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**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, February 26, 2013 at 2:01 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:

Matt Huber	<b>Rizzetta &amp; Company, Inc.</b>
Andy Cohen	<b>District Counsel, Hankin, Persson, McClenathen, Cohen &amp; Darnell</b>
Rick Schappacher	<b>District Engineer, Schappacher Engineering</b>
Joe Rassett	<b>General Manager, Waterlefe Golf Club</b>
Christine Brookfield	<b>Property Management</b>
Franklyn Dickson	<b>MPOA Representative</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**

Mr. Huber called the meeting to order and conducted the roll call.

**SECOND ORDER OF BUSINESS**

**Ratification of Action Related to Increased  
Sheriff's Patrols**

Mr. Huber provided background on the temporary increase of Sheriff's patrols. Mr. Bumgarner advised the increased patrols, prompted by to recent break-ins, were made on a regular basis: Monday through Friday from Noon-6:00pm. The patrols have advised there have been no incidents. Discussion ensued.

On a Motion by Mr. Kalish, seconded by Mr. Brocki, with all in favor, the Board ratified the increase of patrols and corresponding expenses, for Waterlefe Community Development District.

**THIRD ORDER OF BUSINESS**

**Ratification of Action Related to the Purchase of Additional Infrared Cameras**

Mr. Bumgarner, Mr. Hogan, and Mr. Rasett provided an update to the Board and audience related to the need for the updated cameras, a recording device and surge protection. Discussion was held related to the number of cameras and their locations. Further discussion ensued regarding the cameras that were updated, the recording process, and the maintenance contract.

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board ratified the expenditure of \$1,166 for updating of the cameras, plus an on-going expense in the amount of \$134.00 per month for surge protection, for Waterlefe Community Development District.

Further discussion ensued regarding the surge protection.

**FOURTH ORDER OF BUSINESS**

**Consideration of Progress Payments to Erosion Restoration**

Mr. Cohen advised Erosion Restoration has been working in the community and an issue arose regarding progress payments and whether or not they were included in the contract. A decision was made to proceed with progress payments. Discussion ensued.

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board ratified the progress payment of \$28,707.00 made to Erosion Restoration, for Waterlefe Community Development District.

Mr. Cohen advised the Board should also approve future progress payments. Mr. Kalish suggested withholding a retainage fee of 10%. Discussion ensued regarding the upcoming progress payments.

On a Motion by Mr. Hogan, seconded by Mr. Kalish, with all in favor, the Board authorized future progress payments to Erosion Restoration, subject to review by the District Engineer and Ms. Warner, and withholding 10% retainage, for Waterlefe Community Development District.

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

A. Erosion Committee

Mr. Schuler provided an update on behalf of the Erosion Committee advising of the work currently being completed and to be scheduled for next year. Discussion ensued regarding residents who want to pay for erosion issues on District property on which the District is not planning any work. Mr. Cohen advised the best course of action is to have the homeowner pay the District for the work in advance and

then the District can contract through Erosion Restoration. Ms. Warner advised Aquagenix will be doing some aquatic plantings primarily along Sand Crane Court.

B. Landscape Committee

Ms. Warner advised bids have been received and distributed though they are incomplete. She advised the committee would like to move forward during the March meeting.

Ms. Warner advised The Watch would like to move their notice board to a more visible location, which is on District property.

On a Motion by Ms. Warner, seconded by Mr. Hogan, with all in favor, the Board approved the relocation of The Watch notice board to be located on District property, for Waterlefe Community Development District.

Discussion ensued related to the monthly field report as provided by Mr. Toborg, and the decline of the bushes and trees which may be connected to irrigation and concern related to the South wall.

Discussion ensued regarding the upcoming landscape project and the lack of responsive bids. The Board discussed continuing this meeting to a date when Mr. Toborg is available to attend.

C. Golf Course Committee

Mr. Sanborn provided an overview of the Golf Course financials and membership numbers. Mr. Sanborn distributed a draft sales packet for prospective members as provided by the consultant hired by Escalante.

Discussion ensued regarding a hand out provided by Mr. Rasset at the beginning of the meeting related to a play book which provides for non-members to purchase play time. Discussion ensued regarding the rules and rates of the Golf Course and the need for a public hearing.

On a Motion by Mr. Bumgarner, seconded by Mr. Brocki, with all in favor, the Board directed District Staff to advertise a Public Hearing to be held in April for Rates and Rules related to the Golf Course, for Waterlefe Community Development District.

Mr. Sanborn provided an update related to the maintenance of the Golf Course. Escalante has recommended locking the restroom along the Golf Course due to issues related to theft and cleanliness.

Mr. Brocki advised discussions which took place at the Golf Course Committee meeting regarding the irrigation pumps and replacement of the rail road ties on holes 15 and 16. Discussion ensued.

On a Motion by Mr. Brocki, seconded by Mr. Hogan, with all in favor, the Board approved Not To Exceed \$15,000.00 for the purchase of Railroad Ties to repair the bulk head on holes 15 and 16, for the Golf Course, for Waterlefe Community Development District.

Discussion ensued regarding the use of District funds for Golf Course items and communication with the residents regarding the same.

**SIXTH ORDER OF BUSINESS**

**Discussion Concerning Landings  
Encroachment Matters**

Mr. Cohen provided background on the matters related to the Landings encroachments. He advised a meeting was held with the homeowners on February 12<sup>th</sup>, which was very productive. A proposed solution was reached, and it was abundantly clear, any resolution is based upon approval by the Board. Mr. Cohen advised the proposed resolutions as follows. The CDD will proceed with the rip rap installation along the retaining wall, the property owners of the four pool cages within the CDD easement would be granted a variance, provided that the property owners will be responsible for deconstruction and reconstruction of their cages if the CDD needs to gain access to the wall for maintenance. With respect to the concern of landscaping within the easement, the proposed solution is that there would be no deep root landscaping within that easement, however, the CDD could allow planting of shallow root plants, subject to the understanding that if the plants need removed for maintenance issues, the CDD could remove the plants with no liability on the CDD for replacement of the landscaping. Mr. Cohen advised no agreement was reached with regard to the financial responsibility of possible future repairs. Discussion ensued. Ms. Warner asked that Mr. Cohen include in the documents verbiage related to the lack of agreement to the financial responsibility for possible future repairs. Further discussion ensued.

On a Motion by Mr. Bumgarner, seconded by Ms. Warner, with all in favor, the Board accepted the proposed resolutions, as presented by Mr. Cohen, including comments by Ms. Warner, and directed District Staff to prepare the appropriate documents related, for Waterlefe Community Development District.

Discussion ensued regarding French drains to be installed between the homes at The Landings to encourage better drainage.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Request from The Watch  
to Move the Community Board**

This item was considered and approved during the Landscape Committee report in the Fifth Order of Business.

**EIGHTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Board  
of Supervisors' Meeting held on January  
22, 2013**

Mr. Huber asked if there were any revisions to the Minutes of the Board of Supervisors' meeting held on January 22, 2013. Mr. Cohen advised of corrections to his staff report. 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; and also on page 3, item B, the wording should be changed to reflect “a donation by the MPOA toward construction costs”. Mr. Huber asked if there were any further revision to be made to the minutes. There were none.

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board approved the Minutes of the Board of Supervisors’ Meeting held on January 22, 2013, as amended, for Waterlefe Community Development District.

**NINTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Erosion Committee Meeting held on June 19, 2012**

Mr. Huber asked if there were any questions related to the Minutes of the Erosion Committee meeting held on June 19, 2012. There were none.

On a Motion by Mr. Bumgarner, seconded by Mr. Kalish, with all in favor, the Board approved the Minutes of the Erosion Committee Meeting held on June 19, 2012, for Waterlefe Community Development District.

**TENTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Golf Course Committee Meetings held on September 24, 2012, October 22, 2012, November 26, 2012, and December 17, 2012**

Mr. Huber asked if there were any questions related to the Minutes of the Golf Course Committee meetings held on September 24, 2012, October 22, 2012, November 26, 2012, and December 17, 2012. There were none.

On a Motion by Ms. Warner, seconded by Mr. Kalish, with all in favor, the Board accepted the Minutes of the Golf Course Committee Meetings held on September 24, 2012, October 22, 2012, November 26, 2012, and December 17, 2012, for Waterlefe Community Development District.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Landscape Committee Meeting held on June 12, 2012**

Mr. Huber asked if there were any questions regarding the Minutes of the Landscape Committee meeting held on June 12, 2012. There were none.

On a Motion by Mr. Bumgarner, seconded by Mr. Kalish, with all in favor, the Board accepted the Minutes of the Landscape Committee Meeting held on June 12, 2012, for Waterlefe Community Development District.

**TWELFTH ORDER OF BUSINESS**

**Consideration of the Operations and Maintenance Expenditures for the Month of January 2013**

Mr. Huber provided an overview of the expenditures for the month of January 2013, advising that expenditures for the period of January 1 through 31, 2013 totaled \$88,491.40. Questions were entertained regarding various items of expenditure.

On a Motion by Mr. Bumgarner, seconded by Mr. Kalish, with all in favor, the Board approved the Operations and Maintenance Expenditures for the Month of January 2013 totaling \$88,491.40, for Waterlefe Community Development District.

**THIRTEENTH ORDER OF BUSINESS**

**Presentation of Monthly Financial Report**

Mr. Huber provided an overview of the monthly financial report. Discussion ensued.

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

A. District Counsel

Mr. Cohen provided an update related to the outstanding trademark matter, advising special counsel re-filed the action on February 11th.

Mr. Cohen advised he and the Chairman have met with BB&T regarding potential financing for the District. BB&T has offered credit approval and are potentially ready to loan money to the District, once the District is ready to move forward. Discussion ensued.

Mr. Cohen advised that the trial on the Piazza small claims case trial was held February 12<sup>th</sup>, and that the District was not successful and no monies were recouped. He further advised that the judgment has not yet been entered, however both parties have agreed upon the terms. Mr. Cohen indicated that a decision needs to be made as to whether the District would like to appeal, advising that the District is exposed to opposing counsel fees. Mr. Cohen further advised opposing counsel fees are \$3,080, but they are willing to resolve it for \$2,000 if payment is made immediately. Mr. Cohen advised the District has 30 days to appeal should it choose to do so. Discussion ensued.

On a Motion by Mr. Kalish, seconded by Mr. Bumgarner, with all in favor, the Board approved payment of \$2,000 for Opposing Counsel Attorney Fees and advised it did not wish to appeal the decision, related to the Piazza case, for Waterlefe Community Development District.

Mr. Cohen advised that related to the Shores, he spoke with Scott Peterson, who is working on responding to a discovery request, and has requested assistance in compiling documentation for the response. Mr. Dickson advised the Shores included in their interrogatories a request of benefits the Shores residents have received for the assessments that have been paid. Mr. Cohen provided a brief background of Mr. Hunter Carroll, a litigation attorney who can aid the District related to the Shores matter. Discussion ensued. Mr. Cohen will try to set up a meeting with Mr. Carroll, Mr. Brocki, Mr. Krasow, and himself. Ms. Warner asked to have the benefits list sent to each member of the Board for their review.

Mr. Cohen advised that Mr. Hale, the new owner of the marina on Fish Hook Cove, has contacted the Chairman relating to an easement matter. Mr. Cohen explained that at the time WCI constructed the marina, they obtained an easement agreement from the District. In that agreement there was an exhibit which documented, for each respective dock, a specific length boat that can go into each slip. An issue has arisen and they are looking to get rid of the exhibit, as they do not believe there is a need to assign respective maximum lengths to each slip because, based on the configuration of the marina, only certain size boats fit anyway. Mr. Hale has proposed that the easement agreement be modified so there is no assigned length to the slip and he will, instead, place markers in the water, which he will maintain, and the boats will be required to stay behind the markers. A modification agreement has been drafted removing the exhibit. The open items are what the markers will be as far as size and type, and the other item is confirmation of the respective parties. Discussion ensued.

On a Motion by Mr. Bumgarner, seconded by Mr. Hogan, with all in favor, the Board provided authority to the Chairman to execute an easement modification agreement, to remove exhibit C from the easement agreement, and install markers, as it relates to the Marina easement, for Waterlefe Community Development District.

Mr. Bumgarner lead a discussion regarding continuing the meeting in progress.

B. Property Manager

Ms. Brookfield provided an overview of the work order summary. She further provided an update regarding various maintenance and landscape related items. Discussion ensued regarding the VoIP in the guardhouse. Ms. Brookfield provided a proposal for a sign to be installed ahead of the gate notifying that Photo ID is required.

On a Motion by Mr. Bumgarner, seconded by Mr. Hogan, with all in favor, the Board approved the proposal, in the amount of \$768.00, to be installed ahead of the gate notifying that Photo ID is required, for Waterlefe Community Development District.

- C. District Engineer  
This item was tabled to the continued meeting.
- D. Golf Course Manager  
No Report.
- E. Golf Course Committee  
Provided in the Fifth Order of Business.
- F. Erosion Committee  
Provided in the Fifth Order of Business.
- G. Landscape Committee  
Provided in the Fifth Order of Business.
- H. District Manager  
This item was tabled to the continued meeting.

**FIFTEENTH ORDER OF BUSINESS**


**Supervisor Requests and Audience  
Comments**


Supervisor requests and audience comments were tabled to the continued meeting.

**SIXTEENTH ORDER OF BUSINESS**

**Continuance**

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board at 9:30 am Continued the meeting in progress to March 6, 2013 at 9:30 am, for Waterlefe Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman