

**PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT**

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240



BOARD OF TRUSTEES

SPECIAL MEETING MINUTES
November 2, 2018 – 2:00PM

Keith Rittscher
Chairman

Ellouise Raffo
2nd Vice-Chairman

Allison Kelly
Trustee

Barbara Whitneck
Assistant Treasurer

Jack Emerich
Trustee

Ryan Poliakoff
District's Attorney

Bob Shortlidge
1st Vice-Chairman

Joanne Gaughan
Secretary

Kendra Bender
Treasurer

Helen Ferguson
Trustee

Sheree Morris
District Manager

* To comment on an item, after you have been recognized by the Chair, please go to the microphone and clearly give your name and address for the record. You may speak for up to three minutes. Note: If formal action is to be taken on an item by the Board, public comment will be requested prior to the vote.

*Silence ALL cellphones during public meetings

NOTE: MINUTES OF BOARD MEETINGS ARE PREPARED IN SUMMARY FORM ONLY. PER CHAPTER 286.0105 FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL A DECISION OF THE BOARD HE/SHE SHOULD ARRANGE FOR A VERBATIM RECORD OF THE PROCEEDINGS WHICH INCLUDES THE TESTIMONY IN EVIDENCE ON WHICH THE APPEAL IS MADE.

"A community intended and operated for persons 55 and older

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A Special Meeting of the Port Malabar Holiday Park Mobile Home Park Recreation District held on November 2, 2018 was called to order by Chairman, Keith Rittscher, at 2:00 p.m. He then led in the Invocation and Pledge of Allegiance.

The Secretary took the roll call. Present were Keith Rittscher, Bob Shortlidge, Ellouise Ratto, Joanne Gaughan, Allison Kelly, Kendra Bender, Helen Ferguson, Barbara Whitneck and Jack Emerich. Also in attendance was Sherree Morris, District Manager.

Sherree Morris proceeded to read deed restriction violations levied against the occupant of 206 Holiday Park Blvd. (copy attached). At conclusion of the reading, Allison Kelly made a motion to approve the document, "Order Finding Violation and Levying Fine Against Joanne Hall." Motion was second by Helen Ferguson. Motion carried. Allison Kelly asked to have included in the document that plaintiff, if found guilty, would be liable for all legal fees incurred by Port Malabar Holiday Park Mobile Home Park Recreation District relating to this matter. Sherree Morris said that that wording would be added.

There being no Public or Trustee comments, a motion to adjourn was made by Bob Shortlidge, second by Kendra Bender. The meeting adjourned at 2:18 p.m.

Joanne Gaughan - Secretary
Board of Trustees

Date

PORT MALABAR HOLIDAY PARK MOBILE HOME PARK RECREATION DISTRICT

ORDER FINDING VIOLATION AND LEVYING FINE AGAINST JOANNE HALL

Whereas, the City of Palm Bay adopted ordinance No. 83-52 creating an Independent Special Mobile Home Park District for Port Malabar Holiday Park known as the Port Malabar Holiday Park Mobile Home Park Recreation District; and

Whereas, on November 8, 1983, the electors residing in port Malabar Holiday Park approved the creation of the Mobile Home Park Special District known as Port Malabar Holiday Park Mobile Home Park Recreation District; and

Whereas, Florida Statutes Section 418.30, et seq, granted authority to the newly created mobile home recreation District to enforce existing rules regulations and deed restrictions; and

Whereas, the Declaration of the Conditions, Covenants, and Restrictions affecting property located in Port Malabar Holiday Park, Unit One and Two ("Declaration") were established and thereafter amended, consolidated and restated, and are recorded in Official Records Book 7128, Page 1152 of Brevard County; and

Whereas, under the terms of the Declaration the Board of Trustees for the District are empowered to enforce the Declaration, deed restrictions and rules and regulations of the District; and

Whereas, Joanne Hall is the owner of a lot within the District and more particularly that certain lot located at 206 Holiday Park Blvd., Palm Bay, FL 32907; and

Whereas by virtue of her ownership of a lot, Hall is subject to the Declaration for Port Malabar; and

Whereas it was brought to the attention of the Board of Trustees by residents and other members of the community that violations of the Declaration were occurring on the Lot; and

Whereas in a letter dated April 23, 2018 which was mailed and posted on the Lot, and received a by Hall, Hall was notified that she was in violation of the Declaration of Restrictions by having unapproved visitors and residents on her Lot, including her daughter Dana Joanne Barker, as well as other friends and significant others; and had failed to obtain approval of said occupants; and that such occupants were not at least 40 years of age; and that said occupants, upon information and belief had been involved in illegal activities; and

Whereas Hall was provided with 30 days to cease and desist from the foregoing violations and any further illegal activity and to have her daughter either make application to be approved as an occupant or vacate the lot; and

Whereas Hall failed to comply with the demands contained within the letter or take any action to cure the violations; and

Whereas, in a letter dated June 6, 2018, which was mailed and posted on the lot, Hall was provided with additional written notice that there were unapproved visitors and residents in her lot and that said individuals were making obscene gestures towards homeowners in the community; and demand was made therein for compliance with the terms of the Declaration; and

Whereas, Hall failed to cure the violations or respond in any manner to the letter of June, 6, 2018; and Whereas, in a letter dated August 2, 2018 which was mailed and posted on the lot and received by Hall, Hall was notified that the District, pursuant to the authority vested in section 18 of the Declaration had set a of violation and fining hearing for August 15, 2018 wherein Hall was invited to attend and present her case and defend the ongoing violations on of the lot which had been alleged; and Whereas, the District provided notice of an additional meeting to Hall notifying her that these violation would be further considered at a meeting set for November, 2, 2018

Whereas, Hall, despite numerous written notices of her ongoing violations, and written notice to appear at the hearings of August 15, 2018 and November 2, 2018 failed to appear at these hearings; and Whereas, pursuant to Section 18 of the Declaration, the Board of Trustees proceeded with the hearing on November 2, 2018 and presented substantive evidence that Hall had violated the terms of the Declaration and continued to do so and that a fine was necessary; and NOW THEREFORE, the Board of Trustees of Port Malabar Holiday Park Mobile Home Park Recreation District, hereby finds as follows:

- 1) The foregoing representations are true and correct.
- 2) Joanne Hall has violated the terms of the declaration and particularly Article III, Sections 1, 2, 3, 5, 6, and 15 by:
 - a) having unapproved occupants living at the property located on 206 Holiday Park Blvd.
 - b) allowing occupants under the legal age to reside in the property
 - c) allowing illegal activity to occur on the lot
 - d) allowing and encouraging visitors to enter the park and her lot illegally by "jumping a fence"
 - e) allowing excessive traffic around the lot
 - f) allowing said unapproved occupants to engage in hand gestures and obscene language directed at other residents
 - g) causing a nuisance in the community by allowing her illegal occupants to engage in activity which interferes with the peaceful possession of neighboring property owners and engaging in unlawful use of her lot.
- 3) The trustees hereby find that competent substantive evidence has been provided to support each of the foregoing violations.
- 4) Based upon the foregoing, the trustees hereby levy a fine in the amount of \$100.00. A further fine of \$50.00 per day will accrue in the event that the fine is not paid within 3 days beginning on the date that Hall receives this order and continuing every day until the violations are cured.
- 5) Pursuant to section 18 of the declaration this fine shall become a lien on Hall's Lot.
- 6) Should Hall not cure the violation within 30 days after here receipt of this finding, the Trustees hereby authorize the Association's attorney to pursue all necessary legal action to cure the violation and obtain payment of the fine and to permanently evict the occupants as well as Hall