

APPROVED AS CORRECTED April 20, 2009  
TRAILER ESTATES PARK AND RECREATION DISTRICT  
BOARD OF TRUSTEES MEETING  
APRIL 6, 2009  
9:30 a.m.  
SMALL HALL  
1903 69<sup>TH</sup> AVENUE WEST  
BRADENTON, FL 34207

Before the meeting began, Trailer Estates' employee Mark Yawberg was honored and received a plaque for his 25 years of dedicated service to the TE community. A reception will be held in his honor tomorrow at 11:30 a.m. in the Small Hall.

The meeting was called to order at 9:35 a.m.

**ROLL CALL**--Martha Brauer, Margo Cushman, Janet Jones, Fred Hoch, Gail Opper, Joe Salerno, John Vander Molen. Absent: Pam Cole.

**APPROVAL OF MINUTES**

March 16, 2009—Page 3, regarding the notary duties should read: "In order for our Error and Omissions insurance to cover TJ." Page 2 at the bottom in regards to the Health Fair: It should say "3<sup>rd</sup> Thursday in February." Page 7, should say Richard and Peg Jansen and Aunt Betty Jansen rather than Jensen. A motion was made by Margo and seconded by Joe to accept the minutes as corrected. Motion passed 7-0.

March 23, 2009—Page 2, part 4 should say "account for variables." Last page, strike last sentence that Martha said and replace with, "When presented with questions, they can be answered." A motion was made by Joe and seconded by John to accept the minutes as corrected. Motion passed 7-0.

Gail stated that Harry Splett had given her a written correction for the Jan. 5, 2009, minutes but she had left them on her desk in the office. John suggested we simply correct those minutes at the next meeting.

**CORRESPONDENCE**—All correspondence is available in the office. Gail noted that we did receive a letter from Joe Langton. Martha stated that she put it in her notebook to have his comments brought forward in the workshop to be held in regards to the Future Planning survey.

**REPORT OF THE TREASURER**—None, as Pam Cole was absent.

**APPROVAL OF BILLS**—We received a legal bill totaling \$5,376.42 from Kirk Pinkerton. It is a two-month bill dated March 18 covering services rendered by them from Jan. 2 through the end of February. \$700 of that bill is for litigation. Fred suggested we list the names of the trustees who contact the law firm or whose problems are brought to the firm. That will be done. John made a motion to pay the bill; Fred seconded. The motion passed 7-0.

**REPORTS OF TRUSTEES**

Joe stated that Saturday's dance brought in \$510 and dances had brought in a total of \$9,686 for the year. They cost \$6,000. 50/50 brought in \$114 with a yearly total of \$1,762. Showtime brought in \$114 with a yearly total of \$2,392. The cost of Showtime was \$3,825. The last dance of the season will be Saturday, April 11. There will be only one dance a month after that beginning the 4<sup>th</sup> Saturday in May and continuing until fall. Joe contacted Waste Management

and they came out. They will come back to make a proposal. 28 people signed up for the Wii games.

Margo stated that coffee break will be held April 18; the Square Club and Woodshop will serve. Therma Skin will provide the speaker. They are a medical supply company and will discuss a new treatment for arthritis. We will have a potluck Wednesday, April 15. Report on Bingo: In January, there were 1,355 players with an average of 169. \$6,482 was taken in and then paid out. The jackpot was \$4,185. In February, There were 1,149 players with an average of 181. \$6,428 was taken in and paid out. The jackpot was \$4,354. In March, there were 1,651 players with an average of 183. \$3,821 was taken in and paid out. The jackpot was \$3,821.

John stated that he believes we have clearance to put up the marina sign. He has checked into a Porta Potty for the Bocci area and will bring the information to the board. The one he checked into is ADA approved plus has facilities for men and women.

Gail spoke about an incident that occurred at the March 9 meeting. A resident brought a video camera to the meeting. Knowing residents could tape the meeting, she didn't think anything about it until four things happened: 1) The resident, who was sitting near the front, stood up, turned around and videotaped everyone in the audience. 2) Our secretary Jane came into the meeting twice and was videotaped coming and going both times. 3) After the meeting had adjourned, a resident came up to Gail to speak with her and that conversation was videotaped. 4) As Gail was going home, two residents approached her. While one confronted her, the other videotaped her. Very concerned about these four incidences, Gail investigated the situation and learned that it is against Florida law for anyone to videotape a person without that person's permission. Taping the board meeting is fine but not the people attending; and once the meeting is over, taping of anyone is prohibited without his/her permission.

Fred: Wants to thank Virgil Reinig for doing a good job on the road project. Joe asked Fred if there was an update on the electrical poles. Fred said it is not up to the park to do it and he needs volunteers.

Janet: Health and Welfare sent out 18 cards and there were four deaths in the month of March.

Martha: She said she spoke with resident John Stephenson about the fence and we continue to look into it. She met with Bob Baugh regarding suggestions for the Deed Restrictions. Those suggestions went into her notebook to be brought forward when we again discuss the restrictions. She made a phone call in regards to the emotional support animals versus the rights of the community. She has purchased items for the Web site and has three more to purchase. She purchased two short cuts for \$78. We now can access the TE Web site via [trailerestatesfl.org](http://trailerestatesfl.org), [trailerestatesfl.com](http://trailerestatesfl.com) as well as our regular address [trailerestatesparkrecdist.org](http://trailerestatesparkrecdist.org). Fred asked Martha when our meetings will be on our Web site. Martha replied that our company is changing the platform so we have to modify by July; we are working on it. They are changing what they allow to come from us. Fred also asked that we place the bullets now on Channel 95 and on the Web site into the Tribune. Martha will do this. Martha announced that next Monday's workshop will be on staff policies and suggested that the Board review Section 6 in the red handbook. She went on to say that our attorneys advised us to meet on this issue. She said that Mark Yawberg wrote job descriptions for the Maintenance Department. Martha has information from the county including job descriptions and pay scale. Also on Monday's agenda will be an issue Margo would like to bring forward as well as trustee protection.

## **STANDING COMMITTEES**

John reported that the ARC Committee met on March 27. Seven permits were approved; one was disapproved. Some on the committee are concerned about proposals regarding the Deed Restrictions in the event of emergency repairs such as a leaking roof. The next meeting is April 10 at 9:30 a.m. in the Craft Room next to the stage in the Large Hall. Martha suggested that two trustees could go to an emergency situation separately, and the policy and procedure manual could cover this.

There was no report from the Beautification Committee. The meeting scheduled for today was cancelled.

## **RESIDENT COMMENTS**

Harry Splett, 2104 Ohio—He believes the lawsuit case will fail in the courts and wants the board to negotiate with the petitioners. He drafted a motion asking the court to put the case on hold until further notice. He passed out a copy of his motion; it is attached to these minutes.

Jim Angerame, 1614 Minnesota—He has heard that the 25-pound limit on dogs in the park has been removed and thinks this limit unreasonable. He is afraid of dogs and likes to walk in the park. He called other parks and found they have limits. He feels that the attorneys' advice on the law is not in the best interests of the park. He stated that we don't have to encourage more dogs in the park and must assume responsibility if there is a problem. Martha stated that the attorney's opinion is that our restrictions are contrary to the law, but she will call the attorney about this. She felt residents should know that large dogs are no more vicious than small dogs. John reminded everyone that federal law is the key here and not county or state law.

Bev Lew, 2008 Illinois—She passed out sheets regarding the Venice case and the Sunshine Law. Those sheets are attached to these minutes. She stated that there is a petition in regards to residents who want to settle the lawsuit. She felt Gail should have given the Florida Statute when she spoke about the videotaping. Mrs. Lew said that Bayshore did not raise their assessment. She stated that the settlement offer was a private document. Will all residents get the same information? She said the word "attacks" should not be used by the Board and wants information about the 17 court cases Gail brought up at a previous meeting. Gail replied that she never said there were 17 cases. She stated that her words were "7 Supreme Court" cases—and repeated that information for clarity—reminding everyone that "7" and "Supreme" said together can sound like 17. Gail also told Mrs. Lew that she had already given her the information about this that she had requested and that Gail had not to her recollection used the word "attack," to which Martha replied that it was she who said that word. Gail apologized for the misunderstanding.

## **TRUSTEE COMMENTS**

John stated that in regards to Mark Yawberg, after 25 years of service Mark is entitled to a \$125 bonus and dinner with the trustees. Mark declined the dinner but John again reminded everyone of the reception for Mark tomorrow.

Fred would like to know what we have paid so far this year on the lawsuit. Can we put this in the Tribune? Martha said we have paid three bills so far to the law firm. Two of them—one for \$14,000 and the other for \$6,000--are for the lawsuit. The other \$6,000 bill is for policy questions as well as concerns of residents, etc.

Margo said, "Why do we have to settle the lawsuit? We didn't bring the lawsuit."

## **ATTORNEY-CLIENT SESSION**

Attorney Mark Barneby made a request to meet with the Board in regards to the lawsuit.

Martha read a statement, which included the names of those attending the session.

The board meeting was closed at 10:28 a.m. for the attorney-client session and will resume at 1 p.m.

At 1 p.m., Martha announced that the Board had closed the litigation assessment and the regular board meeting could proceed.

## **NEW BUSINESS**

1. Trustee interviews, appointment and swearing in. Larry Sarhatt served as moderator and Virgil Reinig was the timer. Trustee candidates were: Harry Fitzpatrick, Bev Lew, Bruce Smith and Jim McIlveen. Before the procedure could begin, Martha moved and Margo seconded that we place the questions before the summary. Motion passed 7-0. Janet moved and John seconded that there be no questions from the microphone; the audience would use index cards to offer a question to the candidates. Motion passed 5-2. Martha moved that the Board also place their questions on cards, but the motion died without a second so the questions from the Board would be oral. The interviews proceeded with questions from the audience as well as from the Board. Martha then shared with the Board and the residents that Barb Durrin had withdrawn, over the weekend, her name for consideration as a trustee. Martha asked if someone would place a motion on the floor for a candidate. Fred made a motion to name Jim McIlveen as the trustee; the motion was seconded by Janet. At this point, Martha called for a five-minute recess. Upon return, Fred asked that his motion be rescinded and Janet withdrew her second. Candidates were then given the opportunity to give their closing statements. Following those, trustees used index cards to make their choice for the new trustee. Gail collected the index cards and read out loud the name of the trustee and his or her choice. Four votes were cast for Harry Fitzpatrick; trustees Brauer, Opper, Salerno and Vander Molen voted for Harry. Three votes were cast for Jim McIlveen; trustees Cushman, Hoch and Jones voted for Jim. With the majority of the votes cast, Harry Fitzpatrick became our new trustee. He was sworn in by Martha Brauer and took his place at the table.

2. A motion was made by Martha and seconded by John to adopt the following PP 56: Trailer Estates Park & Recreation District Board of Trustees authorizes the Office Manager to provide notary services for district business only. With no discussion, the motion passed, 8-0.

3. A motion was made by Martha and seconded by Joe to adopt PP 17 which reads: Trailer Estates Park & Recreation District Board of Trustees will have the district attorney present at district events only upon request. Furthermore, the Chairman is authorized to make the request for attorney attendance at district events (i.e. Board meeting, workshop, etc.). Trustees shall be allowed to contact the district attorney as needed. The Office Manager of the Trailer Estates Park & Recreation District is permitted to contact the attorney on an as-needed basis. Discussion ensued when John spoke about the limitations of the words "the district attorney," as we work with several attorneys and that would limit us. The Board agreed to change the word "the" to "a" in both places in the motion where those words immediately precede the words "district attorney" in the motion. Martha moved to correct the motion; Joe seconded to correct. With no further discussion, the motion passed 8-0.

4. A motion to release a boat slip renter from a contract and refund the rental fee was withdrawn by Martha.

Martha reminded the Board that we can talk about something without having a motion in front of us.

## **CLUBS AND ORGANIZATIONS**

It was noted that Ann Terhardt won third place in a national art show. She received the congratulations of the Board and the residents.

SAFE will meet the first Friday of the month until fall.

There is a Video Club luncheon tomorrow at Perkins at 1 p.m.

We were again reminded of the reception tomorrow from 11:30 a.m.-12 p.m. for Mark Yawberg's 25 years of service

to Trailer Estates.

A motion for adjournment was made by Joe and seconded by Fred. Motion passed 8-0.

Respectfully submitted,

Gail Opper, Secretary