

**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, October 19, 2023, at 1:00 P.M. at the Esplanade Golf and Country Club, 8910 Torre Vista Lane, Naples, FL 34119.

Present and constituting a quorum:

Ron Miller	Vice Chairperson
Bart Bhatla	Assistant Secretary
Tom Kleck	Assistant Secretary

Absent:

Zack Stamp	Chairperson
Martinn Winters	Assistant Secretary

Also present were:

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

Audience:

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

Vice Chair Ron Miller 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 Zack Stamp and Martinn 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.

Vice Chair Miller reviewed public comment protocols.

THIRD ORDER OF BUSINESS**Consideration of Minutes****September 21, 2023 – Regular Meeting Minutes**

Vice Chair Miller asked if there were any additions, deletions, or corrections for the Minutes; there were none.

On MOTION made by Bart Bhatla, seconded by Tom Kleck, and with all in favor, the September 21, 2023, Regular Meeting Minutes were approved.

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

Mr. Michael Pawelczyk: We are working on an easement with the HOA. We sent them a draft easement some time ago and I received an email after inquiry today that they have some revisions to that easement. This deals with irrigation, stormwater, that kind of stuff. I received an email from their Counsel today that we should receive a redline showing some proposed changes sometime next week. This is important as we move forward with the renewal of our irrigation permit, water use permit, with South Florida Water Management District. Jim can explain a little further if needed.

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

- 1. Strategic Operational Plan**
- 2. Prior Board Inquiries**
- 3. SFWMD Permit Compliance Status**

Mr. Jimmy Messick: Current assets we're maintaining are the same: landscaping, lake, irrigation, and entrance. We've done some landscape replacements at the front. The zoysia grass was replaced due to some mole crickets we observed. The fakahatchee grass was trimmed along the Immokalee canal bank to neaten up the canal. We've also coordinated with South Florida this month, which will be reflected in next month's engineer's report, to clean up some of the grasses growing in the canal. We terminated the vendor contract in September for aquatic lake and wetland plant preserves and the new vendor is commencing this new fiscal year. We reviewed the lake system and the current conditions with the approved services approach for spraying and what priorities we have based on the last report we got for water quality. The aqua range was sprayed on the north bank of lake 7 so that the golf course staff could retrieve the range balls as requested from the HOA. For irrigation pump station, we replaced the recharge well pump at hole #11. We replaced it with a 15 horsepower motor to match the other motors we have and that will meet consistency and permit conditions. There were two main breaks which were repaired along the front entrance on both the east and west sides of the bridge on Immokalee. We added electrical outlets in the center median to expand the holiday lighting. The holiday lighting is expected to be completed before November and the lights will be on after November 17. There was also a larger electrical breaker installed to address the

ongoing west fountain service tripping condition that we noted at the panel. For the capital projects, the inspector is still walking the lake with the vendor to confirm slope conditions. They anticipate starting new projects in March 2024 and there are some future items I have noted, three of the five we already done, the front entrance tree trimming is complete, that was scheduled for the week of October 9. Pine straw was installed this week, and the stop sign was replaced by the sign vendor. The lake drainage system annual inspection will start in January. The pressure cleaning still needs to be scheduled. The only other item on my agenda is the South Florida Water Management District permit compliance status. We did receive on September 25, the overdue monitoring report letter from the District and we were anticipating that letter. We've got an environmentalist, Hugh Dinkler, on staff under contract and he is going to start working on the minor modification requests per that first notice of noncompliance letter. Basically, his minor modification submittal to the ERP which is due by October 25 will include several items per Rule 62-330-315 FAC, and that is general information about the permittee, contact, clear explanation of the proposed modification and a drawing if applicable. There are a couple of other things per our meeting with the District we will include in that letter. He is going to use the South Florida water use consumption use plan and guidelines from 2018 as his basis for his minor modifications. That is under control and currently being worked on. From what I understand he is going to do a site visit shortly and then submit it to the District before October 25.

Mr. Tom Kleck: I know your guys are doing a great job of cleaning up the lakes. I actually saw their boat going into Lake 8 and they did a pretty good job cleaning things up. I heard you mention we are going to work on the canal on the west side of the neighborhood. Make sure they include those lily pads. The lily pads have taken over the center section of that Flow Way Canal all the way down to Immokalee.

Mr. Messick: It's easier for them to treat internally. The external is influenced by the public canal system in Immokalee, so that's going to be the location where the lily pads start popping up first, and that's our point of emphasis when we start treating, so I've made a note, and I will talk to our vendors about that to make sure that's a point of emphasis for their spraying. It's a good time to make that point as it's a new contract.

Mr. Kleck: The other canal that runs parallel to Immokalee, is that a public canal?

Mr. Messick: Yes.

Mr. Kleck: Who's responsible for that?

Mr. Messick: South Florida.

Mr. Kleck: Okay, because there is litter and paper and grass buildup in that canal too.

Mr. Miller: Jimmy, can we issue South Florida a noncompliance letter?

Mr. Ward: That actually was cleaned the day before yesterday.

Mr. Bart Bhatla: Jimmy, I don't know if you have influence. I was interested in the flower planting at the entrance. How many times do we plant flowers at the entrance? It seems like they are going to do it for the third time. Is that normal? Is this an exceptional thing?

Mr. Ward: I don't remember.

Mr. Bhatla: I just saw it was being done for the third time and I thought it was done only two times. Obviously, it has some bearing on cost. I would like to know if this is the exception or the rule. They do it two times a year or do they do it three times a year?

Mr. Ward: We do it definitely twice, but I think it's three times. I just sent a text, and I should know soon.

Mr. Bhatla: Yes, please check, because I think we spend about \$30,000 dollars each planting. The other thing I was interested in, who is the new vendor for the lakes?

Mr. Ward: Solitude.

Mr. Bhatla: Are they out of Naples?

Mr. Ward: They are all over southwest Florida, but I know they work all the way up into the Bradenton area. Solitude has been in business longer than I have.

Mr. Kleck: How long have they been working for us?

Mr. Ward: Just these past few weeks.

Mr. Messick: They have been doing the water management report three times a year which we use as a basis for our vendor.

Mr. Bhatla: Are they doing this on a time and material basis or are they a lump sum price?

Mr. Ward: The water management vendor Solitude is on an annual contract with us. We issue a purchase order for that work for one year. We pay them on a monthly basis. We can terminate on 30 days' notice. Anytime during the purchase order period, they have the same right of termination. We have a specific scope of how often they are supposed to be in the system and spraying. We did increase the level of service this year from the prior year because of lilies and other assorted issues we are having problems with. That's the general scope.

Mr. Bhatla: What is the cost of the contract?

Mr. Ward: I don't recall, but I can provide that to you. We plant the annuals four times a year.

III. District Manager – JPWard & Associates, LLC

a. Financial Statements for the period ending September 30, 2023 (unaudited)

Mr. Ward: It was our year end a couple of weeks ago, on September 30. We came in with a fund balance of probably \$800,000 dollars. Of that amount, we owe Truist bank a little over \$500,000

dollars. We have about \$200,000 dollars in outstanding payables, so we are going to end the year at roughly \$300,000 dollars, so it came in a little bit better than anticipated during the year. We will pay the bank in January or February, whenever we agreed to pay them.

Mr. Bhatla: And then are we starting another cycle?

Mr. Ward: No, I will evaluate that in the next budget year process to see how much cash we have available, and if we can float our first three months of October, November, December of next year, we will not need another bank loan.

FIFTH ORDER OF BUSINESS

Supervisor's Requests

Chairman Zack Stamp – Copy Settlement Agreement

Vice Chair Miller: Our Chairman included in the Agenda materials a copy of the Settlement with Taylor Morrison that the Board approved in the last meeting. It's a settled amount. This is just a comment that it's in there for anyone who would like to look at it.

Mr. Bhatla: Was it executed?

Mr. Ward: Yes.

Mr. Bhatla: So, it's done.

Mr. Miller: Finalized.

Mr. Bhatla: What is our status with our outside law firm who was involved in the litigation. Is their involvement over?

Mr. Ward: Their involvement is over. I'm just cleaning up a few public records that they need to send to us for inclusion in the record and that's it.

Mr. Bhatla: So, we may terminate that contract?

Mr. Ward: As soon as we finish with the public records, we will make sure it's terminated.

Mr. Bhatla: What about our contract with the environmental attorney?

Mr. Ward: Susan is still on retainer with us, and I am using her to help us with the permitting with South Florida.

Mr. Bhatla: So, that's going to cost –

Mr. Ward: It's not going to be a lot. I just need her for some issues that may arise that her expertise may be needed on. It will be relatively minimal.

SIXTH 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

There were no public comments. There were no members of the public present.

SEVENTH ORDER OF BUSINESS

Announcement of Next Meeting

Announcement of Next Meeting – Regular Meeting November 16, 2023

Discussion ensued regarding the meeting in November.

Mr. Ward indicated he did not have anything to present in November, but the meeting could be held. He indicated he would like to cancel the meeting in December.

The Board discussed the November and December meetings and decided to hold the November meeting but cancel the December meeting; if necessary, the Board can rediscuss whether to hold the December meeting during the November meeting.

Mr. Ward noted the Solitude contract was \$142,000 dollars for the year which included the increased treatments to deal with the lilies.

Mr. Bhatla: When will we have an outline of expenditures for the environmental –

Mr. Ward: I'm guessing not until we get into the January time schedule.

Mr. Bhatla: We were trying to come up with some agreement with the HOA which was under discussion. Any status on that?

Mr. Ward: They have indicated verbally what they would do. I am waiting for a response from the Chairman or President of the HOA Board on whether they will agree to it or not. The offer was 50% split between each party. Verbally they said yes, but they need to sign an agreement to do that.

Mr. Pawelczyk: We circulated an agreement through the HOA, so they have it in hand.

Mr. Bhatla: The agreement released to the counsel, instead of a detailed agreement on the level of (indecipherable) on this subject, we will split the cost?

Mr. Ward: Pretty much that is exactly what it says.

Mr. Bhatla: Is that appropriate? Because it's official business.

Mr. Ward: Mike did it in the form of a two page agreement that says exactly that. It's just we are splitting the cost. That's all we are doing. We are taking the lead on all the work effort. I do want to

address the cost because I want to update what I said. The thought is, at this level, that we would probably spend around a quarter of a million dollars this current fiscal year, the same amount in fiscal year 2025, and hopefully we will be finished with the major part of that work so that by fiscal year 2026 we have a very minimal amount of work to do on an ongoing basis.

Mr. Bhatla: As soon as we have some information on our noncompliance, really our greatest interest is to know where we stand on the mediation. (Indecipherable). The remedial part is what we have assumed and that can end.

Mr. Ward: Yes, and that's what I'm saying. The thought is, if we spend about a quarter of a million dollars each year for two years we should be finished with the remediation and should hit the success criteria. After that there will be some reporting and minimal work done on the preserves. Hopefully that number will go down into the \$20,000 dollar range. That's the concept.

EIGHTH ORDER OF BUSINESS

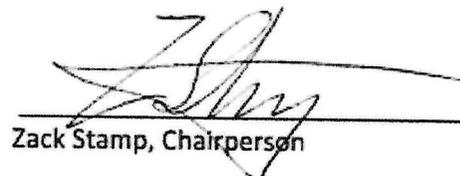
Adjournment

The meeting was adjourned at approximately 1:27 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