
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, March 26, 2013 at 2:00 p.m.** at the Waterlefe Golf & River Club, 995 Fish Hook Cove, Bradenton, Florida.

Present and constituting a quorum were:

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

Also present were:

Molly Syvret	Rizzetta & Company, Inc., District Manager
Andy Cohen	District Counsel, Hankin, Persson, McClenathen, Cohen & Darnell
Rick Schappacher	District Engineer, Schappacher Engineering
Joe Rassett	General Manager, Waterlefe Golf Club
Christine Brookfield	Property Management
Tony Tierno	Golf Course Committee
Don McFadden	Golf Course Committee
Herb Krasow	Golf Course Committee
Steve Sanborn	Golf Course Committee
Marty Schuler	Erosion Committee
Tom Warner	MPOA
Bill Stasiuk	MPOA
Audience	

FIRST ORDER OF BUSINESS

Call to Order

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

SECOND ORDER OF BUSINESS

**Consideration of Easement Agreement
Related to Cove Marina**

Mr. Cohen recapped discussions from the last meeting as to the origination of the easement and a request by Mr. Hale to revise one of the exhibits to the easement agreement which currently restricts limitations on the length of boats that can be docked in the marina. Mr. Cohen advised that Mr. Hale has agreed to pay one-half of the legal fees incurred in completing

the document revisions. Mr. Cohen estimated he has billed approximately \$3,183.00 to date on this matter. Mr. Kalish asked that one-half of the engineering costs be reimbursed as well. It was noted that approximately \$675.00 has been billed for engineering fees. Mr. Kalish also suggested that there should also be some agreement relating to repairs of the wall, that if the wall needs fixed on the marina side, that it be fixed, as the marina wall and the CDD portion of the wall join at a certain point. Discussion ensued.

On a Motion by Mr. Kalish, seconded by Mr. Brocki, with all in favor, the Board approved the amendment to the easement agreement, subject to addition of a provision relating to obligation to repair the wall when required and conduct routine inspections of the wall, and authorizing the Chairman to execute the agreement, for Waterlefe Community Development District.

THIRD ORDER OF BUSINESS

Discussion Concerning the Involvement of Mr. Schappacher, District Engineer, with the DRB

Mr. Brocki provided examples of DRB requests received for review that impact CDD property and inquired as to the involvement of the District Engineer in reviewing such requests, providing recommendations, etc. Discussion ensued. The Board determined that the District Engineer should review the applications that affect District property and identify for the applicant any problems with the request/proposed plans, but shall not make recommendations on how they should proceed.

FOURTH ORDER OF BUSINESS

Discussion Regarding Bids for Retaining Wall Stabilization

Mr. Schappacher reviewed bids received relating to retaining wall stabilization and recommended the Board move forward with the bid from Duncan Seawall. Discussion ensued.

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board approved a contract with Duncan Seawall in the amount of \$34,540.40, with work to commence after April 15th, and authorizing the Chairman to execute the contract, for Waterlefe Community Development District.

FIFTH ORDER OF BUSINESS

Appointment of an Audit Committee

Ms. Syvret advised that the final renewal of the contract for auditing services has expired and it is now appropriate to begin the auditor selection process, which requires appointment of an audit committee.

On a Motion by Mr. Kalish, seconded by Mr. Hogan, with all in favor, the entire Board was appointed to the Audit Committee, for Waterlefe Community Development District.

SIXTH ORDER OF BUSINESS

Scheduling the First Meeting of the Audit Committee

Ms. Syvret advised the Board would now need to select a date and time for the meeting of the Audit Committee, at which time the Committee would recommend to the Board the evaluation criteria and other parameters to be utilized in the Request for Proposals for Auditing Services. She recommended the Board set the first meeting of the Audit Committee to occur prior to the onset of the next Board of Supervisors meeting.

The Board set the first meeting of the Audit Committee for April 23, 2013 at 1:45 p.m., to be held at the Waterlefe River Club, located at 995 Fish Hook Cove, Bradenton, Florida 34212.

SEVENTH ORDER OF BUSINESS

Discussion Concerning Community Security

Mr. Hogan identified the primary areas he felt security could be enhanced, which included the back pedestrian gate and space between the inbound/outbound lanes. He recommended extending the fence line along the sides and installing a fence panel across the median separating the inbound and outbound lanes. Ms. Warner suggested some mature viburnum may be transplanted. Mr. Hogan also provided a brief overview concerning transitioning to an access control chip, rather than the style of gate transponders that are currently utilized. Mr. Hogan advised he will do additional research and bring back some estimated costs for switching over to this type of system for further consideration by the Board.

EIGHTH ORDER OF BUSINESS

Discussion Concerning Informational Community Meeting Regarding CDD Responsibilities and Maintenance of Assets

Mr. Bumgarner provided an overview of the purpose of the community meeting to be held on April 16th at 6:30 pm.

NINTH ORDER OF BUSINESS

Consideration of Proposal from Vertex Water Features for Repairs to Fountain #1

Ms. Syvret provided an overview of the proposal from Vertex Water Features to repair the fountain in lake #1, advising that the cost is \$2,036.75 to replace the motor, motor control box, pump end, and re-splice the cabling. Discussion ensued.

<p>On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board approved the Proposal from Vertex Water Features, in the amount of \$2,036.75, for repairs to fountain #1, for Waterlefe Community Development District.</p>

TENTH ORDER OF BUSINESS

Consideration of Amendment to Agreement Related to the Roads and Bridge Within the Shores at Waterlefe

Mr. Cohen provided an overview of the amendment, the purpose of which is to address the provision relating to the manner in which the reserve amount can be changed. He recommended consideration be tabled for the time being due to some other pending matters relating to the Shores.

Mr. Cohen reviewed a proposed letter of engagement from Hunter Carroll of Matthews Eastmoore, to provide special counsel services for representation of the District relating to the ongoing matters with the MPOA and Shores Homeowners Associations.

On a Motion by Mr. Brocki, seconded by Mr. Kalish, with all in favor, the Board approved the Letter of Engagement with the firm of Matthews Eastmoore and authorized Mr. Brocki to execute the Agreement, for Waterlefe Community Development District.

ELEVENTH ORDER OF BUSINESS

Consideration of the Minutes of the Board of Supervisors' Meeting held on February 26, 2013

Ms. Syvret presented the Minutes of the Board of Supervisors meeting held on February 26, 2013 and asked if there were any revisions. Minor changes were noted on pages six and seven. Ms. Syvret asked if there were any further revision to be made to the minutes. There were none.

On a Motion by Mr. Kalish, seconded by Mr. Hogan, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on February 26, 2013, as amended on the record, for Waterlefe Community Development District.

TWELFTH ORDER OF BUSINESS

Consideration of the Minutes of the Continued Board of Supervisors' Meeting held on March 6, 2013

Ms. Syvret presented the minutes of the Continued Board of Supervisors Meeting held on March 6, 2013 and asked if there were any revisions. Minor changes were noted on page three. Ms. Syvret asked if there were any further revisions to be made to the minutes. There were none.

On a Motion by Mr. Bumgarner, seconded by Ms. Warner, with four in favor and one opposed, the Board approved the Minutes of the Continued Board of Supervisors' Meeting held on March 6, 2013, as amended on the record, for Waterlefe Community Development District.

THIRTEENTH ORDER OF BUSINESS

Consideration of the Minutes of the Erosion Committee Meeting Held on January 15, 2013

Ms. Syvret asked if there were any questions related to the Minutes of the Erosion Committee meeting held on January 15, 2013. There were none.

On a Motion by Ms. Warner, seconded by Mr. Hogan, with all in favor, the Board accepted the Minutes of the Erosion Committee Meeting held on January 15, 2013, for Waterlefe Community Development District.

FOURTEENTH ORDER OF BUSINESS

Consideration of the Minutes of the Golf Course Committee Meeting held on January 21, 2013

Ms. Syvret asked if there were any questions regarding the Minutes of the Golf Course Committee meeting held on January 21, 2013. There were none.

On a Motion by Mr. Hogan, seconded by Ms. Warner, with all in favor, the Board accepted the Minutes of the Golf Course Committee Meeting held on January 21, 2013, for Waterlefe Community Development District.

FIFTEENTH ORDER OF BUSINESS

Consideration of the Minutes of the Landscape Committee Meeting held on February 12, 2013

Ms. Syvret asked if there were any questions regarding the Minutes of the Landscape Committee meeting held on February 12, 2013. There were none.

On a Motion by Mr. Bumgarner, seconded by Mr. Hogan, with all in favor, the Board accepted the Minutes of the Landscape Committee Meeting held on February 12, 2013, for Waterlefe Community Development District.

SIXTEENTH ORDER OF BUSINESS

Consideration of the Operations and Maintenance Expenditures for the Month of February 2013

Ms. Syvret provided an overview of the expenditures for the month of February 2013, advising that expenditures for the period of February 1 through 28, 2013 totaled \$184,433.11. Questions were entertained regarding various items of expenditure.

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board approved the Operations and Maintenance Expenditures for the Month of February 2013 totaling \$184,433.11, for Waterlefe Community Development District.

SEVENTEENTH ORDER OF BUSINESS

Presentation of Monthly Financial Report

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

EIGHTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Cohen provided an update related to the final outstanding trademark matter, advising special counsel re-filed the action; the time has passed to respond and no response was filed.

Mr. Cohen advised that regarding the landscape improvement project; the not to exceed amount previously approved was \$123,760.00 and Mr. Toborg was able to get a two percent reduction, which brought the amount down to \$121,284.80. He further advised the contract has a provision for performance a bond, and the vendor has indicated that if the District wants them to obtain the performance bond they will, though the District will have to pay the cost which is estimated at \$3,500, and will cause the total contract amount to exceed the previously approved not to exceed amount. Discussion ensued. The Board determined not to request the performance bond for this contract.

On a Motion by Mr. Kalish, seconded by Mr. Bumgarner, with all in favor, the Board approved not requiring Cornerstone to obtain a performance bonds in relation to the contract for Landscape and Irrigation improvements, for Waterlefe Community Development District.

B. District Engineer

Mr. Schappacher advised the golf course committee is trying to budget wraps for the boardwalk pilings.

Mr. Schappacher further advised WCI wants to transfer all permits (SWFWMD, ACOE, FDEP, etc.) out of their name and into the name of the operating entities, and that some of these may be appropriate for transfer to the CDD. He advised he will keep the Board updated as the parties work through the process.

C. Property Manager

Ms. Brookfield advised the work order summary had been distributed via e-mail prior to the meeting. Questions were entertained concerning the recent sidewalk and curbing repairs. Ms. Brookfield also advised the sign for the gatehouse advising guests to have ID ready is due to arrive and she has inquired as to where the District would like to have sign located. Mr. Hogan will survey the area and determine placement of the sign.

D. Golf Course Manager

Mr. Rassetts advised the financials were previously provided to the Board via e-mail. He then provided an overview of the financials.

E. Golf Course Committee

Mr. Sanborn advised the Committee voted to recommend two public play programs to be considered at the Public Hearing scheduled for April 23rd. He further advised an arborist has looked at the trees along the 4th hole and advised the trees that are on the golf course side are in good condition. Mr. Sanborn

further advised they will begin locking the bathrooms along the golf course due to continual issues with cleanliness and use of the facilities.

F. Erosion Committee

Mr. Schuler provided an update regarding Phase 3 of the erosion work, advising they are currently six weeks into the projected twelve week project.

G. Landscape Committee

The Landscape Committee had no update.

H. District Manager

Ms. Syvret advised the next regularly scheduled meeting of the Board of Supervisors is Tuesday, April 23, 2013 at 2:00 p.m., or immediately following the conclusion of the Audit Committee meeting. She further advised that a budget workshop is scheduled for May 14th at 2:00 pm.

Ms. Syvret advised that in conjunction with the District entering into the agreement with the Manatee County Sheriff's Office for off-duty patrol and traffic enforcement, she forwarded a copy of the agreement to the District's insurance agent to determine what, if any, additional coverage the District is required to carry. Ms. Syvret advised that it was determined that the District is required to carry workers' compensation coverage, which is subject to a \$4,000 minimum annual premium, which will be prorated for the policy to expire October 1, 2013 in conjunction with the rest of the District's policy. Ms. Syvret further advised that thought the agreement with Manatee County does not require law enforcement liability coverage, the insurance carrier takes the position that the District is still responsible for them in every other regard for liability, so they should be added as a class code under the general liability. The cost associated with this addition is \$400, however, she noted that when this class code is added to the policy, they must remove the personal and advertising injury coverage from the policy. Ms. Syvret also advised, that since the District would be paying the \$4,000 premium for the workers compensation coverage, it would make sense to also include the Board members under workers compensation policy. Discussion ensued. The Board determined that it would move forward with the workers compensation and law enforcement liability coverage, but asked Ms. Syvret to see if she could get more of an explanation as to why the personal and advertising injury coverage must be dropped when the law enforcement liability is added.

On a Motion by Mr. Kalish, seconded by Mr. Brocki, with all in favor, the Board authorized expenditure of \$4,400 for Workers Compensation and \$400 for Law Enforcement Liability Insurance, and Naming the Board on the Workers Compensation policy, for Waterlefe Community Development District.

Ms. Syvret advised that at one of the prior meeting, the Board had approved moving forward with purchasing service from Brighthouse for a land-line in the gatehouse, as there have been a number of problems with the current telephone service through VIP and it has become very unreliable, therefore, interfering with operations. MS. Syvret advised it had since come to her

attention that Brighthouse was requiring execution of a three-year contract, and wanted to make sure the Board was okay with that. Discussion ensued.

On a Motion by Mr. Hogan, seconded by Ms. Warner, with all in favor, the Board approved a three year contract with Brighthouse for telephone service at the gatehouse, for Waterlefe Community Development District.

NINETEENTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

Audience comments were entertained, no Board action was taken. There were no Supervisor requests.

TWENTIETH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board adjourned the meeting at 4:41 p.m., for Waterlefe Community Development District.


Secretary / Assistant Secretary


Chairman / Vice Chairman