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

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The Regular Meeting of the Board of Directors of the Flow Way Community Development District was held on Thursday, June 19, 2025, at 1:00 P.M. at the Esplanade Golf and Country Club, 8910 Torre Vista Lane, Naples, FL 34119.

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**Present and constituting a quorum:**

Zack Stamp	Chairperson
Bart Bhatla	Assistant Secretary
Tom Kleck	Assistant Secretary
Ron Miller	Vice Chairperson
Mark Scimio	Assistant Secretary

**Also present were:**

James P. Ward	District Manager
Jimmy Messick	District Engineer
Richard Freeman	District Engineer
Michael Pawelczyk	District Counsel
Bob Adams	

**Audience:**

Tom Coffey

All residents' 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.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS WERE TRANSCRIBED IN *ITALICS*.**

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Chairperson Stamp called the meeting to order at approximately 1:00 p.m. Roll call was conducted, and all Members of the Board were present, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Notice of Advertisement**

**Notice of Advertisement of Public Hearings**

Mr. Ward indicated the notice of advertisement for the public hearings were included in the Agenda packet; no action was required of the Board.

**THIRD ORDER OF BUSINESS****Public Comments**

**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.

**FOURTH ORDER OF BUSINESS****Consideration of Minutes****May 15, 2025 – Regular Meeting Minutes**

Chairperson Stamp asked if there were any additions, corrections, or deletions to the Minutes; hearing none, he called for a motion.

**On MOTION made by Bart Bhatla, seconded by Tom Kleck, and with all in favor, the May 15, 2025 Regular Meeting Minutes were approved.**

**FIFTH ORDER OF BUSINESS****PUBLIC HEARINGS**

Mr. Ward noted the District began the budget process a couple of months ago regarding adoption of the Fiscal Year 2026 budget. He explained the Public Hearing process noting there were two public hearings, the first related to the budget itself and the second setting into place the assessment rate. He reported the assessment rate was the same as it was the prior year, \$1,845 dollars per unit per year, generating the same amount of revenue. He stated he believed this year the requirements for the preserves would be met, and it would be the last year of the HOA's contribution to the preserves. He reported overall costs had not changed much; the one thing which was a big help was the addition of funds to the reserve account in fiscal year 2026. He noted the estimated amount of the contribution to the reserves would be \$210,670 dollars; by the end of next year the cash reserves were expected to be \$920,000 dollars total, some of which would be allocated to the reserve account, and the balance would be allocated to the operating account. He said the lake bank restoration program would be completed this year, one year ahead of schedule. He stated as such, the District would be looking ahead to the next capital program determining what needed to be done next according to the report done by the District Engineer.

Mr. Bhatla asked a question about the lake bank restoration program.

*Mr. Ward: My recollection is, we were on target with all our projections over the last three years. We've experienced, obviously, some challenges this year since we had one lake bank that had significant damage to it as a result of the hurricane last year, but we overcame that, and I don't see any rocky roads going into next year with our lake bank restoration program. I think overall, Jimmy and his team are here today, and I think we've done a very good job with the lake bank restoration program.*

**I. FISCAL YEAR 2026 BUDGET**

**I. Public Comment and Testimony**

Chairperson Stamp asked if there were any questions or comments.

Mr. Tom Coffey stated (indecipherable).

Chairperson Stamp noted the District would discuss that matter in more detail in a little while. He asked if there were any additional comments.

Mr. Bhatla asked (indecipherable). He asked if a baseline could be established.

Mr. Jimmy Messick responded there was no required depth required in the ponds. He said, in his opinion, the ponds were for stormwater storage only, and if sediment built up higher than control elevations then it would be a problem, but this was not the case; the sediment was much lower than the control elevations. He stated he believed some of the shallow areas in the ponds were visible at this time due to low water levels, not due to high sediment levels.

Chairperson Stamp noted last year silt had to be brought in to build up a couple of the lake's banks. He said as long as the pipes were clean, silt was not a problem.

Mr. Messick noted maintenance of the pipes continued to ensure they were operating properly.

Mr. Coffey stated (indecipherable). He said regarding the silt, it built up slowly and every year the lakes became a little less able to handle the stormwater.

Discussion continued regarding silt build up in the lakes over time; what would need to be done in the future regarding silt build up; silt originating from lake banks and running into the lakes; rip rap and Geotubing working to prevent silt from running into the lakes; and proper maintenance of the lake banks significantly slowing the buildup of silt in the lakes.

Chairperson Stamp asked if in Mr. Ward's career a lake had ever required dredging.

Mr. Ward responded in the negative; in his 23 years as a District Manager, he never had a lake which required dredging.

**II. Board Comment**

Chairperson Stamp asked if there were any additional questions or comments from the Board; there were none.

**III. Consideration of Resolution 2025-5, a resolution of the Board of Supervisors adopting the Annual Appropriation and Budget for Fiscal Year 2026**

Chairperson Stamp called for a motion to approve the budget beginning October 1, 2025 and ending on September 30, 2026.

On MOTION made by Ron Miller, seconded by Tom Kleck, and with all in favor, Resolution 2025-5 was adopted, and the Chair was authorized to sign.

**b) FISCAL YEAR 2026 IMPOSING SPECIAL ASSESSMENTS; CERTIFYING AN ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE**

Mr. Ward indicated this public hearing set into place the assessment rates and certified an assessment roll. He stated the assessment rate was the same this year as last year.

**I. Public Comment and Testimony**

Chairperson Stamp asked if there were any public comments or questions; there were none.

**II. Board Comment**

Chairperson Stamp asked if there were any Board comments or questions; there were none.

**III. Consideration of Resolution 2025-6, a Resolution of the Board of Supervisors Imposing Special Assessments, Certifying an Assessment Roll; providing a severability clause; providing for conflict and providing an effective date**

Chairperson Stamp called for a motion.

On MOTION made by Ron Miller, seconded by Tom Kleck, and with all in favor, Resolution 2025-6 was adopted, and the Chair was authorized to sign.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2025-7**

**Consideration of Resolution 2025-7, a resolution of the Board of Supervisors designating dates, time, and location for regular meetings of the Board of Supervisors for Fiscal Year 2026**

Chairperson Stamp noted the meeting dates would be the third Thursday of each month at 1:00 p.m. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Tom Kleck, seconded by Ron Miller, and with all in favor, Resolution 2025-7 was adopted, and the Chair was authorized to sign.

**SEVENTH ORDER OF BUSINESS**

**Staff Items**

**I. District General Counsel - Billing, Cochran, Lyles, Mauro & Ramsey, P.A.**

189 *Mr. Mike Pawelczyk: I have a report about the lawsuit served against your Chairman. I did a brief*  
190 *memo describing it which was distributed to you late last night or early this morning. Would you like*  
191 *me to read it into the record?*

192  
193 *Chairperson Stamp: Read it into the record and put it on the website please.*  
194

195 *Mr. Pawelczyk: A memo to the Board, from myself, dated June 19<sup>th</sup>, which is today, regarding Flow*  
196 *Way CDD, Colosi v. Zack Stamp, et al. "On June 16, 2025, my office was served by email with a*  
197 *Verified Petition for Writ of Quo Warranto and Petition for Writ of Mandamus, in the case styled:*  
198 *STATE OF FLORIDA, el rel. MICHAEL P. COLOSI v. ZACK STAMP, in his official capacity as Chairperson*  
199 *of the Flow Way Community Development District, DEAN BRITT, in his official capacity as*  
200 *Chairperson of the Quarry Community Development District, and ESPLANADE GOLF & COUNTRY*  
201 *CLUB OF NAPLES, INC., a Florida not-for-profit corporation, case No. 11-2025CA-001290-0001-01.*  
202 *The case was filed by the Plaintiff, pro se without the assistance of a lawyer, in the 20th Judicial*  
203 *Circuit Court in and for Collier County, Florida. Petitioner appears to claim that he is acting on behalf*  
204 *of the State of Florida, but the Office of the Florida Attorney General has already removed itself from*  
205 *the e-service list. The District Manager has forwarded the Petition to Egis Insurance & Risk Advisors*  
206 *("Egis"), which is evaluating the same for coverage under the Florida Insurance Alliance policy*  
207 *covering the Flow Way Community Development District (the CDD") and its public officers. We*  
208 *should hear back from Egis by the beginning of next week. With respect to the CDD, the Petition*  
209 *appears to seek the following relief (summary): 1. Issuance of a writ of quo warranto to remove Zack*  
210 *Stamp as the Chairperson of the CDD Board of Supervisors and demanding that certain actions taken*  
211 *by Supervisor Stamp are deemed invalid as beyond the Supervisor's authority; and 2. Issuance of a*  
212 *writ of mandamus mandating that Supervisor Stamp perform "ministerial and non-discretionary*  
213 *public duties" to providing access to the Petitioner to certain landlocked parcels, essentially to*  
214 *authorize the use by the Petitioner of the preserve maintenance path (referred to in the Petition as*  
215 *the "south dirt road") that runs through lands of the CDD, the Quarry CDD, and the Esplanade Golf &*  
216 *Country Club of Naples, Inc. (the "Association"). The Petitioner claims a statutory and constitutional*  
217 *right to access. The CDD's initial response to the Petition is due as early as July 7, 2025. We will*  
218 *advise you as to the assignment of the case to counsel by Egis, and will keep you informed as to the*  
219 *status of the case as it proceeds and is defended by the assigned counsel."*  
220

221 *Mr. Pawelczyk: That is a brief overview of it. And since it's a pending lawsuit I don't think it's*  
222 *something we want to discuss other than the facts as presented in the pleading which is, frankly,*  
223 *devoid of facts. In terms of case strategy, or how we proceed, I think it's too early to tell since the*  
224 *case was just filed on Monday, the 16<sup>th</sup>. Once it's assigned to counsel (indecipherable). That's why*  
225 *you have officers and liabilities insurance. Once that's done, Jim, myself, and Zack will provide*  
226 *whatever information we need for them. In the unlikely event that this is not covered by the*  
227 *insurance policy, we will discuss my office either handling the initial part of the case and continuing*  
228 *forward with it or retaining special counsel to do so, but I don't think that's going to be an issue at*  
229 *this point. As I said, we should have more information by the beginning of next week. I'm in the*  
230 *office tomorrow afternoon or Monday; we can schedule something to go over it. If you've read*  
231 *through the complaint, I think you can draw your own conclusions at this point.*  
232

233 *Mr. Miller: I admit I don't fully understand what's going on, and I don't understand what this*  
234 *individual wants. Maybe we can have a nonpublic session for legal advice?*  
235

236 *Mr. Ward: Please, let's hold these discussions until we have an opportunity to discuss it privately.*

Mr. Pawelczyk: Once counsel is assigned, those determinations will be made and presented to the Board. To answer Ron's question without talking about the lawsuit, what he wants is access to that landlocked parcel, but he wants to use the preserve area maintenance road, which, to my understanding, is only used by the various entities responsible for it to maintain those preserves. We know that from his correspondence sent to the Board prior to this petition being filed. Ron, I'll be happy to talk to you about it next week, just let me know.

Mr. Bhatla: When are we going to hear from the insurance company?

Mr. Pawelczyk: The insurance is involved because you have officers and officials liability insurance, as well as property liability insurance for CDD property, and since Supervisor Stamp is the one being sued here in his official capacity, frankly, you are obligated to turn it over to the insurance company and let them decide if it's covered, and if it's covered they will handle it and pay the attorney fees. As I indicated, we notified them earlier this week. We expect to hear from them very soon. Hopefully by Monday. As soon as we do, we will let the Board know what the status is.

## **II. District Engineer – Calvin, Giordano & Associates**

### **a. Waterway Inspection Report: May 2025**

### **b. Engineer's Report**

#### **1) Current Operations:**

- i. Landscaping**
- ii. Lake Maintenance**
- iii. Entrance Maintenance**
- iv. Irrigation Pump House**
- v. External Preserves Compliance update**

#### **2) Capital Projects**

- i. Lake Bank Restoration 2025**

#### **3) Future Asset Maintenance Items**

- i. Corrective Actions**

Mr. Jimmy Messick discussed current operations and maintenance including palm tree maintenance, guard house maintenance, irrigation water level monitoring, lake 12 restorations, other minor lake bank repairs, lake 11 littorals, lake treatment for exotics and algae, and floating vegetation treatment. He discussed cane toad tadpole removal from the lakes. He discussed the renewal of the water use permit until May 2030, which was obtained, and the permit modifications which would now be applied for.

Mr. Scimio asked a question about the pumps and wells.

Mr. Richard Freeman with Calvin Giordano and Associates introduced himself. He discussed the two wells used to pump water for irrigation and the third well which would be dug deeper to improve water flow. He explained two of the wells would be used regularly and one of the three wells would be kept as an emergency backup well.

Discussion continued regarding the wells, and how much water was pumped daily from the wells.

Mr. Ward: I think it's a big "if" on whether or not we will get a permit from South Florida Water Management District on the third well itself. Although that is the plan we are working on, before we make any representations about this, we haven't submitted the permit at this point in time. There have been no decisions made as to when that will be done. We are in the process of doing that. Once we get into permitting and we figure out where we are going to be, then we will be in a better position to advise the Board about what we can and cannot do. These detailed questions are not able to be answered at this point in time. Our permit capacity is roughly 375 million gallons a year; pumping capacity, we report on that monthly. These are not daily limits, and I do not remember if they are monthly limits, or six months or what. We know what we can pump on a daily basis, 1.6 million gallons.

Mr. Scimio: During the rainy season you don't have to pump all that water, so the rest of the annual limitation could be saved and used, up to our maximum amount of water, during the dry season.

Mr. Ward: Correct.

Mr. Miller: What about the possibility of digging the two existing wells deeper so we wouldn't need to dig a third well?

Mr. Ward: That is a subject that I've thought about, but I haven't talked to Jimmy or Richard about it.

Mr. Bhatla asked what the question was.

Mr. Ward explained the wells were 65 feet and 75 feet deep, which caused issues this year with water capacity. He stated whether these wells could be drilled deeper had not been evaluated yet. He said he felt this was a big issue from a mechanical basis, but the discussion needed to be held.

Mr. Miller stated if it was cheaper to do or easier to obtain the necessary permit modifications, it should be considered as opposed to a third well.

Mr. Ward stated the third well was being contemplated because a few years ago one of the wells failed, and there was only one well for the entire community, which was a huge problem, so the concept of a third well was for a backup well only which would never be used unless one of the other two wells went down. He said he believed the third well concept should be pursued and the CDD should see what happens with the permit, after which it could make better decisions regarding what could or should be done. He noted the money was in the budget for the third well.

Chairperson Stamp explained when the residents took over the CDD Board, it was discovered that the developer, Taylor Morrison, had basically been doing no maintenance on anything, and the well was just clogged. He noted it was able to be cleared.

Mr. Messick continued his report. He stated the maintenance of preserve area 2 and 1 (the northernmost preserve areas) was completed; the environmentalist would evaluate these areas in July and then the maintenance would be complete for year two of three years.

Discussion ensued regarding a fire in the area and whether it reached the preserve area; it was believed it did not reach the preserve area.

Chairperson Stamp noted if the CDD ever decided to do a controlled burn plenty of notice would be given to the community.

Discussion ensued regarding controlled burns versus cutback of material; and the use of cutting back materials to prevent overgrowth.

Mr. Messick said the CDD did have controlled burn options if necessary. He discussed the last few maintenance items including lake bank restoration on lake 12, and sod installation.

Chairperson Stamp noted discussions with the HOA regarding plantings along lake 11 were being held; no decisions had been reached.

Mr. Miller asked (indecipherable).

*Mr. Ward: Richard and Bob were kind enough to get a plan together of what to do and it was provided to the HOA. Mr. Kupstas provided some comments. We are waiting to hear back from them regarding whether they like or don't like the plan. They've got to maintain it, so the thought process is to make sure they are in on the take off and the landing on this one. We have not heard back from them as to what they intend to do. I know they turned it over to one of their landscaping committees, or something of that nature.*

### **III. District Manager – JPWard & Associates, LLC**

#### **a. Future Series Bonds Issuance Refinancing Dates**

#### **b. Financial Statements for period ending May 31, 2025 (unaudited)**

*Mr. Ward: Your refinancing of your 2015 bonds is still on my radar. There is nothing we need to do at this point, but I will keep you posted as we get closer to a date that I think it's reasonable for us to start the refinancing process. It is a relatively small bond issue. I think we have about \$2.7 million dollars left. Just a reminder your Form 1s are due on July 1. If you have not filed them, please make sure you do so. You did your ethics training last year, I will point out that you need to do your ethics training again this year. My team will send you the links to do the training again this year. Just make sure you get it done by December 31. That is for your Form 1 filing for 2026.*

Mr. Miller indicated he was pleased with the budget and discussed the reserve account funds which would be in place potentially in 2027.

## **EIGHTH ORDER OF BUSINESS**

## **Supervisor's Requests**

### **I. Supervisor Stamp:**

#### **a. Tom Coffey email**

#### **b. General Fund Reserve Summary**

#### **c. Dredging and Repairs of Lakes and Canal**

#### **d. Required Signage**



380  
381 *Chairperson Stamp: When this Board reformed itself back in November, we talked about getting the*  
382 *reserve account up to \$1 million dollars which you may or may not think is adequate. For operations,*  
383 *we are putting a new capital plan in place which will address, I think, your issues on the lake banks*  
384 *and we are putting an asset replacement plan in place. The idea is that we will rough this out over*  
385 *the fall and present it to the community, probably in April, maybe a little bit earlier, but we certainly*  
386 *welcome your thoughts, suggestions, and participation as we develop that plan.*

387  
388 *Mr. Tom Coffey: You have heard my comments. I will tell you to focus on the lakes and banks. That*  
389 *is a \$20 million dollars asset. (Indecipherable). I don't know why the CDD still hasn't*  
390 *(indecipherable). I think the CDD should worry about the in-ground assets and transfer everything*  
391 *else to the HOA. Mr. Coffey had comments about the lakes, signage, lake banks, the need to replace*  
392 *grass, weeds growing along the lake banks, walking paths, and who owned what, the CDD or HOA.*  
393 *Much of his discussion was (indecipherable).*

394  
395 *Mr. Ward: I think with respect to the facilities the District owns, we have clearly identified all of the*  
396 *facilities. That was a large program we did three or four years ago when we transitioned from*  
397 *Taylor Morrison to the CDD Board, so we know exactly what the CDD owns, including at the*  
398 *entranceways, where the limits are for CDD facilities versus HOA facilities. That is very clear and very*  
399 *easy to figure out. We have maps of all those areas. Our staff knows exactly what to do and when*  
400 *to do it. There is great coordination between the HOA and CDD team with respect to how we*  
401 *operate on an ongoing basis, whether it's the maintenance of the lakes, whether you call it the lack*  
402 *of rainfall we had with respect to the pumping from the irrigation system which had to be done these*  
403 *last few months, and including any landscaping. That's all clearly identified, and we know how all*  
404 *that is handled on an ongoing basis. I think both the CDD's budget, and I'm assuming the HOA's*  
405 *budget, are clearly delineated correctly. I will tell you I work with Mr. Kupstas on a very regular basis*  
406 *and we talk quite a bit about all of the CDD facilities, so I think they are optimized as much as*  
407 *possible in this less than perfect world we live in. I think we've done a darn good job in knowing*  
408 *what we're doing, when we're doing it, and how to get it done at the right time. I think that's how*  
409 *we handle all of these facilities from an operating standpoint. To add to it, Mr. Messick and his team*  
410 *did a great job this year. The District got a landscaping award for the front entrance. I think we*  
411 *came in number two in the State. They did a good job and got a good award. I travel the entire*  
412 *State doing CDDs and you guys have got one of the best entrances that I have seen and clearly the*  
413 *best in Collier County.*

414  
415 *Mr. Miller: First impressions are important. The landscaping outside the gate and bridge makes a*  
416 *great impression. It is unbelievably good. It's a wow.*

417  
418 *Mr. Ward: We maintain from Immokalee Road to the guardhouse, and then east and west to your*  
419 *property lines. We coordinate directly with the HOA on the maintenance directly around the*  
420 *guardhouse.*

421  
422 *Chairperson Stamp: We can't transfer that to the HOA. We can't just transfer the front entrance.*  
423 *We can maybe enter into an agreement with them to let them maintain it, but we cannot transfer*  
424 *that to them.*

425  
426 *Mr. Pawelczyk: That's correct Chairperson Stamp. There is no mechanism for a CDD to transfer its*  
427 *interests in real property to a private entity like the HOA. If the HOA wanted to maintain it, the CDD*

would enter into an agreement with the HOA to maintain whatever portions of the infrastructure or property are within the parcel. That could be done at the desire of both parties.

Mr. Coffey: (Indecipherable).

Chairperson Stamp: I think everyone would agree with you that the signs are ugly and worthless, but they are mandated by the permits. Richard is trying to figure out places we can comply with the permit while taking into consideration the view of the homeowners. We are slowly going through that, but we have to do it per the permit.

Mr. Coffey: If we have to have them, could we get new ones?

Chairperson Stamp: Part of the process will be taking out the old ones.

Mr. Bhatla: Do we have any ongoing conversations with the HOA about consolidation of the contracts? We talked in the past that we might combine services into a single contract. Are we having that discussion or is that all done now?

Chairperson Stamp: That's all fallen by the wayside. The HOA has other things that have their attention.

Mr. Ward: I think they have other things to deal with, so we are just moving along the road we are on. If at some point the HOA decides to have that discussion, we will have it at that point.

Mr. Bhatla: I thought the incentive was to save costs, but we don't have anything going on?

Mr. Ward: Correct.

#### **NINTH ORDER OF BUSINESS**

#### **Public Comments**

**Public Comments: Public comment period is for items NOT listed on the Agenda, comments are limited to three (3) minutes per person, assignment of speaking time is not permitted, however the Presiding Officer may extend or reduce the time for the public comment period consistent with Section 286.0114, Florida Statutes**

Chairperson Stamp asked if there were any public comments; there were none.

#### **TENTH ORDER OF BUSINESS**

#### **Announcement of Next Meeting**

#### **Announcement of Next Meeting – Regular Meeting on July 17, 2025**

Chairperson Stamp stated his intention was to cancel the July meeting; however, he would leave it open at this point. He said he would provide a couple of weeks' notice if the meeting were canceled.

Mr. Miller asked if a meeting was needed to move forward with the bond refinancing.

Mr. Ward responded in the negative; a meeting was not needed next month for the bond refinancing.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned at approximately 2:09 p.m.

**On MOTION made by Tom Kleck, seconded by Ron Miller, and with all in favor, the Meeting was adjourned.**

Flow Way Community Development District

\_\_\_\_\_  
James P. Ward, Secretary

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Zack Stamp, Chairperson