

Holiday Park Park & Recreation District
Fine Committee Meeting held 8/17/2023
Meeting Minutes

Committee Members Attending: Kim Branch, Marilyn Kenaga, Sharon Kohnoski, Norm Olszewski, Karin Anderson
Committee Members Absent: Roland Ficken

1. Housekeeping Items:

- a. Introductions were made for the committee members. Kim Branch passed out the list with phone numbers and e-mail addresses.
- b. Discussed the applicability of the Sunshine Law and how the committee needs to adhere to the requirements when communicating. Kim Branch took an action to provide information on the Sunshine Law to each committee member so each person can review it before the next meeting.
- c. Kim Branch reviewed a high-level flow map that showed flow from HB 1855 to Holiday Park Board of Trustees and showed how the Park Manager, Board of Trustees and the Fine Committee participated in the enforcement of the rules and deed restrictions. Each committee member was given a copy. There were no questions.
- d. Reviewed the resolution of Procedure 2022-05 which established the requirements for anyone serving on a standing committee. Each committee member was given a copy. There were no questions.
- e. Reviewed the Fine Committee's Goal to ensure that the Committee stays true to this goal. Committee members voted to adopt the following goal: "Committee goal is to review and determine the validity of Trustee-recommended fines ensuring consistency and compliance with the Florida Sunshine Law." Agreement reached that, per the approved procedure, the Fine Committee will only review fines recommended by the Board of Trustees.
- f. Reviewed the Holiday Park Fine Schedule including how/when it was derived by a Holiday Park advisory committee, was approved by the Board of Trustee, and was available on the website. There was some confusion over the "per day" vs "per occurrence" fines but it was clarified.
- g. Read aloud the entire Holiday Park "Board Resolution 2023-03, Deed Restrictions, Rules and Regulations Enforcement Procedure". There were a few questions asked and answered.
 - i. Karin Anderson discussed her recent call from Mrs. Hutchison regarding how a member who is not present at the Fine Committee meeting would be notified of the date a "per day" fine would start to accrue. Kim Branch took an action to set up a meeting with the District Manager to discuss this oversight in the procedure. For this meeting, the Committee agreed to notify the Hutchinson's via phone following the meeting since they could not be present.

2. Hutchinson Fine Discussion:

- a. The committee reviewed and discussed the artifacts provided by the District Manager, the Board of Trustees, and the Hutchinson's for the three Board of Trustee-recommended fines. Since the Sunshine Law information was covered in this initial meeting, copies of the artifacts were not provided to the committee members in advance of the meeting. Each artifact was discussed (some were read aloud and others were read only in-part with approval of the Committee members) and artifacts were passed around to the Committee members who wanted to review them.
- b. Artifacts reviewed included: 1) ACC permit applications, 2) Board of Trustee meeting minutes for 5/4/2023 and 7/27/2023, 3) District Manager letters to the Hutchinson's, 4) Hutchison letters to the District Manager and Fine Committee members, and the 5) District Manager's "Hutchinson's timeline" which showed the dates relevant to artifacts/meetings held to discuss the fines.
- c. There was a quick discussion about how the deed restrictions and rules do not change that often but when they do, everyone is responsible to understand the changes.

- d. The Committee agreed to stay true to the Committee Goal discussed earlier in the meeting and while several committee members did not agree with the ACC Rule #13, the Committee should not provide recommendations to the Board of Trustees or to the ACC – only vote on the validity of the fines.
 - e. The Committee voted to address each fine individually.
3. The Committee discussed each of the recommended fines:
- a. Norm Olszewski moved to dismiss without prejudice the fine related to “Driveway size not in compliance with ACC Rule 13”. Karin Anderson seconded it. The Committee voted to disapprove the fine. Vote was unanimous.
 - b. Committee discussed the next fine for “No ACC permit to pour concrete”. Discussion centered around the fact that the Hutchinson’s did not have a permit and were unsuccessful getting an approved permit the evening before the concrete was poured but they moved ahead and had it poured anyway. Norm Olszewski moved to approve the fine for \$100. It was reiterated that some of the fines (including this one) are “per day” fines – not “per occurrence” fines. Karin Anderson explained to the Committee about her discussion with Mrs. Hutchinson that if the payment is put in the mail today (because the Hutchinson’s couldn’t attend the meeting in person), the “per day” fine would be \$100 and the certified letter that the District Manager would send would state that the Hutchinson’s were notified by phone today in advance of the certified letter. Norm Olszewski moved again to approve the fine. Sharon Kahnoski seconded it. The Committee voted to approve this fine. The vote was unanimous.
 - c. There was a brief discussion about whether the Committee will use Robert’s Rules for the meeting. Committee agreed to use them properly going forward. Norm Olszewski thought that Hurricane Ian was involved in the issue related to these fines. He recommended against approving the third fine for “Not honoring a stop work order”. Sharon Kahnoski explained that she believed that the ACC permit and the stop work fines go together so if one was approved, the other should be approved. Marilyn Kenaga and Karin Anderson agreed with Sharon that this third fine should be approved. Discussion was centered around fines needing to be consistently handled. Sharon Kahnoski moved to approve the fine, Marilyn Kenaga seconded it. The Committee voted to approve this fine. The vote was unanimous.
4. Karin Anderson indicated that Mrs. Hutchinson would be calling her to understand what fines were approved at this meeting. Kim Branch agreed with this plan and would send an email to the District Manager and Cheryl Morris with the meeting outcome and minutes.
5. Kim Branch asked the Committee members how the meeting went. Sharon Kahnoski asked that all pertinent information be given to the Committee members in advance of the meeting going forward. Kim Branch agreed but reminded everyone that the Sunshine Law applies so there would be no discussion prior to the meeting.
6. Karin Anderson mentioned that there are more fines likely coming (including possible fines for the LLC homes).
7. Norm Olszewski moved to adjourn the meeting. Karin Anderson seconded it. Meeting was adjourned.