

**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, September 19, 2024, at 1:00 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

**Absent:**

Martinn Winters	Assistant Secretary
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**Also present were:**

James P. Ward	District Manager
Jimmy Messick	District Engineer
Michael Pawelczyk	District Counsel

**Audience:**

Lynn Hyduk	HOA – Community Association Manager
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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, with the exception of Supervisor Winters, constituting a quorum.

**SECOND 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.

**THIRD ORDER OF BUSINESS****Consideration of Minutes****August 15, 2024 – Regular Meeting Minutes**

Chairperson Stamp made two amendments to the Minutes. He asked if there were any other corrections; hearing none, he called for a motion.

**On MOTION made by Tom Kleck, seconded by Bart Bhatla, and with all in favor, the August 15, 2024, Regular Meeting Minutes were approved as amended.**

**FOURTH ORDER OF BUSINESS****Consideration of Resolution 2024-12**

**Consideration of Resolution 2024-12, a Resolution of the Board of Supervisors of Flow Way Community Development District Supplementing Resolution 2014-1 which Resolution Previously Equalized, Approved, Confirmed, Imposed And Levied Special Assessments On And Peculiar To Property Directly And Specially Benefited (Apportioned Fairly And Reasonably) By The District's Projects; Approving And Adopting The Summary Of Bond Refinancing, Dated August 26, 2024, Which Sets Forth The Specific Terms Of The Flow Way Community Development District (Collier County, Florida) Special Assessment Refunding Bonds, Series 2024; Providing For The Supplementation Of The Special Assessments As Set Forth In The Improvement Lien Book; Ratifying And Approving The Execution Of A Lien Of Record And The Recording Thereof In The Public Records Of Collier County, Florida, And Providing For Severability, Conflicts, And An Effective Date**

Mr. Ward stated this was called a bring down resolution which amended the changes to the par debt assessments on the lots after refinancing. He asked Mike Pawelczyk to review the Resolution.

*Mr. Mike Pawelczyk: Back in 2014 this Board adopted a Resolution levying assessments for the assessment area we just went through the refinancing on. We will call those the 2014 assessments. As a result of the refinancing, you have lowered that assessment rate for those lands located within the assessment area. We call it a bring down resolution. For the record, it shows what those lower assessments are. You haven't changed the prior levy of assessment authority or the lien that was imposed in 2014, you're just identifying now that those landowners will be paying a lower assessment. That lower assessment will be as identified in the attachments to this resolution which primarily are in exhibit A, which is a supplemental methodology report. We call it a summary of bond refinancing. If you look at that summary of bond refinancing, you will see everyone who owns property within the assessment area, you will see their level of assessments reflected after the refinance. It is essentially the adoption of the new assessment role that will, going forward, appear on the tax bill. That's really all the resolution does. It's not technically necessary by law to do this resolution, but in speaking with Jim and your bond counsel, it is a good idea to do it because in it you have an accurate reflection in your District records to show what the new assessments are and that the Board considered it and lowered the assessment accordingly. That's really what the resolution does. The lien of record, which is attached as exhibit B, that instrument will be recorded. All it is, is a notice, that we've refunded the bonds, and we issued these refunding bonds in a certain amount, and that assessments are levied accordingly. It will appear, if you go to refinance your mortgage or sell your home, it will appear in the title work and tell those future buyers that the District has issued bonds for this assessment area and then in 2024 issued*

*refunding bonds at a lower assessment rate. That's what it does and if there are no further questions a motion to adopt Resolution 2024-12 would be in order.*

Chairperson Stamp asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Tom Kleck, seconded by Bart Bhatla, and with all in favor, Resolution 2024-12 was adopted, and the Chair was authorized to sign.**

## **FIFTH ORDER OF BUSINESS**

### **Consideration of Resolution 2024-13**

**Consideration of Resolution 2024-13, a Resolution of the Board of Supervisors of Flow Way Community Development District Declaring a vacancy in Seat 3 pursuant to Section 190.006(3)(B) Florida Statutes, which no person qualified for this Seat during the qualifying period**

Mr. Ward explained with the election this year, no electors qualified for Seat 3. He explained statute indicated the Board needed to declare a vacancy in Seat 3 which would become effective as of November 19, 2024, and then the remaining members of the Board should appoint a qualified elector residing in the District to sit in Seat 3 before February 18, 2025 to fill the four year term ending November 2028. He asked if there were any questions.

Mr. Miller asked if the Board appointed an individual to fill the term, and then the Seat went up for regular election.

*Mr. Pawelczyk: Because nobody qualified for Martinn's seat, Seat 3, during the qualification period, the statute says the CDD Board then appoints someone to fill that term. So, because no one qualified we can't have anyone on the ballot for Seat 3. You will appoint a qualified elector to serve in that Seat for the entirety of the 4-year term through November 2028 at which time that Seat will come up for election again with Seat 5.*

*Mr. Miller: Between now and then it will remain vacant?*

*Mr. Pawelczyk: Between now and the time you appoint somebody it is essentially vacant, but really Martinn is technically a holdover until such time as we appoint somebody, unless he resigns.*

*Mr. Bhatla: So, we don't need a resignation from Martinn. He just did not run for election.*

*Mr. Ward: He did not run for election. He stays on the Board until you appoint a new person.*

*Chairperson Stamp: We can do that at the November meeting or we can do it 90 days later.*

*Mr. Ward: Correct.*

Chairperson Stamp asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Tom Kleck, seconded by Bart Bhatla, and with all in favor, Resolution 2024-13 was adopted, and the Chair was authorized to sign.**

**SIXTH ORDER OF BUSINESS****Staff Items****I. District General Counsel - Billing, Cochran, Lyles, Mauro & Ramsey, P.A.**

*Mr. Michael Pawelczyk: At the last meeting we adopted a resolution providing for a first amendment to the drainage easement to add certain properties. The Chairman has executed that first amendment. We are, however, waiting for the Association to provide that executed version back so we can record it. When I left for vacation 8 days ago, they said it was forthcoming, but I haven't received it yet, so I will follow up with their counsel unless someone wants to follow up with the Association before then.*

**II. District Engineer – Calvin, Giordano & Associates****a. Engineer's Report**

- 1) Current Operations**
  - i. Landscape Maintenance**
  - ii. Lake Maintenance**
  - iii. Irrigation Pump House**
  - iv. Entrance Maintenance**
  - v. External Preserves Compliance**
- 2) Capital Projects**
  - i. Lake Bank Restoration**
- 3) Future Operations**

*Mr. Messick: Current operations, we are continuing to maintain our assets including providing an aeration treatment for the front entrance and swapping out our annuals in rotation this early August to keep the front entrance in premium shape. Lake maintenance, with regard to spraying for algae and leaves and so forth we are going through our rotation with our vendor to make sure there is no outstanding algae that's blooming. We are staying on top of that to the point where we should be good. The entrance, there's really not too much other than the landscaping. There were some flumes installed. We have some signage that's going to be installed so we can remove the speed hump on the pedestrian walkway at the entrance crossing, but we are maintaining our front entrance with various fountain equipment. Regarding irrigation, we have rebuilt the motor per our capital improvement plan and each year we will rebuild another motor. That has a year's warranty on it and should extend the life for another 5 to 7 years. We have finished up the preserve maintenance for fiscal year 2024. We are set to restart the next fiscal year's preserve maintenance program at the beginning of the year as soon as water levels start to drop back down during dry season so they can get out to the preserves and traverse through them. Next month in my report I will include a proposed capital lake bank restoration program map that's updated. There was some erosion on Lake 2. It's within the year warranty, so we will have to get that fixed next month. The look ahead table still has some edits and revisions. We do plan on taking over the irrigation pump for the Hatcher parcel. That will be in fiscal year 2025, October or November. Next week the internal preserve maintenance is scheduled to start. It was going to be August, but they've pushed that back and they are hoping to start that in the beginning of next week. We are*

*also installing littorals on Lakes 14, 26, and 24 to try to bolster the look and the environmental impact of those plants. That may not be able to start until those water levels drop a little bit at those particular lakes. We are working on trying to get the water levels down. This look ahead had starting drainage inspections for phase 2. We have since revised that and we are going to inspect the entire drainage system annually, and we are going to inspect the control structures and discharge piping twice a year, once when we do the annual inspection and again once before the rainy season just to make sure everything is operating as originally permitted. I mentioned we had some erosion on Lake 2. That happened next to the Geotube that we had installed. The vendor is going to be working out there. It is under warranty, and we are going to be fixing that. We have ongoing maintenance. The perimeter preserve fence is going to be inspected monthly. There is new fountain equipment being installed in October and the lights and nozzles have already been replaced, but we are expecting to have those fountains down and start the installation next month.*

*Mr. Tom Kleck: Lake 2, is that one that's out –*

*Mr. Messick: It's the first one you see when you come in on the left.*

*Mr. Kleck: Originally, I got the call from the homeowners in there, Tommy Smith and Jim Boggs (ph), and I think we initially thought it was drainage coming from one of the houses from the roof drain or the down spouts. Is that what it was or was it something else that maybe the crew didn't do right?*

*Mr. Messick: From my asset manager's site visit, he had determined it had to do with the Geotube that was installed. I'm not sure if it was in the middle section of the Geotube or at the end section where it matches existing grades, but the Geotube contractor is going to come out and make that fix. If it has to do with the pipe, we will have to address that in the fix.*

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

- a. Florida Law changes to Form 1 filings**
- b. Goals and Objectives reporting requirements for CDDs**
- c. Future Series Bonds Issuance Refinancing Dates**
- d. Financial Statements for period ending August 31, 2024 (unaudited)**

*Mr. Ward: There was a change to the statute this year that requires special districts, CDDs, to establish performance measures and standards for reporting. What the statute does not do is require us to have any specific way to do that, nor does it require any external reporting to other agencies within the State. The way the reporting is done is internally the District files it on the District's website as of September 30 and this year it is required to be filed by December 1. So, I have included in your Agenda package an extraordinarily simple way in which to do the reporting for September 30 of this year. Mostly it is administrative matters, public meeting compliance, notice of meetings, access to records; we will have Jimmy do an annual report as of September 30, how we do the budget preparation, and those types of things. You may establish additional reporting requirements. You may want to look at that for next year, but for 2024 this statute was just started in July of this year, so I think we should do this on a simple basis. I am going to ask you to approve these performance measures. We will put them on the District's website after this meeting and then by December 1, I will check the boxes on the performance measures to say we have achieved the measures, and this will go on the District's website by December 1 of this year. He asked if there were any questions; hearing none, he called for a motion.*

**On MOTION made by Tom Kleck, seconded by Bart Bhatla, and with all in favor, the performance measures were adopted.**

*Mr. Ward: The District received an award recently. It was the Silver Medal Winner for the entrance landscaping for all of the Master Plan Committees that submitted their applications in southwest Florida. This gets our name on a plaque. Thank you to Jimmy and his team for spearheading that and for the landscaper that we have on site to be able to achieve that award.*

*Mr. Bhatla: Thank you Jim also for organizing.*

*Mr. Ward: I know Jimmy and his team have worked very hard on the entranceway.*

*Mr. Bhatla: Who gave the award?*

*Mr. Ward: I don't know. I just heard about it a few hours ago. I guess they have this State program which gives awards out, however, this is just southwest Florida which covers Lee County and Collier County. I see it in other communities in the state, but they do give out landscape awards for entranceways in southwest Florida and we got Silver. The only other thing I have is, we have recently been asked by the homeowner's association to assist in the program related to cane toads. Cane toads are a species which have come into the state of Florida who are very invasive. They are venomous. If a dog bites them, it will kill the animal. The way these cane toad programs work, the tadpoles come in through landscaping, the adults lay their eggs in the water, they can produce hundreds of tadpoles each, and then as they grow, they move up on land. The HOA has been treating them on land with minimal effect. We can treat them with chemicals in the water body, but once they get out of the water body then they have to be trapped and killed. The program we are going to put in place is to be able to treat the tadpoles in the water bodies which will substantially reduce the number of cane toads that get on land. There will be cane toads in a trapping program. That still has to be kept by the HOA. We are working with them in a joint effort, with one vendor, to both treat the tadpoles in the water bodies and then the same trapper will trap them and kill them and move them offsite once they get on land. The volume in Esplanade right now is pretty significant. It is not going to be a short program. We will have to do it this year and again next year and hopefully the volume will reduce over time. We will never get rid of these things. They will always be here. It's just a matter of keeping them under control as much as possible.*

*Mr. Bhatla: What is the cost?*

*Mr. Ward: We are going to split the cost with the HOA roughly 60/40. The HOA 60, we will do 40. It's going to run about \$7,500 dollars a month for four or five months. We will be responsible for 40 percent of that cost. Hopefully, it will only be four or five months. We will be treating on a weekly basis. As the tadpoles in the water bodies reduce, we will go down from the weekly treatments to something less than that, but at this point we are going to start out with a weekly process. Then next year we will gage that program and identify if it will be another weekly program or biweekly program or something different at that point in time. Obviously, we do not have budgeted funds for this, but I do have enough contingencies within the budget to use to engage in the program.*

*Mr. Kleck: Does the HOA or the CDD put out an alert or notice about the cane toads in the neighborhood?*

*Ms. Lynn Hyduk: (Indecipherable).*

*Mr. Kleck: I saw ten of them in my backyard yesterday. Have you gotten any of that type of feedback? My question is, I know what an adult cane toad looks like, but I've seen a lot of little toads running around and I'm not sure if they are in fact cane toads, but they sit under my coach lights and eat the bugs at night.*

*Ms. Hyduk: (Indecipherable). All I would recommend for people, like you said they will always be here, (indecipherable).*

*Chairperson Stamp: There is stuff online which will show you the difference between the toads with pictures. There is the shape of their head and the glands they've got. And on Facebook there has been some chatter about this is the worst they've ever seen them.*

*Mr. Bhatla: (Indecipherable).*

*Ms. Hyduk: (Indecipherable) areas where it's really intense, you can let me know. I can tell the trappers that go out. (Indecipherable).*

Discussion ensued regarding the cane toads, the killing of cane toads being perfectly legal, what cane toads look like, the large number of cane toads in the area, and the cost of the cane toad elimination program for approximately \$7,500 dollars per month of which the CDD would pay 40 percent.

Mr. Ward explained the chemical used to eliminate the tadpoles would not hurt any fish in the water bodies.

Chairperson Stamp asked about the next series of bonds.

*Mr. Ward: We achieved a very successful bond refinance and those of you who live in the first series of bonds area, next year, will receive a 28 percent discount on the annual assessment amount. It's a good financing. The rate on these bonds is 4.66. We achieved that with a premium bond structure for which we paid a little more up front to be able to get a better differential in the rate structure. 4.66 is a great rate. FMS Bonds did a great job with this refinancing, and I cannot thank them enough. With that said our next two series of bonds, we did two series in 2015, the latter part of next year we will start to take a look at refinancing those bonds. (Indecipherable).*

*Mr. Bhatla: What is the amount of those bonds?*

*Mr. Ward: Both of those bond issues were relatively small. I think they were in the \$4 million dollar to \$5 million dollar range each.*

Chairperson Stamp asked if there were any Supervisor’s requests.

*Mr. Kleck: If we are appointing a new board member, I suggest we have a selection of names. Perhaps each one of us could come up with somebody we would like to see on the Board and then we make that recommendation. I would like to have the opportunity to pick someone from three or four names.*

*Mr. Bhatla: (Indecipherable) alligators.*

*Mr. Ward: We put in place a program that if there is a nuisance alligator we can call and have them take it out. The onus is on us. If residents or the HOA sees a nuisance alligator, all they have to do is advise us, and then we will take the steps to notify the proper agency. We do not call if we see an alligator, we call if there is a nuisance alligator, if it is laying on the banks, or if somebody is feeding the alligator, etc.*

**EIGHTH 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.

**NINTH ORDER OF BUSINESS**

**Announcement of Next Meeting**

**Announcement of Next Meeting – Regular Meeting October 17, 2024**

Chairperson Stamp indicated there was no reason to hold a meeting on October 17. He indicated he would not cancel the meeting today, but it was possible the meeting would be cancelled. He noted there was nothing now which required the action of the Board in October. He stated the November meeting would need to be held.

**TENTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned at approximately 1:38 p.m.

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

Flow Way Community Development District

  
James P. Ward, Secretary

  
Zack Stamp, Chairperson