

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

The Regular Meeting of the Flow Way Community Development District's Board of Supervisors was held on Monday, October 14, 2013, at 9:30 a.m., at the Offices of Coleman, Yovanovich & Koester, 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103.

**Present and constituting a quorum were:**

John Asher	Chairman
Keith Berg	Assistant Secretary
Don Milarsik	Assistant Secretary
Dennis Gilkey	Assistant Secretary
Ethan Julian	Assistant Secretary

**Also present were:**

James P. Ward	District Manager
Greg Urbancic	District Counsel
David Willems	District Engineer (Telephonic)

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Ward called the meeting to order at 9:35 a.m. The record will reflect that all supervisors are present at roll call.

**SECOND ORDER OF BUSINESS**

**Public Hearings**

**a) Levying Capital Assessments – Series 2013 Capital Improvement Program**

**I. Public Comment And Testimony**

Mr. Ward stated item two is related to two public hearings and is the only purpose of your meeting today. The first public hearing is related to your Series 2013 Capital Improvement assessment program, and just in the way of some brief background, if you recall, we started this assessment process at your last meeting to levy these 2013 capital assessments, and you heard from both your engineer and myself related to the structure of the assessment program itself, and the type of infrastructure that you're contemplated to be constructed here within the boundaries of the District. At the Board's pleasure, you can either just have both your engineer and myself go through this process again or,

alternatively, if you are comfortable with what we had advised you as of the last meeting, we do not, from staff's perspective, have any changes whatsoever to either the engineer's report or the methodology, and then we can get right into the public hearing and the equalization matters that are related to this public hearing. It's your decision.

Mr. Asher stated I'm okay with the previous explanation.

Mr. Ward stated this is a public hearing, so the first thing I will do is ask the Board to, by motion, open your public hearing.

**On MOTION made by Mr. Asher and seconded by Mr. Berg, with all in favor, opening the discussion to public comment was approved.**

Mr. Ward stated the record will reflect that there are no members of the public present in person, nor have I received any written comment and/or testimony related to this public hearing from any of the affected landowners within the District. Let the record also reflect that there is only one affected landowner on this project. With that, a motion to close your public hearing would be in order.

**On MOTION made by Mr. Asher and seconded by Mr. Berg, with all in favor, closing the discussion to public comment was approved.**

**II. Equalization Board**

Mr. Ward stated the process here that we utilize is a little convoluted. What it normally requires is that we have what's called an Equalization Board, and an Equalization Board can be either the Board of Supervisors itself, or another Board. In this instance, since staff is recommending that we utilize the Board of supervisors as the equalization Board. The purpose of the Equalization Board is if you have heard any public comment or testimony related to either your engineer's report or your special assessment methodology that would cause you to make any changes whatsoever to either of those two reports. This would be an opportunity time for the Equalization Board to consider those changes, and to make any amendments that you desire thereto. To recommend then to the Board of Supervisors changes and/or the final engineer's report or methodology that you will have.

Although there was none, the record will reflect that you are now sitting as the Equalization Board, and I'll ask you, as the Equalization Board, if you have any changes whatsoever that you want to make as recommendations to the Board of Supervisors. If none, then it would be simply a motion of the Equalization Board to recommend both the engineer's report dated August 2013, and the special assessment report dated August 26, 2013, to the Board of Supervisors.

Mr. Asher stated I've heard no comments or concerns.

**On MOTION made by Mr. Asher and seconded by Mr. Gilkey, with all in favor, the Engineer's Report dated August 2013 and the Special Assessment Report dated August 26, 2013.**

Mr. Ward stated that concludes your requirements sitting as the Equalization Board.

**III. Board Of Supervisors' Comments**

Mr. Ward stated if you now sitting as the Board of Supervisors have any questions or comments related to the methodology or the engineer's report, it would be appropriate at this time to so indicate. If not, then the final action would be to adopt Resolution 2014-1. What I'll ask Greg to do is, I know there were some minor changes that we made to that to go through those changes with you from the resolution that was put in your agenda.

Mr. Urbancic stated for the most part, these were just little typographical type cleanups that I went over with bond council at the recommendation. Really, they're so minor, I handed out the redlined so that you could see what they were; they were just sort of minor. Wording changes were where wording was missed or they just needed to fill something in. The only one of any substance was in section six, when we talked about the assessment share that would be finalized with respect to each parcel. They wanted to just clarify that it was the proportionate share of the assessment in each case that went against each parcel. Otherwise, as I said, it's just typographical matters, and you have the revised version. That would be there for your consideration.

Mr. Ward asked any questions from the Board?

**IV. Consideration Of Resolution 2014-1, the Board Of Supervisors of Flow Way Community Development District Authorizing Projects for Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving,,**

**Confirming and Levying Special Assessments On Property Specifically Benefitted by Such Projects to Pay the Cost Thereof; Providing for the Payment and the Collection of Such Special Assessments by the Methods Provided for by Chapters 170, 190 and 197 Florida Statutes; Confirming the District’s Intention to Issue Special Assessment Bonds; Providing For True-Up Payment; Making Provisions Relating to the Transfer Of Real Property to Governmental Bodies; Providing for the Recording of an Assessment Notice; Providing for Severability; Conflicts and Providing for an Effective Date**

Mr. Ward stated the final action then to adopt the Series 13 Capital Improvement Assessment Program would be to adopt Resolution 2014-1 as amended by your counsel.

**On MOTION made by Mr. Asher and seconded by Mr. Berg, with all in favor, Resolution 2014-1 was approved.**

Mr. Ward stated that concludes your assessment process for you for your 2013 Capital Assessment Program.

**b) Uniform Method Of Collection Of Assessments**

The second public hearing is related to the Uniform Method of collection of assessments. Briefly, this is a process that we go through in Florida, all governmental agencies, but specifically districts, utilize it a lot to use the Property Appraiser and the Tax Collector of the county in which the district is located to place your assessments on the Property Appraiser’s rolls of the county. It provides for a notification process to the state and to the Property Appraiser and Tax Collector, and it authorizes the consideration of two agreements that will get brought back to you from both Property Appraiser and Tax Collector to be able to use the Property Appraiser’s rolls for inclusion of your assessments and the Tax Collector for the collection of your assessments.

**I. Public Comment**

With that, this is a public hearing. I’ll ask that you, by motion, open it up to any public comment that you may have.

**On MOTION made by Mr. Asher and seconded by Mr. Julin, with all in favor, opening the discussion to public comment was approved.**

Mr. Ward stated the record will reflect that there are no members of the public present in person, so, with that, I'll ask you by motion to close your public hearing.

**On MOTION made by Mr. Asher and seconded by Mr. Julin, with all in favor, closing the discussion to public comment was approved.**

**II. Board Comment**

Mr. Ward asked any Board comment or questions related to the Uniform Method?

**III. Consideration of Resolution 2014-2, the Board of Supervisors of Flow Way Community Development District Expressing the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District's Jurisdictional Boundaries That May or Shall be Subject to the Levy of the District Non-Ad Valorem Assessments; Providing for Severability and Invalid Provisions; Providing for Conflict and Providing for an Effective Date**

Mr. Ward stated a motion to adopt Resolution 2014-2 would be in order.

**On MOTION made by Mr. Asher and seconded by Mr. Berg, with all in favor, Resolution 2014-2 was approved.**

**THIRD ORDER OF BUSINESS**

**Staff Reports**

**a) District Attorney**

Mr. Urbancic stated the only thing I wanted to note is our validation hearing for the bonds is October 28; that's coming up pretty quick. Beyond that, no further report.

**b) District Engineer**

Mr. Ward stated David is on the phone with us. David, did you have anything?

Mr. Williams stated no, I do not have anything.

**c) District Manager**

Mr. Ward stated the only thing I had for you is that we're going to request you to continue today's meeting to the 23<sup>rd</sup> at 9:30 here in the offices of Goodlette, Coleman & Johnson, and that will be to be in a position to have a delegation bond resolution and various other documents related to the Series 2013 bonds. I will tell you up front the documents probably will not be ready much before Tuesday afternoon, so what I will do is when they will be coming, is I will bring the documents to the Board meeting with me for Wednesday Morning, so I won't make you print out the volumes of information that will be contained in all of those documents. If, for some reason we are unable to get all of the documents ready, then I will just let you know by email that we will not have a meeting on Wednesday of next week.

A male speaker asked when is the validation hearing, October 28?

Mr. Urbancic stated October 28 at 1:30 p.m., that's a Monday.

Mr. Asher asked is the Board required to be at that meeting?

Mr. Ward stated the validation hearing, no.

Mr. Urbancic stated we'll staff and the engineers there.

A male speaker asked where is that?

Mr. Urbancic stated down at the courthouse.

Mr. Ward stated with any luck at all, it will be very easy.

Mr. Urbancic stated I don't know how many this judge has already done, but usually they're not contested, if there's no affected landowners that are contesting it, it usually does pretty good, and we should be able to stipulate to most things.

**On MOTION made by Mr. Asher and seconded by Mr. Julin, with all in favor, the meeting was continued to October 23, 2013, at 9:30 a.m. at the offices of Coleman, Yovanovich & Koester, 4001 Tamiami Trail N, suite 300, Naples.**

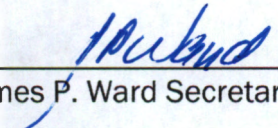
**FOURTH ORDER OF BUSINESS**

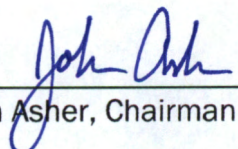
**Supervisors' Requests**

No discussion

**FIFTH ORDER OF BUSINESS**

**Adjournment**

  
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James P. Ward Secretary

  
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John Asher, Chairman