

**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, November 21, 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:**

Fritz Riep  
Bob Vetrano  
Lynn Hydek  
Mark Scimio

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 Resolution 2025-1

**Consideration of Resolution 2025-1, a Resolution Re-Designating the Officers of the Flow Way Community Development District; providing for severability and invalid provisions; providing for conflict and providing for an effective date**

Chairperson Stamp indicated the redesignation of the officers of the CDD could be done with one motion. He asked how the Board would like to redesignate the officers.

The Board chose to keep the officers of the Board as they were.

**On MOTION made by Ron Miller, seconded by Bart Bhatla, and with all in favor, Resolution 2025-1 was adopted, and the Chair was authorized to sign.**

Chairperson Stamp thanked the Board for his reelection to the office of Chairperson. He indicated he had several comments: *One, we will begin working on the fiscal 2026 budget shortly and will adopt it in June. As part of that process, I think we should raise our reserves substantially. We currently have a reserve of \$199,000 dollars, but we are advised a district our size should have about \$1 million dollars. This would give us the flexibility to carry higher deductibles on insurance and respond to emergencies if they arise. I would like to see us add \$200,000 dollars to our reserve next year and agree on a plan to get us to \$1 million dollars within 4 years. The increased capital this year, mainly the front fountains and the pumps, will not be recurring annual expenses; therefore, I think it is a realistic goal to achieve this with no increase in the assessment. Two, we are in the third year of our 5 year capital improvement plan. We need to adopt a new 5 year plan incorporating the last few years of the current plan. Three, having repaired or replaced nearly everything; we now need to develop a long term asset evaluation and restoration plan going forward. Four, we need to continue to work with the HOA to straighten out the tangled responsibilities between the CDD and the HOA left to us by Taylor Morrison. There are still issues to be worked out. Five, we should continue working on refinancing the bonds as they become due. These goals are all open to discussion and modification as the Board sees fit.*

*Mr. Ron Miller: (Indecipherable). When I was going through the information today, I thought we were going to wind up at the end of the year with half a million dollars extra.*

*Chairperson Stamp: Part of that is we need to have a reserve to get us through the three months at the end of the year, starting October 1<sup>st</sup>, until we get our payments in, so I'm not counting that as reserves.*

*Mr. Ward: That's essentially correct. We ended the year with \$495,000 dollars. \$210,000 dollars is whatever, and the rest is reserves for current operations.*

*Mr. Bart Bhatla: How much is in the contingency?*

*Mr. Ward: \$76,000 dollars in the current year.*

*Mr. Miller: We start receiving payments in December, so it's maybe a two month cash flow.*

*Chairperson Stamp: Yeah, but, (indecipherable).*

**FOURTH ORDER OF BUSINESS**

**Discussion**

**Discussion of vacancy in Seat 3 which no qualified elector qualified to run for election, which term runs through November 2028 and will be filled by appointment no later than February 18 ,2025, by the Board of Supervisors**

Chairperson Stamp suggested skipping the December meeting and filling the Board vacancy in January. He noted there were two or three people present who were interested in the position.

Mr. Fritz Riep asked who would be vacating.

Chairperson Stamp responded Martinn Winters was vacating his seat. He stated he asked Mr. Ward to provide information regarding the process of being appointed, and the requirements of sitting on the Board.

Mr. Miller suggested everyone interested in serving on the Board put together a personal profile for the Board Members to review prior to the next meeting including involvement in the neighborhood, number of years each had lived in the community, and general background information.

Chairperson Stamp asked if there were any other thoughts or comments; there were none. He stated the plan was then to appoint an individual to the Board in January.

Mr. Ward stated there was an information sheet for any interested parties including Board Member requirements with respect to ethics training, Form 1 filing, etc.

**FIFTH ORDER OF BUSINESS**

**Consideration of Minutes**

**September 19, 2024 – Regular Meeting Minutes**

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

**On MOTION made by Tom Kleck, seconded by Ron Miller, and with all in favor, the September 19, 2024, Regular Meeting Minutes were approved.**

**SIXTH ORDER OF BUSINESS**

**Staff Items**

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

*Mr. Michael Pawelczyk: The only thing I have to report is, finally, we were able to secure and record the two easements we were working on. One was over a drainage flow easement over the P1 Hatcher Parcel that the HOA has granted the District. The second one was the amendment to the big drainage easement we did last year and that was to add the irrigation pump station location to the easement.*

*Mr. Messick: With that easement recorded we were able to attach to our resubmittal to South Florida for a permit check. We got the consumptive use water permit back to South Florida.*

*Mr. Ward: Fingers crossed.*

*Mr. Pawelczyk: I have nothing else to report, just make sure you complete your ethics training before the end of the year.*

*Chairperson Stamp: I think everyone has completed the ethics training.*

*Mr. Bhatla: We have to do the training every year?*

*Mr. Pawelczyk: Yes. Every calendar year.*

*Discussion ensued regarding ethics training requirements.*

*Mr. Ward: The legislature this year, as a part of the statute that relates to – we have to sign a certificate that we don't traffic human beings in our business.*

*Mr. Pawelczyk: All of our vendors have to sign it. The big joke is, if you are a human trafficker, would you really care whether you add perjury to your record?*

*Discussion ensued regarding the anti-human-trafficking certificate and the definition of human trafficking which was broad and included slave labor.*

**II. District Engineer – Calvin, Giordano & Associates****a. Engineer's Report****1) Operational Projects**

- i. Lake 7 Modification by the Master HOA**
- ii. How the water management system for the Big Cypress Basin flows and its effect on Flow Way's water management system**
- iii. Landscaping**
- iv. Lake Maintenance**
- v. Irrigation Pump House**
- vi. Entrance Maintenance**
- vii. External Preserves Compliance update**

**2) Capital Projects**

- i. Lake Bank Restoration**

**3) Future Operations**

*Mr. James Messick: (Indecipherable) The landscaping, turf, and aeration installs at the front entrance continues to be replaced and I've gotten good feedback that that's been working great. We also replaced, at the front entrance, pine straw. There was a washout at the crossing bridge that we are working on getting repaired. I have a picture of that washout. It's not a problem, it's just something we are keeping an eye on. There are some plantings on lake 7's lake bank. We have some pictures showing this. We are happy with the progress of the landscaping. The next asset is a lake maintenance asset, the big one being the cane toad. Starting in October we began skimming tadpoles. We brought up the cane toad issue before and we are addressing that. We started doing the skimming, 410,000 tadpoles were removed. These all fit in a 5 gallon bucket. 19 hours of time skimming the lakes should put a dent in the cane toad problem. A couple weeks later we removed 600,000 to 700,000 golf ball size baby toads and 350 adult size toads. We have problematic lakes we have noted and will keep an eye on. The vendor is confident that over the next couple of weeks the population will reduce and in the next couple of months, as the lake temperature decreases, spawning will drastically decrease. They will continue to monitor the lakes, and we will have updates.*

*Chairperson Stamp: We have had a lot of good feedback on Facebook regarding the joint CDD and HOA effort.*

*Mr. Messick: Good. In addition to the cane toads there are ongoing weeds, vegetation, floating weeds, etc., those things are minimal, and we will continue to treat them as needed. Over the next couple of visits a lot of the things we have noted should be addressed. There are a couple of shoreline yard drains that through the hurricanes have popped up and raised to the surface and once the water lowers, we will anchor those back to the bottom of the lakes. We are replacing the motor, pumps, and jets at the front entrance fountain. We are also replacing the damage in the basin of the fountain to help with the structural integrity. The pavers at the front entrance were repaired. That's everything for the current ongoing maintenance of assets. The only other thing worth mentioning is the external preserves compliance is going to be starting up again for fiscal year 2025 in February with the same areas, same vendor, same costs. We felt like the first year was a success. The report was submitted this summer to South Florida. Next year we will go through the same process expecting better results and better percentages as we go.*

*Mr. Bhatla: Do we have any feedback from the agency?*

*Mr. Messick: There is no feedback per se; they just acknowledged the acceptance of the report submitted.*

*Mr. Miller: Do we expect completion in 2025?*

*Mr. Messick: At the end of 2026.*

*Mr. Tom Kleck: Jimmy, does your crew have any rule of thumb as to how close to the shore to kill the weeds?*

*Mr. Messick: Yes. I think I've heard 20 feet is the ideal width around the lake, from the low waterline to the shelf and then you have some littorals that grow a little further out, but it all depends on the depth of the water. Things can't really grow when it gets too deep.*

*Mr. Miller: The CDD is responsible for the landscaping outside of the gate and also for the Christmas lights. You have done a fantastic job. The residents appreciate it.*

*Mr. Messick: Thank you.*

*Chairperson Stamp: Again, on Facebook there have been good comments about it.*

*Discussion ensued regarding the Christmas lights.*

*Mr. Bhatla: Is any of the information going to the Army Corps of Engineers? The monitoring reports?*

*Mr. Messick: Just South Florida Water Management District. They are the only agency responsible for monitoring. Additionally, capital projects slated for next year include lake bank restoration in lakes 3, 11, 14, 15a and 18/19. I do have a lake map if you want to check out those lakes. We have a meeting with the vendor in the next couple of weeks and we are going to decide which lakes to tackle first, and we will update this map accordingly.*

*Chairperson Stamp: Will this be a continuous process where when we get done, we will start all over again on the lakes?*

*Mr. Messick: We hope not for five years. We have addressed all the noted lake banks that have been eroded. We will certainly go back and inspect them and keep them to the permit required slopes, and there may be a select few, but not the amount and probably not the frequency.*

*Chairperson Stamp: And we won't have to do the Geotubing and stuff like that again probably.*

*Mr. Messick: We may. I can't say that we won't, but the Geotubing is supposed to last 20 to 30 years. It's supposed to be a long term solution, so every five years we will go inspect. We may have small portions we address, but not large capital projects, just ongoing maintenance.*

*Mr. Miller: That sounds like another potential opportunity to keep the assessment rate flat while increasing the reserves.*

*Chairperson Stamp: Yes, and after the third year of our preserves that \$125,000 dollars will also be available, so I think getting to \$1 million dollars is very reasonable.*

*Mr. Kleck: Jimmy, what is the status on the two marquis sign fountains by the front gate? Are they completely finished?*

*Mr. Messick: They are under construction right now. One is not operational. I think the other is operational. I will get back to you with a date of completion. I don't think it will take longer than a week.*

*Mr. Ward: It is going to be a few more weeks.*

*Mr. Messick: Oh, okay.*

*Mr. Bhatla: What is the status of the ground water pump? The ground water wells are supposed to be continuously pumping.*

*Mr. Messick: They are recharging the lakes when needed, but with the high water levels they are not running continuously like they do in the dry season.*

*Mr. Bhatla: Maybe they should just pump at a lower rate, so they don't get silt in them.*

*Mr. Messick: Like periodically run them?*

*Mr. Bhatla: Yes. Like run them for a few hours.*

*Mr. Messick: I will see if that's something we can do. The irrigation system pumps are still pumping.*

*Mr. Bhatla: Yes, but the groundwater pump is in the permit, how much we pump a year, and the intention is to keep the water quality okay. But I am more concerned about silting.*

*Mr. Messick: I will check with my asset manager, but I think the more we turn the pump on and off, the more the silt migrates.*

*Mr. Bhatla: Who is in charge of that?*

*Mr. Messick: It's on a system, it's automatic and it's based on the lake; there is a whole system set up with controls.*

*Mr. Bhatla: I think we should keep an eye on it and turn them on periodically even for a short period of time.*

*Mr. Messick: I will make a note and talk to my asset manager.*

*Chairperson Stamp: We still have money in the budget for next year for a third well, but we don't know if we will get permission to do it.*

*Mr. Messick: The next item was the Esplanade Golf and Country Club Driving Range. We received plans from the Club's Driving Range project to the CDD for review on October 28<sup>th</sup>. The proposed lake modifications include lake filling for driving range amenities along the north bank of lake 7. To offset the lake filling, there is also lake dredging of an equivalent size on the south bank of lake 7. I brought the plans including a snapshot of driving range proposed improvements. I've provided a review of the engineering plan and provided a request for additional information dated November 5<sup>th</sup> and requested a resubmittal. I did receive a resubmittal this week and have done a cursory review. There are still some items I'm going to address and some things to work through before we provide a formal approval.*

*Mr. Miller: I understand the big picture, but are we being asked to file the permits?*

*Mr. Messick: The HOA is filing the permits; they are the applicants. We are just providing a review as an authorized agency overseeing maintenance of the drainage system. Because they are making impacts to the drainage system that's our responsibility, we are providing a review and approval to make sure we can continue to maintain that lake per the original permit.*

*Mr. Miller: Has the HOA actually filed for a permit?*

*Mr. Miller: No. They are getting our approval first. The last thing was Chairperson Stamp's request.*

*Chairperson Stamp: I was getting calls and emails saying why is the water so high, where is it coming from, why aren't we pumping it down, and I wanted to get information to post on the website in this regard.*

*Mr. Messick: (displayed a map) This is Collier County and Collier County is huge compared to Lee County. Lee County stops here. Collier County goes all the way behind Lee County and the drainage basins are different colors within the County. Ours lead into Big Cypress and the Cocohatchee River Canal Basin, the sub basin we are taking water in from is all the way behind Lee County and comes south and all these arrows show the flow pattern. This is our CDD here and we bisect from north to south the entire sub basin, so all this water that lands here makes its way past our preserves and on to the passthrough canal. We are affected by this arrow, and these arrows, and all these different sub basin areas that may or may not receive water. Sometimes there are rains that happen more along the coast and sometimes more out here, but we still feel the effects of the water coming through our system. The preserve area is heavily impacted by the sub basin area from eastern Collier County. This is attached to my report.*

*Chairperson Stamp: I am going to ask Jim to put it on the website so we can refer people to it if they have questions.*

*Discussion ensued regarding what areas drained into Flow Way and how it affected the lakes.*

*Mr. Fritz Riep: What was the outcome of Bonita wanting to pump into Flow Way? Is there a final decision?*

*Chairperson Stamp: The permit has not been granted. Last, it was on hold. We, the CDD and the HOA both, went to the Big Cypress Board Meetings and spoke against it. Jimmy spoke against it. Our attorneys spoke against it. And we got them to put it on hold. It is currently on hold. They are not pumping out of Bonita Springs, but the natural water flow is going to come down there without the permit because that's the way it is designed.*

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

- a. Future Series Bonds Issuance Refinancing Dates**
- b. Financial Statements for period ending September 30, 2024 (unaudited)**
- c. Financial Statements for period ending October 31, 2024 (unaudited)**

*Mr. Ward: The next series of bonds up for refinancing are the 2015 phase 3 bonds. The first opportunity to complete the refinancing is November of next year. We will start the process on*



*this refinancing in the early summer of 2025. This is one of the smaller bond issues we have. Only 90 homes will be affected. There is \$2.3 million dollars in par debt outstanding on these lots. We will go through and do it. I think these bonds are at roughly 5%, so we will see what we get when we go to the refinancing next year.*

*Mr. Miller: What happened to Phase 2?*

*Mr. Ward: Phase 1 was for Phase 1 and Phase 2.*

*Mr. Bhatla: So, in the refinancing, any benefit is targeted to those homes?*

*Mr. Ward: Correct.*

*Mr. Mark Scimio: I think I looked at the last presentation and there was a spreadsheet on the rates, and you just did 4.4% on the last one. Is that next bond lower than 4.4%? Are you expecting something lower?*

*Mr. Ward: The next bond series, the coupons are between 4.25 and 5.375, so we will see what kind of savings we get when we go into the market next year on this one.*

*Chairperson Stamp: We could get to a place where they are not worth refinancing.*

*Mr. Ward: Right.*

*Mr. Miller: If it is not worth refinancing at ten years and interest rates were to go down in the future, would we still have the ability to call them?*

*Mr. Ward: Absolutely.*

*Mr. Miller: So, it's not a one time shot at ten years.*

*Discussion ensued regarding the bond issues, interest rates, and refinancing when interest rates were low.*

*Chairperson Stamp: The cane toads and the front entrance, we are getting a good reaction from the community about both of those, so thank you.*

**SEVENTH ORDER OF BUSINESS**

**Supervisor's Requests**

Chairperson Stamp asked if there were any Supervisor's requests; there were none.

**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.

Mr. Mark Scimio: *I want to concur with the kudos. The front entrance and landscape look really good, and the lake control seems to be pretty good considering.*

Mr. Mark Scimio: *(Indecipherable).*

Chairperson Stamp: *I think they are both over by the 12<sup>th</sup> hole.*

Mr. Mark Scimio: *Then when you say you have it in the budget, in case we ever need it, what's the lead time in getting that permitted and put in if we do have a problem?*

Mr. Messick: *We have a backup pump that we can drop into place in a well, but if we have a well collapse and we have to develop a new well, that would probably be an emergency condition in which we could permit retroactively if we really need to, but the permit process to get a new well is months. But if there is an emergency we can act.*

Chairperson Stamp: *It won't increase the number of gallons we can pump, it's just to have a backup.*

**NINTH ORDER OF BUSINESS**

**Announcement of Next Meeting**

**Announcement of Next Meeting – Regular Meeting December 19, 2024**

Chairperson Stamp: *The next meeting is scheduled for December 19<sup>th</sup>, but unless something pops up, we will cancel it. I would expect the next meeting to be in January, and we will deal with filling the vacancy at that point.*

**TENTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned at approximately 1:50 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

  
Zack Stamp, Chairperson