

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

The Regular Meeting of the Board of Supervisors of the Timber Creek Southwest Community Development District was held on Friday, April 23, 2021 at 8:15 a.m. at Lennar Homes 10481 Six Mile Cypress Parkway, Fort Myers, Florida 33966.

**Present and constituting a quorum:**

Barry Ernst	Chairperson
Thomas Dean	Vice Chairperson
Scott Edwards	Assistant Secretary
Andrew “Chase” Kollman	Assistant Secretary
Ashley Kingston	Assistant Secretary (Ms. Kingston arrived approximately 5 minutes late)

**Also present were:**

James P. Ward	District Manager
Greg Urbancic	District Counsel

**Audience:**

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.

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

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

The meeting was called to order at approximately 8:15 a.m. He conducted roll call; all Members of the Board were present with the exception of Supervisor Kingston, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes**

**March 19, 2021 – Regular Meeting**

Mr. Ward asked if there were any additions, corrections, or deletions to the Regular Meeting Minutes; hearing none, he called for a motion.

<b>On MOTION made by Mr. Barry Ernst, seconded by Mr. Scott Edwards, and with all in favor, the March 19, 2021 Regular Minutes were approved.</b>
---

**THIRD ORDER OF BUSINESS****Consideration of Resolution 2021-3**

**Consideration of Resolution 2021-3, a Resolution of the Board of Supervisors of the Timber Creek Southwest Community Development District relating to the acceptance of responsibility for Ownership, Operation and Maintenance of District infrastructure within the boundaries of the Plat of Timber Creek – Phase 2**

Mr. Ward explained this Resolution contained generally standard items which were seen on Agendas related to facilities owned by the District and the District was signing off on a plat, or the County was requiring the District to accept the ownership and maintenance responsibilities on the plat, along with a resolution from the governing body (CDD Board) accepting the plat dedications, ownership, and maintenance responsibilities thereto. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Mr. Scott Edwards, seconded by Mr. Barry Ernst, and with all in favor, Resolution 2021-3 was adopted, and the Chair was authorized to sign.**

**FOURTH ORDER OF BUSINESS****Consideration of Resolution 2021-4**

**Consideration of Resolution 2021-4, a Resolution of the Board of Supervisors of the Timber Creek Southwest Community Development District relating to the acceptance of responsibility for Ownership, Operation and Maintenance of District infrastructure within the boundaries of the Plat of Timber Creek – Phase 3**

Mr. Ward indicated this Resolution was the same as Resolution 2021-3 but for the Timber Creek Phase 3 Plat. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Andrew Kollman, and with all in favor, Resolution 2021-4 was adopted, and the Chair was authorized to sign.**

**FIFTH ORDER OF BUSINESS****Consideration of Resolution 2021-5**

**Consideration of Resolution 2021-5, a Resolution of the Board of Supervisors of Timber Creek Southwest Community Development District establishing Policies and Procedures relating to the review of requests for Fence Encroachments into Drainage Easements dedicated to the District**

*Mr. Ward: Just a brief background, the District has had a request for a fence to be constructed in an easement area on side lots within the District itself. We have written and established a policy which is attached to the Resolution. Greg has reviewed it. I have reviewed it and your District Engineer has also reviewed it and approved it. Essentially what it requires is for an applicant to submit an application to the District which has all of the items listed in Exhibit A to the District for review and approval. There is a fee*

*that’s required for owners to pay to the District to cover the costs of doing that, which is basically the District Engineer and District Attorney. The fee is \$500 dollars. If it is approved, then the District will sign a fence encroachment agreement with the applicant which will be recorded over the property which will permit the fence to stay there as long as they abide by the terms of the encroachment agreement.*

*Mr. Edwards: Will the homeowner be responsible for replacing or repairing the fence if the District ever had to do improvements in those areas?*

*Mr. Ward: Yes, anything above ground the District takes no responsibility for.*

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Scott Edwards, and with all in favor, Resolution 2021-5 was adopted, and the Chair was authorized to sign.**

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**I. District Attorney**

No report.

Mr. Ward indicated for the record Supervisor Kingston has joined the meeting.

**II. District Engineer**

No report.

**III. District Manager**

- a) Report Number of Registered Voters as of April 15, 2021**
- b) Financial Statements for period ending March 31, 2021 (unaudited)**

*Mr. Ward: The number of Registered Voters in the District is 51. This number is significant when you hit two thresholds. One is six years from the date of establishment which was October 3, 2019, and 250 qualified electors. Once you hit both of those thresholds you will begin the transition from a landowner election, which means property owners within the District elect the Board, to registered voters within the District will begin to elect the Board. It transitions over a period of time. I believe the first two Board Members will be elected by qualified electors and then it transitions every two years thereafter. He asked if there were any questions. He noted there was no action required by the Board.*

**EIGHTH ORDER OF BUSINESS**

**Supervisor’s Requests and Audience Comments**

Mr. Ward asked if there were any Supervisor’s requests; there were none. He asked if there were any audience members present with questions or comments; there were none.

**NINTH ORDER OF BUSINESS**

**Adjournment**

Mr. Ward adjourned the meeting at approximately 8:22 a.m.

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

Timber Creek Southwest Community Development District

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

  
\_\_\_\_\_  
Barry Ernst, Chairperson