

4/8/2009

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TE PARK & RECREATION DISTRICT

BOARD OF TRUSTEES MEETING

MARCH 16, 2009

9:30 a.m.

SMALL HALL

1903 69th AVENUE WEST

BRADENTON, FL 34207

Prior to the start of the meeting, Chairman Martha Brauer recognized three former trustees with a plaque and our park's thanks for their service on the Board: Bruce Smith, Mary Lou McNulty and Joe Bigley.

The meeting was called to order at 9:34 a.m.

Trustees present: Martha Brauer, Pam Cole, Fred Hoch, Janet Jones, Gail Opper, Joe Salerno and John Vander Molen. Trustee absent: Bob Durrin.

Approval of Minutes:

Feb. 16, 2009, Board Meeting--approved 7-0.

Feb. 23, 2009, Board Workshop--on page 3, change \$300 per month to \$300 per year. Approved as corrected, 7-0.

March 2, 2009, Board Meeting--on page 5, add was continued to 12:30 p.m. Monday, March 9, 2009, in the Small Hall.

March 9, 2009, Board Meeting--on page 2, the cost should read: "450 for the first, maximum of \$200 for the second, memory stick and other related expenses up to \$700"

March 9, 2009, Public Hearing on the Budget--page 1 should say \$117,000 not \$17,000; page 2, vacation schedule for employees should read "four weeks after five years"; page 3, under Herb MacFarlane, it should read "operating" expenses. We are deficit budgeting; page 5, at the top of the page, Martha found information....add "the minutes of" before July 2007.

Correspondence: It is found in the office in different categories. We received during the week an Injunction filed against us on March 10. The trustees received an e-mail on Thursday, March 12, and Martha got the full copy on Friday, March 13. The case will be heard on Tuesday, March 17, at 2:30 p.m. along with the Motion for Dismissal of four trustees named in the previous case. The Injunction is in regards to more allegations of Sunshine Law violations.

Treasurer's Report: Pam notified residents that she has filed some things in public records that she received on Friday. At the end of February, Pam reported there is a balance in the checking account of \$5,113. The CD balance is \$304,169.55. The Money Market savings balance is \$712,325.68. Interest income is running behind. Marina income for February is 68.4 percent of the budgeted amount for the month. We received \$4,562.92 and budgeted \$6,666.67. Regarding assessments, we received \$40,000 in February. This amount is decreased from now through September. Total received: \$780,599.18. Total budgeted: \$901,093. Expenses are running about \$2,000 per month over budget. Trash is a little under and cable is at 100 percent. Administration expenses are at 130.4 percent. We spent \$16,959.51 and we budgeted \$24,000. The largest amount of marina income comes in the summer--particularly June and July.

Approval of Bills: We received a bill from Kirk-Pinkerton for \$6,835.44. Pam asked if the bill was all for litigation expense, including one for Gail Opper. Martha stated that it was. Pam made a motion to approve the payment of the bill and Joe seconded it. Motion passed 7-0.

Trustee Reports:

Janet--16 cards were sent and there were 4 deaths in February. Over 200 attended the Health Fair. The Fair will be held the 3rd Thursday in March of 2010. Janet had some comments she wanted the residents and board to hear. They are attached to the minutes of this meeting.

Fred--He is still waiting for answers from Code Enforcement. Deed restriction violations are still occurring.

Gail--The 2009 TE Directory is in the office. Cost: \$2.

John--Nothing to report.

Joe--Showtime is this Thursday with the Irish singer Dunne. April 4 is the last Showtime. Joe is looking for residents to sign up in the office to play Wii games. In regards to the dances, the March 7 dance brought in \$650 plus \$102 in 50/50. The March 14 dance brought in \$495 plus \$95 in 50/50. The year-to-date 50/50 is \$1,504 with a final projected amount of \$1,879. Joe contacted Waste Management about trash pickup and recycling. They will get back with him. Joe received a letter from Harry Splett stating that we should charge \$10 per person for Showtime, but Joe feels we should not do that.

Pam--Talked with Ken Blaser from the Florida League of Cities. He stated he is meeting with the underwriter today. He is supposed to call this afternoon. She has not yet talked with Linda or Chancellor Insurance. Martha asked Pam about boat slip liability. Should it be for the storage lot, too? Pam replied that with this insurance rider, if we are sued, the plaintiff can get only the total of our liability. Mr. Blaser will ask for the storage lot lease. John: There is no liability insurance at the storage lot. Martha: Ask him if there should be.

Martha: Web update--The April events are listed. Thanks to all who got their events into the office. Bullets from Channel 95 are now also on the Web-site. Martha asked if she should prioritize workshops because there are a lot: Employee Handbook, notary policy for TJ, no solicitation in the park. She put a hold on the bulletin board and club policies. The March 30 could be more of an informational meeting for the purpose of reviewing disaster plans since people will leave. We could also do a safety/security update.

Pam: The Employee Handbook can wait. Deed restrictions have waited a year. The "no solicitation" policy can wait. The board meeting behavior policy can wait.

John: I think we need a meeting to figure out what meetings we need. He feels Deed Restrictions are important.

Martha: We must have a notary policy in order to get Officers and Directors insurance.

Fred: Put that right after the Deed Restrictions.

Pam: People gave much time to the Deed Restrictions, and we should give them the courtesy of looking them over.

Martha: Deed Restrictions will be first on the agenda. Do you want a workshop on March 30? It was decided that the board does not want a meeting on March 30--a fifth Monday. The Future Planning Survey--should it be on next Monday's workshop? The board agreed it should.

Standing Committee Reports

John spoke about the ARC meeting. On Feb. 13, 18 permits were approved and two were rejected. On Feb. 27, 8 permits were approved and 2 were placed on hold. On March 13, 13 permits were approved and two were held over or withdrawn. Three residents must be full time on the committee so if anyone is interested in serving on this committee, contact Chairman Nancy Keegan.

Martha spoke about the Beautification Committee on behalf of Bob Durrin. On Feb. 25, the committee organized itself. Mary Hollett stepped down because of a possible Sunshine Law conflict. The March 9 meeting was cancelled. The next meeting of the committee is March 23 at 1 p.m. in the Blue Heron Card Room.

Residents' Comments

Harry Splett, 2104 Ohio--He had four questions: 1) There should be a motion to go to arbitration. Martha replied that no trustee has brought such a motion forward. 2) The budget presented is dramatically different from early March. Martha stated that the public hearing was continued March 9. 3) He feels there is no penalty for missing the April 1 budget cut off. Martha said she will pursue this. 4) Regarding bingo, do we have a permit to operate? All I (Harry) can find is a permit for condos. Joe said that he has done some research and he is pretty sure mobile home parks are included.

Flo Mallory, 6919 W. Bayou--She appreciates Janet's review of history. Her question: Is a former board member who has admitted to a violation of the Florida Sunshine Law eligible as a trustee?

Bev Lew, 2008 IL: She has filed a PP30 complaint. Important for the board never to "shun". There is a petition to settle the lawsuit. There were three board members on the By-Law Committee; therefore, any work done on that committee must be redone. Martha replied that the Deed Restriction Committee meetings were publicly noticed and minutes were taken so board members can attend.

Bill Secraw, 1803 NY: Was this a fair election at TE? The ARC Committee should dissolve. He supports the lawsuit on March 17. There are serious charges on the new Injunction.

Ruth Schneider, 1918 IN: Doesn't see the admirable traits in some residents. She feels this is a familial lawsuit. Martha stated earlier an Injunction was filed on March 12 and Ruth told the residents to "wake up". She stated that mediation is held when money is asked for. Our plaintiffs don't want money. Do they want every board member to step down? If that doesn't happen, why mediate?

Gary Olin, 2311 NY: He quoted a song called "If Everyone Cared". He feels the lawsuit will cause him not to be able to live here. Martha stated that when Gary quoted a figure, he was including his property tax along with the assessment.

Flo Mallory, 6919 W. Bayou--Look at the Charter. Maintenance, development and improvement of TE, including all common areas. We are not facing the question that has arisen: What are you assessing us for? Don't throw in competing rental units. Make it affordable for all property owners.

Bev Lew, 2008 IL--She does not feel she should be taxed to support a church or rent out commercial property. She feels we can run bingo legally. The Board has a responsibility to find a legal way to play bingo in the park. The Board can't raise the assessment and not Hix's. 50/50 is gambling and should not be done at a public gathering. The Board does not have a right to put someone in place who has admitted to violating the Sunshine Law. You have too many employees. Do not mow county property. Vote according to the laws of the state. If you have more than one dog, it is a problem.

Virgil Reinick, 2113 MN--Teach your children and grandchildren the rules of TE. Watch them so we don't have a problem.

Joe Langton, 2107 OH--Sunshine Laws created to protect the people from unscrupulous board members lent themselves to other individuals to harass officials, and these people will do it in a frivolous manner.

At this point, a five-minute recess was taken. The meeting resumed at 11:10 a.m.

New Business

1. Trustee Appointment--Larry Sarhatt led the trustee candidate interviews and Virgil Reinick was the timer. PP3 will be attached to the minutes; this contains the rules for trustee appointments. Applications were listed on Channel 95. Candidates for the Continuing Recreation Trustee are: Margo Cushman, Bruce Smith and trailerestatesparkrecdist.org/.../20090...

on Channel 95. Candidates for the Continuing Recreation Trustee are: Margo Cushman, Bruce Smith and Harry Splett. Martha moved and Joe seconded changing the order of PP3--replace #7 with #8 and vice versa. After statements from the three candidates and questions from the audience, the Board voted and Margo Cushman, receiving a unanimous 7-0 vote, was appointed as the new trustee. She was sworn in and then took her place at the Board table.

2. A motion was presented by Martha and seconded by Pam to revise PP24 Public Records Policy to include advance deposit component. With no discussion, the Board voted 8-0 to adopt the motion.

3. A motion was made by Martha and seconded by Joe to revise PP53 Auditor Selection Committee Policy. With no discussion, the motion was adopted 8-0.

4. A motion was made by Martha and seconded by Fred to adopt PP55 Trustee Protection Policy. Martha distributed Form 8-B--Voting Conflict--to three trustees who have been named in the lawsuit. All three stated publicly why they couldn't vote. Martha said she checked with the attorney as to whether or not a lien can be put on a trustee's property if there is malfeasance. We could write an agreement. Pam feels that agreement should be attached at the same time. The Board agreed. Both the motion and the second were withdrawn.

5. A motion was made by Martha and seconded by Pam to approve Web-site purchases of Web software and Web-related expenses totaling less than \$700. With no discussion, the motion passed 8-0.

6. A motion was made by Joe and seconded by Fred to add a horseshoe pit. With no discussion, the Board voted 8-0 in favor of the motion.

7. A motion was made by Fred and seconded by Pam to refer the property at 6515 Nebraska Linda Brush, 6508 Nebraska Linda Brush and 6517 Nebraska George Sipich to our attorney (underage and issues between neighbors). Martha stated that the current policy on complaints is to send a letter, and the resident has an opportunity to remedy the issue. Pam felt it was an ongoing issue and so did John. The Board voted and the motion passed 8-0.

8. Pam read the budget resolution covering Oct. 1, 2009, through Sept. 30, 2010. Pam made the motion to accept the budget with an assessment of \$915; Fred seconded it. Three trustees abstained from the vote and spoke publicly that they did so because they have been sued individually. They completed Form 8-B. Joe then stated how sorry he is that the residents have to go through this. Following the vote, the motion passed 5-0. Martha and Gail signed the resolution.

Reports of Clubs and Organizations

Pam discussed the SHARE program. This Saturday residents can place an order and also pick up the order they placed in February.

Joe stated that there will be a Bocci Tournament March 20 and today is the last day to sign up for it.

The Gift

4/8/2009

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Before the meeting ended, Richard and Peg Jensen, 2013 Minnesota, and their daughter Mary Krieger shared the news that their Aunt Betty Jensen had provided significant funds for the use of park residents who would otherwise be financially unable to remain in Trailer Estates. Everyone agreed that this was an incredible gift. If funds are needed, residents are to contact the pastor of the TE Covenant Church since this is the agency who will handle distribution of the gift.

The meeting was adjourned at 12:27 p.m.

Respectfully submitted,

Gail Opper, Secretary