

**MINUTES OF MEETING
FLOW WAY
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Directors of the Flow Way Community Development District was held on Thursday, July 21, 2022, at 4:00 P.M. at the Esplanade Golf and Country Club, 8910 Torre Vista Lane, Naples, FL 34119.

Present and constituting a quorum:

Zack Stamp	Chairperson
Ron Miller	Vice Chairperson
Bart Bhatla	Assistant Secretary
Tom Kleck	Assistant Secretary
Martinn Winters	Assistant Secretary

Also present were:

James P. Ward	District Manager
Greg Woods	District Counsel
Jimmy Messick	District Engineer
Andrew Gill	JP Ward & Associates

Audience:

Dave Boguslawski	Homeowners Association
Martin Teperow	
Joseph Stigliano	AL Ferranti
Frits Riep	Charles Weller
Howard Greenfield	Phyllis Stellatos
James A. Storer	Patricia Martines
Doc Durinzi	Dee Durinzi
Mary Ann Buil	Diane Ford
Janice Maline	Brent Lilliston

All resident's names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

THIS MEETING WAS TRANSCRIBED VERBATIM BY A COURT REPORTER PRESENT DURING THE MEETING, AND WHOSE TRANSCRIPT IS ATTACHED AS EXHIBIT A TO THESE MINUTES.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Chairperson Zack Stamp called the meeting to order at approximately 4:00 P.M. Roll call was conducted, and all Members of the Board were present, three members in person and the remaining two via zoom, constituting a quorum.

We welcome you all here, I'm going to make a few comments before we get to the agenda, which I hope you all picked up over there. If you haven't, it's all over there. The question a lot of you have asked is

why a 520-page agenda? Why don't you just give us a number? The number is \$875 per year increase in the CDD assessment. Taking another \$875 from you or from us is not something we took lightly -- take lightly. We pay it, too. You're entitled to know more than just what we're asking for. You're entitled to know several things. You're entitled to know what the CDD really does, where your money's going. You're entitled to know how we see our obligations to the residents. You're entitled to understand, or at least hear from us, what the challenges are going from a developer controlled CDD when Taylor Morrison controlled the board, to a board controlled by residents, which has happened less than two years ago; and, indeed, you're entitled to know how we intend to spend that money. The Board's goals, and I hope your goals are these: One, protect the residents; two, protect the residents' property, preserve the district assets, which you're going to hear a lot about today; deliver the desired services and prepare adequately for future events. None of these appeared to be Taylor Morrison priorities, which is part of our problem. The process to get to this budget is this: Jim Ward, who you'll meet in a minute, and I began working on this back in January, after we were able to have an engineering study completed. We exposed the budget to the other board members in March, in April and in May when we finally amended it and prepared it to present to the residents. This process gave the board members, the residents, and other vendors, time to examine the proposal, make comments, ask questions, and propose amendments.

Hopefully, it demonstrates that we looked at a lot of different options, allowed us to formulate a long-term plan, which you're going to hear more about, and show you in detail where that money would be spent. Jim Ward, the District Administrator, and Jimmy Messick, the District Engineer, who are on the panel up here today, are going to walk you through a PowerPoint presentation on the slides. At the conclusion of their presentation, the board will take comments and questions from the residents. We'll do the residents that are here first, and if there's any residents on Zoom that want to answer (sic) I would ask them to -- or ask or comment -- I would ask them, I guess the parlance is raise your hand, somehow make it known that you want to participate, and I'll call on you. I'm going to take the people who are here first before we move on. I would ask whatever the comments are, the questions are, if you think the assessment is too high, please, also tell us what programs you would cut, what services you would cut, what expenses would you delay, how would you get to a lower number, because certainly any budget out there can always be cut. It's just the question of what the consequences of the cut in the budget are. As a side note, I can tell you we cannot raise the \$875, because that's what we sent out in the mailing. So, if anybody came here today to advocate for a higher rate, we can't do it by law. I don't think there probably are any, but if there are, we can't do that. Following the questions and comments the board will have a discussion.

SECOND ORDER OF BUSINESS

PUBLIC HEARING

Public Comments for non-agenda items (Limited to three (3) minutes). Individuals are permitted to speak on items on the agenda during that item and will be announced by the Chairperson.

Chairperson Stamp reviewed public comment protocols.

a. PUBLIC HEARING – FISCAL YEAR 2023 BUDGET

I. Public Comment and Testimony

Mr. Ward called for a motion to open the Public Hearing.

On MOTION made by Mr. Zack Stamp, seconded by Mr. Tom Kleck, and with all in favor, the Public Hearing was opened.

Chairman Stamp: The board members can ask questions of whoever they want and of each other and make comments, then we will have a vote on three different resolutions on your agenda. It may look a little convoluted and confusing, that's because it is, but that's the way the Florida law requires that we do it, and we will follow the law. At the conclusion of our budget part of our hearing, we'll probably take a short break, and move on to what they normally call the regular agenda, which is the other items that we deal with on a routine basis every week. During that portion of the meeting, if anybody wants to comment or ask questions on something on that part of the agenda, or anything, we always allow people time to do that, so we will do that. I would ask the first part we address ourselves, concern ourselves with the budget. The second part can be the other items on the agenda, or any item you choose to raise. With all that, I'll ask Jim to walk us through the presentation.

Mr. Ward: Sure. Thank you, Mr. Chairman. I'm going to walk you through a couple of slides to begin with to set the stage. From here, Jimmy will take over, and as the Chair indicated, we'll go through the detailed reports that we prepared for the hearing today for the board and for the past few months with respect to this budget, and then I'll summarize towards the end with the financial impacts. Usually the first question I get asked when I get a phone call is, "Why are we having a public hearing in July? Why isn't this in January or March or some other date?" So, our budget year runs from October 1 through September 30th. It is set by state law. We cannot change that, and as a result of that our hearings are required to be held usually between the months of June and July through August of this year. Those are statutorily set, and that's why our hearing is in the summer months of each year because all governments, most all governments, I should say, in Florida have an October 1st fiscal year start date; that's when we put the assessment on tax bills. You get them in November of each year. As Zack had mentioned to you, we began this process in January of this year. I think we submitted the budget to the board in March, and they began their deliberations from March, April, May and the June time schedule, reviewing at great length and in great detail all the asset reports that our engineer, Jimmy Messick, and his firm, Calvin, Giordano & Associates, prepared. It was approved by the board in May for the purpose of setting the public hearing today at today's date. The approval basically set the upper limits of what we can do, as Zack had mentioned before. So, whatever we change today, we can only come down from that number.

We can't go up from that number. All of you were sent, as required by law, a mailed notice to all of your homes. Many have said, some has said, it's a little bit long. I do apologize for that. We were a little – writing that a lot, so, and your public hearing set for today, and as I mentioned to you a minute ago, they will go on the assessment rolls this – later this summer, and you will receive your bills in November of this year.

The agenda is a review of -- by me and by Jimmy Messick. I will ask you all, or the Chairman will, since he is running the meeting, if you do have a question or comment, don't feel bashful.

Please, come up and ask your questions. All we ask is that you be respectful of everyone in the room, you put your name on record, so we know who you are. Try to limit your questions as much as possible so other residents can have time to answer all of your questions -- ask other questions of us, and we will be as respectful to all of you by trying to answer as in-depth as we possibly can, all of your questions that you have today. Please, direct your questions to the Chair. He will assign them to the appropriate professional team member to respond to you, and we ask that you, please, try not to have a debate amongst yourselves in the audience. We can't get it on the record. We don't hear you. So that's all we can ask for you to do today. Those are the extent of my opening comments and I'm going to turn it over to Jimmy Messick.

Mr. Messick: Thank you, Jim. Good afternoon, everyone. My name is Jimmy Messick. I am the District Engineer for Flow Way CDD, and also a professional engineer in the state of Florida. Calvin, Giordano & Associates was awarded the district's engineering services contract in 2021, and amongst other things, one of my first major items that Jim asked me to prepare was my investigation into inventory, and report to support the capital improvements program today. Today my presentation will go over the steps that I took to investigate and provide inventory and report for the development of the CIP. First, investigations had to do with permit research and CDD files review, asset inventory of the four main categories of assets the CDD is responsible for maintaining, and finally the report preparation, asset-mapped preparation, and the CIP for the next five years. First item in investigations was permit research. There are two main permit municipalities -- permitting agencies: that's the Army Corps of Engineer and South Florida Water Management District. The Army Corps of Engineers permit was pulled in 2012 under the name Mirosal, and South Florida Water Management District has two permits. One, consumptive use permit and the other is an environmental resource permit. The environment resource permit has been modified. There's a family of 22 permits that was researched that finally came to the final layout that you have today. The consumptive use permits an irrigation permit where we withdraw from the lake systems for irrigations, and we're allowed a certain amount of water per year, that's been modified, and there's two main permits, one's for the overall, and one for half parcel. Additionally, there was a CDD permit and research that was done by a Share Point file from the previous engineer of record, or district engineer, and asset maps that were reviewed. We also took a look at the plats that had been developed and submitted to Collier County, and there is plats in total, and these plats include items such as dedications of -- to the HOA, Collier County Water Sewer District, Collier County Public utility easements and so forth. The asset inventory includes the drainage system, irrigation system, entry features along Immokalee Boulevard, and the landscape buffers. We then, after the inventory of the assets were completed, were able to put together the CDD maps that you see along the side on these easels, and the two maps on the boards here, the lakes map and the irrigation maps, and if you were able to zoom in on the lakes maps, you see the lake numbers, the hole numbers, and we also have a drainage map that gets more detailed with the pipe and inlets throughout the community. The irrigation map has the pump stations located, the source pumps located, and the irrigation main throughout the communities that extends to all different parcels throughout the community. The other two maps that we were able to prepare is a preserves map, both external and internal preserves are shown on this map, along with the project acreage, or preserves acreage, and the overall ownership which really just lists the various tracts that there is ownership with, whether the HOA or the CDD claims ownership to those areas. We then were able to, after the inventory had been completed, really analyze the assets, and determine where we thought more money would be going into to make the improvements, to maintain those assets, and we prepared two reports; that was the Asset Replacement Cost Report and Storm Water Erosion Report, and those reports really support the capital improvements program that we're providing you currently today.

The first is the Asset Replacement Costs Report. Really the purpose of this is to establish the quantity and replacement cost used as a basis for the development of the CIP, and reserve study if needed by others. The total asset project value for the Flow Way CDD is projected at \$12.2 million. The next report is the Storm Water Erosion Report, and this really provides a lineal foot of existing lake banks that requires corrective action to comply with the South Florida permit. Erosions we've seen in the community is primarily due to wind-generated wave action, seasonal water level fluctuations, park storm disaster events, and rainwater leader surface point discharge. We've selected Geotubes as a recommended restoration construction method, and these costs were used to prepare the CIP, and the CIP really establishes and prioritizes and plans funding programs to improve the existing CDD infrastructure.

There's four categories in the CIP. The storm water management system, the internal/external preserves, the irrigation pump station and mains, and the community entrance along Immokalee. Along

with the main worksheet at the front of the program, there's also project data sheets that supplement and explain each one of the projects, and that really gives you the five W's, who, what, when, where and why, for each project. And with that I can turn it back to Jim.

Mr. Ward: A couple of things I want to focus on just going forward is how we got to where we are, and then what the plan is for '23 and beyond. So as the Chairman had mentioned to you, we took over this project, we are being the CDD, took on the maintenance responsibilities of this project basically in December of last year. It was a transition from essentially the prior Taylor Morrison controlled, both HOA boards, and the CDD boards to resident-controlled boards, and the CDD took on the responsibility of those operations.

That has proven to be an enormous challenge, not only financially, but operationally, trying to build a budget for this CDD for the current year that we are in. We make it work to maintain the \$13 million -- \$12.2 million worth of assets that we have, and keep it going and try to do as much improvements as we possibly can. This slide -- or the next slide -- excuse me. I think it's important to recognize, Jimmy focused on numbers, but you have 190 acres of lakes in this project, 19 miles of lake banks, almost 16 acres of littoral plantings, which are all the plantings you see around all of the lakes, 33,000 lineal feet of drainage pipe in this system, and one -- more than 1,000 acres of preserves within either external or internal to the community itself. The irrigation system is a pump house with two pumps, which we had big problems with this year, a lake that feeds those pump and waters, and two recharge wells that were drilled into the Lower Tamiami Aquifer that supplement the irrigation water that goes into the community, and then a general entranceway landscaping which runs from Immokalee Road to Addison Boulevard, and includes the entrance bridge pavers, all of the landscaping along that road, and your entrance monuments. So those are the major challenges and opportunities and components of our operational aspect of this budget that we have this year, and as I said, it's become one big challenge to handle that, and going into 2023, we know that the monies that we had to maintain this system aren't clearly even close to sufficient that's necessary to maintain the level of service that we're required for this community. One of the questions that I also get on a regular basis is, well, the amount that you sent us the letters for, or I know the other board members have received letters or comments about, is, well, that's not what's on our tax bill, and that's because your tax bill is comprised of two items. One is your general operations assessment, and the other part of it is what we call a capital assess or debt service assessment. You have a fixed assessment that's on your tax bill that was for infrastructure that was constructed initially within this community, and you pay for that in a fixed amount over time, over a 30-year basis, basically, and that included utilities and drainage systems and landscaping, whatever else it may have included in the system. So that is a fixed amount that's on your tax bill, and I'll show you later how that impacts you, and then the operating assessment is what we have that is on top of that. The right side of the slide basically shows you what the bonds -- we have capital bonds that are outstanding, what their terms basically are, and they are refinanceable after a certain amount of time, although nothing is refinanceable at this moment in time, and probably won't be for the near future, and that debt automatically transfers to owners over time. The next slide that I want to show you is just a summary of your budget. So, this budget is broken down into basically the same parts that the asset program that Jimmy had mentioned to you are. They include the landscaping program, the storm water, the reuse program, and the landscaping program. So, we have a general administrator budget, which includes the administration, legal and engineering costs of the District. Those have not changed much from year to year since we started this district a number of years ago, but they remain relatively constant as we go through time. The preserve program is really the maintenance of the external preserves within the community. We have a little budgeted for the current year -- excuse me -- the fiscal year 2023 that we are moving into. We really have -- we've used some of the monies from the preserve line item to handle the regular maintenance of the other items that we have for the current year that we are in. The lake bank program, the irrigation system, and the

landscaping, you can see on those charts are the real reasons for the changes. As I mentioned to you earlier, the reason for the changes is that we had transitioned this from a developer-controlled board to a homeowner-controlled board and transitioned your homeowner's -- your homeowner's association board transitioned also from developer to homeowner. As you can see what was budgeted for in the current year that we're in, and prior years, was clearly not sufficient in order to maintain those budgets. So we've basically went from approximately a \$860,000 a year budget; the budget that's before the board today is \$1,472,000, includes not only the operations, but as Jimmy noticed -- noted to you we have done in the context of this budget a five-year capital plan. So we took the time, evaluated those assets, understood where all of the problems are, didn't load up -- did not load up the budget to fix all of that in year one, but handle that over a five-year period, based upon the severity of the need for that asset to be repaired. Most of which the monies you'll notice on here really is in the erosion restoration and drainage pipes and those kind of things. So those are the major components of the capital budget, which are now melded into this operating budget. The intent, obviously, is to try to keep your assessment levels relatively reasonably priced over the coming five years, with as minimal changes as we can effect on a going-forward basis.

The assessment rates are shown on the existing chart. Your existing assessment is \$525.04 per year; that's what everybody pays. If you looked at your tax bill they range from various numbers, but \$525 is a part of your overall budget. The assessment is going up to \$1,399.81, if the board chooses to adopt that, as your Chairman indicated, that's \$875 a unit change. I have been asked, and I know the board members have been asked what -- how does that compare to what's on our existing tax bill? So, this project was developed over a period of years, and it has different debt service assessment rates as we call them. So those are shown on the right, depending on what your product type is, and when the project was -- when your community was built, you would pay anywhere from \$1,200 a year up to \$4,000 for your debt service assessment; in addition to what's on the tax bill for your capital assessment. So that's the overall look at it. If you look on your tax bill, you basically add another \$800 to it, \$875 to it, and that will get you what your estimated amount will be going into next year.

And, finally, in the notice that we sent to you we had what we call a cap rate. A cap rate is an amount of money that we, the board, can say today that if we put that in place before we do another one of these large public hearings, we do go through regular public hearings on a yearly basis and we do notices in the newspapers, et cetera, but we don't do the mail notice piece of that. This kind of setup is a little bit more intimate or smaller than we do here. So whatever goes over that number, then we have to go back and do one of these large, notice mail public hearing types of things, but it doesn't mean you are not noticed. You clearly get notice. Our website has all of the information on it. It always does. It has all of our budgets on it, tells our meeting notices. You may join us by WebEx at any time for any meeting we have, including any one of these meetings, and they are also published in the newspaper as required by law. So, with that, Mr. Chairman, I will end, and turn it back over to you.

Chairman Stamp: Thank you, Jim. Okay. We'll go ahead and move to public comments and questions. If anybody here has one, I would ask you to come up and address us from the podium, as I indicated earlier, and then after that we will move to people on the zoom. Yeah, Joe.

Mr. Stigliano: Joe Stigliano, 9402 Carretto Drive. Couple of quick questions. One, with the assessments, how do they apply to coach homes and condos, which don't have the square footage of the lot widths?

Chairman Stamp: Go ahead -- well, every door pays the same operation and maintenance.

Mr. Stigliano: The chart showed by the square footage, some lots bigger than others.

Chairman Stamp: That's your -- that's your debt service.

Mr. Stigliano: So it's just by the door?

Chairman Stamp: Operation and maintenance is by door.

Mr. Stigliano: And one question quick about the storm water action report. I'm looking prospectively now because there's another issue coming up with flooding in Bonita and stuff. Have you made any projections on how that comes to fact and fruition? Have they talked this over whether that's going to affect us somehow, where that water might mitigate into our lakes and water runoffs, or is that for the next part of the meeting?

Chairman Stamp: No, that's a legitimate question for this, and the question is we're still looking into it. The emergency permit has not yet been issued, but it could be issued if there was an emergency. We are fighting that. We are advocating against doing that, and it hasn't happened yet, but we've got a lot of unanswered questions about exactly what water they're going to pump down here under what circumstances, so, Joe, I would like to be able to tell you I have an answer, but I don't.

Mr. Stigliano: Well, I'm just asking if you -- if you're looking at a crystal ball, but you can't see into it yet.

Chairman Stamp: It's a very, very strong crystal ball.

Mr. Stigliano: I would be concerned where the water is going and if it winds up in the lakes and stuff. Our lakes this time of the year get maxed out almost, and we're not even into the heavy rain season, hurricane season. Thank you.

Chairman Stamp: You're welcome.

Mr. Riep: Hi, I'm Fritz Riep. Thank you for holding the meeting; 9333 Terresina Drive, and so a couple questions. One, it's enlightening to me. It's confusing as to what's being done by the homeowner's association and who you call. In the past, I kind of assumed landscaping and irrigation and things went to the homeowner's association, and I guess if you can kind of clarify a little bit around it. A lot of it, looks like a lot of overlap to me, I mean, who does what to me.

Chairman Stamp: Yeah. I'm going to ask Jim to answer that. I'll make a prefatory comment. Up until the turnover the CDD -- when Taylor Morrison controlled the CDD, had an agreement with the HOA where they did everything -- well, almost everything. We're in the process of untangling that. I will readily agree with you a lot of it doesn't make any sense, but we are in the process of working with the HOA to develop, "this is ours; this is yours, and let's untangle that." Jim, go ahead. You want to muddle that up a little more?

Mr. Ward: So generally speaking the entranceway on the outside of your gate is a district asset, and we maintain that, all the way down to your perimeter. Once you get inside the gate, your lakes and the littoral shelves and the lake banks, we are maintaining that. The preserves is the little pocket preserves you see in the community, and the big external preserve, we are maintaining that, and what we call the reuse irrigation system, but the part of the reuse irrigation system that we maintain is the two wells. We have two -- excuse me -- the wells and two pumps, and a couple of interconnecting lakes, some of which are part of the water management system. The district is maintaining those, and the main irrigation lawn,

which is for irrigation through the roadways, the district maintains those. Once the -- a lateral lift comes off of that main to your home, or wherever it goes, that goes probably to your homeowner's association for maintenance. I don't think you all maintain that individually, so they do that. I do want to point out one thing, the relationship that we have with the homeowner's association is really great. We work very closely together, so it kind of doesn't matter who you ask the question to. It either gets to me, or the reverse happens, I send it back to the homeowners association and we all work cooperatively together. Hopefully we don't push you off to one another. We try to do it internally and work together to funnel whatever questions we get.

Mr. Riep: Okay. So if there's something that looks like an issue on the lake, basically what I've done in the past is just call the homeowners association and say, you know, there's a corrugated plastic pipe floating around in the lake, and they go, well, we don't do that, and it's sat there floating for weeks. It may have sunk. I don't know what happened.

Mr. Ward: Sir, generally speaking if you go to the district's website, my personal e-mail address is on there, as is my cell phone number, as is you can e-mail the entire board, and it comes to me and then I either respond to it or forward it onto to a board member. So, there is a number of ways to get to us. Generally, if you go to the website, you should find all of that.

The HOA does send me those kinds of questions all of the time and I do take care of them or assign people to take care of them, but you can go to our website, and we'll help you.

Mr. Riep: Okay. Then kind of the final thing I would ask, so the erosion on the lakes certainly looks like a problem. I know a year ago they came around and tried to put some -- flatten it out and raise it up, and yet behind our house there is a spots where it's like two-foot cliff where it's continued to erode. I guess the question is, and I'm sure it's part of a longer-term plan, but there may be some cases where you need to you do something beforehand. How would you address that?

Mr. Ward: Okay. So, we did two things. One is the drain -- what we call the drainage pipe, there's piping systems that go basically from roadways to the lakes and go lake to lake, that kind of thing. Those were all cleaned this year. Those were -- it was the very first thing we did. They were 85 percent clogged when we took over this project. So, the reality of a flooding was very, very real, so that's probably what you saw out in the field was all of that work going on. The next part of the system is, when we looked at all of the lake restoration program, which is two, three, four, five, six, seven, it's about \$900,000 worth to work to repair all the lake banks in this community that we need to repair. Those were prioritized and will be dealt with beginning in '23, and on those lakes they're lakes 21 and 22 and another one. Those will be done in '23, and then we move on to the '24, and so we've got a full five-year program. We knew trying to say, give us a million dollars on day one is not going to work, so we scheduled them in the order that we knew from a priority perspective the most critical to the least critical. We did them over a five-year period to make that work for you. So that is -- and that's looked at constantly. So, if something changes, which it will, we can move the schedule up. We can move it back. We can make changes to make that work.

Mr. Riep: I guess as a final, what prevents erosion in the future? I mean, is it going to be more than just, you know, kind of re-dredging stuff up?

Chairman Stamp: Jimmy, how are we going to fix this?

Mr. Messick: What we're proposing, the Geotube, really has a liner that we dredge the sediments that's been eroded to the lake, and stick it inside the Geotube, and that kind of sets the edges for the lakes, so you won't have that constant erosion from the storm water systems. We're also looking at trying to remove the above-ground rainwater leader discharges into the lake. There is a specific lake, and I don't have it off the top of my head, but there is rainwater leaders that discharge to the ground and then it just funnels towards the lake, so we have a constant funneling, that's where you get a lot of erosions and spot erosions along the edges of the lakes. So we're trying to address those along with the bank restoration.

Mr. Riep: So it seems like in addition to that -- that makes sense. It seems like certain points in the long lakes at the end where the waves come in and it's from the wave action and seems like there ought to be some sort of landscaping or rocks or something to reduce the erosion at certain points.

Mr. Messick: We can consider the landscapings. We have littoral planting, renourishment really, along with the lake bank restoration, so we can consider strategically placing those. Really the way that the placement is for the benefit of the residents' view from their house, first and foremost, and we can look and see if there is a better place for that when they do the lake bank restoration.

Mr. Riep: Okay. Thank you.

Chairman Stamp: Let me -- I want to make a general comment based on some issue that you raised. I'm sure people are out there sitting and wondering how do we go from \$550 assessment to the amount we're going to? The reason is Taylor Morrison didn't do these things. They let the lake banks go. They let pipes be clogged, let the pumps fail. The weir, the south weir down by Immokalee, we had to do an emergency repair on that, or it would've probably been washed out by now. Had they been realistic about what they were supposed to be doing, it would've been much higher in the past, and would have been cheaper had they maintained it, but they didn't, and that's a big reason for the jump here, is trying to get caught up and get ahead of the curve. Any other questions?

Mr. Teperow: Marty Teperow, 9433 Benvenuto Court. There was a comment made that the average cost of the exterior preserve maintenance is approximately \$250,000 a year. So, as I look at the budget, it's obviously not funding that, it's funding about \$1,000; isn't that correct?

Chairman Stamp: That's correct.

Mr. Teperow: Okay. And then the other, the 17 and 10, but to the naked eye, to the untrained eye, I look out and see a bunch of dead trees, I see a bunch of grass, lawn grass, see some live trees, animals back there, I'm wondering how could it cost \$250,000 to maintain the preserves?

Chairman Stamp: Well, the reason it costs \$250,000, and it should go down, is part of it's misleading to call it, and I do it, too, call it maintenance, because part of it was mitigation. They went in and took out the Brazilian Peppers and the Mallaluca trees, and things like that. They have to have a program of making sure they stay out for a period of time, so it's not just leaving things alone and letting it go. It's mitigation -- I'll say this right -- mitigation, maintenance, and monitoring. We all kind of lump it together and call it maintenance, which is our fault for doing the shorthand. Over time that should go down because once you've got all of those things eliminated, or we're down to the percentages that are acceptable, that number should drop, and that's still something we're in contention with Taylor Morrison about, who has the responsibility to do that so...

Mr. Teperow: So you did answer my -- you did take my thunder away on the other one. I was looking at the budget and I said how much of this budget is the responsibility -- is Taylor Morrison's responsibility, or in litigation, is it half of this budget, or just ballpark? I mean, if we were to win the lawsuit --

Chairman Stamp: I don't know how to answer that. The lake banks are 600-some thousand, but some of that is routine maintenance, so what portions they had done, the pipes, again, because you get into a question of what's usual wear and tear versus the condition, they left them in; that's what makes them very difficult questions to answer. There is certainly a big portion of that, and had they done realistic maintenance, we wouldn't be where we're at. The district, the CDD, as well as the HOA, anticipate filing at some point what we in shorthand call a 558 lawsuit against Taylor Morrison for defects and failure to maintain, and those haven't been done for a variety of reasons, but are still out there in the pipeline to come, and, you know, we'll see what the results are to that. So this is an ongoing -- it's not over. Let's leave it at that.

Mr. Teperow: Comment?

Chairman Stamp: Sure.

Mr. Teperow: I think somebody said we have \$12 million worth of assets?

Chairman Stamp: Yes.

Mr. Teperow: As I look at this five-year plan, it's very, very small, very, very, very conservative. I don't know there is any risk. We're looking at a million one. I know you want more money, but is it realistic?

Mr. Ward: I think both -- Jimmy can answer operation. I will tell you financially it's realistic for us to handle it this way. The amount of work that went into identifying what that number was is huge. We've spent months working on this, and, Jimmy, you can answer.

Mr. Messick: The \$12 million, that's noted as replacement cost, not a maintenance cost. So, there's no need for \$12 million worth of maintenance cost in the next 12 years.

Mr. Teperow: But this is capital, right,
this is \$12 million in assets?

Mr. Messick: Yes.

Mr. Teperow: Call that capital?

Mr. Messick: Yes.

Mr. Teperow: Okay. You said we need a million one over the next five years to maintain?

Mr. Messick: To maintain -- to bring it up to code and maintain.

Mr. Teperow: Okay. Last comment. I live on Benvenuto. And you had a quick discussion over here about the erosion. We have no littorals there. It is just completely bear. So I'm just wondering are we -- do you know if Benvenuto is in the 2023? You had numbers. I don't know where we were.

Mr. Ward: I don't know where location is. We just know by numbers at the moment. Jimmy will, after the meeting, he will be more than happy to talk to you.

Chairman Stamp: The budget shows lake by lake every year, so we can break down for you the numbers, but off my head, we can't bring it up.

Mr. Teperow: Thank you.

Chairman Stamp: You're welcome. (A court reporter interruption was had. The proceedings continued as follows:)

Mr. Stigliano: 9402 Carretto Drive.

Chairman Stamp: Yeah, we don't need your address, just your name.

Mr. Stigliano: You know who I am and where to find me. Over the quarry they put rickrack, the rock around it, and the last hurricane tore it up, and that was a big assessment to fix that. So, what I'm saying, I don't think there is any permanent solution. Although, Wild Blue is putting bulkheads in literally, but that's extreme. So as a resident, I don't expect any permanent solution. We're going to have some erosion. The other thing, this is the second community that we've moved into, we've bought a house in, that's gone through turnover. I talk a lot to my friends and neighbors, and they're wondering why are things going up, when we bought in here or came here it's less? Well, people that haven't been through the turnover, you gotta realize, and I don't want to spend more than I have to, but we've had the same situation with Pulte in the other community. They didn't maintain things. The CDD was left with an infrastructure that was not taken care of. The HOA was left with a lot of expenses that were deferred. They collected the money, but, you know, big corporation, they move it around a lot easier than we can. So, I would tend to think the people that have never been through a turnover, this may sound like why are we charging so much money? I don't want to pay more than I have to, but you justify what you're doing. I thought I would get that out, because people have misnomers as to why you're doing this. Thank you.

Chairman Stamp: Thank you. Anybody else in the audience? Do we have -- Steven, we have anybody that's raised their hand on the --

Mr. Murray: We have three online, but none have raised their hands, sir.

Chairman Stamp: Give them a couple seconds to find the button if they want to. If not, open it up to the board members. I'll do the same thing, take the board members that are here, if they want to comment, and do the board members on Zoom. I don't know if anybody else wants to say anything?

Mr. Bhatla: No.

Chairman Stamp: No? We're good.

Mr. Miller: Mr. Chairman, this is Ron Miller. Can you hear me?

Chairman Stamp: I can hear you now.

Mr. Miller: Okay. I'm glad. I don't know what's going on, but I was pushed out of the meeting visually. I could still hear what's going on. Apparently, you can hear me, but I can't get back in.

Chairman Stamp: Well, you're in. I'm going to let the board members that are on Zoom comment now, if they want to make any comments before we go to the motions. Martinn?

Mr. Winters: I don't have comments, other than I thought you guys did a great job.

Chairman Stamp: All right.

Mr. Winters: Can you hear me?

Chairman Stamp: Yeah, we heard you.

Mr. Winters: Yeah. I think you guys did a great job. Thank you.

Chairman Stamp: Ron, anything?

Mr. Miller: No, sir. I'm good.

Chairman Stamp: All right.

Mr. Miller: Just to say good job guys.

III. Consideration of Resolution 2022-4 adopting the annual appropriation and Budget for Fiscal Year 2023

Chairman Stamp called for a motion for Resolution 2022-4.

On MOTION made by Mr. Tom Kleck, seconded by Mr. Bart Bhatla, and with all in favor, Resolution 2022-4 was adopted, and the Chair was authorized to sign.

Chairman Stamp asked if there were any members of the public present by audio or video with any comments or questions; there were none. He noted there were no members of the public present in person. He called for a motion to close the public hearing.

On MOTION made by Chairman Zack Stamp, seconded by Mr. Tom Kleck, and with all in favor, the Public Hearing was closed.

II. Board Comment

Chairman Stamp asked if there were any questions; there were none.

II. d.) FISCAL YEAR 2023 PUBLIC HEARING TO IMPOSE SPECIAL ASSESSMENTS; ADOPT AN ASSESSMENT ROLL, APPROVE THE GENERAL FUND SPECIAL ASSESSMENT METHODOLOGY AND SET AN OPERATIONS AND MAINTENANCE CAP FOR NOTICE PURPOSES.

Chairman Stamp: Next item will be a public hearing to impose the special assessment adopted to fund the budget. We'll ask if Jim wants to add anything to that?

Mr. Ward: I don't.

Chairman Stamp: He does not. Again, there is a period of public comment or question. Anything that's happened in the last two minutes raised new questions or comments? This will be a time for them. (No response). Okay. Hearing none. Anything -- any board discussion? Anybody raise their hand on the Zoom calls? All right.

Mr. Murray: No, sir.

Chairman Stamp: It would be in order now for consideration of Resolution 2022-5 imposing the assessment. Is there a motion?

On MOTION made by Mr. Bart Bhatla, seconded by Mr. Tom Kleck, and with all in favor, Resolution 2022-5 was adopted, and the Chair was authorized to sign.

III. e.) FISCAL YEAR 2023 PUBLIC HEARING TO IMPOSE SPECIAL ASSESSMENTS: SETTING AN OPERATIONS AND MAINTENANCE CAP FOR NOTICE PURPOSES.

Chairman Stamp: Next is consideration of Resolution 2022-6, which is the cap rate, and is there any discussion on the cap rate? (No response). I mean, I would be surprised if everybody understands what the cap rate is, not because it's that complicated, it's just we get so used to dealing with it, we sometimes forget that other people aren't familiar with dealing with it.

So just so everybody understands, the cap rate is the maximum that we can assess going forward without going to another special hearing like this, which entails the mailing of notice and public hearing. We do have about \$200, round numbers, that we can go up over the next five years, gives us room for inflation, which when we started this budget back in January, we didn't think it was going to be here, but it's here, but that is the purpose of the cap rate. It's a protection for you that says we have to give you extraordinary notice before we violate. We can do it, we can raise it in the future, but we have to give an extraordinary notice to the public, and that's the purpose of the cap rate.

So, if there's no discussion, take a motion on adoption of the cap rate.

On MOTION made by Mr. Bart Bhatla, seconded by Mr. Tom Kleck, and with all in favor, Resolution 2022-6 was adopted, and the Chair was authorized to sign.

Chairman Stamp: Are there any public comments on any non-agenda item? This is an opportunity to get up and address the board, ask a question or make a comment. We allow three minutes to do that. If there's something that comes up on the agenda you want to get my attention, we'll let you address it then, and as always, at the end of the meeting if you decide there is something you do want to say. We'll give you another opportunity to do that at that time. (No response). Seeing nothing, let's go on -- oh, yes. Go ahead.

Mr. Ferranti: Al Ferranti, Galleon Terrace. Maybe the question is for our engineer. Are our lakes sufficient enough to handle any floodings, any hurricanes? I was here during Irma, and I notice if you walked on the path, we have the spillways that go out to Immokalee. Going forward with the work that's already been done, will our lakes handle the water that could be coming our way with any tropical storms and hurricanes?

Mr. Messick: The lakes, when they are permitted through the South Florida Water Management District, they have modelling that's required and stage storage that identifies at a minimum the finished floor elevations of all the residents; within the permit it can handle above the 100 year, three-day storm event. The criteria that's set by the state is that the houses are above that storm water level. Now, there's also other criteria whether or not you're in a floodplain, which I don't believe this was in a floodplain and didn't have that criteria to meet. So, it can handle 100-year, three-day storm event. Now, if there is a storm event like Houston, a 500-year storm event and the Flow Way is already saturated, there is no guarantee; that's when we will have to take a look at insurance and stuff like that.

Mr. Ferranti: Is the city or the county doing any improvements along Immokalee with the system that, I guess, goes out to the Gulf?

Mr. Messick: Well, they are always maintaining the system continuously. I'm not aware of any future improvements they're doing along Immokalee, but certainly we are in contact with the county. If there are any, they'll notice, give us notice, and we'll be made aware of those improvements.

Chairman Stamp: Thank you, Al. We have somebody that's raised their hand on the Zoom call.

Mr. Murray: We have a David Boguslawski. He then lowered his hand, so I'm not sure if he wants to speak or not. David, you're unmuted.

Mr. Boguslawski: Okay. Thanks. Yeah, Dave Boguslawski. I was just practicing raising my hand, Zack. I wanted to see how it works. But I also want to say, I think with respect to the budget, the purpose of it, I have a comment and question. I think Marty's comment about littorals, and probably Frits' as well, is probably where you're going to find some people wanting more to be done over time to improve the look of the place. It's not just lake bank erosion, but it's also plants, and if you feel that pressure, or we feel that pressure, is there a way to do it within this budget, or the cap rate that you guys have set?

Chairman Stamp: I mean, my initial comment, and then I'll ask Jim and Jimmy to respond is, it's obvious a question of degree. We've got a couple hundred more we could go up for fiscal year 2024. I don't know what that gets us, in terms of what the demand is going to be. Can we solve everybody's wish list?

I'm sure the answer to that is an absolute no, and we're -- we don't know where the lawsuits are going to come out. We don't know what -- we don't also know what other surprises we're going to get. For the audience, we've had two pumps fail that apparently -- within the first few months of us taking over --

that apparently Taylor Morrison had never done any maintenance on at all. So, who knows what rock we're going to turn over, what's going to run out from under it. So, Dave, I can't answer your question. We've got some room. We can certainly go in 2024, if we thought we had the pressure to take it up roughly \$200, but then we're at the cap rate again. So, we're going to have to wait and see.

Mr. Boguslawski: I just would like to make one last comment. You're fielding the same calls probably more than I am, but one of the discussions I've had with a couple members is the fact the CDD apparently right now does not have any reserve funding. So, when something breaks, like a pump, there's no kitty to go to. You're basically moving the money around to fund the most – the highest priority items. Any -- any thoughts going forward on creating a reserve funding?

Chairman Stamp: Well, the budget that we just adopted and funded does have a reserve fund, the beginning of a reserve fund, but we're not even back to where we really need to be; that's what allowed us to do the emergency repairs like the lake banks and pipes and the weirs this last time. You're absolutely correct. We've effectively wiped it out, so if it happens in the next three months, we could be in trouble. If it happens after October 1st, we might not be in quite as much trouble, but might be in trouble.

Mr. Ward: A little less.

Chairman Stamp: A little less trouble. Keep in mind, these tax bills go out in November. Some people pay them right away to get the discount, other people don't. So that money will start flowing into the district November, December, January, and we will start, obviously, spending some of it on these projects that we just approved in the budget. We will, obviously, start putting some back for the reserve because you're absolutely right. We do not have an adequate reserve right now. We're kind of standing here naked. I know that's a wonderful thought for some people. It may show you the depth of our problem.

Mr. Boguslawski: Thank you. All set.

Chairman Stamp: Okay. Anything else? (No response).

Chairman Stamp: All right. Close public comments. We will come back to them, and I don't think we probably need a break. We got through the budget faster than I thought we would.

FOURTH ORDER OF BUSINESS

Consideration of Minutes

June 16, 2022, Regular Meeting Minutes

June 22, 2022 – Continued Regular Meeting

Chairperson Stamp: The next item for consideration is the minutes. We've got two sets of minutes here. We've got the minutes of the June 16th, 2022, regular meeting, and, with that, if there's no objection, I'll also include the special, the continuation of the regular meeting on June 22nd, and any additions or corrections to either of those? (No response).

On MOTION made by Mr. Tom Kleck, seconded by Mr. Bart Bhatla, and with all in favor, the June 16, 2022, and June 22, 2022, Regular Meeting Minutes were approved.

FIFTH ORDER OF BUSINESS**Consideration of Resolution 2022-7****Consideration of Resolution 2022-7 designating dates, time, and location for regular meeting of the Board of Supervisor's for Fiscal Year 2023**

Chairman Stamp: Next item is Resolution 2022-7, which sets the meeting dates for the regular meeting for the upcoming fiscal year, which starts October 1st. It's in the board packet. It will stay on the third Thursday of every month at 1:00 here at the culinary center. I know there's a little confusion. We moved this to 4:00 thinking we might get better attendance. I don't know if we did or not. The usual attendance is about four people, so I guess we got more than four. I don't know if it was because of the special assessment or it would've got more if we left it at 1:00; that's the reason we moved it to 4:00, to try to make it more available to people. So, anyway, resolution, motion to adopt.

On MOTION made by Mr. Bart Bhatla, seconded by Mr. Tom Kleck, and with all in favor, Resolution 2022-7 was adopted as presented, and the Chair was authorized to sign.

Chairman Stamp: Next item will be staff items. District Attorney Greg Woods is with us, and he will walk us through his agenda, which you should have in front of you as well.

SIXTH ORDER OF BUSINESS**Staff Items****I. District Attorney**

Mr. Woods: Good afternoon. Greg woods. I'm sure most of you are aware of the City of Bonita Springs is seeking an approval of an operation plan for emergency pumps. Just in case you haven't heard of it, I will give you a brief overview. They're seeking to – the City of Bonita Springs has areas that flood. Their infrastructure is not adequate to get rid of the water. So, they have asked the South Florida Water Management District to give them the ability to pump water into Collier County, and more specifically into the preserves adjacent to Esplanade. So, obviously, an issue of concern for us, and we are paying particular attention to this. The Collier County -- we worked with the Collier County Attorney's Office. They are aware of the issue. Actually, the city – the county commissioner for North Collier, Andy Solis, is on the issue. He has been pushing the county to make sure they stay on top of this, because, obviously, you know, with this kind of a plan, we do not want this water coming into the preserves when you don't know the quantity, the quality of the water. There has been no environmental studies to assess the quality of the water that will be pumped into the area, and we don't know the overall effects as the water moves down. It has to move down to the Gulf, and it would affect other areas of Collier County as well. The City of Bonita Springs withdrew their plan from consideration, because they knew there was kind of an uproar of all of this, and they're continuing to work on it. We have a bit of a concern, because even this new plan has not been approved. There was a prior plan that's kind of still in place, and they could, theoretically, if a storm came, they could apply to South Florida Water Management District for an emergency permit, and because of an emergency, South Florida Water Management District may issue it, like, right then and there. We would have no notice or ability to deal with that at the time. Now, obviously, that's an area of concern, and I will say this is a situation they've only used the pumps twice and since. The City of Bonita

Springs has pumped in 1995, and they pumped in 2018. So there have been storms that came through where they didn't pump, so that's somewhat good news. Obviously, we're still concerned about a big storm now, and pumping the preserves now, and what it's going to do to the preserves and the wildlife. Who is going to pay for cleanup? Who is going to handle the cleanup? What's the timing of the cleanup? These all are issues we've raised with the South Florida Water Management District in a letter I sent on July 1st of this year. There's also -- there is a kind of an advisory board that sits under this. It's the Big Cypress Basin Board. They also -- they have kind of preliminarily addressed this plan issue. They were going to put it on the agenda, and then they did not; pulled it off of the agenda. Mr. Stamp and some others attended their meeting. The Conservancy, a lot of environmental groups are very interested in this issue even before us. So, we have a lot of support within the environmental groups for taking -- you know, including anything happening without proper analysis and studies and answers to what's going to happen. So great deal of support. Those groups also showed up at the Big Cypress Basin. Mr. Stamp made some very good remarks on our behalf. So, we're waiting for it to come back on the agenda at the Big Cypress Basin, and then we will make a presentation. The district engineer will participate in that. We will make a presentation to that board. Again, they don't make the decision. South Florida Water Management makes the decision, but I would hope they would take the input of their advisory board relative to those points. So that's kind of where that stands generally. Everybody is keeping a close eye on it, because, obviously, it's a matter of concern to the community.

Chairman Stamp: Greg, let me just jump in. The next Big Cypress meeting is August 25th. We do not know if it will be on the agenda. The chairperson, chairwoman, indicated they might get an update, whatever that means. So, we'll be watching. If it is on agenda, we will certainly be there to participate and make the community aware of it. We just can't answer that question right now.

Mr. Woods: We would also encourage the residents, if and when it gets on the agenda, a resident turnout also helps. These boards and bodies are all political. If you get a good resident turnout and express your concern as well, I think that assists in the cause. So anybody interested in the subject and friends and neighbors, come on out if this stuff gets on the agenda. We encourage that. The next item I have is the arbitration award. On June 10th the arbitrator entered a nonbinding arbitration award in the lawsuit. Essentially, all the parties had 20 days from that date to file a motion for trial. No party did so. So, the arbitration award becomes final, and is final as between Taylor Morrison and the CDD. There is an issue in the 20-day period. The judge heard the former director's motion for summary judgment, and she granted that motion for summary judgment. So, the former directors are contending that they weren't a part of that award. They're seeking a judgment of the motion for summary judgment. We contend if they wanted to do that, in order to get a final judgment, they had to also file for a motion for new trial or trial de novo, and they didn't do that. So, we filed a motion with the judge to adopt the arbitration award, and those are issues before the judge. We have a lot of follow-up kind of strategy issues in that regard that I can't talk about with you, because it would be a waiver of the attorney-client privilege, and you don't want to talk a litigation strategy in an open forum and do it the record. There are some other actions that we intend to take that would further some of the positions we had in the litigation. I don't know -- I prefer not to go into those, just, again, it's a strategy thing, and we want to take advantage of our positions while we can without getting opposition ahead of time from Taylor Morrison. One of the other items that we will be doing, Mr. Stamp, I think mentioned it, we will be filing a complaint for our construction defect claims against Taylor Morrison, and so that is pending. Those will be coming up. I suspect that we'll file those in the Fall. We'd like to file those in a coordinated effort with the HOA. The HOA will be bringing fairly significant construction defect claims against Taylor Morrison. So, we want to join them, coordinate our efforts in that litigation when it's filed as well. So that's another avenue we are pursuing against Taylor Morrison.

Chairman Stamp: Questions from the board? Anything, Martin, Ron?

Mr. Miller: I'm good.

Mr. Winters: No questions.

Chairman Stamp: Okay.

Mr. Stigliano: Can we get questions?

Chairman Stamp: Joe?

Mr. Stigliano: Question?

Chairman Stamp: As long as it's on this topic.

Mr. Stigliano: Yes. I want to thank Greg for his presentation. It's really an interesting situation, because as he said, they can declare a health emergency and throw the switch. When they pumped in the past, you mentioned they pumped twice in the past. Did they pump the water into the woodland slough at that time?

Mr. Woods: Actually, that would be a question for the engineer.

Mr. Messick: When I spoke with the district about past storm events, he mentioned that they didn't pump into our preserves, but those are -- those are storms which they would have been able to pump. The level, the amount of water that they received in Bonita Springs was an event high enough where they would have pumped, but they did not.

Mr. Stigliano: That was a number of years ago. Looking at what's going on in the Bonita side, they've gotten state money for some very high output pumps. This is big equipment, not something you're going to get from a rental place. As you go forward in your discussions, this is really, when you have a situation where there's a practical solution, and, obviously, a political solution, unfortunately, it's the political solution we need to resolve first. Bonita got money from the state to buy pumps. In one of the documents, they cc'd to the state representative. Have we been in touch with our state representative?

I would suggest we reach out into the political structure. I don't want to sound like Machiavelli, but just so we have a discussion on the practical end, I would reach out to our state representative. They cc'd -- I've been watching what's going on. They cc'd their documents to Adam. He was the first person, their state representative. Unfortunately, we are going through redistricting. I'm not sure who is going to be our state representative when we vote on election day. Two other comments. One, I've had some experience in the public sector. Looking at what's going on in Bonita and our response, this is very specific, but it's the most ambiguous situation. They are literally going to flush their toilet on our side of the fence, and they set it up so if somebody sees an alligator on Bonita Beach Road, that's a health emergency and they're going to throw the switch. Jim, as you're involved with them, there is a way of bypassing. According to Bonita's documents, the pumps are going to be right on Bonita Beach Road and Logan. All right? Woodland slough runs along Logan. Why not suggesting to Logan right away they put piping, and 99 percent of that piping is going to be above ground. The only place you have that's a problem is going to be the one community where the entrance is on Logan. Other than that, I would

throw that out to give some cover to the politicals, too, on this. There is a solution, and that will -- of course, it doesn't address what the real problem is, when it goes down Collier, Immokalee Road, are they going to be able to handle it, but that's not our problem. If we take a position we're going to dig in and say it's either our way, or we don't have response to this, if this ends up in the courts or ends up with the boards, governing boards, they are more political than they are practical on this stuff. They say they're practical, but they're not. We should expand a little into the political end of this. We're matching them gun for gun here, that was my comment on that. Thank you.

Chairman Stamp: Thank you. I know we copied the commissioner. I don't know if we copied the state rep or not?

Mr. Woods: That's actually a very good idea.

Chairman Stamp: Okay. District engineer report.

I. District Engineer - Calvin, Giordano & Associates

a. Engineering Report

Mr. Messick: Yeah. I had several items in my report, too, I was going to speak on. One of the two I was going to speak on was the Bonita Springs Floodwater Diversion Plan, which has been covered by Greg Woods. I don't think I need to reiterate the things he mentioned, or the items he discussed. The only other thing I wanted to mention was the preserve tree removal. I have a landscaping architect arborist by the name of Mike O'Connor here. He has been working with contractors to follow-up with the first phase of tree removal in the immediate adjacent preserve areas, and that work plans to be completed by the end of the month in 2022.

Chairman Stamp: And just to piggyback off of what he said, if you've got a comment, I'll take it. Marty talked about; we can't cut down every dead tree. They have to present some kind of a risk to people and/or property. It costs us. There is a whole process. We have to get permits. You and I can go out with a chain saw and take care of it in an afternoon. It's \$25 a tree permits. They have to get them approved. it's not that easy. I wish it was. Like I said, you prioritized 30-some trees in three categories, depending on how much of a danger they are. Most of the trees you see are going to fall over, and that's what it's all about. Do you have anything?

Mr. Riep: I think you just answered it. I guess the question was it dead trees or was it –

Chairman Stamp: Oh, your name again for the record.

Mr. Riep: Oh, right. Yes, was it invasive trees or –

Mr. Messick: No, just dead trees that pose a hazard to the community.

Mr. Riep: So dead trees that don't pose a hazard left to –

Mr. Messick: Yeah.

Chairman Stamp: If they're invasive we can take them out, that's part of the maintenance -- mitigation, maintenance, and monitoring program. They're fair game, no matter what. Now we are to the District Manager.

II. District Manager

Mr. Ward: I have nothing for you, Mr. Chairman.

SEVENTH ORDER OF BUSINESS

Audience Comments

Chairperson Stamp asked if there were any audience comments; there were no audience comments.

Mr. Murray: No hands raised, sir.

Chairman Stamp: No hands raised. I thank you. This is by far the biggest meeting we had as far as attendance. I appreciate you coming out, and we'll be around a little bit. If you've got a specific question, we can try to address those, or at least help get to the answer with you. If nothing else, I'll take motion to adjourn.

NINTH ORDER OF BUSINESS

Adjournment/Recess

There being no further business for the good of the District, the meeting was adjourned by order of Chairperson Stamp adjourned the meeting at approximately 5:13 p.m.

On MOTION made by Mr. Tom Kleck, seconded by Mr. Bart Bhatla, and with all in favor, the Meeting was adjourned.

Flow Way Community Development District


James P. Ward, Secretary


Zack Stamp, Chairperson

TRANSCRIPT OF THE MEETING OF THE FLOW WAY COMMUNITY
DEVELOPMENT DISTRICT BOARD OF SUPERVISORS

Naples, Florida, July 21, 2022

LET IT BE REMEMBERED, that the Board of Supervisors, met on this date at 4:00 p.m. at the Esplanade Golf and Country Club, 8901 Torre Vista Lane, Naples, Florida, with the following members present:

CHAIRMAN: Zack Stamp
Ronald Miller, Vice Chairman
Manmohan Bhatla, Assistant Secretary
Tom Kleck, Assistant Secretary
Martinn Winters, Assistant Secretary
James Ward, District Manager
Jimmy Messick, District Engineer
Gregory Woods, District Counsel

REPORTED BY: Janice R. Maline
U.S. Legal Support, Inc.

Flow Way CDD Meeting
July 21, 2022

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1 PROCEEDINGS

2 CHAIRMAN STAMP: We're here for this special

3 meeting, the July 21st meeting of the Flow Way.

4 I'd like to call the meeting to order and ask for

5 roll call.

6 MR. WARD: Supervisor Bhatla?

7 MR. BHATLA: Here.

8 MR. WARD: Supervisor Kleck?

9 MR. KLECK: Here.

10 MR. WARD: Supervisor Winters?

11 MR. WINTERS: Here.

12 MR. WARD: Supervisor Miller?

13 MR. MILLER: Here.

14 MR. WARD: Supervisor Stamp?

15 CHAIRMAN STAMP: Here. All five members

16 being either physically present or present by

17 Zoom, we do have three members present in person,

18 so we have a quorum, and we'll proceed with the

19 agenda.

20 We welcome you all here. I'm going to make a

21 few comments before we get to the agenda, which I

22 hope you all picked up over there. If you

23 haven't, it's all over there.

24 The question a lot of you have asked is why a

25 520-page agenda? Why don't you just give us a

Page 3

1 number? The number is \$875 per year increase in

2 the CDD assessment. Taking another \$875 from you

3 or from us is not something we took lightly --

4 take lightly. We pay it, too. You're entitled to

5 know more than just what we're asking for. You're

6 entitled to know several things.

7 You're entitled to know what the CDD really

8 does, where your money's going. You're entitled

9 to know how we see our obligations to the

10 residents.

11 You're entitled to understand, or at least

12 hear from us, what the challenges are going from a

13 developer-controlled CDD when Taylor Morrison

14 controlled the board, to a board controlled by

15 residents, which has happened less than two years

16 ago; and, indeed, you're entitled to know how we

17 intend to spend that money.

18 The Board's goals, and I hope your goals are

19 these: One, protect the residents; two, protect

20 the residents' property, preserve the district

21 assets, which you're going to hear a lot about

22 today; deliver the desired services and prepare

23 adequately for future events. None of these

24 appeared to be Taylor Morrison priorities, which

25 is part of our problem.

Page 4

1 The process to get to this budget is this:

2 Jim Ward, who you'll meet in a minute, and I began

3 working on this back in January, after we were

4 able to have an engineering study completed.

5 We exposed the budget to the other board

6 members in March, in April and in May when we

7 finally amended it and prepared it to present to

8 the residents.

9 This process gave the board members, the

10 residents, and other vendors, time to examine the

11 proposal, make comments, ask questions and propose

12 amendments. Hopefully, it demonstrates that we

13 looked at a lot of different options, allowed us

14 to formulate a long-term plan, which you're going

15 to hear more about, and show you in detail where

16 that money would be spent.

17 Jim Ward, the District Administrator, and

18 Jimmy Messick, the District Engineer, who are on

19 the panel up here today, are going to walk you

20 through a PowerPoint presentation on the slides.

21 At the conclusion of their presentation, the

22 board will take comments and questions from the

23 residents. We'll do the residents that are here

24 first, and if there's any residents on Zoom that

25 want to answer (sic) I would ask them to -- or ask

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1 or comment -- I would ask them, I guess the

2 parlance is raise your hand, somehow make it known

3 that you want to participate, and I'll call on

4 you. I'm going to take the people who are here

5 first before we move on.

6 I would ask whatever the comments are, the

7 questions are, if you think the assessment is too

8 high, please, also tell us what programs you would

9 cut, what services you would cut, what expenses

10 would you delay, how would you get to a lower

11 number, because certainly any budget out there can

12 always be cut. It's just the question of what the

13 consequences of the cut in the budget are.

14 As a side note, I can tell you we cannot

15 raise the \$875, because that's what we sent out in

16 the mailing. So if anybody came here today to

17 advocate for a higher rate, we can't do it by law.

18 I don't think there probably are any, but if there

19 are, we can't do that.

20 Following the questions and comments the

21 board will have a discussion. The board members

22 can ask questions of whoever they want and of each

23 other and make comments, then we will have a vote

24 on three different resolutions on your agenda. It

25 may look a little convoluted and confusing, that's

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1 because it is, but that's the way the Florida law
2 requires that we do it, and we will follow the
3 law. At the conclusion of our budget part of our
4 hearing, we'll probably take a short break, and
5 move on to what they normally call the regular
6 agenda, which is the other items that we deal with
7 on a routine basis every week.

8 During that portion of the meeting, if
9 anybody wants to comment or ask questions on
10 something on that part of the agenda, or anything,
11 we always allow people time to do that, so we will
12 do that.

13 I would ask the first part we address
14 ourselves, concern ourselves with the budget. The
15 second part can be the other items on the agenda,
16 or any item you choose to raise. With all that,
17 I'll ask Jim to walk us through the presentation.

18 MR. WARD: Sure. Thank you, Mr. Chairman.
19 I'm going to walk you through a couple of slides
20 to begin with to set the stage here. From here
21 Jimmy will take over, and as the Chair indicated,
22 we'll go through the detailed reports that we
23 prepared for the hearing today for the board and
24 for the past few months with respect to this
25 budget, and then I'll summarize towards the end

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1 with the financial impacts. Usually the first
2 question I get asked when I get a phone call is,
3 "Why are we having a public hearing in July? Why
4 isn't this in January or March or some other
5 date?"

6 So our budget year runs from October 1
7 through September 30th. It is set by state law.
8 We cannot change that, and as a result of that our
9 hearings are required to be held usually between
10 the months of June and July through August of this
11 year.

12 Those are statutorily set, and that's why our
13 hearing is in the summer months of each year
14 because all governments, most all governments, I
15 should say, in Florida have an October 1st fiscal
16 year start date; that's when we put the assessment
17 on tax bills. You get them in November of each
18 year.

19 As Zack had mentioned to you, we began this
20 process in January of this year. I think we
21 submitted the budget to the board in March, and
22 they began their deliberations from March, April,
23 May and the June time schedule, reviewing at great
24 length and in great detail all the asset reports
25 that our engineer, Jimmy Messick, and his firm,

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1 Calvin, Giordano & Associates, prepared. It was
2 approved by the board in May for the purpose of
3 setting the public hearing today at today's date.

4 The approval basically set the upper limits
5 of what we can do, as Zack had mentioned before.
6 So whatever we change today, we can only come down
7 from that number. We can't go up from that
8 number.

9 All of you were sent, as required by law, a
10 mailed notice to all of your homes. Many have
11 said, some has said, it's a little bit long. I do
12 apologize for that. We were a little -- writing
13 that a lot, so, and your public hearing set for
14 today, and as I mentioned to you a minute ago,
15 they will go on the assessment rolls this -- later
16 this summer, and you will receive your bills in
17 November of this year.

18 The agenda is a review of -- by me and by
19 Jimmy Messick. I will ask you all, or the
20 Chairman will, since he is running the meeting, if
21 you do have a question or comment, don't feel
22 bashful.

23 Please, come up and ask your questions. All
24 we ask is that you be respectful of everyone in
25 the room, you put your name on record, so we know

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1 who you are. Try to limit your questions as much
2 as possible so other residents can have time to
3 answer all of your questions -- ask other
4 questions of us, and we will be as respectful to
5 all of you by trying to answer as in-depth as we
6 possibly can, all of your questions that you have
7 today.

8 Please, direct your questions to the Chair.
9 He will assign them to the appropriate
10 professional team member to respond to you, and we
11 ask that you, please, try not to have a debate
12 amongst yourselves in the audience. We can't get
13 it on the record. We don't hear you. So that's
14 all we can ask for you to do today.

15 Those are the extent of my opening comments
16 and I'm going to turn it over to Jimmy Messick.
17 Jimmy?

18 MR. MESSICK: Thank you, Jim. Good
19 afternoon, everyone. My name is Jimmy Messick. I
20 am the District Engineer for Flow Way CDD, and
21 also a professional engineer in the state of
22 Florida.

23 Calvin, Giordano & Associates was awarded the
24 district's engineering services contract in 2021,
25 and amongst other things, one of my first major

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1 items that Jim asked me to prepare was my
2 investigation into inventory, and report to
3 support the capital improvements program today.
4 Today my presentation will go over the steps
5 that I took to investigate and provide inventory
6 and report for the development of the CIP.
7 First, investigations had to do with permit
8 research and CDD files review, asset inventory of
9 the four main categories of assets the CDD is
10 responsible for maintaining, and finally the
11 report preparation, asset-mapped preparation and
12 the CIP for the next five years.
13 First item in investigations was permit
14 research. There are two main permit
15 municipalities -- permitting agencies; that's the
16 Army Corps of Engineer and South Florida Water
17 Management District.
18 The Army Corps of Engineers permit was pulled
19 in 2012 under the name Mirosal, and South Florida
20 Water Management District has two permits. One,
21 consumptive use permit and the other is an
22 environmental resource permit.
23 The environment resource permit has been
24 modified. There's a family of 22 permits that was
25 researched that finally came to the final layout

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1 that you have today. The consumptive use permits
2 an irrigation permit where we withdraw from the
3 lake systems for irrigations, and we're allowed a
4 certain amount of water per year, that's been
5 modified, and there's two main permits, one's for
6 the overall, and one for half parcel.
7 Additionally, there was a CDD permit and
8 research that was done by a Share Point file from
9 the previous engineer of record, or district
10 engineer, and asset maps that were reviewed.
11 We also took a look at the plats that had
12 been developed and submitted to Collier County,
13 and there is 11 plats in total, and these plats
14 include items such as dedications of -- to the
15 HOA, Collier County Water Sewer District, Collier
16 County Public utility easements and so forth.
17 The asset inventory includes the drainage
18 system, irrigation system, entry features along
19 Immokalee Boulevard, and the landscape buffers.
20 We then, after the inventory of the assets
21 were completed, were able to put together the CDD
22 maps that you see along the side on these easels,
23 and the two maps on the boards here, the lakes map
24 and the irrigation maps, and if you were able to
25 zoom in on the lakes maps, you see the lake

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1 numbers, the hole numbers, and we also have a
2 drainage map that gets more detailed with the pipe
3 and inlets throughout the community.
4 The irrigation map has the pump stations
5 located, the source pumps located, and the
6 irrigation main throughout the communities that
7 extends to all different parcels throughout the
8 community.
9 The other two maps that we were able to
10 prepare is a preserves map, both external and
11 internal preserves are shown on this map, along
12 with the project acreage, or preserves acreage,
13 and the overall ownership which really just lists
14 the various tracts that there is ownership with,
15 whether the HOA or the CDD claims ownership to
16 those areas.
17 We then were able to, after the inventory had
18 been completed, really analyze the assets and
19 determine where we thought more money would be
20 going into to make the improvements, to maintain
21 those assets, and we prepared two reports; that
22 was the Asset Replacement Cost Report and Storm
23 Water Erosion Report, and those reports really
24 support the capital improvements program that
25 we're providing you currently today.

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1 The first is the Asset Replacement Costs
2 Report. Really the purpose of this is to
3 establish the quantity and replacement cost used
4 as a basis for the development of the CIP, and
5 reserve study if needed by others. The total
6 asset project value for the Flow Way CDD is
7 projected at \$12.2 million.
8 The next report is the Storm Water Erosion
9 Report, and this really provides a lineal foot of
10 existing lake banks that requires corrective
11 action to comply with the South Florida permit.
12 Erosions we've seen in the community is
13 primarily due to wind-generated wave action,
14 seasonal water level fluctuations, park storm
15 disaster events, and rainwater leader surface
16 point discharge.
17 We've selected Geotubes as a recommended
18 restoration construction method, and these costs
19 were used to prepare the CIP, and the CIP really
20 establishes and prioritizes and plans funding
21 programs to improve the existing CDD
22 infrastructure.
23 There's four categories in the CIP. The
24 storm water management system, the
25 internal/external preserves, the irrigation pump

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1 station and mains, and the community entrance
2 along Immokalee. Along with the main worksheet at
3 the front of the program, there's also project
4 data sheets that supplement and explain each one
5 of the projects, and that really gives you the
6 five Ws, who, what, when, where and why, for each
7 project. And with that I can turn it back to Jim.
8 MR. WARD: A couple of things I want to focus
9 on just going forward is how we got to where we
10 are, and then what the plan is for '23 and beyond.
11 So as the Chairman had mentioned to you, we
12 took over this project, we being the CDD, took on
13 the maintenance responsibilities of this project
14 basically in December of last year.
15 It was a transition from essentially the
16 prior Taylor Morrison controlled, both HOA boards,
17 and the CDD boards to resident-controlled boards,
18 and the CDD took on the responsibility of those
19 operations.
20 That has proven to be an enormous challenge,
21 not only financially, but operationally, trying to
22 build a budget for this CDD for the current year
23 that we are in. We make it work to maintain the
24 \$13 million -- \$12.2 million worth of assets that
25 we have, and keep it going and try to do as much

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1 improvements as we possibly can. This slide -- or
2 the next slide -- excuse me. I think it's
3 important to recognize, Jimmy focused on numbers,
4 but you have 190 acres of lakes in this project,
5 19 miles of lake banks, almost 16 acres of
6 littoral plantings, which are all the plantings
7 you see around all of the lakes, 33,000 lineal
8 feet of drainage pipe in this system, and one --
9 more than 1,000 acres of preserves within either
10 external or internal to the community itself.
11 The irrigation system is a pump house with
12 two pumps, which we had big problems with this
13 year, a lake that feeds those pump and waters, and
14 two recharge wells that were drilled into the
15 Lower Tamiami Aquifer that supplement the
16 irrigation water that goes into the community, and
17 then a general entranceway landscaping which runs
18 from Immokalee Road to Addison Boulevard, and
19 includes the entrance bridge pavers, all of the
20 landscaping along that road, and your entrance
21 monuments.
22 So those are the major challenges and
23 opportunities and components of our operational
24 aspect of this budget that we have this year, and
25 as I said, it's become one big challenge to handle

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1 that, and going into 2023, we know that the monies
2 that we had to maintain this system aren't clearly
3 even close to sufficient that's necessary to
4 maintain the level of service that we're required
5 for this community.
6 One of the questions that I also get on a
7 regular basis is, well, the amount that you sent
8 us the letters for, or I know the other board
9 members have received letters or comments about,
10 is, well, that's not what's on our tax bill, and
11 that's because your tax bill is comprised of two
12 items. One is your general operations assessment,
13 and the other part of it is what we call a capital
14 assess or debt service assessment.
15 You have a fixed assessment that's on your
16 tax bill that was for infrastructure that was
17 constructed initially within this community, and
18 you pay for that in a fixed amount over time, over
19 a 30-year basis, basically, and that included
20 utilities and drainage systems and landscaping,
21 whatever else it may have included in the system.
22 So that is a fixed amount that's on your tax
23 bill, and I'll show you later how that impacts
24 you, and then the operating assessment is what we
25 have that is on top of that. The right side of

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1 the slide basically shows you what the bonds -- we
2 have capital bonds that are outstanding, what
3 their terms basically are, and they are
4 refinancable after a certain amount of time,
5 although nothing is refinancable at this moment
6 in time, and probably won't be for the near
7 future, and that debt automatically transfers to
8 owners over time.
9 The next slide that I want to show you is
10 just a summary of your budget. So this budget is
11 broken down into basically the same parts that the
12 asset program that Jimmy had mentioned to you are.
13 They include the landscaping program, the storm
14 water, the reuse program and the landscaping
15 program.
16 So we have a general administrator budget,
17 which includes the administration, legal and
18 engineering costs of the District. Those have not
19 changed much from year to year since we started
20 this district a number of years ago, but they
21 remain relatively constant as we go through time.
22 The preserve program is really the
23 maintenance of the external preserves within the
24 community. We have a little budgeted for the
25 current year -- excuse me -- the fiscal year 2023

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1 that we are moving into. We really have -- we've
2 used some of the monies from the preserve line
3 item to handle the regular maintenance of the
4 other items that we have for the current year that
5 we are in.
6 The lake bank program, the irrigation system
7 and the landscaping, you can see on those charts
8 are the real reasons for the changes. As I
9 mentioned to you earlier, the reason for the
10 changes is that we had transitioned this from a
11 developer-controlled board to a
12 homeowner-controlled board, and transitioned your
13 homeowner's -- your homeowner's association board
14 transitioned also from developer to homeowner.
15 As you can see what was budgeted for in the
16 current year that we're in, and prior years, was
17 clearly not sufficient in order to maintain those
18 budgets. So we've basically went from
19 approximately a \$860,000 a year budget; the budget
20 that's before the board today is \$1,472,000,
21 includes not only the operations, but as Jimmy
22 noticed -- noted to you we have done in the
23 context of this budget a five-year capital plan.
24 So we took the time, evaluated those assets,
25 understood where all of the problems are, didn't

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1 load up -- did not load up the budget to fix all
2 of that in year one, but handle that over a
3 five-year period, based upon the severity of the
4 need for that asset to be repaired. Most of which
5 the monies you'll notice on here really is in the
6 erosion restoration and drainage pipes and those
7 kind of things.
8 So those are the major components of the
9 capital budget, which are now melded into this
10 operating budget. The intent, obviously, is to
11 try to keep your assessment levels relatively
12 reasonably priced over the coming five years, with
13 as minimal changes as we can effect on a
14 going-forward basis.
15 The assessment rates are shown on the
16 existing chart. Your existing assessment is
17 \$525.04 per year; that's what everybody pays. If
18 you looked at your tax bill they range from
19 various numbers, but \$525 is a part of your
20 overall budget.
21 The assessment is going up to \$1,399.81, if
22 the board chooses to adopt that, as your Chairman
23 indicated, that's \$875 a unit change. I have been
24 asked, and I know the board members have been
25 asked what -- how does that compare to what's on

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1 our existing tax bill? So this project was
2 developed over a period of years, and it has
3 different debt service assessment rates as we call
4 them.
5 So those are shown on the right, depending on
6 what your product type is, and when the project
7 was -- when your community was built, you would
8 pay anywhere from \$1,200 a year up to \$4,000 for
9 your debt service assessment; in addition to
10 what's on the tax bill for your capital
11 assessment.
12 So that's the overall look at it. If you
13 look on your tax bill, you basically add another
14 \$800 to it, \$875 to it, and that will get you what
15 your estimated amount will be going into next
16 year.
17 And, finally, in the notice that we sent to
18 you we had what we call a cap rate. A cap rate is
19 an amount of money that we, the board, can say
20 today that if we put that in place before we do
21 another one of these large public hearings, we do
22 go through regular public hearings on a yearly
23 basis and we do notices in the newspapers, et
24 cetera, but we don't do the mail notice piece of
25 that. This kind of setup is a little bit more

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1 intimate or smaller than we do here. So whatever
2 goes over that number, then we have to go back and
3 do one of these large, notice mail public hearing
4 types of things, but it doesn't mean you are not
5 noticed. You clearly get notice.
6 Our website has all of the information on it.
7 It always does. It has all of our budgets on it,
8 tells our meeting notices. You may join us by
9 WebEx at any time for any meeting we have,
10 including any one of these meetings, and they are
11 also published in the newspaper as required by
12 law. So with that, Mr. Chairman, I will end, and
13 turn it back over to you.
14 CHAIRMAN STAMP: Thank you, Jim. Okay.
15 We'll go ahead and move to public comments and
16 questions. If anybody here has one, I would ask
17 you to come up and address us from the podium, as
18 I indicated earlier, and then after that we will
19 move to people on the zoom. Yeah, Joe.
20 MR. STIGLIANO: Joe Stigliano, 9402 Carretto
21 Drive. Couple of quick questions. One, with the
22 assessments, how do they apply to coach homes and
23 condos, which don't have the square footage of the
24 lot widths?
25 CHAIRMAN STAMP: Go ahead -- well, every door

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1 pays the same operation and maintenance.
2 MR. STIGLIANO: The chart showed by the
3 square footage, some lots bigger than others.
4 CHAIRMAN STAMP: That's your -- that's your
5 debt service.
6 MR. STIGLIANO: So it's just by the door?
7 CHAIRMAN STAMP: Operation and maintenance is
8 by door.
9 MR. STIGLIANO: And one question quick about
10 the storm water action report. I'm looking
11 prospectively now, because there's another issue
12 coming up with flooding in Bonita and stuff. Have
13 you made any projections on how that comes to fact
14 and fruition?
15 Have they talked this over whether that's
16 going to affect us somehow, where that water might
17 mitigate into our lakes and water runoffs, or is
18 that for the next part of the meeting?
19 CHAIRMAN STAMP: No, that's a legitimate
20 question for this, and the question is we're still
21 looking into it. The emergency permit has not yet
22 been issued, but it could be issued if there was
23 an emergency.
24 We are fighting that. We are advocating
25 against doing that, and it hasn't happened yet,

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1 but we've got a lot of unanswered questions about
2 exactly what water they're going to pump down here
3 under what circumstances, so, Joe, I would like to
4 be able to tell you I have an answer, but I don't.
5 MR. STIGLIANO: Well, I'm just asking if you
6 have -- if you're looking at a crystal ball, but
7 you can't see into it yet.
8 CHAIRMAN STAMP: It's a very, very strong
9 crystal ball.
10 MR. STIGLIANO: I would be concerned where
11 the water is going and if it winds up in the lakes
12 and stuff. Our lakes this time of the year get
13 maxed out almost, and we're not even into the
14 heavy rain season, hurricane season. Thank you.
15 CHAIRMAN STAMP: You're welcome.
16 MR. REID: Hi, I'm Frits Reid. Thank you for
17 holding the meeting; 9333 Terresina Drive, and so
18 a couple questions. One, it's enlightening to me.
19 It's confusing as to what's being done by the
20 homeowners association and who you call.
21 In the past, I kind of assumed landscaping
22 and irrigation and things went to the homeowners
23 association, and I guess if you can kind of
24 clarify a little bit around it. A lot of it,
25 looks like a lot of overlap to me, I mean, who

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1 does what to me.
2 CHAIRMAN STAMP: Yeah. I'm going to ask Jim
3 to answer that. I'll make a prefatory comment.
4 Up until the turnover the CDD -- when Taylor
5 Morrison controlled the CDD, had an agreement with
6 the HOA where they did everything -- well, almost
7 everything.
8 We're in the process of untangling that. I
9 will readily agree with you a lot of it doesn't
10 make any sense, but we are in the process of
11 working with the HOA to develop, "this is ours,
12 this is yours, and let's untangle that." Jim, go
13 ahead. You want to muddle that up a little more?
14 MR. WARD: So generally speaking the
15 entranceway on the outside of your gate is a
16 district asset, and we maintain that, all the way
17 down to your perimeter.
18 Once you get inside the gate, your lakes and
19 the littoral shelves and the lake banks, we are
20 maintaining that. The preserves is the little
21 pocket preserves you see in the community, and the
22 big external preserve, we are maintaining that,
23 and what we call the reuse irrigation system, but
24 the part of the reuse irrigation system that we
25 maintain is the two wells. We have two -- excuse

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1 me -- the wells and two pumps, and a couple of
2 interconnecting lakes, some of which are part of
3 the water management system. The district is
4 maintaining those, and the main irrigation lawn,
5 which is for irrigation through the roadways, the
6 district maintains those.
7 Once the -- a lateral lift comes off of that
8 main to your home, or wherever it goes, that goes
9 probably to your homeowners association for
10 maintenance. I don't think you all maintain that
11 individually, so they do that.
12 I do want to point out one thing, the
13 relationship that we have with the homeowners
14 association is really great. We work very closely
15 together, so it kind of doesn't matter who you ask
16 the question to. It either gets to me, or the
17 reverse happens, I send it back to the homeowners
18 association and we all work cooperatively
19 together.
20 Hopefully we don't push you off to one
21 another. We try to do it internally and work
22 together to funnel whatever questions we get.
23 MR. REID: Okay. So if there's something
24 that looks like an issue on the lake, basically
25 what I've done in the past is just call the

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1 homeowners association and say, you know, there's
2 a corrugated plastic pipe floating around in the
3 lake, and they go, well, we don't do that, and
4 it's sat there floating for weeks. It may have
5 sunk. I don't know what happened.

6 MR. WARD: Sir, generally speaking if you go
7 to the district's website, my personal e-mail
8 address is on there, as is my cell phone number,
9 as is you can e-mail the entire board, and it
10 comes to me and then I either respond to it or
11 forward it onto to a board member.

12 So there is a number of ways to get to us.
13 Generally if you go to the website you should find
14 all of that.

15 The HOA does send me those kinds of questions
16 all of the time and I do take care of them or
17 assign people to take care of them, but you can go
18 to our website and we'll help you.

19 MR. REID: Okay. Then kind of the final
20 thing I would ask, so the erosion on the lakes
21 certainly looks like a problem. I know a year ago
22 they came around and tried to put some -- flatten
23 it out and raise it up, and yet behind our house
24 there is a spots where it's like two-foot cliff
25 where it's continued to erode. I guess the

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1 question is, and I'm sure it's part of a
2 longer-term plan, but there may be some cases
3 where you need to you do something beforehand.
4 How would you address that?

5 MR. WARD: Okay. So we did two things. One
6 is the drain -- what we call the drainage pipe,
7 there's piping systems that go basically from
8 roadways to the lakes and go lake to lake, that
9 kind of thing. Those were all cleaned this year.

10 Those were -- it was the very first thing we
11 did. They were 85 percent clogged when we took
12 over this project. So the reality of a flooding
13 was very, very real, so that's probably what you
14 saw out in the field was all of that work going
15 on.

16 The next part of the system is, when we
17 looked at all of the lake restoration program,
18 which is two, three, four, five, six, seven, it's
19 about \$900,000 worth to work to repair all the
20 lake banks in this community that we need to
21 repair.

22 Those were prioritized and will be dealt with
23 beginning in '23, and on those lakes they're lakes
24 11, 21 and 22 and another one. Those will be done
25 in '23, and then we move on to the '24, and so

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1 we've got a full five-year program. We knew
2 trying to say, give us a million dollars on day
3 one is not going to work, so we scheduled them in
4 the order that we knew from a priority perspective
5 the most critical to the least critical.

6 We did them over a five-year period to make
7 that work for you. So that is -- and that's
8 looked at constantly. So if something changes,
9 which it will, we can move the schedule up. We
10 can move it back. We can make changes to make
11 that work.

12 MR. REID: I guess as a final, what prevents
13 erosion in the future? I mean, is it going to be
14 more than just, you know, kind of redredging stuff
15 up?

16 CHAIRMAN STAMP: Jimmy, how are we going to
17 fix this?

18 MR. MESSICK: What we're proposing, the
19 Geotube, really has a liner that we dredge the
20 sediments that's been eroded to the lake, and
21 stick it inside the Geotube, and that kind of sets
22 the edges for the lakes, so you won't have that
23 constant erosion from the storm water systems.

24 We're also looking at trying to remove the
25 above-ground rainwater leader discharges into the

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1 lake. There is a specific lake, and I don't have
2 it off the top of my head, but there is rainwater
3 leaders that discharge to the ground and then it
4 just funnels towards the lake, so we have a
5 constant funneling, that's where you get a lot of
6 erosions and spot erosions along the edges of the
7 lakes. So we're trying to address those along
8 with the bank restoration.

9 MR. REID: So it seems like in addition to
10 that -- that makes sense. It seems like certain
11 points in the long lakes at the end where the
12 waves come in and it's from the wave action, and
13 seems like there ought to be some sort of
14 landscaping or rocks or something to reduce the
15 erosion at certain points.

16 MR. MESSICK: We can consider the
17 landscapings. We have littoral planting,
18 renourishment really, along with the lake bank
19 restoration, so we can consider strategically
20 placing those.

21 Really the way that the placement is is for
22 the benefit of the residents' view from their
23 house, first and foremost, and we can look and see
24 if there is a better place for that when they do
25 the lake bank restoration.

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1 MR. REID: Okay. Thank you.

2 CHAIRMAN STAMP: Let me -- I want to make a
3 general comment based on some issue that you
4 raised. I'm sure people are out there sitting and
5 wondering how do we go from \$550 assessment to the
6 amount we're going to? The reason is Taylor
7 Morrison didn't do these things. They let the
8 lake banks go. They let pipes be clogged, let the
9 pumps fail.

10 The weir, the south weir down by Immokalee,
11 we had to do an emergency repair on that, or it
12 would've probably been washed out by now. Had
13 they been realistic about what they were supposed
14 to be doing, it would've been much higher in the
15 past, and would have been cheaper had they
16 maintained it, but they didn't, and that's a big
17 reason for the jump here, is trying to get caught
18 up and get ahead of the curve. Any other
19 questions?

20 MR. TEPEROW: Marty Teperow, 9433 Benvenuto
21 Court. There was a comment made that the average
22 annual cost of the exterior preserve maintenance
23 is approximately \$250,000 a year. So as I look at
24 the budget, it's obviously not funding that, it's
25 funding about \$111,000; isn't that correct?

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1 CHAIRMAN STAMP: That's correct.

2 MR. TEPEROW: Okay. And then the other, the
3 17 and 10, but to the naked eye, to the untrained
4 eye, I look out and see a bunch of dead trees, I
5 see a bunch of grass, lawn grass, see some live
6 trees, animals back there, I'm wondering how could
7 it cost \$250,000 to maintain the preserves?

8 CHAIRMAN STAMP: Well, the reason it costs
9 \$250,000, and it should go down, is part of it's
10 misleading to call it, and I do it, too, call it
11 maintenance, because part of it was mitigation.
12 They went in and took out the Brazilian Peppers
13 and the Mallaluca trees, and things like that.

14 They have to have a program of making sure
15 they stay out for a period of time, so it's not
16 just leaving things alone and letting it go. It's
17 mitigation -- I'll say this right -- mitigation,
18 maintenance and monitoring. We all kind of lump
19 it together and call it maintenance, which is our
20 fault for doing the shorthand.

21 Over time that should go down because once
22 you've got all of those things eliminated, or
23 we're down to the percentages that are acceptable,
24 that number should drop, and that's still
25 something we're in contention with Taylor Morrison

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1 about, who has the responsibility to do that so...

2 MR. TEPEROW: So you did answer my -- you did
3 take my thunder away on the other one. I was
4 looking at the budget and I said how much of this
5 budget is the responsibility -- is Taylor
6 Morrison's responsibility, or in litigation, is it
7 half of this budget, or just ballpark? I mean, if
8 we were to win the lawsuit --

9 CHAIRMAN STAMP: I don't know how to answer
10 that. The lake banks are 600-some thousand, but
11 some of that is routine maintenance, so what
12 portions they had done, the pipes, again, because
13 you get into a question of what's usual wear and
14 tear versus the condition they left them in;
15 that's what makes them very difficult questions to
16 answer.

17 There is certainly a big portion of that, and
18 had they done realistic maintenance, we wouldn't
19 be where we're at.

20 The district, the CDD, as well as the HOA,
21 anticipate filing at some point what we in
22 shorthand call a 558 lawsuit against Taylor
23 Morrison for defects and failure to maintain, and
24 those haven't been done for a variety of reasons,
25 but are still out there in the pipeline to come,

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1 and, you know, we'll see what the results are to
2 that. So this is an ongoing -- it's not over.
3 Let's leave it at that.

4 MR. TEPEROW: Comment?

5 CHAIRMAN STAMP: Sure.

6 MR. TEPEROW: I think somebody said we have
7 \$12 million worth of assets?

8 CHAIRMAN STAMP: Yes.

9 MR. TEPEROW: As I look at this five-year
10 plan, it's very, very small, very, very, very
11 conservative. I don't know there is any risk.
12 We're looking at a million one. I know you want
13 more money, but is it realistic?

14 MR. WARD: I think both -- Jimmy can answer
15 operation. I will tell you financially it's
16 realistic for us to handle it this way. The
17 amount of work that went into identifying what
18 that number was is huge. We've spent months
19 working on this, and, Jimmy, you can answer.

20 MR. MESSICK: The \$12 million, that's noted
21 as replacement cost, not a maintenance cost. So
22 there's no need for \$12 million worth of
23 maintenance cost in the next 12 years.

24 MR. TEPEROW: But this is capital, right,
25 this is \$12 million in assets?

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1 MR. MESSICK: Yes.
2 MR. TEPEROW: Call that capital?
3 MR. MESSICK: Yes.
4 MR. TEPEROW: Okay. You said we need a
5 million one over the next five years to maintain?
6 MR. MESSICK: To maintain -- to bring it up
7 to code and maintain.
8 MR. TEPEROW: Okay. Last comment. I live on
9 Benvenuto. And you had a quick discussion over
10 here about the erosion. We have no littorals
11 there. It is just completely bear. So I'm just
12 wondering are we -- do you know if Benvenuto is in
13 the 2023? You had numbers. I don't know where we
14 were.
15 MR. WARD: I don't know where location is.
16 We just know by numbers at the moment. Jimmy
17 will, after the meeting, he will be more than
18 happy to talk to you.
19 CHAIRMAN STAMP: The budget shows lake by
20 lake every year, so we can break down for you the
21 numbers, but off my head, we can't bring it up.
22 MR. TEPEROW: Thank you.
23 CHAIRMAN STAMP: You're welcome.
24 (A court reporter interruption was had. The
25 proceedings continued as follows:)

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1 MR. STIGLIANO: 9402 Carretto Drive.
2 CHAIRMAN STAMP: Yeah, we don't need your
3 address, just your name.
4 MR. STIGLIANO: You know who I am and where
5 to find me. Over the quarry they put rickrack,
6 the rock around it, and the last hurricane tore it
7 up, and that was a big assessment to fix that.
8 So what I'm saying, I don't think there is
9 any permanent solution. Although, Wild Blue is
10 putting bulkheads in literally, but that's
11 extreme. So as a resident, I don't expect any
12 permanent solution. We're going to have some
13 erosion.
14 The other thing, this is the second community
15 that we've moved into, we've bought a house in,
16 that's gone through turnover. I talk a lot to my
17 friends and neighbors, and they're wondering why
18 are things going up, when we bought in here or
19 came here it's less?
20 Well, people that haven't been through the
21 turnover, you gotta realize, and I don't want to
22 spend more than I have to, but we've had the same
23 situation with Pulte in the other community. They
24 didn't maintain things. The CDD was left with an
25 infrastructure that was not taken care of. The

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1 HOA was left with a lot of expenses that were
2 deferred. They collected the money, but, you
3 know, big corporation, they move it around a lot
4 easier than we can.
5 So I would tend to think the people that have
6 never been through a turnover, this may sound like
7 why are we charging so much money? I don't want
8 to pay more than I have to, but you justify what
9 you're doing. I thought I would get that out,
10 because people have misnomers as to why you're
11 doing this. Thank you.
12 CHAIRMAN STAMP: Thank you. Anybody else in
13 the audience? Do we have -- Steven, we have
14 anybody that's raised their hand on the --
15 MR. MURRAY: We have three online, but none
16 have raised their hands, sir.
17 CHAIRMAN STAMP: Give them a couple seconds
18 to find the button if they want to. If not, open
19 it up to the board members. I'll do the same
20 thing, take the board members that are here, if
21 they want to comment, and do the board members on
22 Zoom. I don't know if anybody else wants to say
23 anything?
24 MR. BHATLA: No.
25 CHAIRMAN STAMP: No? We're good.

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1 MR. MILLER: Mr. Chairman, this is Ron
2 Miller. Can you hear me?
3 CHAIRMAN STAMP: I can hear you now.
4 MR. MILLER: Okay. I'm glad. I don't know
5 what's going on, but I was pushed out of the
6 meeting visually. I could still hear what's going
7 on. Apparently, you can hear me, but I can't get
8 back in.
9 CHAIRMAN STAMP: Well, you're in. I'm going
10 to let the board members that are on Zoom comment
11 now, if they want to make any comments before we
12 go to the motions. Martinn?
13 MR. WINTERS: I don't have comments, other
14 than I thought you guys did a great job.
15 CHAIRMAN STAMP: All right.
16 MR. WINTERS: Can you hear me?
17 CHAIRMAN STAMP: Yeah, we heard you.
18 MR. WINTERS: Yeah. I think you guys did a
19 great job. Thank you.
20 CHAIRMAN STAMP: Ron, anything?
21 MR. MILLER: No, sir. I'm good.
22 CHAIRMAN STAMP: All right.
23 MR. MILLER: Just to say good job guys.
24 CHAIRMAN STAMP: All right. So we're closing
25 out this portion of the meeting, and we're going

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1 to take the motion to adopt the resolution, which
2 is on your agenda, Resolution 2022-04, which is
3 the budget. Do I have a motion?
4 MR. KLECK: So move, Tom Kleck.
5 MR. BHATLA: Second.
6 CHAIRMAN STAMP: Any discussion, or further
7 discussion?
8 (No response).
9 CHAIRMAN STAMP: Roll call, please.
10 MR. WARD: Supervisor Bhatla?
11 MR. BHATLA: Uh-huh. Yes.
12 MR. WARD: You can say no. It's up to you.
13 All right. Supervisor Kleck?
14 MR. KLECK: Aye.
15 MR. WARD: Supervisor Winters?
16 MR. WINTERS: Yes.
17 MR. WARD: Supervisor Miller?
18 MR. MILLER: Aye.
19 MR. WARD: Supervisor Stamp?
20 CHAIRMAN STAMP: Aye. Motion carries five to
21 zero. Next item will be a public hearing to
22 impose the special assessment adopted to fund the
23 budget. We'll ask if Jim wants to add anything to
24 that?
25 MR. WARD: I don't.

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1 CHAIRMAN STAMP: He does not. Again, there
2 is a period of public comment or question.
3 Anything that's happened in the last two minutes
4 raised new questions or comments? This will be a
5 time for them.
6 (No response).
7 CHAIRMAN STAMP: Okay. Hearing none.
8 Anything -- any board discussion? Anybody raise
9 their hand on the Zoom calls? All right.
10 MR. MURRAY: No, sir.
11 CHAIRMAN STAMP: It would be in order now for
12 consideration of Resolution 2022-5 imposing the
13 assessment. Is there a motion?
14 MR. BHATLA: I will make a motion.
15 CHAIRMAN STAMP: Moved.
16 MR. KLECK: Second.
17 CHAIRMAN STAMP: Moved and seconded. Any
18 discussion?
19 (No response).
20 CHAIRMAN STAMP: Roll call, please.
21 MR. WARD: Supervisor Bhatla?
22 MR. BHATLA: Yes.
23 MR. WARD: Supervisor Kleck?
24 MR. KLECK: Yes.
25 MR. WARD: Supervisor Winters?

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1 MR. WINTERS: Aye.
2 MR. WARD: Supervisor Miller?
3 MR. MILLER: Aye.
4 MR. WARD: Chairman Stamp?
5 CHAIRMAN STAMP: Aye. Motion carries five to
6 zero. Next is consideration of Resolution 2022-6,
7 which is the cap rate, and is there any discussion
8 on the cap rate?
9 (No response).
10 CHAIRMAN STAMP: I mean, I would be surprised
11 if everybody understands what the cap rate is, not
12 because it's that complicated, it's just we get so
13 used to dealing with it, we sometimes forget that
14 other people aren't familiar with dealing with it.
15 So just so everybody understands, the cap
16 rate is the maximum that we can assess going
17 forward without going to another special hearing
18 like this, which entails the mailing of notice and
19 public hearing.
20 We do have about \$200, round numbers, that we
21 can go up over the next five years, gives us room
22 for inflation, which when we started this budget
23 back in January, we didn't think it was going to
24 be here, but it's here, but that is the purpose of
25 the cap rate. It's a protection for you that says

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1 we have to give you extraordinary notice before we
2 violate. We can do it, we can raise it in the
3 future, but we have to give an extraordinary
4 notice to the public, and that's the purpose of
5 the cap rate. So if there's no discussion, take a
6 motion on adoption of the cap rate.
7 MR. BHATLA: I make a motion.
8 CHAIRMAN STAMP: Been moved.
9 MR. KLECK: Second.
10 CHAIRMAN STAMP: Moved and second. No
11 further discussion, roll call, please?
12 MR. WARD: Supervisor Bhatla?
13 MR. BHATLA: Aye.
14 MR. WARD: Supervisor Kleck?
15 MR. KLECK: Aye.
16 MR. WARD: Supervisor Winters?
17 MR. WINTERS: Aye.
18 MR. WARD: Supervisor Miller?
19 MR. MILLER: Aye.
20 MR. WARD: Chairman Stamp?
21 CHAIRMAN STAMP: Aye. Motion carries five to
22 zero. Are there any public comments on any
23 non-agenda item? This is an opportunity to get up
24 and address the board, ask a question or make a
25 comment. We allow three minutes to do that. If

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1 there's something that comes up on the agenda you
2 want to get my attention, we'll let you address it
3 then, and as always, at the end of the meeting if
4 you decide there is something you do want to say.
5 We'll give you another opportunity to do that at
6 that time.
7 (No response).
8 CHAIRMAN STAMP: Seeing nothing, let's go on
9 -- oh, yes. Go ahead.
10 MR. FERRANTI: Al Ferranti, Galleon Terrace.
11 Maybe the question is for our engineer. Are our
12 lakes sufficient enough to handle any floodings,
13 any hurricanes? I was here during Irma, and I
14 notice if you walked on the path, we have the
15 spillways that go out to Immokalee. Going forward
16 with the work that's already been done, will our
17 lakes handle the water that could be coming our
18 way with any tropical storms and hurricanes?
19 MR. MESSICK: The lakes, when they are
20 permitted through the South Florida Water
21 Management District, they have modelling that's
22 required and stage storage that identifies at a
23 minimum the finished floor elevations of all the
24 residents; within the permit it can handle above
25 the 100 year, three-day storm event. The criteria

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1 that's set by the state is that the houses are
2 above that storm water level. Now, there's also
3 other criteria whether or not you're in a
4 floodplain, which I don't believe this was in a
5 floodplain and didn't have that criteria to meet.
6 So it can handle 100 year, three-day storm event.
7 Now, if there is a storm event like Houston,
8 a 500-year storm event and the Flow Way is already
9 saturated, there is no guarantee; that's when we
10 will have to take a look at insurance and stuff
11 like that.
12 MR. FERRANTI: Is the city or the county
13 doing any improvements along Immokalee with the
14 system that, I guess, goes out to the Gulf?
15 MR. MESSICK: Well, they are always
16 maintaining the system continuously. I'm not
17 aware of any future improvements they're doing
18 along Immokalee, but certainly we are in contact
19 with the county. If there are any, they'll
20 notice, give us notice, and we'll be made aware of
21 those improvements.
22 CHAIRMAN STAMP: Thank you, Al. We have
23 somebody that's raised their hand on the Zoom
24 call.
25 MR. MURRAY: We have a David Bogualawski. He

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1 then lowered his hand, so I'm not sure if he wants
2 to speak or not. David, you're unmuted.
3 MR. BOGUALAWSKI: Okay. Thanks. Yeah, Dave
4 Bogualawski. I was just practicing raising my
5 hand, Zack. I wanted to see how it works. But I
6 also want to say, I think with respect to the
7 budget, the purpose of it, I have a comment and
8 question.
9 I think Marty's comment about littorals, and
10 probably Frits' as well, is probably where you're
11 going to find some people wanting more to be done
12 over time to improve the look of the place.
13 It's not just lake bank erosion, but it's
14 also plants, and if you feel that pressure, or we
15 feel that pressure, is there a way to do it within
16 this budget, or the cap rate that you guys have
17 set?
18 CHAIRMAN STAMP: I mean, my initial comment,
19 and then I'll ask Jim and Jimmy to respond is,
20 it's obvious a question of degree. We've got a
21 couple hundred more we could go up for fiscal year
22 2024. I don't know what that gets us, in terms of
23 what the demand is going to be.
24 Can we solve everybody's wish list? I'm sure
25 the answer to that is an absolute no, and we're --

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1 we don't know where the lawsuits are going to come
2 out. We don't know what -- we don't also know
3 what other surprises we're going to get.
4 For the audience, we've had two pumps fail
5 that apparently -- within the first few months of
6 us taking over -- that apparently Taylor Morrison
7 had never done any maintenance on at all. So who
8 knows what rock we're going to turn over, what's
9 going to run out from under it.
10 So, Dave, I can't answer your question.
11 We've got some room. We can certainly go in 2024,
12 if we thought we had the pressure to take it up
13 roughly \$200, but then we're at the cap rate
14 again. So, we're going to have to wait and see.
15 MR. BOGUALAWSKI: I just would like to make
16 one last comment. You're fielding the same calls
17 probably more than I am, but one of the
18 discussions I've had with a couple members is the
19 fact the CDD apparently right now does not have
20 any reserve funding.
21 So when something breaks, like a pump,
22 there's no kitty to go to. You're basically
23 moving the money around to fund the most -- the
24 highest priority items. Any -- any thoughts going
25 forward on creating a reserve funding?

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1 CHAIRMAN STAMP: Well, the budget that we
2 just adopted and funded does have a reserve fund,
3 the beginning of a reserve fund, but we're not
4 even back to where we really need to be; that's
5 what allowed us to do the emergency repairs like
6 the lake banks and pipes and the weirs this last
7 time.
8 You're absolutely correct. We've effectively
9 wiped it out, so if it happens in the next three
10 months, we could be in trouble. If it happens
11 after October 1st, we might not be in quite as
12 much trouble, but might be in trouble.
13 MR. WARD: A little less.
14 CHAIRMAN STAMP: A little less trouble. Keep
15 in mind, these tax bills go out in November. Some
16 people pay them right away to get the discount,
17 others people don't. So that money will start
18 flowing into the district November, December,
19 January, and we will start, obviously, spending
20 some of it on these projects that we just approved
21 in the budget.
22 We will, obviously, start putting some back
23 for the reserve, because you're absolutely right.
24 We do not have an adequate reserve right now.
25 We're kind of standing here naked. I know that's

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1 not a wonderful thought for some people. It may
2 show you the depth of our problem.
3 MR. BOGUALAWSKI: Thank you. All set.
4 CHAIRMAN STAMP: Okay. Anything else?
5 (No response).
6 CHAIRMAN STAMP: All right. Close public
7 comments. We will come back to them, and I don't
8 think we probably need a break. We got through
9 the budget faster than I thought we would.
10 The next item for consideration is the
11 minutes. We've got two sets of minutes here.
12 We've got the minutes of the April 16th, 2022
13 regular meeting, and, with that, if there's no
14 objection, I'll also include the special, the
15 continuation of the regular meeting on June 22nd,
16 and any additions or corrections to either of
17 those?
18 (No response).
19 CHAIRMAN STAMP: If not, I'll take a motion
20 to approve as presented.
21 MR. KLECK: So moved.
22 MR. BHATLA: Second it.
23 CHAIRMAN STAMP: Been moved and seconded.
24 Roll call, please.
25 MR. WARD: Supervisor Bhatla?

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1 MR. BHATLA: Yes.
2 MR. WARD: Supervisor Kleck?
3 MR. KLECK: Aye.
4 MR. WARD: Supervisor Winters?
5 MR. WINTERS: Aye.
6 MR. WARD: Supervisor Miller?
7 MR. MILLER: Aye.
8 MR. WARD: Chairman Stamp?
9 CHAIRMAN STAMP: Aye. Minutes are approved
10 as presented. Next item is Resolution 2022-7,
11 which sets the meeting dates for the regular
12 meeting for the upcoming fiscal year, which starts
13 October 1st.
14 It's in the board packet. It will stay on
15 the third Thursday of every month at 1:00 here at
16 the culinary center. I know there's a little
17 confusion. We moved this to 4:00 thinking we
18 might get better attendance. I don't know if we
19 did or not. The usual attendance is about four
20 people, so I guess we got more than four.
21 I don't know if it was because of the special
22 assessment or it would've got more if we left it
23 at 1:00; that's the reason we moved it to 4:00, to
24 try to make it more available to people. So,
25 anyway, resolution, motion to adopt.

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1 MR. BHATLA: Make a vote.
2 CHAIRMAN STAMP: Moved.
3 MR. KLECK: Second it.
4 MR. MILLER: Second.
5 CHAIRMAN STAMP: Seconded. Any discussion?
6 (No response).
7 CHAIRMAN STAMP: If not, roll call, please.
8 MR. WARD: Supervisor Bhatla?
9 MR. BHATLA: Yes.
10 MR. WARD: Supervisor Kleck?
11 MR. KLECK: Aye.
12 MR. WARD: Supervisor Winters?
13 MR. WINTERS: Aye.
14 MR. WARD: Supervisor Miller?
15 MR. MILLER: Aye.
16 MR. WARD: Chairman Stamp?
17 CHAIRMAN STAMP: Aye. Resolution is adopted
18 five to nothing. Next item will be staff items.
19 District Attorney Greg Woods is with us and he
20 will walk us through his agenda, which you should
21 have in front of you as well.
22 MR. WOODS: Good afternoon. Greg woods. I'm
23 sure most of you are aware of the City of Bonita
24 Springs is seeking an approval of an operation
25 plan for emergency pumps. Just in case you

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1 haven't heard of it, I will give you a brief
2 overview. They're seeking to -- the City of
3 Bonita Springs has areas that flood. Their
4 infrastructure is not adequate to get rid of the
5 water.
6 So they have asked the South Florida Water
7 Management District to give them the ability to
8 pump water into Collier County, and more
9 specifically into the preserves adjacent to
10 Esplanade. So, obviously, an issue of concern for
11 us, and we are paying particular attention to
12 this.
13 The Collier County -- we worked with the
14 Collier County Attorney's Office. They are aware
15 of the issue. Actually, the city -- the county
16 commissioner for North Collier, Andy Solis, is on
17 the issue.
18 He has been pushing the county to make sure
19 they stay on top of this, because, obviously, you
20 know, with this kind of a plan, we do not want
21 this water coming into the preserves when you
22 don't know the quantity, the quality of the water.
23 There has been no environmental studies to
24 assess the quality of the water that will be
25 pumped into the area, and we don't know the

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1 overall effects as the water moves down. It has
2 to move down to the Gulf, and it would effect
3 other areas of Collier County as well.
4 The City of Bonita Springs withdrew their
5 plan from consideration, because they knew there
6 was kind of an uproar of all of this, and they're
7 continuing to work on it.
8 We have a bit of a concern, because even this
9 new plan has not been approved. There was a prior
10 plan that's kind of still in place, and they
11 could, theoretically, if a storm came, they could
12 apply to South Florida Water Management District
13 for an emergency permit, and because of an
14 emergency, South Florida Water Management District
15 may issue it, like, right then and there. We
16 would have no notice or ability to deal with that
17 at the time.
18 Now, obviously, that's an area of concern,
19 and I will say this is a situation -- they've only
20 used the pumps twice and since. The City of
21 Bonita Springs has pumped in 1995, and they pumped
22 in 2018. So there have been storms that came
23 through where they didn't pump, so that's somewhat
24 good news. Obviously, we're still concerned about
25 a big storm now, and pumping the preserves now,

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1 and what it's going to do to the preserves and the
2 wildlife. Who is going to pay for cleanup? Who
3 is going to handle the cleanup? What's the timing
4 of the cleanup?
5 These all are issues we've raised with the
6 South Florida Water Management District in a
7 letter I sent on July 1st of this year. There's
8 also -- there is a kind of an advisory board that
9 sits under this. It's the Big Cypress Basin
10 Board.
11 They also -- they have kind of preliminarily
12 addressed this plan issue. They were going to put
13 it on the agenda, and then they did not; pulled it
14 off of the agenda.
15 Mr. Stamp and some others attended their
16 meeting. The Conservancy, a lot of environmental
17 groups are very interested in this issue even
18 before us. So we have a lot of support within the
19 environmental groups for taking -- you know,
20 including anything happening without proper
21 analysis and studies and answers to what's going
22 to happen. So great deal of support.
23 Those groups also showed up at the Big
24 Cypress Basin. Mr. Stamp made some very good
25 remarks on our behalf. So we're waiting for it to

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1 come back on the agenda at the Big Cypress Basin,
2 and then we will make a presentation. The
3 district engineer will participate in that. We
4 will make a presentation to that board.
5 Again, they don't make the decision. South
6 Florida Water Management makes the decision, but I
7 would hope they would take the input of their
8 advisory board relative to those points. So
9 that's kind of where that stands generally.
10 Everybody is keeping a close eye on it, because,
11 obviously, it's a matter of concern to the
12 community.
13 CHAIRMAN STAMP: Greg, let me just jump in.
14 The next Big Cypress meeting is August 25th. We
15 do not know if it will be on the agenda. The
16 chairperson, chairwoman, indicated they might get
17 an update, whatever that means.
18 So we'll be watching. If it is on agenda, we
19 will certainly be there to participate and make
20 the community aware of it. We just can't answer
21 that question right now.
22 MR. WOODS: We would also encourage the
23 residents, if and when it gets on the agenda, a
24 resident turnout also helps. These boards and
25 bodies are all political. If you get a good

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1 resident turnout and express your concern as well,
2 I think that assists in the cause. So anybody
3 interested in the subject and friends and
4 neighbors, come on out if this stuff gets on the
5 agenda. We encourage that.
6 The next item I have is the arbitration
7 award. On June 10th the arbitrator entered a
8 nonbinding arbitration award in the lawsuit.
9 Essentially, all the parties had 20 days from that
10 date to file a motion for trial. No party did so.
11 So the arbitration award becomes final, and
12 is final as between Taylor Morrison and the CDD.
13 There is an issue in the 20-day period. The judge
14 heard the former director's motion for summary
15 judgment, and she granted that motion for summary
16 judgment.
17 So the former directors are contending that
18 they weren't a part of that award. They're
19 seeking a judgment of the motion for summary
20 judgment. We contend if they wanted to do that,
21 in order to get a final judgment, they had to also
22 file for a motion for new trial or trial de novo,
23 and they didn't do that.
24 So we filled a motion with the judge to adopt
25 the arbitration award, and those are issues before

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1 the judge. We have a lot of follow-up kind of
2 strategy issues in that regard that I can't talk
3 about with you, because it would be a waiver of
4 the attorney-client privilege, and you don't want
5 to talk a litigation strategy in an open forum and
6 do it the record.
7 There are some other actions that we intend
8 to take that would further some of the positions
9 we had in the litigation. I don't know -- I
10 prefer not to go into those, just, again, it's a
11 strategy thing, and we want to take advantage of
12 our positions while we can without getting
13 opposition ahead of time from Taylor Morrison.
14 One of the other items that we will be doing,
15 Mr. Stamp, I think mentioned it, we will be filing
16 a complaint for our construction defect claims
17 against Taylor Morrison, and so that is pending.
18 Those will be coming up. I suspect that we'll
19 file those in the Fall.
20 We'd like to file those in a coordinated
21 effort with the HOA. The HOA will be bringing
22 fairly significant construction defect claims
23 against Taylor Morrison. So we want to join them,
24 coordinate our efforts in that litigation when
25 it's filed as well. So that's another avenue we

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1 are pursuing against Taylor Morrison.
2 CHAIRMAN STAMP: Questions from the board?
3 Anything, Martin, Ron?
4 MR. MILLER: I'm good.
5 MR. WINTERS: No questions.
6 CHAIRMAN STAMP: Okay.
7 MR. STIGLIANO: Can we get questions?
8 CHAIRMAN STAMP: Joe?
9 MR. STIGLIANO: Question?
10 CHAIRMAN STAMP: As long as it's on this
11 topic.
12 MR. STIGLIANO: Yes. I want to thank Greg
13 for his presentation. It's really an interesting
14 situation, because as he said, they can declare a
15 health emergency and throw the switch. When they
16 pumped in the past, you mentioned they pumped
17 twice in the past. Did they pump the water into
18 the woodland slough at that time?
19 MR. WOODS: Actually, that would be a
20 question for the engineer.
21 MR. MESSICK: When I spoke with the district
22 about past storm events, he mentioned that they
23 didn't pump into our preserves, but those are --
24 those are storms which they would have been able
25 to pump. The level, the amount of water that they

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1 received in Bonita Springs was an event high
2 enough where they would have pumped, but they did
3 not.
4 MR. STIGLIANO: That was a number of years
5 ago. Looking at what's going on in the Bonita
6 side, they've gotten state money for some very
7 high output pumps. This is big equipment, not
8 something you're going to get from a rental place.
9 As you go forward in your discussions, this
10 is really, when you have a situation where there's
11 a practical solution, and, obviously, a political
12 solution, unfortunately, it's the political
13 solution we need to resolve first.
14 Bonita got money from the state to buy pumps.
15 In one of the documents, they cc'd to the state
16 representative. Have we been in touch with our
17 state representative? I would suggest we reach
18 out into the political structure.
19 I don't want to sound like Machiavelli, but
20 just so we have a discussion on the practical end,
21 I would reach out to our state representative.
22 They cc'd -- I've been watching what's going on.
23 They cc'd their documents to Adam. He was the
24 first person, their state representative.
25 Unfortunately, we are going through

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1 redistricting. I'm not sure who is going to be
2 our state representative when we vote on election
3 day.
4 Two other comments. One, I've had some
5 experience in the public sector. Looking at
6 what's going on in Bonita and our response, this
7 is very specific, but it's the most ambiguous
8 situation.
9 They are literally going to flush their
10 toilet on our side of the fence and they set it up
11 so if somebody sees an alligator on Bonita Beach
12 Road, that's a health emergency and they're going
13 to throw the switch.
14 Jim, as you're involved with them, there is a
15 way of bypassing. According to Bonita's
16 documents, the pumps are going to be right on
17 Bonita Beach Road and Logan. All right? Woodland
18 slough runs along Logan.
19 Why not suggesting to Logan right away they
20 put piping, and 99 percent of that piping is going
21 to be above ground. The only place you have
22 that's a problem is going to be the one community
23 where the entrance is on Logan.
24 Other than that, I would throw that out to
25 give some cover to the politicals, too, on this.

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1 There is a solution, and that will -- of course,
2 it doesn't address what the real problem is, when
3 it goes down Collier, Immokalee Road, are they
4 going to be able to handle it, but that's not our
5 problem.
6 If we take a position we're going to dig in
7 and say it's either our way, or we don't have
8 response to this, if this ends up in the courts or
9 ends up with the boards, governing boards, they
10 are more political than they are practical on this
11 stuff.
12 They say they're practical, but they're not.
13 We should expand a little into the political end
14 of this. We're matching them gun for gun here,
15 that was my comment on that. Thank you.
16 CHAIRMAN STAMP: Thank you. I know we copied
17 the commissioner. I don't know if we copied the
18 state rep or not?
19 MR. WOODS: That's actually a very good idea.
20 CHAIRMAN STAMP: Okay. District engineer
21 report.
22 MR. MESSICK: Yeah. I had several items in
23 my report, too, I was going to speak on. One of
24 the two I was going to speak on was the Bonita
25 Springs Floodwater Diversion Plan, which has been

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1 covered by Greg Woods. I don't think I need to
2 reiterate the things he mentioned, or the items he
3 discussed.
4 The only other thing I wanted to mention was
5 the preserve tree removal. I have a landscaping
6 architect arborist by the name of Mike O'Connor
7 here. He has been working with contractors to
8 follow-up with the first phase of tree removal in
9 the immediate adjacent preserve areas, and that
10 work plans to be completed by the end of the month
11 in 2022.
12 CHAIRMAN STAMP: And just to piggyback off of
13 what he said, if you've got a comment, I'll take
14 it. Marty talked about, we can't cut down every
15 dead tree. They have to present some kind of a
16 risk to people and/or property. It costs us.
17 There is a whole process. We have to get
18 permits. You and I can go out with a chain saw
19 and take care of it in an afternoon. It's \$25 a
20 tree permits. They have to get them approved.
21 It's not that easy. I wish it was.
22 Like I said, you prioritized 30-some trees in
23 three categories, depending on how much of a
24 danger they are. Most of the trees you see are
25 going to fall over, and that's what it's all

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1 about. Do you have anything?
2 MR. REID: I think you just answered it. I
3 guess the question was it dead trees or was it --
4 CHAIRMAN STAMP: Oh, your name again for the
5 record.
6 MR. REID: Oh, right, Reid. Yes, was it
7 invasive trees or --
8 MR. MESSICK: No, just dead trees that pose a
9 hazard to the community.
10 MR. REID: So dead trees that don't pose a
11 hazard left to --
12 MR. MESSICK: Yeah.
13 CHAIRMAN STAMP: If they're invasive we can
14 take them out, that's part of the maintenance --
15 mitigation, maintenance and monitoring program.
16 They're fair game, no matter what. Now we are to
17 the District Manager.
18 MR. WARD: I have nothing for you,
19 Mr. Chairman.
20 CHAIRMAN STAMP: Okay. Any final comments
21 from the audience? Questions from the audience?
22 (No response).
23 MR. MURRAY: No hands raised, sir.
24 CHAIRMAN STAMP: No hands raised. I thank
25 you. This is by far the biggest meeting we had as

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1 far as attendance. I appreciate you coming out,
2 and we'll be around a little bit. If you've got a
3 specific question, we can try to address those, or
4 at least help get to the answer with you. If
5 nothing else, I'll take motion to adjourn.

6 MR. KLECK: So moved.

7 CHAIRMAN STAMP: Is there a second?

8 MR. BHATLA: Second.

9 CHAIRMAN STAMP: All in favor? Aye.

10 MR. BHATLA: Aye.

11 MR. KLECK: Aye.

12 MR. WINTERS: Aye.

13 MR. MILLER: Aye.

14 CHAIRMAN STAMP: Opposed?

15 (No response.)

16 CHAIRMAN STAMP: Meeting is adjourned. Thank
17 you.

18

19 * * * * *

20 There being no further business for the good
21 of the District, the meeting was adjourned by order of
22 the Chair at 5:13 p.m.

23
24
25

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1 C E R T I F I C A T E

2

3 STATE OF FLORIDA)

4 COUNTY OF LEE)


5

6 I, JANICE R. MALINE, Court Reporter and
7 Notary Public in and for the State of Florida at large,
8 do hereby certify that, pursuant to notice of the
9 meeting in the above-titled cause, the foregoing
10 proceedings were reduced to print by means of
11 computer-assisted transcription under my personal
12 supervision, and that the said transcription
13 constitutes a true record of the proceedings.

14 I further certify that said proceedings were
15 taken at the time and place specified hereinabove and
16 that I am neither of counsel, nor solicitor to either
17 party in said suit, nor interested in the event of the
18 cause.

19 WITNESS my hand and official seal in the
20 County of Lee, State of Florida, this 15th day of
21 August, 2022.

22

23 

24 _____

25 JANICE R. MALINE
Notary Public, State of Florida

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