

**MINUTES OF MEETING  
TIMBER CREEK SOUTHWEST  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Timber Creek Southwest Community Development District was held on Friday, January 17, 2020 at 8:15 a.m. at Lennar Homes 10481 Six Mile Cypress Highway, Fort Myers, Florida 33966.

**Present and constituting a quorum:**

Barry Ernst	Chairperson
Theodore Denti	Vice Chairperson
Scott Edwards	Assistant Secretary
Andrew “Chase” Kollman	Assistant Secretary
Thomas Dean	Assistant Secretary

**Also present were:**

James P. Ward	District Manager
Greg Urbancic	District Counsel

**Audience:**

Russell Smith	Lennar Homes
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All resident’s 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.

**FIRST ORDER OF BUSINESS**

**Call to Order and Roll Call**

Mr. James P. Ward called the meeting to order at approximately 8:20 a.m. and all Members of the Board were present with the exception of Supervisor Barry Ernst. (Supervisor Ernst arrived at approximately 8:23 a.m.)

**SECOND ORDER OF BUSINESS**

**Oath of Office**

**Oath of Office for Mr. Scott Edwards who was elected at the Landowner’s Election of November 15, 2019.**

**I. Administration of the Oath of Office**

Mr. Ward provided the newly elected Board Member, Mr. Scott Edwards, with a copy of the Oath of Office and, as a Notary Public, he administered the Oath of Office to the newly elected Board Member. He asked the Mr. Edwards to sign and return the Oath of Office to himself for notarization and inclusion in the record.

**II. Guide to the Sunshine Amendment and Code of Ethics**

**III. Form 1 – Statement of Financial Interests**

**THIRD ORDER OF BUSINESS**

**Consideration of Minutes**

**November 15, 2019 Landowner’s Meeting Minutes**

**November 15, 2019 Regular Meeting Minutes**

Mr. Ward asked if there were any additions, corrections or deletions for the November 15, 2019 Landowner’s Meeting Minutes or the November 15, 2019 Regular Meeting Minutes. Hearing none, he called for two motions.

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Chase Kollman, and with all in favor, the November 15, 2019 Landowner’s Minutes were accepted for purposes of inclusion in the record.**

**On MOTION made by Mr. Theodore Denti, seconded by Mr. Chase Kollman, and with all in favor, the November 15, 2019 Regular Minutes were approved.**

**FOURTH ORDER OF BUSINESS**

**Public Hearing**

**PUBLIC HEARING - Regarding the district's intent to use the uniform method for the levy, collection, and enforcement of non-ad valorem special assessments as authorized by section 197.3632, Florida statutes.**

Mr. Ward indicated this Public Hearing expressed the District’s intent to utilize the Uniform Method of Collection for levying and collecting assessments. He explained there was a provision under Florida Statute, Chapter 197, which required a CDD, if the CDD wished to utilize the services of the property appraiser and tax collector to place assessments on the tax rolls, to hold a public hearing in this regard. He noted this Resolution set up a procedure to notify the property appraiser, tax collector and the State regarding the District’s decision, following which an agreement would be sent to the District by the property appraiser and tax collector to be signed by the District. He indicated this agreement would allow the property appraiser and tax collector to place the assessments on the tax rolls.

**I. Public Comment and Testimony**

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

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Theodore Denti, and with all in favor, the Public Hearing was opened.**

Mr. Ward asked if there was any public comment or testimony; hearing none he called for a motion to close the Public Hearing.

**On MOTION made by Mr. Theodore Denti, seconded by Mr. Barry Ernst, and with all in favor, the Public Hearing was closed.**

**II. Board Comment**

Mr. Ward asked if there were any Board comments or questions. There were none.

**III. Consideration of Resolution 2020-18 imposing expressing the districts intent to utilize the uniform method of levying, collecting, and enforcing non- ad valorem assessments which may be levied by the Timber Creek Southwest Community Development District.**

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Theodore Denti, and with all in favor, Resolution 2020-18 was adopted, and the Chair was authorized to sign.**

**FIFTH ORDER OF BUSINESS**

**Public Hearing**

**PUBLIC HEARING – FISCAL YEAR 2020 BUDGET**

Mr. Ward reported due to the establishment date of the District, the Statute procedures were not being followed exactly; however, every effort was being made to follow the Statute procedures as closely as possible. He indicated the Budget was funded solely pursuant to an agreement between the District and the developer. He stated this Public Hearing would put the Budget in place pursuant to the requirements of the Statute which could be met based upon the District’s establishment in November of 2019.

**I. Public Comment and Testimony.**

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

**On MOTION made by Mr. Theodore Denti, seconded by Mr. Chase Kollman, and with all in favor, the Public Hearing was opened.**

Mr. Ward asked if there was any public comment or testimony; hearing none, he called for a motion to close the Public Hearing.

**On MOTION made by Mr. Scott Edwards, seconded by Mr. Barry Ernst, and with all in favor, the Public Hearing was closed.**

**II. Board Comment and Consideration**

Mr. Ward asked if there were any Board comments or questions. There were none.

**III. Consideration of Resolution 2020-19 adopting the FY 2020 Budget**

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Theodore Denti, and with all in favor, Resolution 2020-19 was adopted, and the Chair was authorized to sign.**

**SIXTH ORDER OF BUSINESS****Staff Reports**

## Staff Reports

**a) District Attorney**

Mr. Greg Urbancic reported when a plat was processed with the County, the County required dedications be made to the CDD, and required the CDD to accept the dedications. He indicated this was typically done through a resolution. He explained the Developer was moving forward with the first plat for Timber Creek and a proposed Resolution had been drafted for the County for review. He explained typically this process was different; however, with this plat a resolution would be approved, the plat would be recorded and then the information would be filled into the resolution. He noted he spoke with Charles Mann (ph), Lennar's Counsel, and Mr. Mann requested the CDD move forward with the Resolution in an effort to prevent a delay in plat recording. He stated the Resolution would be 2020-20 and essentially it confirmed the CDD would accept maintenance responsibility for the tracts and easements; however, there was a caveat which indicated the CDD's maintenance would not commence until the facilities were transferred to the CDD and the County issued certifications. He asked for approval in substantial form for Resolution 2020-20

**On MOTION made by Mr. Theodore Denti, seconded by Mr. Thomas Dean, and with all in favor, Resolution 2020-20 was approved in substantial form, and the Chair was authorized to sign.**

**b) District Engineer**

No report.

**c) District Manager**

No report.

**SEVENTH ORDER OF BUSINESS****Supervisor's Requests and Audience Comments**

There were no Supervisor's requests and no audience comments.

**EIGHTH ORDER OF BUSINESS****Adjournment**

Mr. Ward adjourned the meeting at approximately 8:30 a.m.

**On MOTION made by Mr. Scott Edwards, seconded by Mr. Chase Kollman, and with all in favor, the Meeting was adjourned.**

Timber Creek Southwest Community Development  
District

  
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James P. Ward, Secretary

  
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Barry Ernst, Chairperson