

**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, September 27, 2011 at 2:02 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>
Rosalyn Warner	<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>
Joe Rassett	<b>General Manager, Waterlefe Golf Club</b>
Darcy Leahy	<b>Property Management</b>
Steve Sanborn	<b>Representative, Golf Course Committee</b>
Herb Krasow	<b>Representative, Golf Course Committee</b>
Don McFadden	<b>Representative, Golf Course Committee</b>
Dick Hall	<b>Representative, MPOA &amp; Erosion Committee</b>
Jack Ritchie	<b>Representative, MPOA Communications Committee</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**

**Consideration of the Minutes of the  
Continued Board of Supervisors Meeting  
held on August 11, 2011**

Ms. Syvret stated the next item on the agenda was the consideration of the Minutes of the Continued Board of Supervisors Meeting held on August 11, 2011. She asked if there were any revisions to the Minutes. There were none.

On a Motion by Mr. Bumgarner, seconded by Mr. Kalish, with all in favor, the Board approved the Minutes of the Continued Board of Supervisors Meeting held on August 11, 2011, for Waterlefe Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of the Minutes of the Board  
of Supervisors Meeting held on August 23,  
2011**

Ms. Syvret stated the next item on the agenda was the consideration of the Minutes of the Board of Supervisors Meeting held on August 23, 2011. She asked if there were any revisions to the Minutes. Mr. Kalish noted revisions to the 14<sup>th</sup> Order of Business, he requested that the discussion note that extension of the outflow pipe was not in the original contract.

On a Motion by Ms. Warner, seconded by Mr. Maddaloni, with all in favor, the Board approved the Minutes of the Board of Supervisors Meeting held on August 23, 2011, subject to the revisions noted on the record, for Waterlefe Community Development District.

**FOURTH ORDER OF BUSINESS**

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

Ms. Syvret presented the operation and maintenance expenditures for the period covering August 1-31, 2011 and totaling \$85,646.06. Questions and comments were entertained.

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board approved the Operation and Maintenance expenditures totaling \$85,646.06 for the Month of August 2011, for Waterlefe Community Development District.

**FIFTH ORDER OF BUSINESS**

**Presentation of Monthly Financial  
Summary**

Ms. Syvret presented the financial summary for the period ending August 31, 2011. Discussion ensued regarding the MPOA receivables, year end projections, and upcoming projects.

**SIXTH ORDER OF BUSINESS**

**Update and Discussion Concerning  
Landscape Maintenance by Cornerstone  
Solutions Group**

Mr. Chris Lee and Mr. Chip Powell discussed issues regarding the irrigation system, water bills, and possible solutions. The Board requested that Cornerstone monitor the meters that have water bills over \$800 per year. Discussion ensued regarding switching two beds to drip lines to determine if it would be a substantial cost savings. Ms. Syvret inquired whether the District should be proactive and change the batteries of the battery operated valves on a monthly basis to prevent

battery failure causing the valves to remain open. Discussion ensued regarding rain sensors for the irrigation system. Mr. Lee then provided a general landscaping update regarding annuals and maintenance.

**SEVENTH ORDER OF BUSINESS**

**Consideration of First Amendment to Club  
Facilities Management Agreement  
Between the District and Escalante-  
Waterlefe, L.L.C.**

Mr. Cohen provided background relating to the original agreement. He then provided an overview of the agreement which extends the term of the agreement and changes the address of Escalante. He advised the 30 day termination policy is still in the agreement. Mr. Kalish asked if the Agreement could be signed without going through the bid process. Mr. Cohen advised the Agreement is under the bid threshold.

On a Motion by Mr. Kalish, seconded by Mr. Bumgarner, with all in favor, the Board approved the First Amendment to Club Facilities Management Agreement Between the District and Escalante-Waterlefe, L.L.C., for Waterlefe Community Development District.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Landscape Architect  
Agreement with SimplyVerde**

Mr. Cohen advised that the contract draft is still being finalized between Counsel and Simply Verde. He advised that Mr. Brocki has also been involved in the contract process. Ms. Castellano addressed the Board and discussed permitting and construction management issues.

On a Motion by Mr. Kalish, seconded by Ms. Warner, with all in favor, the Board delegated authority to the Chairman to execute a contract with Simply Verde for Landscape Architectural Services, subject to review by Counsel, for Waterlefe Community Development District.

Discussion ensued regarding the involvement of the Landscape Committee with the Simply Verde project.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
Mr. Cohen advised special counsel has been retained relating to the trademark issues. He also advised that special counsel has prepared an initial memorandum reviewing the options for Waterlefe trademark claims and that he will distribute this memorandum to the Board. The options outlined in the memorandum are: send another demand letter; do nothing; file a civil action, or proceed under the UDRP (Uniform Domain Name Resolution Policy). Mr. Cohen indicated that Counsel recommended utilizing the UDRP. He advised that the UDRP has pros and cons. Some of the pros are that it is simpler, with a quick turn around. Some of the cons are that it is not binding, and the Board cannot seek damages.

Discussion ensued.

On a Motion by Mr. Brocki, seconded by Mr. Kalish, with all in favor, the Board authorized special counsel to proceed with the Uniform Domain Name Resolution Policy, or UDRP, process as recommended in counsel's legal memorandum, for Waterlefe Community Development District.

Mr. Cohen provided an update regarding the Shores issue.

B. District Engineer

Ms. Syvret advised that in the absence of Mr. Schappacher, she will be providing his report. She advised that in relation to the retaining wall, a tree was removed on resident property and the resident is requesting replacement of the tree. She indicated that there is a discrepancy relating to whether the CDD or The Landings would contact the resident. The recollection of all CDD representatives that attended the meeting/site walk was that the The Landings representatives would make contact with the resident. The Board discussed the replacement of the tree. The Board advised they were not paying for the tree replacement.

Ms. Syvret advised that Mr. Schappacher will attend the October Erosion Committee meeting and begin pulling together the bid for the next phase of erosion remediation.

Ms. Syvret advised she will follow up with Mr. Schappacher regarding the BioMass work on Maritime to obtain a status update on the extension of the outflow pipe.

C. Golf Course Manager/Golf Course Committee

The Golf Course financials for the month of August were reviewed. Ms. Syvret apologized for not getting copies of the financials distributed prior to the meeting and advised she would e-mail them to the Board following the meeting. Discussion ensued regarding Pass Port Membership and marketing.

D. Property Manager

Ms. Leahy provided an update regarding irrigation system rebates. Discussion ensued regarding repairs to the roads and monument signs.

E. Erosion Committee

Ms. Warner advised that the Erosion Committee will be meeting in October to begin the next phase of erosion remediation. The Committee advised that manual weeding will occur in November; and again will be allowing residents to purchase plants directly from Aquagenix.

F. Landscape Committee

The Landscape Committee had no report.

G. District Manager

Ms. Syvret inquired whether the Board wants to make any changes to the Supervisor Responsibilities Listing prior to her updating the website.

Ms. Syvret announced that the next regularly scheduled meeting of the Board of Supervisors will be held on Tuesday, October 25, 2011 at 2:00 pm, in the Lefe Room.

**TENTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

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

Mr. Kalish asked that Ms. Syvret circulate the Shores lien schedule to the Board. Ms. Syvret stated she would circulate the schedule via e-mail.


Hearing no further Supervisor requests or comments, Ms. Syvret opened the floor for Audience comments. There were none.

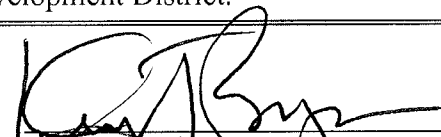
**ELEVENTH ORDER OF BUSINESS**

**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 Ms. Warner, with all in favor, the Board adjourned the meeting at 4:28 pm, for Waterlefe Community Development District.

  
\_\_\_\_\_  
Secretary / Assistant Secretary

  
\_\_\_\_\_  
Chairman / Vice Chairman