

**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, December 18, 2012 at 2:02 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>
Chris Hogan	<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, McClenathen, Cohen &amp; Darnell</b>
Rich Schappacher	<b>District Engineer, Schappacher Engineering</b>
Joe Rassett	<b>General Manager, Waterlefe Golf Club</b>
Christine Brookfield	<b>Property Management</b>
Don McFadden	<b>Golf Course Committee</b>
Herb Krasow	<b>Golf Course Committee</b>
Steve Sanborn	<b>Golf Course Committee</b>
Dick Hall	<b>MPOA and Erosion Committee</b>
Marty Schuler	<b>Erosion 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 Resolution 2013-01,  
Reappointing Officers of the District**

Ms. Syvret advised that at the last meeting of the Board of Supervisors she announced that the Board is required by statute to address the designation of officers following each election, however the Board elected to table the Resolution until today's meeting. She asked if the Board was ready to consider the resolution today. Discussion ensued.

On a Motion by Ms. Warner, seconded by Mr. Hogan, with all in favor, the Board adopted Resolution 2012-01, Reappointing Officers of the District as follows: Mr. Ken Bumgarner to serve as Chairman; Mr. John Brocki to serve as Vice Chairman, and Ms. Rosalyn Warner, Mr. Mark Kalish, Mr. Chris Hogan, Ms. Molly Syvret, and Ms. Kari Hardwick to serve as Assistant Secretaries, for Waterlefe Community Development District.

**THIRD ORDER OF BUSINESS**

**Update Regarding Issues Related to The Landings Wall**

Mr. Cohen advised that as of the last meeting, The Landings had put together approximately five pages of questions they wanted Forge Engineering to answer. Mr. Cohen advised that the questions were provided to Forge Engineering and along with an inquiry as to their willingness to address the questions. Forge Engineering believes they have completed the scope of their contract, and advised they would be willing to review and answer the questions if the Board wishes, but would bill for the additional time. They estimated the task taking three to five hours at a rate of \$200 per hour. Mr. Schappacher then provided additional information relating to conversations with the consultant. He also stated that, with the exception of one item, related to loading on the marina, that he felt Forge Engineering had completed the requested scope. Mr. Schappacher advised that he had advised The Landings engineering representative that if The Landings wanted further response it would be up to them if they want to authorize the expense on their end. Mr. Schappacher advised that he has not received a response. Mr. Schappacher advised he thinks the District is ready to move forward and would like to see consideration of installation of rip-rap at the base of the wall. Discussion ensued. Mr. Bumgarner suggested allowing the Erosion Committee to move forward with the next phase of erosion work with the funds budgeted, and Mr. Schappacher to get bids for the rip-rap work along the wall for review at the next meeting so that the Board can determine when and how to proceed with the wall, and the source of the funds.

**FOURTH ORDER OF BUSINESS**

**Consideration of the Minutes of the Continued Board of Supervisors' Meeting held on November 27, 2012**

Ms. Syvret provided an overview of the minutes of the Board of Supervisors' meeting held on November 27, 2012. She asked if there were any revisions to the minutes. There were none.

On a Motion by Ms. Warner, seconded by Mr. Brocki, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on November 27, 2012, for Waterlefe Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of the Operations and Maintenance Expenditures for the Month of November 2012**

Ms. Syvret provided an overview of the expenditures for the month of November 2012, advising that expenditures for the period of November 1 through 30, 2012 totaled \$79,006.63. Questions were entertained regarding various items of expenditure.

On a Motion by Mr. Hogan, seconded by Ms Warner, with all in favor, the Board approved the Operations and Maintenance Expenditures for the Month of November, 2012 totaling \$79,006.83, for Waterlefe Community Development District.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

A. Golf Course Committee

Mr. Sanborn provided information relating to a survey conducted related to membership fees/fee structures compared to other clubs in the area; the results of which puts Waterlefe as average, right in the middle of area courses.

Mr. Schappacher provided a summary of the report from the golf course bridges inspection completed by Bolt Under Water Services and an estimate of repair costs.

B. District Counsel

Mr. Cohen advised the there has been no appeal on the Pinto trademark matter, and that matter was now final. He advised Special counsel has ideas to possibly challenge two of the three domains on which we did not prevail in the first filing. Discussion ensued.

On a Motion by Mr. Brocki, seconded by Ms Warner, with all in favor, the Board approved a Not To Exceed amount of \$2,500 to pursue the first Trademark filing again, for Waterlefe Community Development District.

Mr. Cohen advised that, concerning the Shores matter, mediation is on hold as of now, as the parties started some discovery.

Mr. Cohen addressed the maintenance facility renovation, advising that he is still talking with and getting opinions from Bond Counsel related to the proposal related to a nominal lease of the space to the MPOA with a donation by the MPOA toward construction costs.

Mr. Cohen advised a letter was sent to the resident at 975 Fish Hook Cove detailing the costs of the repair performed and requesting payment within 30 days of receipt of the letter, which was sent on November 8<sup>th</sup> via certified and regular mail. The deadline was roughly December 13<sup>th</sup>. Mr. Cohen advised the total cost is \$6,627.00; which includes the repair, legal fees, and engineering fees. Mr. Cohen advised if the Board would like to pursue the matter in small claims court, the limit is \$5,000, and he would recommend pursuing the repair costs and engineering fees, up to reaching \$5,000. Mr. Cohen further noted that there is not a basis to recover attorney fees in this matter. Discussion ensued. The Board inquired whether they could also ask the court to require the property owner to repair the conditions on his property that are causing damage to the District's property. Mr. Cohen advised that he would need to look into whether injunctive

relief could be addressed in small claims court.

On a Motion by Mr. Bumgarner, seconded by Ms Warner, with all in favor, the Board directed Counsel to proceed with filing a small claims action against the property owner of 975 Fish Hook Cove for reimbursement of expenses to repair the property damages and injunctive relief to fix his property, however, if it is determined that injunctive relief is not available in small claims court, that Counsel will further confer with the Board prior to filing a small claims action, for Waterlefe Community Development District.

Mr. Cohen advised that leases for the golf course mowers and golf carts are signed and being processed.

Mr. Cohen advised that the small claims action for the unpaid passport fees has been filed and pre-trial mediation has been set for January 14, 2013 at 9:00 a.m. He further advised he would be attending with the Chairman.

Mr. Cohen provided an overview of the status of the PNC Golf Course equipment claim for damages, advising \$45,330 was the initial demand, \$31,768 was the second request by PNC, which included \$13,000 in shipping. The CDD has offered \$10,000 to PNC. PNC has countered with \$23,000, with a deadline to respond of December 21<sup>st</sup> and the funds to be paid by year end. Mr. Cohen advised that based on the information provided by Mr. Rasett, his estimate for potential expenses is \$14,000 for repairs and \$7,000 in shipping. Discussion ensued.

On a Motion by Mr. Brocki, seconded by Ms. Warner, with all in favor, the Board authorized a counter-offer to PNC for the golf course equipment claim in the amount of \$15,000, and provided authority to settle up to \$21,000, for Waterlefe Community Development District.

C. District Engineer

Mr. Schappacher advised the draft water use permit went through, and issued to the District, which provides for all of the usage it previously had, plus approval for a second well. He further advised the permit is good for 20 years.

Mr. Schappacher advised the paving is complete, though the contractor has to come back out to repair a few spots, and the total invoice should be under \$110,000.

Mr. Schappacher provided an update on the speed limit signs, noting all have been installed at correct limits. He advised he noticed some streets had no signs at all, in which case the speed limit defaults to the State regulated speed of 30 miles per hour. Mr. Schappacher suggested posting signs at the community entries advising the speed limit is "this set speed" unless otherwise posted; the cost would be \$640 and signs can be relocated from within the community.

On a Motion by Mr. Brocki, seconded by Mr. Hogan, with all in favor, the Board approved a Not To Exceed amount of \$750 to install speed limit signs at the community entries, for Waterlefe Community Development District.

- D. Property Manager  
Ms. Brookfield provided an overview of ongoing maintenance items.
- E. Golf Course Manager  
Mr. Rasset provided an overview of the golf course financials. Questions were entertained.
- F. Erosion Committee  
The Erosion Committee had no report.
- G. Landscape Committee  
The Landscape Committee had no report.
- H. District Manager  
Ms. Syvret advised the next regularly scheduled meeting of the Board of Supervisors will be held on Tuesday, January 22, 2013 at 2:00 pm.

**SEVENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience Comments**

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

Ms. Syvret opened the floor to audience comments.

Ms. Warner provided updates regarding other meetings she has attended; The Watch I & The Watch II are now also using Cornerstone. She further advised the Property Management Committee is sending out a survey related to landscaping and will incorporate CDD related questions as reviewed and approved by the CDD.


Ms. Syvret opened the floor to Supervisor Requests and Comments. There were none.

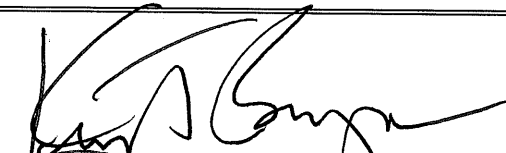
**EIGHTH ORDER OF BUSINESS**

**Adjournment**

Ms. Syvret stated that there was no further business to come before the Board and asked for a motion to adjourn the meeting.

On a Motion by Mr. Hogan, seconded by Mr. Brocki, with all in favor, the Board adjourned the meeting at 4:12 p.m., for Waterlefe Community Development District.

  
Secretary (Assistant Secretary)

  
Chairman Vice Chairman