



PORT MALABAR HOLIDAY PARK  
MOBILE HOME PARK RECREATION DISTRICT

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**BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
February 9, 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: Phil Matton - Chairman

**4. Roll Call**

By: Rebecca "Becky" Earnest, Secretary; Philias "Phil" Matton, Chairman; Allison Kelly, 1<sup>st</sup> Vice Chairman; Joanne Gaughan, 2<sup>nd</sup> Vice Chairman; Marilyn Spall, Assistant Treasurer; Rebecca "Becky" Earnest, Secretary; Marion "Molly" Stone, Assistant Secretary; Rodney "Rod" Lindsay, Trustee; Harald Albinus, Trustee. All acknowledged their presence. Thomas Mahon, Treasurer was absent. Cheryl Ennis, District Manager was present with Sharon Johnson recording.

**5. Announcements by Chairman**

The Blue shirts for the Trustees are ready to be picked up, so he would like to have all Trustees wear them at the next meeting. Phil stated that Tom Mahon would not be here tonight as he is going through some medical issues. He did receive an email from Tom stating that it would probably be best if he were to resign as he didn't want to put any burden on the Trustees. Phil sent him an email back, asking him to take an extended medical leave of absence and that Marilyn would fill in for him until he gets back. He said that that would be fine.

Phil Matton stated that if you go into the office the girls are very busy. A suggestion would be , we could make Jessica a full time worker and she could be a Special Projects Coordinator. He had asked Jessica if she would work full time and she said that she would. I will be speaking with Cheryl regarding this.

**6. Consideration of Approving the Board Meeting Minutes of January 12, 2015**

The minutes from the January 12, 2015, Regular Meeting, were posted on the District web site and bulletin board for review as well as distributed to the Board prior to the meeting.

Becky Earnest made a motion to approve the Regular Meeting Minutes of January 12, 2015 with corrections. Joanne Gaughan seconded the motion. With no other questions by the Board or residents, a vote was called. Motion carried

**7. Treasure's Report – Presentation of the financial reports for the month of December 2014**

The Treasurer's Report was posted on the bulletin board, district website and distributed to the board prior to the meeting. Residents were also given copies of the Profit and Loss Budget Performance Report and Income Expense Report along with their agendas for the evening. Marilyn Spall reviewed both the December 2014 Profit and Loss Budget Performance and

Income Expense Report saying that for the month of December, we are probably about where we need to be for the year.

John LaLima 1055 Sunflower Lane is little confused regarding the report heading at the top of the page. We need to change the heading.

As Marilyn explained this report has been like this for a very long time, and the auditor has checked it but she thinks that the title line is confusing.

Kendra Bender 192 Holiday Park Blvd asked if December 14<sup>th</sup> is when our physical year ends. She then stated that Financial Reports usually show til the year ended. Marilyn Spall explained that our physical year is from October 1<sup>st</sup> thru September 30<sup>th</sup>.

Molly Stone made a motion to “to accept the Treasurer’s report for audit”. Becky Earnest seconded the motion. With no other questions from the Board or residents, a vote was called. Motion carried. The report will be filed for audit.

#### **8. Set Date for Vote**

**Consideration of approving a date and time for a vote of the lot owners in Port Malabar Holiday Park to amend, consolidate and restate the “Deed Restrictions” of Port Malabar Holiday Park.**

Phil Matton asked Cheryl if she had any suggestions regarding dates. As Cheryl explained it will take a couple of weeks to get everything together for mailing.

After much discussion by the Board as to when the ballots should be mailed out and returned by a specific date, it was decided that all ballots will be mailed out on or before the 27<sup>th</sup> of February.

Allison Kelly made a motion to accept all ballots received in by the 26<sup>th</sup> of March. Open voting will be in Rec Hall on the 26<sup>th</sup> of March from 8:00am til 5:00pm. Tally of the ballots will be done on March 27<sup>th</sup>, 2015, and the results will then be posted. Becky Earnest seconded the motion. A vote was called, motion carried.

#### **9. Restriction Deed - Proposed amendments**

Consideration of approving Resolution 2015-01 calling an election for proposed deed restrictions amendments, consolidations, and restatements:

Becky Earnest feels that the way the ballot is put together, she does not feel that the people will be willing to flip back and forth from the questions to the section on voting. The vote should be underneath each question or article itself as there is a lot to read.

Marilyn agreed with that, stating that as it is now it is very awkward.

Mr. Matton asked Cheryl if the ballot was going to be posted. As Cheryl explained they are already on the bulletin board as well as on the website. She then went on say that if they are not happy with the way it is she needs to know exactly how they would like to have it so that she can get the final format to the attorney to get it approved, to make sure what we are doing is right.

Becky Earnest stated that each article and sections where there is a vote the question yes or no should be right underneath. That way what they are reading is what they are voting on. There are 22 questions on the ballot. Example: Exhibit A, Article 1 down to question 2, before question 2 the vote for number 1 should be right underneath, so that what they read is what they are voting on.

Molly Stone asked Cheryl if it would be difficult to change the looks of the ballot Cheryl Ennis explained that this format is the same we have used in the past but if they would like it changed, she is more than willing to do it, but would like to run it by the attorney.

Harald Albinus would like to have the format changed on the ballot to have the questions follow each section and have the yes or no vote underneath the explanation.

Marilyn Spall made a motion to approve Resolution 2015-01 with corrections. Allison Kelly seconded the motion. A vote was called, motion carried with one opposed.

John LaLima 1055 Sunflower asked when the new ballot format will be on the website. Also, asked if a notification can be put on channel 732.

**10. Review of Resolution 2015\_\_ for implementation of fines and schedule of fines for Violations.**

Harald Albinus stated that the Resolution has been passed as to the amount of the fines of \$250.00. As Cheryl explained that the Resolution has not been passed as it has not been approved. The residents have to vote on it first before it gets passed.

After much debate and discussion it was tabled until a future meeting after the voting has been done.

**11. Consideration of approving the contract with DocumentMall for 1 year \$1,050.00 (same as previous year**

Allison Kelly made a motion to approve the contract with DocumentMall for 1 year in the amount of \$1,050.00. Harald Albinus seconded the motion. A vote was called, motion carried.

**12. Storage Shed**

**Consideration of approving the purchase of storage shed for HPPOA game equipment in the amount of \$2375.00 (to be installed at the shuffleboard area) HPPOA donating \$2375.00 to the District**

Allison Kelly made a motion to accept from HPPOA the generous gift of a storage shed in the amount of \$2375.00. Becky Earnest seconded the motion.

Marilyn Spall asked if we have an idea as to where by the shuffleboard area are we going to put the shed.

Patti Peck 1014 Willow CT. explained that the HPPOA approved up to \$3000.00 for a 10 x 12 shed, in the back, outside the fence by the Horseshoe pit area. This will include the shed, ramp, foundation, and permits.

Phil Matton stated we have a motion and a second. A vote was called, motion carried.

**13. Discuss wage guidelines for custodial, grounds, and guard employees. Review vacation & sick day policy**

Allison Kelly would like to table this discussion as she is still meeting with Cheryl and they are still putting together and redoing all the job descriptions, manuals and employee files. Until these items are set she does not feel that they should go near the vacation and sick day policy. She would just like to table it for now, and revisit later. We should be able to have this done by the end of February.

Joanne Gaughan asked for clarification on what does job descriptions actually have to do with the Board setting guidelines for the District Manager when hiring people.

Allison responded to Joanne by stating that she is trying to go back and look at all job descriptions. There are policies and regulations in there that will be taken out and then she will put together an employee manual so that all employees files will have the same things.

Joanne stated again that she still does not understand what a job description has to do with wages.

As Allison stated she is just trying to do what was asked of her and until we know what their job descriptions are and all the employee files are set, then we can move on to vacation and sick policies.

Joanne Gaughan asked if once the files are completed, then can we review this? As Allison stated once our employees files are set and everything together then we can move on to vacation and sick time policies and get everything coordinated. She stated that maybe we can table to the workshop meeting in March.

Cheryl Ennis stated that it would impossible to rewrite this and have everything else done by the end of March. The Deed Restrictions are in the process of being written, Ballots are being printed then they will have to be put together and a mass mailing done. An election will have to be held and then the votes counted.

Marilyn Spall asked what Joanne Gaughan's biggest concern was it the pay range or the holiday, vacation and sick time.

Joanne then said that Cheryl explained to her that there has never been a guideline established in hiring employees. She personally feels that the starting wage is too low. Also, Joanne thinks that the way the vacation and sick time is calculated is too complicated.

Becky Earnest made a motion to table this until we can do this properly. Molly Stone seconded the motion. A vote was called, motion carried with one opposed.

**14. Consideration of approving the Architectural Control Committee's Application to Remove Home**

Becky Earnest made a motion to approve the Application to Remove Home with corrections Allison Kelly seconded the motion. A vote was called, motion carried.

**15. Discuss the Process for A.C.C. Appeals to the Board of Trustees**

Phil Matton stated that there was an Appeal made with an ACC application and feels that it should have been handled differently. There was some lack of information that was not given to the ACC Board. Mr. Matton asked if any ACC member would like to come forward and speak on this.

Donna Matton, Chairman, asked if it is possible to have an appeal with the ACC in a private session or does it have to be open to the public. As Becky explained everything has to be done in an open meeting.

John LaLima 1055 Sunflower Lane stated as far as the appeal was handled, the Board should have only ruled on what the ACC rejected. The ACC Board was never given the new modifications. It states on the application that all modifications should be resubmitted to the ACC. The Board strictly should have only ruled on the concrete going to the home, and not accepted any modifications and never should override the ACC.

Donna Matton stated that the ACC Board never once was given the paperwork, we talked about one thing and the board came back with something different. We never stated that unless the concrete was removed we would not approve carport and concrete.

David Peck 1014 Willow CT. stated that neither the Trustee Board nor the ACC Board are allowed to speak among themselves. He feels that everyone has to coordinate a little better before going before the Board. Next time we should have a special open meeting to address an appeal.

Becky Earnest feels that it should have gone back to the ACC before being brought to the Trustee Board. It was a learning experience for all, we all made mistakes. In the future it should go back to the ACC.

Harald Albinus does not understand why this is being brought up again, as it was already passed.

Joanne Gaughan made a motion that all future appeals from ACC to the Board be held at a Special Meeting and all information be given to both boards. Marilyn Spall seconded the motion, a vote was called, motion carried.

**16. Public Comment**

John LaLima 1055 Sunflower Lane asked why he has not received a response to a complaint made about the mold on the benches at the back pond.

Diane Rittscher 391 Holiday Park Blvd stated that they had a renter move out because of a resident that is out of control. Can we write letters and issue fines every time she creates problems?

Cheryl has been in contact with the police and family members, this resident is now in a facility and we all hope that she gets the help that she needs. The office has been sending letters and we receive many telephone calls from her every time a letter is sent.

Diane Rittscher stated that something has to be done about this. There are numerous people who are scared and afraid of her.

Jean Beach 1090 Moonlight Ct would like to address the suggestion that was made in Nov or Dec for a committee on a 5 year plan for expenses and improvements, would like to see it back on the agenda.

Jean Beach would like to thank the entire board on the job they did on the Deed Restrictions as it is a huge job.

Keith Rittscher would like to have a fine implemented in a resolution.

**17. Trustees remarks**

Harald Albinus – none

Joanne Gaughan – none

Becky Earnest – remind everyone about the Fundraiser at Texas Roadhouse.

Rod Lindsay – Thanked everyone

Allison Kelly – none


Marilyn Spall – Thanked everyone for coming

Molly Stone – Photo Albums will be coming in shortly

Phil Matton reminded everyone at the next meeting on the 23<sup>rd</sup> the head of all departments (grounds, gate, and custodial) will be here to answer questions

**18. 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 8:45pm.

  
Rebecca Earnest – Secretary  
Board of Trustees

4-13-15  
Date