

**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 25, 2011 at 2:01 p.m.** at the Waterlefe River Club, 995 Fish Hook Cove, Bradenton, Florida.

Present and constituting a quorum were:

Ken Bumgarner	<b>Board Supervisor, Chairman</b>
Tony Maddaloni	<b>Board Supervisor, Vice Chairman</b>
Mark Kalish	<b>Board Supervisor, Assistant Secretary</b>
John Brocki	<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, Davis, McClenathen &amp; Darnell</b>
Rick Schappacher	<b>District Engineer, Schappacher Engineering, LLC</b>
Doug Egly	<b>Property Manager /Golf Course Manager</b>
Franklyn Dickson	<b>President, MPOA</b>
Steve Sanborn	<b>Representative, Golf Course Committee</b>
Herb Krasow	<b>Representative, Golf Course Committee</b>
Dick Hall	<b>Representative, MPOA &amp; Erosion Committee</b>
Tom Davidson	<b>Representative, Ft. Hamer Bridge Committee</b>
Gary Corson	<b>Representative, MPOA</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

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

**SECOND ORDER OF BUSINESS**

**Erosion Committee Update**

Mr. Hall explained the process the committee went through in obtaining proposals for the first phase of erosion remediation. He advised five companies initially showed interest, but only two actually submitted bids, with the BioMass Tech proposal being the least expensive.

Mr. Schappacher reviewed proposals and information relating to the erosion on Hole #15 and the marina retaining wall. It was noted that to complete all three projects the cost would be approximately \$193,000. Discussion ensued.

On a Motion by Mr. Kalish, seconded by Mr. Maddaloni, with all in favor, the Board authorized BioMass Tech to proceed with repair of the first tier erosion in an amount not to exceed \$55,000, subject to review of the contract by District Counsel, and authorizing the Chairman or Vice Chairman to execute the contract, for Waterlefe Community Development District.

Mr. Kalish made a motion, seconded by Mr. Maddaloni, to authorize expenditure of an amount not to exceed \$60,000 to repair the retaining wall, to be paid from capital reserves, subject to any damage requiring repair due to homeowner activities or expenses relating to moving structures installed by homeowners be paid for by the homeowner, subject to review of contract by District Staff, and delegating authority to the Chairman or Vice Chairman to execute the contract.

Discussion ensued. Mr. Kalish withdrew his motion. The District Engineer will obtain additional, more detailed bids, to rebuild the wall all the way up.

The Board discussed the Retaining wall letter noted in Business Item C of the Agenda and requested that the letter be revised by adding a 10 foot set back from the wall for homes on Fishhook Cove and a 5 foot set back for all other homes adjacent to retaining walls.. The Board approved the letter subject to the addition of the referenced language and authorized District Manager and Mr. Brocki to revise the letter and provide to Mr. Kalish to distribute to the appropriate homeowners at their Association meetings.

Mr. Bumgarner provided an update regarding the Fort Hamer Bridge and upcoming commissioner meetings. Discussion ensued.

Mr. Kalish made a motion, seconded by Mr. Maddaloni, approving expenditure of an amount not to exceed \$20,000 for legal counsel to protect the interests of the District, including authority to file suit if deemed necessary, with respect to the County's preparation of plans related to the Fort Hamer Bridge.

Discussion ensued. Mr. Kalish withdrew the motion.

On a Motion by Mr. Kalish, seconded by Mr. Brocki, with all in favor, the Board approved expenditure of up to an additional \$10,000 related to counsel fees towards the Fort Hamer Bridge project, for Waterlefe Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes of the  
Continued Board of Supervisors Meeting  
held on December 14, 2010**

Ms. Syvret stated the next item on the agenda was the consideration of the Minutes of the Continued Board of Supervisors Meeting held on December 14, 2010. She asked if there were any revisions to the Minutes. There were none.

On a Motion by Mr. Maddaloni, seconded by Mr. Bumgarner, with all in favor, the Board approved the Minutes of the Continued Board of Supervisors Meeting held on December 14, 2010, for Waterlefe Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Audit  
Committee Meeting held on December 14,  
2010**

Ms. Syvret stated the next item on the agenda was the consideration of the Minutes of the Audit Committee Meeting held on December 14, 2010. She asked if there were any revisions to the Minutes. There were none.

On a Motion by Mr. Maddaloni, seconded by Mr. Kalish, with all in favor, the Board accepted the Minutes of the Audit Committee Meeting held on December 14, 2010, for Waterlefe Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Board  
of Supervisors Meeting held on December  
14, 2010**

Ms. Syvret stated the next item on the agenda was the consideration of the Minutes of the Board of Supervisors Meeting held on December 14, 2010. She asked if there were any revisions to the Minutes. It was noted that in the Sixth Order of Business; corrections need to be made to Item C to state "Not to Exceed" and Item E "to allow District Engineer".

On a Motion by Mr. Maddaloni, seconded by Mr. Bumgarner, with all in favor, the Board approved the Minutes of the Board of Supervisors Meeting held on December 14, 2010, subject to the noted revisions, for Waterlefe Community Development District.

**SIXTH ORDER OF BUSINESS**

**Consideration of the Operation and  
Maintenance Expenditures for January  
2011**

Ms. Syvret presented the operation and maintenance expenditures for the month of January 2011 which cover the period of December 1-31, 2010 and total \$71,292.10. Questions were entertained.

On a Motion by Mr. Brocki, seconded by Mr. Maddaloni, with all in favor, the Board approved the Operation and Maintenance expenditures totaling \$71,292.10 for the Month of January 2011, for Waterlefe Community Development District.

**SEVENTH ORDER OF BUSINESS**

**Presentation of Monthly Financial Report**

Ms. Syvret provided an overview of the December 2010 financial report. Discussion ensued.

**EIGHTH ORDER OF BUSINESS**

**Discussion Regarding Sale of 13 Slip  
Marina by WCI**

Mr. Bumgarner provided information he received relating to WCI putting 13 marina slips up for sale.

**NINTH ORDER OF BUSINESS**

**Discussion Regarding Shores**

Mr. Cohen advised that Mr. Dickson has continued working toward potential settlement with the Shores, whereby the MPOA would be responsible for maintenance of the Shores bridge and roads, the MPOA would collect funds from Shores with the MPOA retaining an amount for repair and maintenance, and the remaining amount would be distributed to the District from the MPOA. It was noted that the potential split is still being calculated. Mr. Cohen also advised that Mr. McNabb has submitted an invoice of \$28,000 for recent repairs performed on the bridge, for which they are requesting reimbursement. Discussion ensued.

On a Motion by Mr. Kalish, seconded by Mr. Bumgarner, with three in favor and one opposed, the Board approved an advance of \$14,000 to the MPOA in exchange for obtaining a golf path easement from the Shores, and a release from the MPOA and the Shores containing language that the payment of the \$14,000 will not be used as evidence in court proceedings of an admission on the part of the CDD that monies are owed, for Waterlefe Community Development District.

**TENTH ORDER OF BUSINESS**

**Public Hearing Relating to Rules of Procedure**

Ms. Syvret stated that the next item of Business on the Agenda is the public hearing relating to the rules of procedure. Ms. Syvret asked for a motion to open the public hearing.

On a Motion by Mr. Bumgarner, seconded by Mr. Maddaloni, with all in favor, the Board opened the Public Hearing regarding the Rules of Procedure, for Waterlefe Community Development District.

Mr. Cohen provided an overview of the Rules of Procedure as enclosed in the agenda packages. Discussion ensued.

Mr. Cohen opened the floor for public comment and testimony. There were no comments.

On a Motion by Mr. Maddaloni, seconded by Mr. Kalish, with all in favor, the Board closed the Public Hearing regarding the Rules of Procedure, for Waterlefe Community Development District.

Mr. Cohen provided an overview of Resolution 2011-02, Adopting the Uniform Rules of Procedure. The Board requested that the following changes be made to the rules of procedure: Voting Conflict (a) paragraph 2; delete the first sentence relating to landowner and on Page seven (3) "statutory rate".

On a Motion by Mr. Maddaloni, seconded by Mr. Kalish, with all in favor, the Board adopted Resolution 2011-02, Adopting the Uniform Rules of Procedure, as amended and subject to review by District Counsel, for Waterlefe Community Development District.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
Mr. Cohen advised that the District has received a refund from the tax challenge and the current year tax bills have been corrected.
- B. District Engineer  
Mr. Schappacher provided his report in the Second Order of Business.
- C. Property Manager  
No Report.
- D. Golf Course Manager  
No Report.
- E. Golf Course Committee

No Report.

- F. Erosion Committee  
The Erosion Committee report was provided under the Second Item of Business.
  
- G. District Manager  
Ms. Syvret announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, February 22, 2011 at 2:00 p.m.

**TWELFTH ORDER OF BUSINESS**

**Supervisor Requests and Audience  
Comments**

Ms. Syvret stated that the next item on the Agenda was Supervisor Requests and Audience Comments. There were no audience comments or questions.

Mr. Kalish asked questions regarding Gatehouse procedures relating to making 911 calls.

Discussion ensued.


**THIRTEENTH 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.

On a Motion by Mr. Kalish, seconded by Mr. Brocki, with all in favor, the Board at 6:11 pm continued the meeting in progress to Thursday, February 10, 2011 at 2:00 pm for Waterlefe Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman