

**DRAFT**  
**TRAILER ESTATES PARK AND RECREATION DISTRICT**  
**BOARD OF TRUSTEES REGULAR MEETING**  
**FEBRUARY 16, 2009**  
**9:30 A.M.**  
**SMALL HALL**  
**1903 69<sup>TH</sup> AVENUE WEST**  
**BRADENTON, FL 34207**

Meeting was called to order at 9:30 a.m.

Trustees present: Brauer, Cole, Fitzpatrick, Hoch, Jones, Opper, Salerno and Vander Molen. Absent: Bob Durrin.

**Approval of Minutes**

Pam made a motion to approve the minutes of the Feb. 2 board meeting. John seconded the motion. Martha asked that the comma be removed between miscellaneous and office at the top of page 2. The board approved the minutes as corrected, 8-0.

Pam made a motion to approve the minutes of the Feb. 9 workshop. Joe seconded the motion. The following corrections were made: Page 4, change the word "auditors" to accountants; page 5, add "and a profit has to be split among members" after the words "non-profit" at the top of the page; page 6, add the word "employee's" between weekend and salaries under the heading Salary Increase. Martha will check to see if we need to add the word "quarterly" to page 2 near the top where it says "if they are paying three times...." Minutes were approved as corrected, 8-0.

**Amend the Agenda**

Martha stated that the Litigation Assessment will be dropped from the agenda and she then added three items: 1) Two items will be added at the beginning of New Business. These items pertain to the lawsuit. 2) The

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**EXHIBIT**

    A

discussion of a pending application for an emotional support animal was also added.

### **Correspondence**

All correspondence is in the office for review. This includes e-mail correspondence.

### **Report of Treasurer**

No report at this time.

### **Approval of Bills**

A bill in the amount of \$14,963.47 from Kurt Pinkerton was received. Pam made a motion to pay the bill. John seconded the motion. John would like Kurt Pinkerton to sort out the bill. Attorney Mark Barnebey of Kurt Pinkerton, present at the meeting, said he can do that. Payment of the bill was approved 8-0.

### **Information Reports from Trustees**

Pam: None.

Joe: Saturday's Dance brought in \$550. Total for the year: \$6,061. 50/50 total for the year: \$856. A resident is sponsoring a 50's dance with CD's. Georgia Carpet sponsored our 50's dance. They gave \$1,200; Joe spent \$1,200.70. March 5 is Showtime; tickets are \$6 each. Vegas Night is this Thursday, Feb. 19. Joe reported that he spoke with Hix about not adding a 5 percent increase for one year in exchange for three boat slips. Hix's present rent is \$1,676 per month and \$20,112 per year. Hix will think about it. Joe reminded the board that Hix doesn't get any boat slips in his lease. Pam asked if anyone had noticed that most of the boats in Hix's lot are gone out of the parking area at Hix. Joe also discussed the restrooms with Hix who wasn't happy about the idea but will be glad to try it. The restrooms would be open to the public so he is not too happy. Who will maintain the restrooms? How about security? What about general maintenance in restrooms? Joe recommended we leave the situation as it is; it would require a lot of work. Pam suggested we could put a Porta Potty there. Horseshoes

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have asked for another pit. There is a spot and horseshoes will pay for all the materials and will supply the labor. Joe stated that there are three Pickle Ball courts now. They play Tuesday, Friday and Saturday. They put blue tape on the floor and wonder if they can leave the tape down until Saturday's dance. John felt we should talk with the maintenance people. John will talk with Mark. Joe suggested that it might be a good idea to ask line dance, too. Harry suggested the tape might adhere over time. Martha then asked Attorney Mark Barnebey if we can make a decision about Pickle Ball or horseshoe. Mr. Barnebey stated: "When in doubt, workshop it." John suggested we workshop the horseshoe pit but talk with Mark about the tape. Joe received an unsigned letter from a resident about a possible singles club in the park. Joe feels we offer many places to meet people and stated that people can get together and form a club. Martha reminded everyone that material can't be placed on Channel 95 without a date or time.

Harry: Coffee break is Saturday, Feb. 21, and tickets are on sale.

John: Said he had no report except that the 2012 Iowa eviction took place at 10:30 a.m., as scheduled; the locksmith was there at 10:25. The house was secured and is up for sale. John reminded everyone that this was a complaint that was previously filed. We didn't pursue it because the owner had already filed papers with the court.

Gail: The TE Directory has been sent to the printer. She applauded the residents for doing such a good job posting things to the bulletin board. She then stated that a letter had been received in regards to the church. She stated that she ran for the board stating she is a Christian and then explained that the separation of church and state is not in the U.S. Constitution. The Constitution states that "Congress shall make no law prohibiting the free exercise of (religion)." She said there are Christian law firms that handle such cases, and they have won the last seven cases at the Supreme Court.

Fred: There are two written complaints; they are taken care of. Manatee County will pave our roads this summer. He asked if he could appoint a committee of one—Virgil Reinig—to take care of the roads. Attorney Mark Barnebey stated that if it is fact finding, there is no problem. When you make recommendations, it is a Sunshine issue. Martha asked, "Would we call him a committee?" Mr. Barnebey said, "It is probably not called a committee."

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Janet: The Health Fair is Feb. 26 from 9 a.m. to noon in the Large Hall. There are 40 displays. The kitchen will be open.

Fred: Asked if he could speak. He stated that the people from 2012 Iowa had moved to another place in the park and wondered if we could alleviate this problem. Can we work on a deed restriction for this?

Martha: A resident said we need to enforce deed restrictions. Do all of us trustees have an obligation to file a complaint? Joe stated that we should discuss this at the workshop. Martha agreed and then discussed the Gorham case. She stated that the attorney has gotten information and has sent a demand letter. After a response is given, we will hear from the attorney in this regard; it is a drawn out process. Regarding the auditor selection committee....Ruth Langton and Joe Trinkl have been appointed to the committee; John Vander Molen was appointed as trustee. One more resident and one more trustee must be appointed. The meeting is at 10 a.m. Feb. 25 in the Heron Card Room. In regards to the Web site....the site will be up and running on Wednesday, Feb. 18, or sooner. Lonny Stanley is the designer; the Web administrator is Shirley Klotz. Her job will be to make sure documents get on the Web site efficiently.

### **Reports of Standing Committees**

John reported that ARC met on January 30. It was a special meeting regarding a permit for 6732 Marina. The permit was approved with conditions that have been met.

### **Residents Comments and Questions**

Tom Featheringill, 1816 Michigan—Wondered about fees the board charges at the marina. Martha stated that fees would not be discussed at this meeting. We are only discussing the lease; rates will come up later.

George Sipisch, 6517 Nebraska—Feels the board is doing a good job. Concerns about a teenage son who is living with his mother on Nebraska.

Virgil Reinig, 2113 Minnesota—asked the board to announce at every meeting that residents not park where emergency vehicles are hindered. Martha stated that we will look for a Florida statute in this regard.

**Old Business**—None

**New Business**

**Lawsuit update.** TE attorneys have answered the lawsuit as have each of the attorneys representing the individual people being sued. A court hearing will be held March 17 in regards to our request for dismissal and the same request made by the four other attorneys. TE attorneys have served Mary Lou Smith and Sharon Denson with requests for information and are scheduling depositions that will begin in April. TE attorneys have asked for an early mediation. Every party to the case will be in the mediation. The mediator makes no decisions; it is a confidential procedure. We have asked that there be only us and them and not everyone there. It is less expensive that way and there will be no Sunshine Law violation. Mary Lou Smith and Sharon Denson want Trailer Estates to pay the entire cost of mediation-- \$345 per hour. If the judge orders mediation, each of the parties would pay half. Martha made a motion to pay \$345 per hour to mediate the lawsuit. Pam seconded the motion. The three sitting trustees named in the lawsuit could not vote. Discussion ensued. Janet stated that we have been involved in this for three years. We should pay for the mediation and get it behind us. Both the attorney and Martha reminded the board that the burden of proof in this lawsuit does not rest with us and mediation does not guarantee a settlement. Gail feels the park itself is innocent and we should stand on our principles in this one. Basically, innocent people—TE Park and Recreation District--should not pay \$345 per hour to mediate a lawsuit they didn't initiate for a law they didn't violate. The motion did not pass. Voting yes: Martha Brauer and Pam Cole. Voting no: Harry Fitzpatrick, Gail Opper and Fred Hoch. We were informed that mediation can still take place, but Trailer Estates will not pay the \$345 per hour. Martha made a motion to appoint someone to speak on behalf of the board for all proceedings in regard to this case. She withdrew the motion because it was not seconded. John moved to appoint Martha as the spokesperson representing Trailer Estates in the lawsuit. Fred seconded the motion. Motion passed, 8-0. A motion was made by Harry and seconded by Joe to appoint Gail Opper as

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alternate. John brought up the point that Gail is not a full-time resident of the park. Before the vote, Gail explained that she would be proud to represent Trailer Estates but she loves Trailer Estates and is a fighter; and if a fighter is not what the board wants, she is not the person for the job. The motion passed 7-1 with John Vander Molen voting against.

At this point, the board took a five minute recess. When the meeting resumed at 11:15 a.m., Joe Salerno was not present. Martha began introducing the motions.

Martha made a motion to add \$5 to weekend/holiday pool help to pay for cover removal. Seconded by Pam. With no discussion, the motion passed 7-0.

A motion was made by Martha and seconded by John to adopt PP 54 Public Records Fees/Office Fees. With no discussion, the motion passed, 7-0.

At this point, Joe Salerno returned from break.

A motion was made by Martha and seconded by Pam to adopt revised Public Records Policy and Procedure (PP 24). It was decided to remove Item 9 on p. 3 of the policy. A discussion ensued about the wording of Duplication Copies. With that, Martha withdrew the motion; seconded by Joe. The policy will be brought up again at a later meeting.

A motion was made by Martha and seconded by John to adopt/approve Complaint Procedure PP 30. With no discussion, the motion passed, 8-0.

A motion was made by Martha and seconded by Janet to appoint a Beautification Standing Committee. With no discussion, the motion passed 6-2, with Pam Cole and Gail Opper voting against the motion.

A motion was made by Martha and seconded by John to appoint Lillian Walsh to the Beautification Committee. The motion passed, 8-0.

A motion was made by Martha and seconded by Joe to appoint Margo Cushman to the Beautification Committee. The motion passed, 8-0.

A motion was made by Martha and seconded by Pam to appoint Mary Hollett to the Beautification Committee. The motion passed, 8-0.

A motion was made by Martha and seconded by Fred to appoint Lucille Donovan to the Beautification Committee. The motion passed, 8-0.

A motion was made by Martha and seconded by Pam to appoint Walter Dietz to the Beautification Committee. Joe asked how Walter contributes to the committee since he is blind. Lillian Walsh came forward to say that Mr. Dietz is very helpful where safety issues are concerned. The motion passed, 8-0.

Martha noted that Bob Durrin is the liaison trustee to the Beautification Committee.

A motion was made by Martha and seconded by Joe to purchase insurance for the Board of Trustees for non-monetary claims. Martha explained that our agent is working to get a bid. Pam suggested we each get a policy and the board will pay. Gail felt that was a good idea. John said he had problems approving a blanket policy and Pam agreed. Martha stated trustees have to purchase an umbrella policy under their insurance company to be covered as trustees. She then said a policy could be written to state that the park would cover the board if something happens. She decided to withdraw the motion; Joe seconded the withdrawal. We will discuss this again at workshop.

A motion was made by Martha and seconded by Janet to approve a version of the revised boat slip lease PP 20. John mentioned that the sign is here and ready to go up. Martha stated that there are three versions of this motion because it represents those who want a quarterly lease, those who want a semi-annual lease and those who want an annual lease. Pam wondered about #5 on the lease and asked, "How do we remove a boat?" John stated that it has been done in the past. Martha withdrew the motion and Janet seconded it. John moved to accept a quarterly lease; Joe seconded the motion. Martha stated that she has been told that clientele who rent yearly or semi-annually are better renters. They respect the rules, etc. Quarterly renters are not as good. John stated he brought the motion forward because he thought that if we voted it down, we would have one less lease to consider. Pam stated that a quarterly lease is a budgeting nightmare. The voted was taken. While John voted yes, Martha, Pam, Harry, Fred, Janet,

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Gail and Joe voted no. The motion failed, 1-7. The lease will be brought back at the next workshop.

A motion was made by Martha and seconded by John to approve revised dockmaster duties PP 21. With no discussion, the motion passed 8-0.

A motion was made by Martha and seconded by Janet to remove the weight restriction for emotional support animals from our policy. The attorney recommended we do this. With no discussion, the motion passed 8-0.

### **Reports of Clubs and Organizations**

Pam stated that Share is February 21 from 9-10 a.m. in the Small Hall. The March menu will be on the board today.

Before adjourning the meeting, Martha stated that Harry had a letter he wanted to read. He announced that he is resigning from the board due to the fact that trustees do not have insurance. He knows Martha did all she could to get the insurance but cannot risk his retirement funds on a lawsuit.

The meeting was adjourned at 12:10 p.m.

Respectfully submitted,

Gail Opper, Secretary

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