



PORT MALABAR HOLIDAY PARK  
MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Boulevard NE  
Palm Bay, Florida 32907-2196

---

## **BOARD OF TRUSTEES**

### **SPECIAL MEETING – Deed of Restrictions**

**May 7, 2014**

**1. Call to order**

By: Joanne Gaughan, Chairman, at 10:10 P.M.

**2. Pledge of Allegiance**

Led By: Joanne Gaughan

**3. Roll Call**

By: Allison Kelly, Assistant Secretary; Joanne Gaughan, Chairman; Rebecca “Becky” Earnest, 1<sup>st</sup> Vice Chairman; Harald Albinus, 2<sup>nd</sup> Vice Chairman; Allison Kelly, Assistant Secretary; Philius “Phil” Matton, Treasurer and Daniel “Dan” O’Connell, Trustee. All acknowledged their presence. Marion “Molly” Stone, Secretary; Rodney “Rod” Lindsay, Trustee; Marilyn Spall, Assistant Treasurer; were absent. Cheryl Ennis, District Manager was present with Sharon Johnson recording.

**4. Discussion and Review of “Deed of Restrictions” 5, 6, 7, 8, 9, & 10**

Joanne Gaughan began the meeting by asking that item 4 be amended to add discussion of any other deed of restrictions as deemed necessary. Becky Earnest made the motion to “add discussion of any other deed of restrictions as deemed necessary.” A vote was called. Motion carried.

The Board discussed the Deeds by numbers listed above. It was decided that number five be omitted as it does not apply. Dan O’Connell made a motion to omit number five. A vote was called. Motion carried.

With regard to number six (6), Allison Kelly asked for the following to be added “no game playing of any kind is allowed in any streets for the safety of residents and guests” and “defacing the roads with any type of paint or materials that changes the look or composition of the roadway is not allowed”. Becky Earnest made “a motion to add the wording as noted by Allison Kelly”. Dan O’Connell seconded the motion. A vote was called. Motion carried.

With regards to number seven (7), which referred to the number of years the DOR’s would be in effect, clarification and need will be sought from the District’s Attorney.

Number eight (8) will be left as stated and need will be sought from the Attorney.

Number nine (9) and ten (10), if necessary will be left in as needed on the recommendation of the Attorney.

The Board went back to the restated DOR's continuing adjustments to the restated DOR's that have been discussed to this point. Changes were made and incorporated. See Attached.

The Chairman asked for the status of the Board members attendance at the next few meetings.

Harald Albinus – will be here

Allison Kelley – will miss the workshop meeting in May

Becky Earnest – will be here

Dan O'Connell – will miss the June Regular Meeting

Allison Kelly brought up discussion on Guests and the noise ordinance and thought it should be expanded.

Harald Albinus asked if the District “fell” under the Palm Bay City noise ordinance. The answer was yes.

Joanne Gaughan read Ordinance 89-5 which discussed visitation. It was recommended that the section on visitation stay the same but be clarified.

The Board discussed how the Restated Deed of Restrictions would be brought to the residents for a vote and whether it should be as a whole or in sections. It was recommended that after the Attorney reviews the Restated Deeds that, in the fall when owners return, that the Board have meetings to discuss, review and answer any questions residents may have prior to sending out the document for a vote.

The Board discussed the Ordinance on noise which briefly states “No noise pollution by loud talk or playing instruments or equipment in a disturbing manor.” The Board recommended that the Cities ordinances would apply and the ordinance would be a rule. Numbers on homes and mailboxes was discussed and it was stated that it was going to be in the Rules and Regulations.

Donna Matton asked Joanne Gaughan if she had received any information on whether or not the decisions made by the ACC Board would be a “final ruling” or if a resident would have the right to go to the Board of Trustees if the resident felt it necessary. It was said that a resident would have the right to file a complaint with the office and have their issue brought before the Board.

The Board discussed the fine system and its process, the number of letters to be sent to an owner for a violation, days between notices and the fine amounts. See Attached.



PORT MALABAR HOLIDAY PARK  
MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Boulevard NE  
Palm Bay, Florida 32907-2196

---

**5. Public comment**

None

**6. Trustees remarks**

The Board discussed the date of the next meeting, which will be May 29, 2014 at 10:00AM.

**7. Adjournment**

Becky Earnest made "a motion to adjourn". Allison Kelly seconded the motion. The meeting was adjourned at 11.45.

Rebecca Earnest

Rebecca "Becky" Earnest, 1<sup>st</sup> Vice Chairman  
Board of Trustee

5-28-14

Date

Added: May 7, 2014

#### Visitors

A Resident must call the gate to allow access for a visitor by requesting a day pass. This includes access for any contractor services.

#### Extended Stay Guests

Guests are allowed extended stays, with a Resident, for a maximum of twenty-one (21) days per visit, two (2) times a year with minimum of thirty (30) days between each extended visit. Residents must call the office to arrange for an extended pass for their guest(s).

Guests, staying longer than 21 days must register in the District office and pay the registration fee for each occurrence. A registering guest must meet the "Resident" age requirement of Holiday Park.

#5 Reference to the recreational facilities being owned by the District and the establishment of reasonable rules and regulations for the use thereof is reserved to the district.

#6 The Board may establish reasonable rules and regulations concerning the use of the roads.

***[#7 each time we do an amendment we will emphasize the re-adoption of all previous enactments in the WHEREAS clauses thereby reaffirming their existence.]***

#8 "The restrictions and regulations herein are intended, to bind all the land within the jurisdictional boundaries and the residents their guests and invitees of the District.

#9 Delete

#10 If any subsection, clause, phrase, word or provision of this instrument is, for any reason, held invalid or unconstitutional by any court of competence jurisdiction, such invalid unconstitutional portion shall be deemed a separate, distinct, and independent provision, in such holding shall not affect the validity of the remaining portions of this instrument.

**Fine Structure:**

**Violations to Deed of Restrictions are subject to a fine assessed by the Board of Trustees and detailed in Holiday Park Rules and Regulations.**

If an owner is found to be in violation of the Deed of Restriction a letter will be sent to the owner explaining the violation giving the owner thirty (30) days to correct the violation. If after thirty (30) days the violation has not been corrected, a second letter indicating an impending \$125.00 fine, will be sent to the owner giving them an additional thirty (30) days to correct the violation. If after two letters are sent to an owner for a violation of the Deed of Restriction and the violation has not be corrected, a third certified letter will sent which will include a twenty-one (21) day invoice for the \$125.00 fine, a letter noting the impending cumulative fine of an additional \$125.00 if not corrected. If the violation is not corrected within thirty (30) days of the 3<sup>rd</sup> certified letter, the \$250.00 fine will be imposed and the District Manager will notify the Board of Trustees of the impending action. The Board of Trustees will review the status of the violation and, may at their discretion, direct the District office to correct the violation, send a twenty-one (21) day invoice, which includes costs to correct the violation, the fine, costs for the lien, and legal fees if applicable, and the required lien documentation for the property.