



PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT

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**BOARD OF TRUSTEES
REGULAR MEETING MINUTES
January 12, 2015 - 7:00 PM**

1. **Call to order**
By: Philias "Phil" Matton, Chairman at 7:02 PM
2. **Invocation**
By: Rebecca "Becky Earnest", Secretary
3. **Pledge of Allegiance**
By: Joanne Gaughan, 2st Vice Chairman
4. **Roll Call**
By: Rebecca "Becky" Earnest, Secretary; Philias "Phil" Matton, Chairman; Allison Kelly, 1st Vice Chairman; Joanne Gaughan, 2nd Vice Chairman; Thomas Mahon, Treasurer; Marilyn Spall, Assistant Treasurer; Rebecca "Becky" Earnest, Secretary; Marion "Molly" Stone, Assistant Secretary; Rodney "Rod" Lindsay, Trustee; Harald Albinus, Trustee. All acknowledged their presence. Cheryl Ennis, District Manager was present with Sharon Johnson recording. Jessica Saeger was also present.
5. **Announcements by Chairman**
Phil Matton wanted to thank Joanne Gaughan for the wonderful job she had done the past 2 years as Chairman. He then went on to state that during meetings when a trustee would like to speak they will now have to raise their hand to be recognized.
6. **Board Meeting Minutes – Consideration of Approving the Board Meeting Minutes of January 6, 2015 Organizational Meeting (December 22, 2014 still pending)**
Becky Earnest made a motion to approve the Organizational Meeting Minutes of January 6, 2015 with corrections. Harald Albinus seconded the motion. With no questions by the Board or residents, a vote was called. Motion carried.
7. **Treasurer's Report – Presentation of the financial reports for the month of November 2014**
The Treasurer's Report was posted on the bulletin board, district website, and distributed to the Board prior to the meeting. With no questions or comments from the Trustees or residents, Allison Kelly "made a motion to accept the Treasurer's Report" as read. Becky Earnest seconded the motion. A vote was called, motion carried. Report will be filed for audit.
8. **Consideration of Approving Additional \$400.00 for Brevard Electric for permit, NOC, and Labor.**
Joanne Gaughan questioned why they needed an additional \$400.00. Cheryl explained that their original proposal did not include permit fees or filing fees.

Marilyn Spall made a "Motion to approve an additional \$400.00 to Brevard Electric for permits, NOC, and Labor. Tom Mahon seconded the motion. With no other questions from the Board or

residents a vote was called. Motion carried.

9. **Status Review of Shed Regulations by Allison Kelly**

Allison Kelly wanted this to be put back on the agenda, as to what the ACC wanted and what the Board was deciding they wanted. Both had different opinions, and it was very convoluted. Allison Kelly asked Donna Matton how they are writing the Shed Regulations into the ACC Rules. We were told that we have to wait for the Board to review before putting into the ACC Rules and Regulations

Donna Matton explained that originally the shed had to be placed adjacent to the building, but the city does provide that if they have the land they can put the shed ten (10) feet back. The city will tell you if on the back of your home there is a window or door a shed can not be attached. A vote was taken, two (2) voted to keep attached to the home only, three (3) voted against being attached only and allow them to have a shed 10 feet back.

David Peck 1014 Willow CT, stated that at the ACC meeting this morning they had reviewed all of the forms including the additions that the attorney had given us. We also put the maximum size of the shed not to exceed 240 square feet. We came to terms with a 3/2 vote, and in the rules it does contain the ten (10) foot rule. All of these have been approved by the ACC and now goes before the Board.

Allison Kelly asked if the shed can not be attached per Palm Bay rules, then someone will be allowed to put the shed ten (10) feet back within the parameters of what you have established, would that be acceptable?

David Peck stated that would be an acceptable compromise in his opinion, but would still have to go before the Board and get the language readjusted in order to do that.

Donna Matton added normally we only allow sheds to be put ten (10) feet back if they can not attach the shed to the mobile. Allison added that is why the verbiage has to be there.

Rod Lindsay stated that we need to clarify, as long as the shed comes under the edge of the carport, Palm Bay considers that to be attached.

Donna Matton stated we already have that in the rules and regulations that if a shed is put in the back of the driveway it must have some of the carport over it, and that is considered attached.

Marilyn Spall asked Donna Matton if what Rod Lindsay asked is defined in the ACC Rule and Regulation.

Molly Stone asked if we are expected to vote on this tonight, Phil response was NO, not at this time.

John LaLima 1055 Sunflower Lane wanted to let everyone know the "minimum" is ten (10) feet, but if they want to put it back twelve (12) to fourteen (14) feet its ok as long as they have the area.

Allison Kelly asked if that is spelled out in the ACC Rules and Regulations.

David Peck stated that they will add to the verbiage in the morning the part under sheds to say if unable to be adjacent to the mobile, due to the City of Palm Bay regulations, the shed must be placed a minimum of ten (10) feet from the unit as long as the shed conforms to all set-backs.

Becky Earnest stated that it also needs to be added, if there is room it needs to be attached, there is no option but if they do not have the room than yes it can go back.

Marilyn Spall asked for clarification, she then asked if it can't be attached then they must go a minimum of ten (10) feet back, but can't be in the set-back. Then what happens if they don't have the room, does

that mean that they can't have a shed? She stated that she always thought they everyone has to have a carport and a shed.

David Peck responded by stating that there is a difference between a shed and a utility room. Older mobiles had very small utility rooms. People now need additional storage. A shed can be behind a carport not put on the sides or under the carport.

Donna Matton made comment that things have changed over the years and people are now putting doubles in and maybe someday triples in the park, and we need to realize that they want their sheds as they need room to put their things in.

Robert Shearer 382 Holiday Park asked if he wanted to move his shed on the side of the home as he does not have room in the back of his property as he is on the a corner, will the ACC not give him permission to do so.

Allison Kelly stated that ACC will leave a little leeway in for exceptions, and will work with people to make changes.

David Peck 1014 Willow CT stated that they will bring back the changes so that the Board of Trustees can vote on it at the next meeting.

10. Consideration of Adding Additional Lighting to the Side Entrance of the Recreation Building

Review of current lighting problems by Rod Lindsay.

Cheryl Ennis was asked to get three quotes on putting lights on the side of the building and will bring back to the Board.

11. Status of Restated Deed Restrictions, and Rules and Regulation - Update by District Manager

Cheryl Ennis explained that the Board has met and discussed the Deed Restrictions and restated them. She has underlined all the new things and has given them to the attorney, made some adjustments and added the changes and legal verbiage as requested. She has also given him a copy of the District's Rules and Regulations, as well as the ACC since they have added some additional language in there. She would like to give everyone a copy of the completed form to date to review everything that is written so far, just in case you would like to change add to or be adjusted, before presenting it to the community. The attorney has already looked it over and put his blessing on it.

Robert Silipigni 420 Holiday Park Blvd asked about penalties, if they were discussed with the lawyer. Cheryl explained that the Board thoroughly went over all of that. He then went on to ask what kind of penalties are there. Joanne Gaughan stated that there will be monetary penalties and they will be discussed when we present all the Deed Restrictions to the community. He then asked if every restriction has a penalty.

Harald Albinus stated that nothing has been voted on yet.

Marilyn Spall reminded everyone that the meeting is open to the public, all are welcome to attend.

12. Consideration of Setting a Date for Special DR Board Meeting

A date for the Special DR Board Meeting was set for Thursday, January 22, 2015 at 4:00pm, to review the attorneys Recommendations, ACC updates, and Updates to the Districts Rules and Regulations.

Allison Kelly stated we are setting the first meeting to review what the attorney has sent back, and the second meeting will be set for the community so that they can ask questions. She also reminded everyone that all meetings are open to the community.

John LaLima 1055 Sunflower Lane asked how are you going to enforce these penalties in the Deed Restriction. What authority does the Board have? How are you going to make the people pay?

Joanne Gaughan stated that one of the things in the Deed Restrictions is they will be restricted from using the facilities and it will be publically posted on the bulletin board, but reminded everyone that this has to be voted on.

Marilyn Spall stated that if it got too far we will actually put a lien on their home if need be.

Allison Kelly stated that there is an escalating fee, a chance will be given and a letter will be sent, stating either you will clean it up, or suffer the consequences. We have discussed it many times and taken everyone's thoughts and put it in writing and now it will be in the final form, but if you are not going to obey the rules there is going to be a fine and it will escalate. The final result could be a lien on the property.

John LaLima 1055 Sunflower Lane stated that last year, we had 40 some odd people who didn't pay their taxes, do you really think these people care. Some of these properties already have liens on them, so now what are you going to do.

Allison Kelly then stated that is why we went to our attorney to find out how to get things done, remember we are under the Florida Statues, that ties our hands as we are not a Homeowners Association, this is the best thing we can do within the law.

Tom Mahon stated that when someone does not pay their taxes, a tax lien certificate is put on the home. You can then buy the tax lien certificate. After three (3) years, you can then buy the home and the tax lien that you bought now takes precedence ahead of mortgages, the tax lien comes first.

13. Consideration of Setting a Date(s) for Special Public Meeting

A date for the Special Public Meeting was set for Tuesday, January 27, 2015 at 7:00pm., to review Deed Restrictions and Rules and Regulations with the Community.

Russ Livermore 399 Holiday Park Blvd. asked whether the public will have access to the Deed Restrictions prior to the meeting so they can review in advance. I would like to have a copy ahead of time.

Molly Stone stated that every single page needs to be posted in a public place seven days prior to the meeting.

Rod Lindsay thinks that both these meetings should be combined.

Becky Earnest stated that the first meeting is for the Trustees to review and understand before the second meeting. The second meeting is to give it to the people and explain it to them, before they vote and they do need a written copy.

Molly stated that there may be some changes after the first meeting, and thinks that the second meeting should be seven days after the first.

Tom Mahon asked if we could put it on channel 732 or go to the office and pick up a copy.

Bob Shearer 382 Holiday Park Blvd. thinks that it should be one meeting to come together. Paperwork should be put together and present to the community so it can be looked over before the next meeting. He thinks that four days is not enough time to go over all the new rules, they should have 7 to 10 days to review.

Marilyn Spall asked if he was suggesting that the meeting should be a week later.

Allison Kelly stated that you will get a chance to vote on each and every item, what you do not want you can vote against.

Joanne Gaughan stated that when it goes out for the vote, that's it.

Becky Earnest suggested instead of talking amongst yourselves, the information that you may be getting might be incorrect, you need to come to the meeting and have it explained or ask a trustee.

Patti Peck 1014 Willow CT, is very upset stating that there have been at least 10 meetings and there were some meetings where absolutely no one showed up, except for the few people who come all the time and this Board has worked very hard on this and no one cared enough to show up. Now when it's about to go to vote, everyone has something to say.

Harald Albinus wanted to let everyone know that you have several weeks to look over this before going for a vote.

Jean Beach 1090 Moonlight CT, this is a huge job. The original Deed Restrictions were done in the 1970's. There has been a lot of time spent on these. Also Deed Restrictions do not have to be posted for seven days. If the By-Laws are changed they have to be posted for the seven days. The agendas are already put on the web-site and these can be posted on our web-site for you to view as well.

Rod Lindsay still thinks that one week is not giving everyone enough time to go over the Deed Restrictions.

Joanne Gaughan stated that there will only be one document for the Deed Restrictions, they will supersede all ordinances. We also have Rules and Regulations which can only be changed by a vote of the Board of Trustees. Deed Restrictions can only be changed by a vote of the property owners.

Bob Shearer 382 Holiday Park Blvd. asked when they started the Deed Restriction meetings. He added that he has followed the meetings even when he was not here in the park as they were posted on the web-site. Some of these meetings were when the majority of people were not here.

Allison Kelly explained that the first meeting for the Deed Restrictions, were held on November 21, 2013.

Barbara Hoffman 1021 Little CT, stated we shouldn't put this on channel 732 but should put it on the website so that it can be downloaded.

David Peck 1014 Willow CT. asked that however you post it, let the people know what the original DR's are. Joanne Gaughan explained that anything underlined, is the language that has been changed.

John LaLima 1055 Sunflower Lane thinks that it is going to take a day or so just to get the new changes together before putting on the web-site. You need to give everyone a chance to read it.

14. Board Member Assignments

Review of Current Board Member Assignments and Consideration of Additional Areas of Assignment. Phil wanted to go over the assignments of the Board Members. At the present time he will still continue to be Sargent of Arms.

Rod Lindsay	Storage Compound / Maintenance / Grounds Crew
Becky Earnest	Liason for ACC & HPPOA
Allison Kelly	Job Descriptions / Employee Manuel / Employee Handbook / Benefits / Drug & Alcohol Policy / Offer Letter / Disciplinary Policy
	All employees will sign a copy having received this.

Harald Albinus Security and Sound System
Molly Stone Grievances – (she declined)
Joanne Gaughan Grievances
Marilyn Spall To be determined
Molly Stone To be determined

15. Public Comment - none

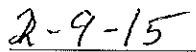
16. Trustees remarks

Rod Lindsay – Flea Market is this Saturday.
Molly Stone – If anyone still wants to have their picture taken, Thursday is the cutoff. She is also looking for pictures from around the park to go into the book.
Marilyn Spall – Wanted to thank everyone for coming out especially in this weather.
Allison Kelly – Thanked everyone for coming and does appreciate it. We are trying to make this a better place to live.
Becky Earnest – The next fundraiser is at Fired Up Pizza on January 20th.
Joanne Gaughan – Regarding the form that Marilyn has made up for projects, I would like to add, Deed Restrictions to the project list as it's going to entail money for mailing and printing. Also asked, who is maintaining the spreadsheet?
Harald Albinus – Absolutely nothing is being done behind anyone's back. Everyone has the right to be here.
Phil Matton – We will be purchasing Blue Shirts from HPPOA for the Board Members.

17. Adjournment

A motion to adjourn was made by Becky Earnest and seconded by Allison Kelly. A vote was called Motion carried. The meeting was adjourned at 8:25pm.


Rebecca Earnest - Secretary
Board of Trustees


Date