

**MINUTES OF MEETING**

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**WATERLEFE  
COMMUNITY DEVELOPMENT DISTRICT**

A regular meeting of the Board of Supervisors of the Waterlefe Community Development District was held on **Tuesday, January 22, 2013 at 2:04 p.m.** at the Waterlefe Golf & River Club, 995 Fish Hook Cove, Bradenton, Florida.

Present and constituting a quorum were:

Ken Bumgarner	<b>Board Supervisor, Chairman</b>
John Brocki	<b>Board Supervisor, Vice Chairman</b>
Rosalyn Warner	<b>Board Supervisor, Assistant Secretary</b>
Mark Kalish	<b>Board Supervisor, Assistant Secretary</b>
Chris Hogan	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Molly Syvret	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Andy Cohen	<b>District Counsel, Hankin, Persson, McClenathen, Cohen &amp; Darnell</b>
Christine Brookfield	<b>Property Management</b>
Franklyn Dickson	<b>MPOA Representative</b>
Tony Tierno	<b>Golf Course Committee</b>
Don McFadden	<b>Golf Course Committee</b>
Herb Krasow	<b>Golf Course Committee</b>
Marty Schuler	<b>Erosion Committee</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Ms. Syvret called the meeting to order and conducted the roll call.

Mr. Ellis, a resident, addressed the Board regarding concerns of landscaping along the south wall. Ms. Warner advised she and Mr. Toborg will perform an inspection to check the progress of growth and ensure there are no irrigation issues. Discussion ensued. No action was taken.

**SECOND ORDER OF BUSINESS**

**Discussion Concerning Matters Related to  
975 Fish Hook Cove**

Mr. Cohen advised that at the last meeting, the Board authorized moving forward with a small claims action, if injunctive relief could also be pursued to compel the homeowner to address problems on the property, or bring the matter back before the Board if determined injunctive relief could not be pursued in the small claims action. Mr. Cohen advised that

injunctive relief is not available. Mr. Brocki advised that he has spoken to the property owner in the interim, and the property owner agreed he would make the repairs to his property as recommended by the District Engineer. Discussion ensued.

Mr. Kalish made a motion to accept the property owners offer to repair the property, with the repairs to be completed by February 28, 2013, but also request \$2,000 in restitution. There was no second because his estimated cost was \$645.75.

On a Motion by Mr. Hogan, seconded by Mr. Brocki, with four in favor and one opposed, the Board accepted the property owners offer to make repairs in accordance with recommendations by Mr. Schappacher, to be completed within a reasonable time, and the District will not pursue court action, for Waterlefe Community Development District.

**THIRD ORDER OF BUSINESS**

**Discussion Concerning Potential for Acquisition of Adjacent Property**

Mr. Bumgarner advised that the Kelley property, off the 12<sup>th</sup> and 13<sup>th</sup> golf course holes, has come up again and they may be willing to sell the property to the District, if the District wanted to acquire it. Details have not been discussed. Mr. Bumgarner advised the owner purchased the property years ago for \$75,000, and now appears to be valued around \$150,000, but they have given no indication what they would sell it for. Mr. Bumgarner advised he would need to know if the Board is interested in pursuing further, as there would need to be an appraisal, etc. Discussion ensued.

On a Motion by Mr. Kalish, seconded by Mr. Hogan, with all in favor, the Board authorized the District to proceed with obtaining an appraisal of the Kelly property, not to exceed \$2,500, for Waterlefe Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Continued Board of Supervisors' Meeting held on December 18, 2012**

Ms. Syvret provided an overview of the minutes of the Board of Supervisors' meeting held on December 18, 2012. She asked if there were any revisions to the minutes. It was noted in the seventh order of business on page 5, Ms. Warner is incorrectly identified as Mr. Warner; on page 3, item A. the word "bridges" should be included to identify the location of the inspections; also on page 3, item B, the wording should be changed to reflect "a donation by the MPOA toward construction costs". Ms. Syvret asked if there were any further revision to be made to the minutes. There were none.

On a Motion by Ms. Warner, seconded by Mr. Brocki, with four in favor and one opposed, the Board approved the Minutes of the Board of Supervisors' Meeting held on December 18, 2012, as amended, for Waterlefe Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of the Operations and  
Maintenance Expenditures for the Month  
of December 2012**

Ms. Syvret provided an overview of the expenditures for the month of December 2012, advising that expenditures for the period of December 1 through 31, 2012 totaled \$92,386.57. Questions were entertained regarding various items of expenditure.

On a Motion by Mr. Bumgarner, seconded by Mr. Hogan, with all in favor, the Board approved the Operations and Maintenance Expenditures for the Month of December, 2012 totaling \$92,386.57, for Waterlefe Community Development District.

**SIXTH ORDER OF BUSINESS**

**Presentation of Monthly Financial Report**

Ms. Syvret provided an overview of the monthly financial report. Discussion ensued.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. Cohen advised the Board had directed him to have special counsel re-pursue the first trademark claim, and advised the documents were being prepared but had not yet been filed.

Mr. Cohen advised that with respect to possible financing from BB&T; he had a meeting with representatives so they fully understand the difference between the CDD operating and Golf Course Enterprise funds, and felt it went very well.

Mr. Cohen advised discovery is ongoing in the Shores litigation matter with the MPOA.

Mr. Cohen advised that regarding the Landings wall, there has been no further information or correspondence from the Landings or Forge Engineering. He is awaiting options from Mr. Schappacher to repair erosion issues relating to the wall. Discussion ensued regarding how the District is planning to handle the pool cages and encroachments into the District easement.

Mr. Cohen advised the PNC claim has been settled at \$19,000, under the authorized amount of \$21,000, the check has been issued, and details of the settlement agreement are being finalized.

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board delegated authority to the Chairman to execute the settlement agreement with PNC, for Waterlefe Community Development District.

Mr. Cohen advised the lease on the golf carts is complete, and the lease for the walking mowers is being finalized.

Mr. Cohen provided an update on the Piazza small claims action for early cancellation of membership, advising the issue was not settled at the mediation held on January 14. The only defense raised was lack of notice of cancellation terms. The issue has been set for trial on February 12 at 2:15pm.

Mr. Cohen advised that regarding the WCI Bankruptcy; a claim had previously been submitted on behalf of the District for \$139,269.76 for damages for incomplete contracts. He noted the debtor objected to the claim, and indicated that if the Board would like to pursue the issue, a response would need to be filed tomorrow, January 23. If a claim is approved and paid the amount would be unknown but maybe as low as \$0.05 on the dollar as an estimate.

On a Motion by Mr. Kalish, seconded by Mr. Hogan, with all in favor, the Board directed Counsel to not pursue the objection to the claim, for Waterlefe Community Development District.

Mr. Hogan left the meeting in progress.

B. District Engineer

Mr. Bumgarner provided an overview of the January engineering update provided earlier today by Mr. Schappacher, highlighting the status of resolution of the remaining issues from the paving project. He further advised two speed limit signs are still missing, which were approved at the last meeting.

C. Property Manager

Ms. Brookfield provided an overview of the work order summary. Discussion ensued regarding security of the pedestrian gate at Heritage Harbor. Mr. Hogan will look into it.

Ms. Brookfield advised the gatehouse DVR system was damaged by a surge. SEL provided a proposal to replace with RVR and new cameras and will add lightning/surge protection to the maintenance contract.

D. Golf Course Manager

No Report.

E. Golf Course Committee

Mr. Sanborn provided an update regarding progress in repairing the red items on the golf cart bridge report generated through the District Engineer and Bolt Underwater.

Mr. Sanborn provided an overview of finances for the month of December; noting public play was down for about 500 rounds, but indicated that January is looking positive.

Mr. Sanborn provided an overview of new member marketing and public player programs.

Mr. Sanborn provided an update regarding finding a consultant for communications to the community on the value of the golf course to the community within the \$10,000 they had previously allotted.

F. Erosion Committee

Mr. Schuler provided an update on the Committee meeting held on January 22, 2013, the most recent erosion priority review by the District Engineer, and a proposal received from Erosion Restoration for the third phase of the erosion work. Discussion ensued.

On a Motion by Mr. Kalish, seconded by Mr. Brocki, with all in favor, the Board approved an additional \$8,000 to be allocated to Erosion/Bank repair; to come from the budgeted contingency, for Waterlefe Community Development District.

G. Landscape Committee

The Landscape Committee had no report; however the Committee asked Mr. Toborg to check the status of the re-bid of the landscape renovation.

H. District Manager

Ms. Syvret advised the next regularly scheduled meeting of the Board of Supervisors will be held on Tuesday, February 26, 2013 at 2:00 pm.

Ms. Syvret advised she is working to update the liquor license due to the change in the Board make up after the election. She then provided an overview of a legal invoice from Squires Sanders for services rendered in providing an opinion on the possible arrangement between the MPOA and the CDD for renovation/building of the maintenance facility that would also house property management offices.

**EIGHTH ORDER OF BUSINESS**

**Supervisor Requests and Audience  
Comments**

Ms. Syvret stated that the next item on the Agenda was Supervisor Requests and Audience Comments.

Ms. Syvret opened the floor to audience comments. Audience questions and comments were entertained. No Board action was taken.

Ms. Syvret opened the floor to Supervisor Requests and Comments. Ms. Warner provided an update regarding activities of the communications committee.

Mr. Kalish advised the Board needs a position or plan in case the golf course loses more members.

Ms. Syvret was asked to create a calendar of events for the CDD identifying important dates such as budget workshops and contracts set to expire. She was also asked to create a calendar of open items to be reviewed monthly by the Board.

NINTH ORDER OF BUSINESS

Adjournment

Ms. Syvret stated that there was no further business to come before the Board and asked for a motion to adjourn the meeting.

On a Motion by Ms. Warner, seconded by Mr. Kalish, with all in favor, the Board adjourned the meeting at 6:00 p.m., for Waterlefe Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman