

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

The Regular Meeting of the Board of Supervisors of the Flow Way Community Development District for **Tuesday, September 5, 2017, at 3:30 p.m.**, at the **Offices of Coleman, Yovanovich & Koester, P.A., 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103.**

Present and constituting a quorum were:

David Truxton	Chairman
Anthony Burdett	Vice Chairman
Chris Nirenberg	Assistant Secretary
Adam Painter	Assistant Secretary

Absent were:

Steve Reiter	Assistant Secretary
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Also Present were:

James Ward	District Manager
Greg Urbancic	District Counsel

1. Call to Order & Roll Call

Mr. Ward called the meeting to order at 3:30 p.m., and roll call determined that all members of the Board were present with the exception of Supervisor Reiter.

2. Consideration of Board Member Resignation and Replacement

- a) Mr. Ward stated the Board was considering the resignation and replacement of Mr. Adams who resigned from Seat 4 affective July 15, 2017. He asked the Board to accept the resignation.

Motion was made by Mr. Burdett and seconded by Mr. Nirenberg to accept the resignation of Mr. Adams, and with all in favor, the motion was approved.

- b) Mr. Ward stated the statute permitted the Board to fill the unexpired term of office, which was set to expire in November, 2018, by simple majority vote of the Board, and so it would be appropriate for the Board to discuss and appoint a new member.

Motion was made by Mr. Truxton and seconded by Mr. Nirenberg to nominate Adam Painter to serve on the Board in the unexpired term, and with all in favor, the motion was approved.

- c) Mr. Ward administered the Oath of Office to Mr. Painter. He provided Mr. Painter with copies of a Statement of Financial Interests and the Guide to the Sunshine Amendment and Code of Ethics for Public Employees. He explained to Mr. Painter that he needed to file the Statement of Financial Interests with the County where he resided within 30 days.

3. Approval of the Minutes of the June 14, 2017 Meeting

Mr. Ward asked for any corrections, additions or deletions to the minutes. Hearing none, he called for a motion to approve.

Motion was made by Mr. Truxton and seconded by Mr. Nirenberg to approve the minutes of the meeting of June 14, 2017, and with all in favor, the motion was approved.

4. Consideration of Resolution 2017-12

Mr. Ward explained that this resolution amended the Public Hearing date for the approval of the Budget to today's date. He said the date had been moved because there was not a quorum in June, and this resolution codified that action.

Motion was made by Mr. Burdett and seconded by Mr. Painter to approve Resolution 2017-12 and set the Public Hearing as described above, and with all in favor, the motion was approved.

5. Public Hearings

- a) Fiscal Year 2018 Budget

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

Motion was made by Mr. Burdett and seconded by Mr. Painter to open the Public Hearing, and with all in favor, the motion was approved.

Mr. Ward stated that there were no members of the public present in person and he had not received any written comment or testimony with respect to the

adoption of the proposed Fiscal Year 2018 Budget. He asked for a motion to close the Public Hearing.

Motion was made by Mr. Truxton and seconded by Mr. Nirenberg to close the Public Hearing, and with all in favor, the motion was approved.

Mr. Ward said the budget had not changed, and asked if the Board had any questions.

A question was asked concerning a change to the amount of the O & M assessment per unit. Mr. Ward responded it had gone down because units had been added. He said it was \$310.93 a unit last year, and it was \$255.33 this year.

Mr. Ward called for a motion to adopt Resolution 2017-13.

Motion was made by Mr. Truxton and seconded by Mr. Nirenberg to adopt Resolution 2017-13 the Annual Appropriation and Budget for Fiscal Year 2018, and with all in favor, the motion was approved.

- b) Fiscal Year 2018 Imposing Special Assessments; Adopting an Assessment Roll, Approving the General Fund Special Assessment Methodology and Consideration of Adopting a Cap Rate for the Land (commonly referred to as "Dilillo") Annexed into the District in November, 2016.

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

Motion was made by Mr. Burdett and seconded by Mr. Painter to open the Public Hearing, and with all in favor, the motion was approved.

Mr. Ward stated that there were no members of the public present in person and he had not received any written comment or testimony with respect to the adoption of the special assessments. He asked for a motion to close the Public Hearing.

Motion was made by Mr. Burdett and seconded by Mr. Painter to close the Public Hearing, and with all in favor, the motion was approved.

Mr. Ward asked for any Board comment with respect to the special assessments. Hearing none, he asked for a motion to adopt Resolution 2017-14, which imposed the special assessments for the General Fund, certified an assessment roll, and approved the General Fund special assessment methodology.

A question was asked about the tax rolls being current, and Mr. Ward responded that they were.

Motion was made by Mr. Nirenberg and seconded by Mr. Truxton to adopt Resolution 2017-14 as described above, and with all in favor, the motion was approved.

Mr. Ward stated the final action was to adopt Resolution 2017-15, which established the cap rate for the Dilillo annexation piece. This cap rate was the same cap rate in place for the balance of the community, which was \$341.85 per unit. Mr. Ward called for a motion to adopt the resolution.

Motion was made by Mr. Truxton and seconded by Mr. Nirenberg adopt Resolution 2017-15 as described above, and with all in favor, the motion was approved.

6. Consideration of Resolution 2017-16 designating the dates, time and location for meetings of the Board of Supervisors

Mr. Ward said this resolution designated the times for the Board meetings for Fiscal Year 2018. He said the meetings were set for the third Tuesday of the month at 3:00 p.m. The location at the offices of Coleman, Yovanovich & Koester, P.A., 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103 would remain the same.

Motion was made by Mr. Truxton and seconded by Mr. Nirenberg to adopt Resolution 2017-16 as described above, and with all in favor, the motion was approved.

7. Consideration of Resolution 2017-17 Re-designating the Officers of the District

Mr. Ward said he added Mr. Painter as an Assistant Secretary and the Board could reorganize the officers if they wished. The Board decided to not reorganize the officers and to add Mr. Painter as an Assistant Secretary.

Motion was made by Mr. Truxton and seconded by Mr. Nirenberg to adopt Resolution 2017-17 as described above, and with all in favor, the motion was approved.

8. Consideration of Utility Facilities for Parcel H3 (Phase 6 Improvements)

Mr. Urbancic stated this was similar to what had been done in the past. He said they have had utility conveyances, which were a two step process. One to the District, and then from the District on to the County. He said the Board had three items in front of them. One was a promissory note for the cost of the facilities, \$154,205.15. He said

they would not be funding anything to the developer at that time because there were no construction funds, but they did not want to hold up the process.

Mr. Urbancic explained the second step was the conveyance documents from Taylor-Morrison to the District: a utility easement, a utility facilities warranty deed bill of sale, and an owner's affidavit. He said the second step would be from the District to Collier County, which would include a utility facilities warranty deed, an owner's affidavit, and an attorney's affidavit.

He said he needed the Board to accept the utility conveyance for H3 from Taylor-Morrison, authorize the Chairman to execute the promissory note in favor of Taylor-Morrison Esplanade Naples in the amount of \$154,205.15, and then authorize the Chairman and staff to execute the transfer documents as necessary to convey the utility facilities from the District to Collier County.

Mr. Ward called for a motion to that effect.

Motion was made by Mr. Burdett and seconded by Mr. Nirenberg to approve the execution of the items necessary to complete the Utility Facilities for Parcel H3, and with all in favor, the motion was approved.

9. Staff Reports

- a) District Attorney – No report
- b) District Engineer – No report
- c) District Manager – No report

10. Supervisor's Requests and Audience Comments

Mr. Truxton, stated as the engineer was not present, he asked Mr. Ward to convey the following request to him for consideration. It was pointed out that as part of the system there was a large wetland that surrounded the property, approximately 900+ acres. It was expressed that it should be considered to send out proposals to environmental firms for an ongoing maintenance program for these wetlands, not necessarily for this year's budget. A maintenance program that the District could entertain as opposed to having the Homeowner's Association maintain the wetlands. The question was asked if that property would be transferred to the District. The answer was possibly. He said the exotics had been removed, and a proposal would entail doing ongoing maintenance.

11. Adjournment

Motion was made by Mr. Painter and seconded by Mr. Burdett to adjourn the meeting, and with all in favor, was approved.

The meeting was adjourned at 3:44 p.m.


James P. Ward, District Manager


David Truxton, Chairperson

OATH OR AFFIRMATION OF OFFICE

I, Adam Painter, a citizen of the State of Florida and of the United States of America, and being an officer of the **Flow Way Community Development District** and a recipient of public funds as such officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida, and will faithfully, honestly and impartially discharge the duties devolving upon me as a member of the Board of Supervisors of the **Flow Way Community Development District**, Collier County, Florida.

Adam Painter
Signature

Printed Name: Adam Painter

STATE OF FLORIDA
COUNTY OF COLLIER

Sworn to (or affirmed) before me this 5TH day of SEPTEMBER, 2017, by ADAM PAINTER, whose signature appears hereinabove, who is personally known to me or who produced _____ as identification.

James P. Ward
NOTARY PUBLIC
STATE OF FLORIDA

Print Name _____
My Commission Expires _____

