

**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 continued meeting of the Board of Supervisors of the Waterlefe Community Development District was held on **Thursday, September 06, 2012 at 9:02 a.m.** at the Waterlefe Golf and 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>
Rosalyn Warner	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Molly Syvret	<b>District Manager, Rizzetta &amp; Company, Inc.</b> <b>(via speaker phone)</b>
Andy Cohen	<b>District Counsel, Hankin, Persson, McClenathen,</b> <b>Cohen &amp; Darnell</b>
Rick Schappacher	<b>District Engineer, Schappacher Engineering, LLC</b>
Joe Rasset	<b>General Manager, Waterlefe Golf Club</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

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

**SECOND ORDER OF BUSINESS**

**Presentation by Steve Hale Regarding 13  
Slip Marina**

On behalf of the Marina Committee, Mr. Tierno provided an overview of discussions with Steve Hale regarding the 13 slip marina, including possible acquisition of the marina by either the MPOA or the CDD, as outlined in the proposal that was e-mailed to the board by Ms. Syvret prior to the meeting. Discussion ensued regarding various items including ownership and use matters, completion of an inspection of the condition of the wall and reserve calculation, and potential insurance matters. Mr. Cohen advised that for purposes of today's meeting, the idea would be for the Board to decide whether it was interested in exploring the acquisition of the marina as an option, or whether it is not interested, so that appropriate direction could be provided.

On a Motion by Mr. Bumgarner, seconded by Mr. Kalish, with all in favor, the Board authorized the Marina Committee to continue exploration of the potential acquisition of the marina on its behalf, and authorized District Staff to proceed with efforts necessary to inspect the facilities, complete a reserve calculation, and inquire into insurance related matters, for Waterlefe Community Development District.

**THIRD ORDER OF BUSINESS**

**Discussion Regarding Plantings and  
Construction within District Easements**

Mr. Cohen advised this item was originally on the agenda for the August 28<sup>th</sup> meeting, but was continued to this meeting to allow an opportunity to have a meeting with the affected Landings residents, the goal of which was to come up with a joint recommendation to be made to the CDD Board regarding the ability of the Landings to use the CDD 7 ½' easement. The meeting with the Landings residents was held on August 30<sup>th</sup>, in which Mr. Cohen, Mr. Kalish and Mr. Schappacher attended on behalf of the CDD, numerous landings residents as well as some of their counsel and engineering representatives.

Mr. Cohen provided overview of the meeting, explaining that there was significant discussion between the parties, which allowed the CDD to hear the concern of the residents. Mr. Cohen noted at this time that there are six properties with possible encroachment issues, three of which are pool cages, one of which is completed and two of which are under construction, and the others which are landscape related. Mr. Cohen advised that all parties agreed that we need to clarify what is happening with the wall; is it failing, not failing, whether the encroaching structures are damaging the wall, etc. Mr. Cohen advised that the parties agreed it would be appropriate to obtain an independent engineer to inspect and test the wall, and make findings as to the integrity of the wall, what repairs are required, what impacts the pool cages, landscaping, etc are having on the wall, and the most reasonable and cost effective way to access the wall and make the required repairs. Mr. Cohen noted that the idea was that potential engineers will be recommended by Derek Newcomer, an engineer representing one of the Landings homeowners, and Mr. Schappacher on behalf of the CDD, with an ultimate recommendation of one firm to be presented to the CDD Board.

Discussion ensued concerning potential issues with the manner in which the wall would have to be repaired, access to make any necessary repairs, and who should be responsible to make the repairs.

Mr. Cohen stated that, at this time, the CDD does not have an injunction against the homeowners prohibiting them from constructing their pool cage, though it could be an option that is discussed. However, Mr. Cohen recommended that the CDD send out letters to the homeowners that have structures under construction or in place, advising them that they are encroaching on the CDD's easement, that they are doing so at their own risk, and such items may be removed should they interfere with the CDD's use of the easement for repairs.

Mr. Schappacher presented proposals obtained as a result of calls he made for engineering consultants following the meeting with the Landings. The proposing consultants included Len Najar with ZNS at a range between \$12,000-\$20,000, Rueben Clarson in the amount of \$8,500, and Ardaman & Associates at \$9,800.

Discussion ensued.

On a Motion by Mr. Bumgarner, seconded by Ms. Warner, with all in favor, the Board authorized Mr. Schappacher to retain the firm of Ardaman and Associates, or a comparable firm, at a cost not to exceed \$10,000, to inspect the wall and prepare a report consistent with the scope as previously outlined by Mr. Schappacher, for Waterlefe Community Development District.

Mr. Brocki inquired what process would be involved in order to impose a special assessment against the Landings owners related to the discussion earlier in the meeting concerning limited benefit and use. Mr. Cohen advised that a methodology report would need to be prepared and the CDD would need to proceed under the assessment process outlined in Chapter 170, which we reviewed back when the Board was first discussing the refinance. Mr. Maddaloni noted that if the CDD were to go through that process, it should also take another look at placing an assessment on the marina at that time.

**FOURTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

The floor was opened for Supervisor Requests and comments. There were none.

Hearing no Supervisor requests or comments, the floor was opened to audience comments. Audience questions and comments were entertained. No Board action was taken.

Mr. Tierno advised they discovered a calculation error in the golf course budget, which does not affect bottom line, but they will resubmit the revised budget to the Board at the next regular meeting.

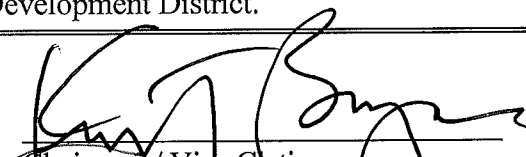
**FIFTH ORDER OF BUSINESS**

**Adjournment**

Mr. Bumgarner stated that there was no further business to come before the Board and asked for a motion to adjourn the meeting in progress.

On a Motion by Mr. Kalish, seconded by Mr. Brocki, with all in favor, the Board adjourned the meeting at 10:27 a.m., for Waterlefe Community Development District.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman