor have they resolved the lien.

Lisa LeSanta noted her husband has performed some of the repairs in the park. She explained that there is extreme flooding on her side of the park and her neighbor has water flowing into her home. She stated there is an electric pole in danger of falling near Unit #209 that is tied up with an orange rope. She questioned if that would be repaired.

Mr. Martin confirmed he would inspect the electric pole near Unit #209 the next day.

Ms. LeSanta asked if the residents would be homeless if the City forecloses on the property with Mayor Holland explaining they have not discussed what would occur after the foreclosure.

Lorraine Sugar stated she does not have a lot rent contract and her lot rent has been increased four times since February, when her home was purchased, from \$260 to over \$700 since February. She noted she was not notified of any of the increases just threatened with eviction.

Mr. Schroth asked if she purchased her home from the park owners and she indicated she purchased from the previous owner of the home.

Michael Compliester confirmed that no one in the park has a lot lease and stated that the manager states she does not know where the leases are. He commented on a lady who has flood water flowing into her home. He noted that the park manager refused to accept his lot payment unless he provided his phone number. He stated he was notified by phone that the water charge was being increase by \$79 per month. He commented on fecal water running down the street.

Ivan Gonzalez spoke with the assistance of Samantha Ellis who interpreted for him. He commented on a number of issues including problems with rats and garbage.

Scott Riley reported that he pulled a permit to remodel/demolition Lot #3 October 26, 2021 and he kept the permit valid for four months; however, he never received a check for the

work. He expressed concern about the owner not paying contractors. He noted he also had not received his mail since the first of May.

The Commission questioned whether or not the property manager has a master key to the mail boxes.

James Kale stated when he moved into the park in 2019 the lot rent was \$225 and now it has jumped to \$490 plus the maintenance and water bill of \$67 and a charge for last year's taxes of \$15. He explained that Section 8 Housing took over a program to assist people with paying their lot rent but to be eligible the resident must be at least one month behind in their rent. Therefore, you have to have a ledger from the landlord showing you are behind on your rent. He explained he decided to apply to the program and requested a ledger from the property manager which she provided; however, at the same time she gave him a notice of intent to evict with a date sooner than he could receive the assistance. He explained his problem with deciding whether or not to borrow money to pay the lot rent when that would make him ineligible for the program.

Mayor Holland indicated the Commission and City Attorney were taking notes regarding the lot rent issues.

Mr. Schroth asked if anyone had actually received a court summons regarding eviction, not just a letter from the park. At least one person had received a court summons.

The Commission asked for a show of hands regarding the number of residents who have received an eviction letter from the park.

Carl Loger reported he previously had to live in a motel room before moving into the park. He indicated he is a disabled veteran but still able to work part time. He commented on the flooding resulting in pests coming into his home. He noted he has had to call the police department about vagrants. He expressed concern regarding the possibility of his possessions being stolen. He stated he purchased the home through a real estate company. He also cited problems with speeding along Lakeshore Drive and how close the mobile homes are to the road. He emphasized he does not feel safe in his home but intends to put up some security cameras. Regarding the mail boxes, he stated he was told the boxes were being rekeyed so everyone would get new keys. He indicated that due to the problem with the mail boxes he went without his heart medication for a month and wound up in the hospital. He stated his intent to make some improvements to the home and then sell it and relocate.

Cathy, 30 Sharps Circle, noted the owner is a Limited Liability Company. She expressed concern regarding the condition of the park, the high cost of staying in the park, lack of a written lease and whether or not she can walk away noting that they can evict her with only 15 days' notice.

Mr. Schroth noted that, absent a lease, the landlord can give them 15 days' notice prior to eviction; however, the resident can also notify the park of their intent to no longer live there and would no longer be responsible for the lot rent after the 15 days. Cathy noted she would then be responsible for relocating the trailer.

The Commission asked the young man with the collapsed lung if anything in trailer contributed to his illness. He responded affirmatively noting they have evidence of mold.

Vince Peterson noted he had to recently cover part of his mother's lot rent noting that it increased from \$350/month to \$572 plus the utilities and other fees. He asked the City Attorney if they can legally set up an escrow account to pay the lot rent until the park owner makes the necessary repairs.

Mr. Schroth responded the residents could join together, hire a private attorney to file a class action lawsuit and file a motion with the court to deposit all of the rent with the court registry. He indicated that can be difficult. He then stated that, alternately, to defend against an eviction, they can pay their rent with the court registry. He indicated he did not think anyone had actually received a court summons. He explained that process.

Mr. Peterson noted that his mother received three letters from the park threatening eviction even though she wasn't late. He indicated she would try to pay the lot rent but no one would be in the office so she could pay it.

Mr. Schroth stated it appears the park has violated Chapter 723 repeatedly. He stated they are supposed to receive 90-day notice of any rate increases and the water is supposed to be pass through not a profit center. The property tax has to be a pass through. He questioned whether they have a homeowner's association which would be helpful.

Anthony Gerupe stated he was notified that he was 12 months behind on his lot rent; however, it was because he was never notified of an increase in the rent. The property owner also threatened him with eviction if he allows his ex-wife to come to his property to help him.

Mayor Holland asked him to allow the City Attorney to review his paperwork.

Marie Alberti, former commissioner for Eustis, commented on her previous ownership of a mobile home/RV park and how they handled the pass through of water, sewer and a few units for electric charges. She emphasized that they were told repeatedly that they could not use the utility charges as a revenue source. She asserted that it sounded like a lot of illegal activity is occurring by the property owner. She encouraged the residents to place their lot rents in the court registry.

Lisa LeSanta asked about the rent deposit account and if other residents were given a pin number to put their rent into that account. Another resident explained that was implemented by the new owner and there is an additional \$20 fee for anyone who chooses to use the online portal. He noted that, for some people, that is their only option for payment of their lot rent.

The resident from 136 Sharps Circle asked he can do anything about the trees and vines growing on his house as it is damaging his home. He indicated that he has been stonewalled by the property manager.

Mr. Carrino indicated that staff would look into it.

Joanne Mitchell explained that the park owns the mailboxes and that the office manager does have keys to all of the boxes. Mayor Holland noted that is still federal mail and it is illegal for them to go into their mailbox.

The Commission asked the City Attorney to sum up the issues with Mr. Schroth indicating that the foreclosure process is a lengthy process. He explained that the owner will likely hire legal counsel and fight the foreclosure. He stated that the Commission will have time to figure out what it wants to do should a foreclosure sale occur. He indicated his opinion that the owner will pay off the lien. He noted that it is a valuable piece of property even with its deficiencies since the lien is currently only \$68,000. He added that the Commission would have to decide what they would do if it does go to sale and if there are other bidders. He emphasized that no one will be taking the residents' homes. He recommended the residents hire a private legal counsel to potentially start a class action lawsuit under FSS 723 or, if they are individually facing an eviction action, they have the

ability to defend that in court. He stated they have the ability to pay their lot rent in the court registry if they are served with a summons for eviction. He added that the City is moving forward on the code enforcement violations and liens and explained, in the event that a violation consists of a life or safety issue that could cause imminent harm, the City has the ability to file an immediate or emergency injunction to compel them to cure the violation. He emphasized that the City is moving forward as best they can.

The Commission questioned if there is a remedy for the City to address the owner profiting off of City water. Mr. Schroth responded that what they are doing sounds like a violation of FSS 723. He indicated that the City does not have standing as they are not the individuals being damaged. The residents have a clear statutory remedy for what appears to be a clear violation based on the amount that's charged. He commented on the amount being charged over a year's time for the water charges alone.

The Commission asked about the process for addressing truth-in-lending and questioned what is the liability for the real estate agent or the owner for non-disclosure of the park being under foreclosure. Mr. Schroth stated there is a duty to disclose any material defect by either the realtor or seller and stated they would have a private cause of action if there has been misrepresentation.

The Commission then asked about the pass through of the property taxes with Mr. Schroth indicating they can pass through property taxes; however, the amount being passed through does not appear to be accurate. The Commission then asked if they can pass through back taxes with Mr. Schroth responding the problem with that would be that prior tenants would be the ones liable for that not the current tenants.

The Commission then questioned if they can rent without a contract. It was confirmed they can rent on a month-to-month basis with only a verbal contract. Mr. Schroth confirmed they must provide 90 days' notification of any prospective rental increase.

The Commission commented on the issues with mold and the sewer and asked if a complaint has been sent to the health department and other agencies. Mr. Schroth indicated that Chief Capri contacted DEP regarding the issues. He asked the residents for a show of hands to see if any of them had complained to the Health Department.

The Commission questioned whether or not the residents could pursue legal action against the property manager as it would appear she may have been profiting from the misconduct with Mr. Schroth affirming they could take action against the manager as well.

Commissioner LeHeup-Smith commented on the history of the park under the ownership of the Sharp family and how it has become a problem for the City and residents.

Commissioner Cobb stated she was appalled at the situation and emphasized how upsetting the comments have been. She stated she would not let it go.

Commissioner Hawkins expressed agreement and stated they are preying on people that need help the most and emphasized his anger at the situation. He encouraged the residents to get angry "in the right way" and take action. He emphasized the City's support for them.

Vice Mayor Lee agreed and said their families need to fight for them as well. She stated the City will do all it can to help them but they need to also fight for themselves. She thanked them for coming and sharing.

Mayor Holland thanked the residents for coming and stated they need to know the Commission cares or they would not be there. He emphasized that all of the

Commissioners spend most nights working for the City. He commented on his relationship with the former owner – the Sharps family – and stated that the current owner doesn't care about the community. He explained that the City Attorney could write an Executive Order and he could sign it to close park and declare it a health hazard; however, that would result in them being homeless. He stated he would ask the City Clerk to send copies of the minutes of the meeting to the City's State Senator and State Representative and to also send it to Michael Walsh and Daniel Webster's offices as well as the Governor. He stated that they may need to file a class action lawsuit to try and move forward more quickly.

The Commission asked if Mid-Florida Legal Services could assist them with Mr. Schroth stating they could assist the individuals defend themselves against eviction; however, they could not assist with the lawsuit.

2. ADJOURNMENT: 7:36 p.m.

These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording of the meeting can be obtained from the office of the City Clerk for a fee.

CHRISTINE HALLORAN
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner