

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

BOARD OF TRUSTEES

REGULAR MEETING AGENDA

October 9, 2017 - 7:00 PM

William "Bud" Getz Chairman

Allison Kelly

1st Vice-Chairman

Marilyn Spall

2nd Vice-Chairman

Secretary

Assistant Secretary

Kendra Bender Treasurer

Assistant Treasurer

Keith Rittscher Trustee

Rodney "Rod" Lindsay

Trustee

Mike Lawler District Manager

Karl Bohne, Jr.
District's Attorney

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"

^{*} 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.



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- 1. Meeting call to order
- 2. Invocation
- 3. Pledge of Allegiance
- 4. Roll Call
- 5. Announcements by Chairman
- 6. Approval of meeting minutes

Attachment: 9/25/17 Minutes

Action: Motion to Approve

Trustee Comment Public Comment Call for vote

7. Treasurer's Report

Attachment: Revenues & Expense Report: Budget

Performance, Balance Sheet and Loan Balances

Action: Motion to Approve

Trustee Comment Public Comment Call for vote

- 8. District Manager Report
- 9. Addition of Emergency Repair procedures to ACC Rules & Regulation

Attachment: Emergency Repair procedures

Action: Motion to Approve

Trustee Comment
Public Comment
Call for vote

- 10. Storage of new units on District property and liability for same
- 11. Final vote to approve of Fine Fee Schedule

Attachment: Final draft of Fine Fee Schedule

Action: Motion to Approve

Trustee Comment Public Comment Call for vote

Regular Meeting October 9, 2017



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

13. In-Motion Hosting proposal for updating website

Action: Motion to Approve
Trustee Comment
Public Comment
Call for vote

- **14.** Presentation on local rainfall By Allison Kelly
- 14. Public comments
- 15. Trustee comments
- 16. Adjournment

Recommended addition to the ACC Rules and Regulations

Re: Emergency Repairs

First and foremost, make your residence safe and secure.

If a natural disaster occurs within Holiday Park, an officer from the Board of Trustees and a representative from the ACC Board will immediately assess the situation. They will determine if any temporary procedures should be put in place to help residents that have damages caused by this event. These temporary procedures will be written and given to the district office so they can be implemented as soon as possible. At the next full Board of Trustee meeting, these temporary procedures will be reviewed and a determination for the duration of time the temporary procedures will be in effect.

We always recommend that the homeowner makes their mobile safe and secure. If an emergency repair is required by an individual resident, they must notify a representative from the ACC Board. Someone from the ACC Board will assess the damage and will have the authority to pre-authorize an ACC application for repairs. This will allow the resident to get the proper permits from the City of Palm Bay and start as soon as possible. This pre-authorized application will be discussed at the next ACC meeting to make sure all requirements of the application are being followed. When all requirements are met the application will receive final approval.



215 Holiday Park Boulevard NE Florida 32907-2196

ENFORCEMENT OF DEED RESTRICTIONS AND RULES AND REGULATIONS

VIOLATIONS NOTIFICATION AND FINE SYSTEM

Section 18. Enforcement of Deed Restriction and Rules and Regulations

The Board of Trustees shall adopt policies and procedures for the levying of fines by resolution against any owner for the failure of the owner of the parcel or its occupant, leaseholder, or invitee to comply with any provision of the Deed Restriction, the A.C.C. Rules and Regulations, or reasonable Rules and Regulations and Policies of the District. A fine may be levied for each day of a continuing violation, with a single notice and opportunity for hearing. A fine imposed pursuant to this section shall become a lien upon the owner's property. If a violation of the Deed Restriction, A.C.C. Rules and Regulations, or reasonable rules of the District is found, the District Manager shall notify the violator and give him or her thirty (30) days to correct the violation.

If after thirty (30) days the violation has not been corrected, a second letter indicating an impending fine will be sent to the owner giving them an additional thirty (30) days to correct the violation.

If after two (2) letters have been sent for a violation of the Deed Restriction, A.C.C. Rules and Regulations, or reasonable Rules and Regulations of the District and the violation has not been corrected, a third certified letter will sent which will include a final twenty-one (21) day invoice to cure, and the notice shall state that failure to remedy the violation within the time prescribed herein may result in an additional fine per day per violation until the violation is cured as specified in the Resolution.

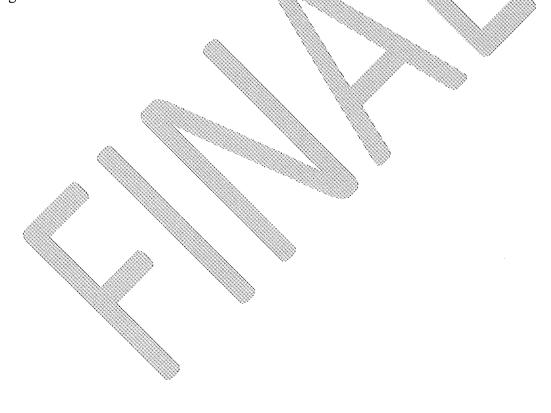
Should the violation continue beyond the time specified for correction in the third and final notice, the District shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed, via certified mail, return receipt, to said violator. At the option of the District, notice may additionally be served by posting. If the violation is not corrected by the time specified for correction in the third notice, the case may be presented to the designated Board/Committee for enforcement even if the violation has been corrected prior to the hearing, and the notice shall so state.

Each case before the designated Board/Committee for enforcement shall be presented by a member of the administrative staff of the District. If the District prevails in prosecuting a case before the designated Board/Committee for enforcement, it shall be entitled to recover all costs incurred in prosecuting the case before the Board and such costs may be included

in the lien authorized herein.

The designated Board/Committee for enforcement shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The designated Board/Committee for enforcement shall take testimony from the witnesses. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

At the conclusion of the hearing, the designated Board/Committee for enforcement shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The finding shall be by motion approved by a majority of Section 18. Enforcement of Deed Restriction and Rules and Regulations.



Section 7. Maintenance of Lot and Exterior of Home

All lots and exterior of home shall be maintained by the owner of such lot in good appearance free of underbrush, weeds, rubbish, and accumulation and storage of personal property, except items such as patio furniture, bicycles, and barbecue grills. The exterior of the homes shall be free of mold, mildew, and/or dirt, which are visible when the home is viewed from the street or any adjacent lot. The District, its agents or employees, shall have the right, but not the obligation, to enter upon any lot to cure any violation herein. Any such curing, maintenance or repair shall be at the expense of the Owner of the lot on which the violation has occurred or exists which expense shall be payable by such Owner of the lot to the District as a result of the Districts abating or curing violations and shall be due and payable within twenty-one (21) days from the date of mailing of a statement by the District as provided for under "Article III, Section 18."

Entry to cure any violation shall not be a trespass. The rights of the District described in this section shall not be construed as a limitation of the right of the District to prosecute proceedings as law or in equity for the recovery of damages against persons violating or attempting to violate these covenants or for the purpose of preventing or enjoining any violations or attempted violations. The remedies contained in this section shall be construed as cumulative of all other remedies provided by law or in equity. The failure of the District to enforce the Declaration, however long continuing, shall not be a waiver of the right to enforce the Declaration at a later time (Resolution 2012-03 previously approved by the District on March 27, 2012 and certified by the Board on April 9, 2012)

Violation Notification and Fine Process:

- 1. District will send 1st letter notifying the owner of the violation 30 calendar days to cure issue.
- 2. If not cured after 30 calendar days, District will send 2nd letter notifying the owner of an impending fine 30 additional calendar days to cure issue.
- 3. If not cured after 60 calendar days, from the initial notification, the 3rd and final letter will be sent by certified mail 21 additional calendar days to cure issue (at this point, 81 days have elapsed from the initial notification date)
- 4. If issue not cured in Steps 1-3, the District will begin levying fines.

FINE: \$100 PLUS \$50/DAY UNTIL VIOLATION IS CURED

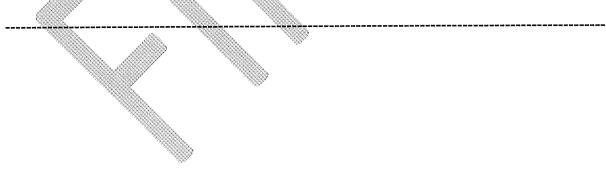
Section 8. Condition of Skirting Material on Home

All mobile/modular homes in the District must be appropriately skirted to conceal under carriage. Provisions for Skirting Material on Home are provided for in the Rules and Regulations of the A.C.C.

Skirting must be of stucco or vinyl, must be of a termite resistant material and completely enclose the bottom of the mobile. The front of the home shall be closed solid, planters are optional. All older homes not using vinyl should use a hardware cloth or wire mesh not to exceed ½ inch openings in size in front of or behind the block or brick to keep unwanted animals from under home. All homes must have adequate ventilation, according to the building code requirements. It is strongly suggested that all homes have a protection from weed eaters around the skirting.

Violation Notification and Fine Process:

- 1. District will send 1st letter notifying the owner of the violation 30 calendar days to cure issue.
- 2. If not cured after 30 calendar days, District will send 2nd letter notifying the owner of an impending fine -30 additional calendar days to cure issue.
- 3. If not cured after 60 calendar days, from the initial notification, the 3rd and final letter will be sent by certified mail 21 additional calendar days to cure issue (at this point, 81 days have elapsed from the initial notification date)
- 4. If issue not cured in Steps 1 3, the District will begin levying fines. FINE: \$100 PLUS \$25/DAY UNTIL VIOLATION IS CURED



Section 11. Decals

Holiday Park occupants whether owners, non-owner occupants or renters and whether or not year-long residents shall display a Holiday Park gate access decal on all motor vehicles operated by said occupants within the District. Decals are to be placed on the outside upper corner of the driver's side front windshield or an alternate location approved by the District Manager on all motor vehicles operated in or parked in the District. Occupants displaying the gate access decal shall be admitted to the District without having to stop and check in at the entrance with the gate attendant. All motor vehicles not properly displaying the gate access decal shall be required to stop at the District's entrance gate, check in, and obtain a temporary pass.

The Holiday Park gate access decals shall be required to park in any parking area for the use of the recreational facilities in Holiday Park. All District residents shall comply with this Deed Restriction from the date they begin residing in the District. Any person who is required to display a decal that does not have the required decal shall be given a written notice to comply. Any person who fails to comply after being given such notice shall be subject fines and enforcement of this Deed Restriction (See Article III, Section 18.) and by all available legal remedies including reimbursement to the District for all costs incurred, attorney and court fees caused by civil enforcement.

Gate access decals shall be issued free of charge to all property owners and are reissued on a two (2) year schedule provided that; a) an application form, supplied by the District office, is complete and; b) a copy of a valid vehicle registration certificate listing the property owner(s) name is provided to the District office. A maximum of two (2) decals shall be issued to each property owner meeting the stated requirements.

An owner residing in a property with a non-owner occupant has the option of one (1) access decal, plus one (1) access decal for a non-owner occupant who has; a) completed the non-owner occupant registration provided by the District office; b) supplied a copy of the valid vehicle registration certificate listing the non-owner occupants name and; c) paid the processing fee. (See Fee Schedule for Decals in the Policies for Port Malabar Holiday Park)

Non-owner occupants shall be issued a gate access decal yearly for a maximum of two (2) vehicles provided that; a) an application form, supplied by the District office, for a non-owner occupant is complete; b) a copy of a valid vehicle registration certificate listing the non-owner occupant as the vehicle owner is supplied; c) a verification of occupancy and rental agreement executed by the property owner is supplied; and d) the processing fee is received. One (1) additional decal may be issued to the owner of such property. (See Fee Schedule for Decals in the Policies for Port Malabar Holiday Park).

Additional decals may be issued for golf carts, mopeds, motorcycles, or scooters that are

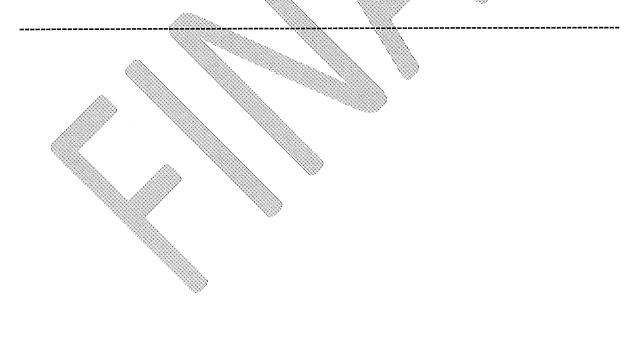
registered to a Holiday Park resident who has met the required application process. Decals may also be issued for RVs, boats, utility trailers, and campers, as space provides.

Upon termination of occupancy, all decals shall be surrendered to the District office. All lot owners within the District and their guests shall be considered licensees of the District with respect to the use of said roads for ingress or egress to the various lots within the subdivision and for all lawful purposes. Rules and Regulations exist concerning safety and use of the roads within the District. Any vehicle driven in the park by an Owner or a Non-Resident Owner must have a parking decal. Violators will be given a notification to correct the issue within 5 calendar days. Failure to do so will result in the following fine(s) being imposed.

Violation Notification and Fine Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and will give them 5 calendar days to cure the issue.
- 2. If after 5 calendar days, the issue is not cured, the District will begin to levy a \$25.00 fine starting on the 6th day and will continue to fine \$25.00 for each subsequent day until the issue is cured.

FINE: \$25 PLUS \$25/DAY UNTIL PROPER DECAL IS OBTAINED



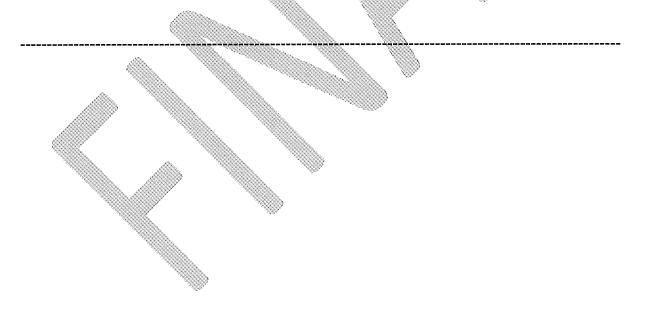
Section 12. Parking of Vehicles

The District has made a provision for a storage area for boats, boat trailers, travel trailers, campers, and recreational vehicles, which shall be stored within this special area provided by the District. No boat, boat trailer, camper, recreational vehicle or similar vessel or vehicle may be stored, repaired, or kept on any residential lot except for the purpose of loading or unloading, not to exceed forty-eight (48) hours. Under no circumstances shall any derelict, inoperable boat, boat trailer, camper, recreational vehicle or similar vessel or vehicle or any such conveyances without current tags of any kind be stored on any residential lot or be kept in the storage compound.

Violation Notification and Fine Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and will give them 48 hours from the date of notification to cure the issue.
- 2. If after 48 hours, the issue is not cured, the District will begin to levy a \$100.00 fine per day and will continue to fine \$100.00 for each subsequent day until the issue is cured.

FINE: \$100 FOR EACH DAY OF VIOLATION



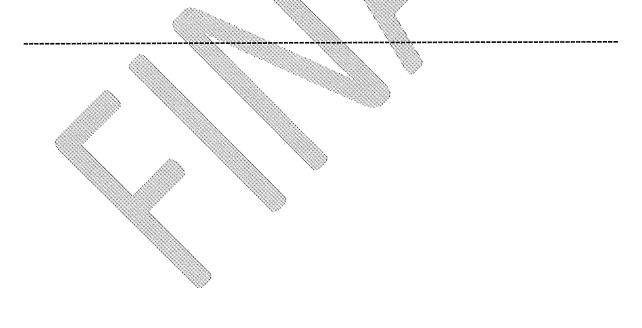
Section 12. Parking of Vehicles (Cont)

A Commercial vehicle is defined as a vehicle designed, used, or maintained primarily for the transport of materials or other goods used in a trade or business. Unloaded commercial vehicles, flatbeds, and pickups up to ½ ton, which are the sole means of transportation of the occupant of the mobile home, may be kept in the carport. Any other commercial vehicles shall be parked on the easterly side of the parking lot at the recreation hall after permission is obtained from the District Manager. Except as provided above, no commercial vehicle shall be parked on any residential lot. Any person, property owner, occupant, leaseholder, tenant, or otherwise legally occupying the premises who shall permit parking or storing of such vehicles on private property shall be in violation of this section.

Violation Notification and Fine Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and will give them 48 hours to cure the issue.
- 2. If after 48 hours, the issue is not cured, the District will levy a \$100.00 fine per day and will continue to fine \$100.00 for each subsequent day until the issue is cured.

FINE: \$100 FOR EACH DAY OF VIOLATION



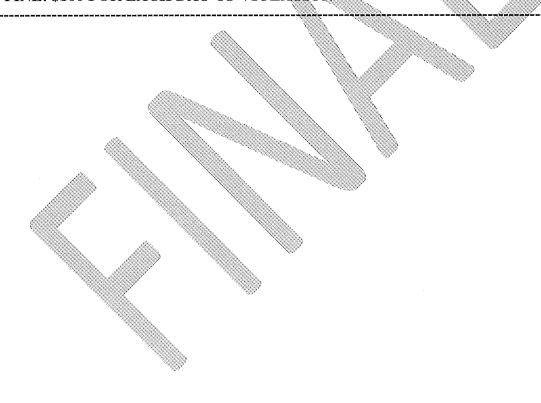
Section 12. Parking of Vehicles (Cont)

Except for loading and unloading, all vehicles shall be parked off the street and road of the subdivision. If the carport or driveway is fully occupied by vehicles, the owner or occupant may permit a temporary visitor to park on his or her lawn for not more than forty-eight (48) hours otherwise the parking area at the recreation hall is available for such purpose. Failure to do so will result in the following fine(s) being imposed.

Violation Notification and Fine Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and will give them 48 hours to cure the issue.
- 2. If after 48 hours, the issue is not cured, the District will levy a \$100.00 fine per day and will continue to fine \$100.00 for each subsequent day until the issue is cured.

FINE: \$100 FOR EACH DAY OF VIOLATION



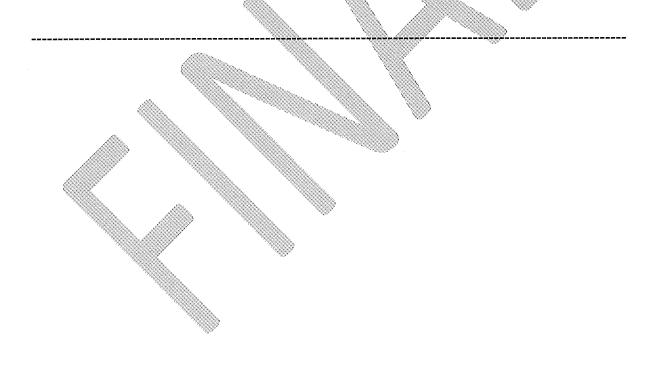
Section 13. Vehicle Repairs

No derelict, disabled, or unlicensed vehicles of any kind shall be kept or permitted adjacent to or upon any residential lot. No repair work shall be conducted upon any residential lot except for the necessary emergency vehicle repair such as the changing of flat tires. Violators will be given a notification to correct the issue within 3 calendar days. Failure to do so will result in the following fine(s) being imposed.

Violation Notification and Fine Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and will give them 48 hours to cure the issue.
- 2. If after 48 hours, the issue is not cured, the District will levy a \$100.00 fine per day and will continue to fine \$100.00 for each subsequent day until the issue is cured.

FINE: \$100 FOR EACH DAY OF VIOLATION FINE: \$100 PLUS \$25/DAY UNTIL VEHICLE REMOVED OR REPAIRS CEASE

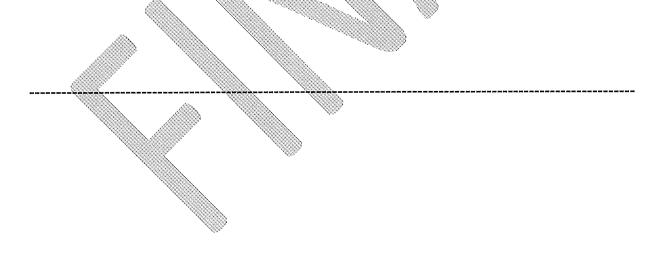


Section 14. Pets

No animals, snakes, other reptiles, livestock, or poultry of any kind shall be kept, raised or bred on any residential lot. Aquarium fish, caged birds and not more than two (2) household pets shall be permitted to be kept as pets on a residential lot, provided, however, household pets shall not, at any time, be permitted to become a public or private nuisance. Residents that have move than 2 pets prior to May 22, 2017 are grandfathered however, when the number of pets reduces to 2 pets, the resident will not be permitted to acquire another pet. The term "household pets" shall be deemed to mean dogs, cats, and rabbits not to exceed twenty-five (25) pounds mature breed weight.

Violation Notification and Fine Process:

- 1. District will send 1st letter notifying the owner of the violation 30 calendar days to cure issue.
- 2. If not cured after 30 calendar days, District will send 2nd letter notifying the owner of an impending fine -30 additional calendar days to cure issue.
- 3. If not cured after 60 calendar days, from the initial notification, the 3^{rd} and final letter will be sent by certified mail 21 additional calendar days to cure issue (at this point, 81 days have elapsed from the initial notification date)
- 4. If issue not cured in Steps 1 3, the District will begin levying fines. FINE: \$100 PLUS \$25/DAY UNTIL VIOLATION IS CURED

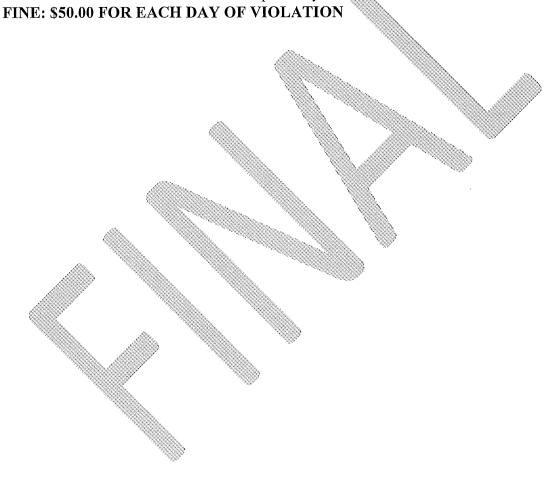


Section 14. Pets

No feral cat colony shall be maintained or fed on any lot in the District. This includes the unlawful feeding of wild animals as regulated by Florida Wildlife Commission.

Violation Notification and Fine Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and will give them 48 hours to cure the issue.
- 2. If after 48 hours, the issue is not cured, the District will levy a \$50.00 fine per day and will continue to fine \$50.00 for each subsequent day until the issue is cured.



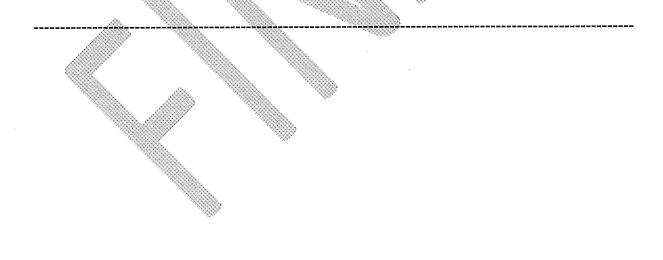
Section 14. Pets (Cont)

No household pet shall be permitted to run at large and shall be restrained by a leash not more than six (6) foot in length when outside the home. No pet shall be left outside the home unattended. While walking leashed pets, they must be controlled and not roam on other resident's propery. No pets are allowed to stray on to property other than that of the pets' owner. No doghouses, kennels, fences, temporary or otherwise, to house an animal, or animal cages of any kind shall be allowed outside of any home on any lot within the District. Residents are prohibited from leaving their pet in a screen room while they are away from the home. Owners are responsible for the immediate removal and proper disposal of any waste deposited by a pet on any property within the District and in accordance with local state or federal law. Owners shall abide by the rules and regulations set by Brevard County Animal Services.

Violation Notification and Fine Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and will give them 48 hours to cure the issue.
- 2. If after 48 hours, the issue is not cured, the District will levy a \$50.00 fine per day and will continue to fine \$50.00 for each subsequent day until the issue is cured.

FINE: \$50.00 FOR EACH DAY OF VIOLATION



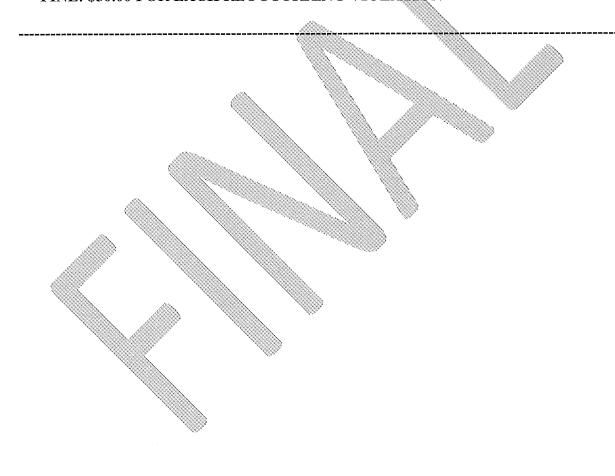
Section 14. Pets (Cont)

No pets shall be allowed in the Recreation Building. However, an exception is made for service animals.

Violation Notification and Fine Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and ask them to refrain from bringing their pet into the building.
- 2. Any reoccurrence will result in the following fines being levied.

FINE: \$50.00 FOR EACH REOCCURRING VIOLATION



Section 16. Signs

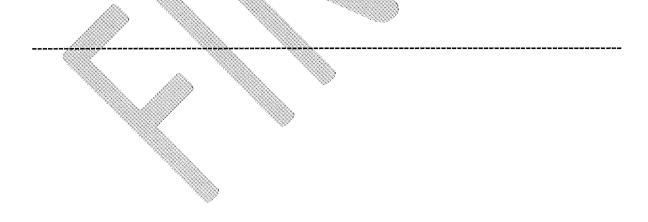
No signs are permitted on lots, except real estate signs or political signs in window, planter box or as approved by the District Manager. Political signs may only be displayed beginning four (4) weeks prior to an election and may only be a total of four (4) square feet and must be removed no later than twenty-four (24) hours after the election is finalized. No lot may display more than two (2) political signs. Small signs setting forth the owner's name and street address shall be permitted in planter box or on home. A small sign announcing "yard sale" may be temporarily placed on owner's property but shall not remain longer than twenty-four (24) hours.

Violation Notification and Fine Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and will give them 48 hours to cure the issue.
- 2. If after 48 hours, the issue is not cured, the District will levy a \$100.00 fine and will continue to charge \$25.00 for each subsequent day until the issue is cured.

FINE: \$100.00 INITIAL FINE & \$25/DAY UNTIL SIGN IS REMOVED

The foregoing provision shall not be construed to prohibit temporary or permanent placement by the District of street signs, promotional signs, directional signs, or area identification signs, etc.

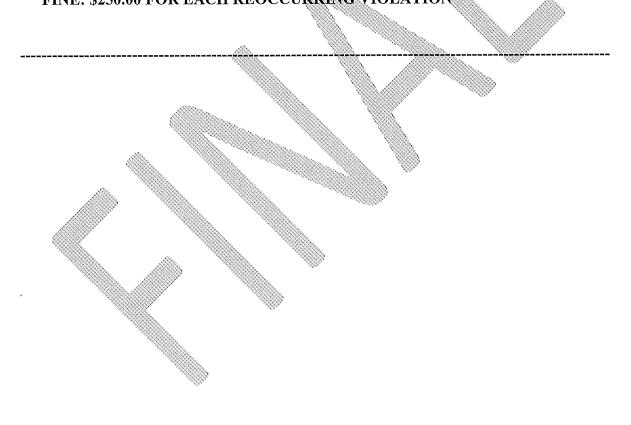


District General Rules and Regulations – #6

Repairs and replacements outside the home shall be expeditiously completed between the hours of 8:00 AM and 5:00 PM (with exception of emergencies). No contract work is allowed on Sundays except in an emergency. Work performed by Residents outside the home on Sunday's shall be completed between the hours of 12:00 PM -4:00 PM (with exception of emergencies).

Violation Notification and Fine Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and ask them to refrain from having contractors work on Sunday except in an emergency.
- 2. Any reoccurrence will result in the following fines being levied. FINE: \$250.00 FOR EACH REOCCURRING VIOLATION

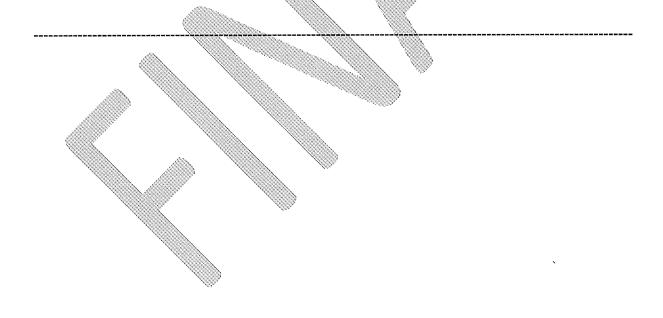


District General Rules and Regulations – #7

Carports are not to be used as a storage area. Only patio furniture, grills, bicycles, or similar items are to be kept on carports or patios. Residents are required to secure items in their yard, home, carport, and patio when warned of pending hurricanes. Additionally, all yard ornaments, patio furniture, planters, etc., must be stored away when residents leave for periods of 30 days or more.

Violation Notification and Fine Process:

- 1. District will send 1st letter notifying the owner of the violation 30 calendar days to cure issue.
- 2. If not cured after 30 calendar days, District will send 2nd letter notifying the owner of an impending fine -30 additional calendar days to cure issue.
- 3. If not cured after 60 calendar days, from the initial notification, the 3rd and final letter will be sent by certified mail 21 additional calendar days to cure issue (at this point, 81 days have elapsed from the initial notification date)
- 4. If issue not cured in Steps 1 3, the District will begin levying fines. FINE: \$100 PLUS \$25/DAY UNTIL VIOLATION IS CURED



District Rules and Regulations

GOLF CARTS/ATV'S/SCOOTERS/PERSONAL MOBILITY VEHICLES:

- 1. Golf carts, scooters, mini-bikes, and personal mobility vehicles may be operated by registered residents or guests who are at least 18 years of age. A registered resident who then accepts full responsibility for compliance with these regulations MUST accompany all other operators.
- 2. ATV's are not permitted for use by residents or guests in the District.
- 3. Anyone operating a golf cart, scooter, mini-bike, or personal mobility vehicle shall abide by the rules of the roads, including but not limited to stop signs, speed limit, and right of way.
- 4. All golf carts, scooters, mini-bikes, and personal mobility vehicles shall have proper electric front and rear lights when operating after dusk.
- 5. Personal mobility vehicles must be operated on the shoulder or sidewalk when possible.

Violation Notification Process:

- 1. The District will notify the owner/renter by phone or in person of the violation and ask them to refrain from violating 1-5 above.
- 2. Any reoccurrence will result in the following fines being levied. FINE: \$100.00 FOR EACH REOCCURRING VIOLATION

Thanks for coming into chat to discuss to your site redesign. Based on your needs and the size and scope of your current site, I am going to recommend the following package.

CMS Gold package includes:

Social Media integration-allows Facebook and Twitter can be put on site

Drop Down Menu –sub tabs to move to different pages

Image Rotator

Walkthrough – a digital walk through of site

Google Analytics Integration – set up for free and provide link

Contact Form

up to 15 pages and content manager – can add pages if needed

30 minutes of updates monthly for the first 3 months-can subscribe for \$50/mo, cancel anytime

8 stock.adobe.com images included-can provide own images

Search engine optimization on every page

unlimited email accounts

we will teach you how to manage your own site

standard mobile responsive design-easily read on mobile devices

ownership of website

one choice of tier 1 and one choice of tier 2

Tier 1 Add-ons:

Custom Form

Additional Page

Stock Image

Lightbox Gallery-images stored a small thumbnails, click on for larger image

Tier 2 Add-ons:

Blog

Gallery

Mega Menu

Events Calendar – can speak to design team about calendar integration

Extra Image Rotator

CMS Gold Package Pricing:

\$2399.92 or 4 monthly payments of \$599.98