

MINUTES OF MEETING
INDIGO EAST
COMMUNITY DEVELOPMENT DISTRICT

The Regular Meeting of the Board of Supervisors of the Indigo East Community Development District was held on Tuesday, May 15, 2018 at 9:00 a.m. at Live Oak Hall, 8413 S.W. 80th Street, Suite 7-8, Ocala, Florida.

Present and constituting a quorum were:

John Gysen	Chairman
Frank DiPiero	Vice Chairman
Donald G. Barnes	Assistant Secretary
Harold Brouillard	Assistant Secretary
Terrance Solan	Assistant Secretary

Also present were:

George Flint	District Manager
Gerald Colen	District Counsel
Rachel Wagoner	Colen & Wagoner
Phil Hisey	On Top of the World Communities
Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order and called the roll. All Supervisors were present.

- **Administration of Oath to Newly Appointed Supervisor** (*This Item was Presented Out of Order*)

Mr. Flint, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Barnes.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Moia: Andrea Moia, 7831 SW 82nd Place. We moved in two months ago and I want to know why only certain portions of Indigo East have a bond, and why I was not notified that I was going to have a bond, until I was in the last stages of signing documents. I already looked at other homes in Indigo East where there is no bond. Lastly, I would like to know why some residents in Indigo East have not had to have their bonds paid for by On Top of the World Communities (OTOW). Why me?

Mr. Flint: We will try to address those comments during the meeting, to the extent that it's a CDD issue. Is there any other public comment?

Ms. Moia: I would like to point out that under Federal Law, a candidate can canvas the residents, go door-to-door for votes, and also the League of Women Voters are allowed to go from door-to-door. That's not considered soliciting. It's a Federal Law.

Mr. Flint: I think that's an HOA issue. If there's a concern about soliciting, the CDD doesn't handle it.

Ms. Moia: That's not soliciting.

Mr. Flint: Apparently, you are bringing up an issue that the CDD is not enforcing and is not legally involved in enforcing.

Ms. Moia: Its under Federal Law.

Mr. Flint: I'm not saying that it is solicitation, but apparently, you are concerned that someone is interpreting it as solicitation. We don't enforce solicitation. That's an HOA issue. The CDD does not have authority over that issue. In regards to the bonds, when the developer originally decided to develop this project, he made a decision to create the Indigo East CDD. This Board, which is comprised of all residents that live in Indigo East, has no involvement with the developer's decision. There are certain disclosure laws. One of the primary ones is that any time that a CDD issues bonds, when the CDD is established, a Notice of Establishment must be recorded within so many days of the District being formed in the County public records. Secondly, any time that a CDD actually issues bonds, they are required to record a Disclosure of Public Financing in the public records of the County. Both of those have been completed. There is also a requirement on the Sales Contract that in bold, next to the signature line, there is a disclosure that you are within a CDD. The State Legislature has put in certain steps to try to protect homeowners, so you should know if you are purchasing a home within a CDD.

Ms. Moia: Maybe I'm addressing this at the wrong time, and I should be addressing this to you as the owner of the company.

Mr. Flint: I'm not the owner. I'm the District Manager for the CDD.

Ms. Moia: The problem was that we were told three times that there was no bond. When it came time to purchase a home, we purchased in Phase 3 of Indigo East. At that time, we all agreed on the price and were told, "*Oh, by the way, there is a bond and its \$5,000, so the price*

that you are paying, also goes up by \$5,000.” That should be addressed with your Real Estate Department.

Mr. Flint: It’s not my Real Estate Department. I’m the District Manager for the CDD.

Ms. Moia: Whoever owns this place, needs to know that their realtors are not forthcoming.

Mr. Flint: They are not sitting up here right now. This Board is the Governing Board for the CDD. There are disclosure requirements in the Statutes that realtors are supposed to follow. We don’t have a role in policing that. The District was formed and this is the governing body for the District. If you have a concern about something that a realtor or builder said, you need to address it with the realtor or builder. I think District Counsel will concur with that.

Ms. Moia: Is there interest on the bond?

Mr. Flint: There is interest. Anyone who owns a home that has debt on it, is entitled to prepay the remaining principal of that debt at any time.

Ms. Moia: How do you know what the remaining principal is?

Mr. Flint: I would be happy to provide that information to you. I can give you my card and you can email me, or provide me with your email or phone number and we can get that to you.

Ms. Moia: Thank you.

Mr. Flint: Are there any other public comments? Hearing none,

THIRD ORDER OF BUSINESS

Notice for Meeting

Mr. Flint: The affidavit for publication for the annual meeting notice is in your agenda package. It was published in the Ocala Star Banner.

FOURTH ORDER OF BUSINESS

Organizational Matters

A. Administration of Oath to Newly Appointed Supervisor

This item was discussed.

FIFTH ORDER OF BUSINESS

Approval of Minutes of the February 20, 2018 Meeting

Mr. Flint: Were there any additions, deletions or corrections?

Mr. Solan: I have a correction. My name is incorrect on the first page and in the financials. It should be “*Terrance Solan.*”

Mr. Flint: Sorry Mr. Solan. We will correct the minutes and the financials.

On MOTION by Mr. DiPiero, seconded by Mr. Gysen, with all in favor, the minutes of the February 20, 2018 meeting, were approved, as amended.

SIXTH ORDER OF BUSINESS

Review and Acceptance of Fiscal Year 2017 Audit Report

Mr. Flint: That was provided to you with your agenda. The CDD is required to have an annual independent audit performed. You selected Grau & Associates to perform the audit. As indicated on Page 25 of the Report to Management, there are no current or prior year findings and recommendations, and we complied with all of the provisions of the Auditor General of the State of Florida. It is a clean audit. Are there any questions on the audit? If not, we need a motion to accept the audit and authorize it to be transmitted to the State of Florida.

On MOTION by Mr. Gysen, seconded by Mr. Solan, with all in favor, the Fiscal Year 2017 Audit Report was accepted, and staff authorized to transmit the final report to the State of Florida, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2018-03 Approving the Proposed Budget for Fiscal Year 2019 and Setting a Public Hearing

Mr. Flint: We are suggesting August 21, 2018 at 9:00 a.m., at this location, as the public hearing. Exhibit A, attached to the Resolution is the Proposed Budget, which assumes that the per unit assessment amount will remain the same. It doesn't bind you from making changes, if you choose to do that at a future meeting, up to and at the public hearing. Are there any questions on the Proposed Budget? Under “*Maintenance Expenses,*” you will see the water expense going away and electric increasing, slightly.

Mr. Gysen: Is that due to the new wells?

Mr. Flint: With the two new wells, we are assuming that the water expense will go away and there will be some increase in electricity expenses.

On MOTION by Mr. Gysen, seconded by Mr. Brouillard, with all in favor, Resolution 2018-03 Approving the Proposed Budget for Fiscal Year 2019 and Setting the Public Hearing for August 21, 2018 at 9:00 a.m., at Live Oak Hall, was adopted.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Flint: Is there any report from the attorney?

Ms. Wagoner: We have nothing to report.

B. Engineer

Mr. Flint: There is no Engineer’s Report.

C. District Manager

i. Approval of Check Register

Mr. Flint: You have the Check Register from February 10, 2018 through May 6, 2018, noting that Mr. Solan’s name needs to be corrected. Are there any questions? If not, we need a motion to approve it.

On MOTION by Mr. DiPiero, seconded by Mr. Gysen, with all in favor, approving the Check Register, was approved.

ii. Balance Sheet and Income Statement

Mr. Flint: You also have the Unaudited Financial Statements through April 30, 2018. No action is required.

Mr. DiPiero: I would like to make a comment on Page 5. The water expense starts out at \$4,000 in October, drops to \$2,000 in November and by the end of the year, it’s all the way down to zero. That is because of those wells that Phil Hisey recommended that we install. Is Phil here?

Mr. Hisey: Yes.

Mr. DiPiero: Good job. I like saving money.

Mr. Flint: Are there any other comments or questions on the financials? Hearing none,

iii. Presentation of Number of Registered Voters – 514

Mr. Flint: We are required to announce the number of registered voters within the District. According to the Supervisor of Elections, there are 514 registered voters within the District, as of April 15th.

iv. Presentation of Qualifying Information and Dates

Mr. Flint: We have a one-page information sheet for any registered voters residing within the Indigo East CDD that are interested in running. We have three seats that are coming up for election in November. Seat 5 held by Mr. Gysen, Seat 2 held by Mr. DiPiero and Seat 3 held by Mr. Solan, are up for election. Anyone who is interested in running for one of the Board seats, needs to contact the Supervisor of Elections office to make sure that they file by the end of the qualifying period. There is a summary of the process that would need to be followed, in the agenda package. Are there any questions? Hearing none,

NINTH ORDER OF BUSINESS

Other Business

Mr. DiPiero: I would like the Board to consider putting either a four-way stop sign or speed bumps on SW 79th Terrace Road, especially on the south side, near the intersection of SW 84th Street, which is the main entranceway off of SW 80th Avenue, where the parking lot to the Clubhouse is. SW 79th Terrace Road has been an extremely busy road since the new construction. On the south side of that intersection, there's a hill. When you turn onto SW 79th Terrace Road, from either the parking lot or the entranceway, there is a stop sign, but sometimes traffic doesn't obey the speed limits. They come up over that rise in no time at all. I think it's an accident waiting to happen. I think it would be worth our consideration, to put either a speed bump there or a four-way stop sign. I've seen cement trucks go flying through there at 50 mph. I think it's a potentially dangerous situation.

Mr. Flint: Because the CDD doesn't have traffic regulation authority, depending on how Marion County chooses to handle it, they may want some approval authority over speed bumps, stop signs and speed limit flashers. From a liability perspective, we probably want the District Engineer to be involved in that decision, because if you choose to do something and it creates a liability issue, you want to make sure that you are doing it in accordance with the standards.

Mr. DiPiero: If I understand correctly, that is a County road and doesn't belong to Indigo East.

Mr. Flint: If that's the case, we definitely would have to have the County involved. Are we referring to a County road?

Mr. DiPiero: No. Does it belong to us?

Mr. Hisey: Yes.

Mr. DiPiero: So we can do what we want to it?

Mr. Flint: No. It's still a public road, because the CDD is a Government Entity. Marion County is the regulator of speed limits, stop signs and traffic calming devices. We would want to consult our District Engineer, and find out what the County's involvement is in that process. We can work on that as a follow up to this meeting. If we had a cost, you could set a not-to-exceed and we can move forward, between now and the next meeting, but I don't know that we have enough information for the Board to make a decision. Is that adequate?

Mr. DiPiero: Yes.

Mr. Gysen: We should have a stop sign, not speed bumps.

Mr. Brouillard: We have a four-way stop sign.

Mr. Flint: They can be very controversial.

Mr. DiPiero: I think it is a safety hazard, because if you are pulling in from SW 80th Avenue, and you are going to turn left, you have to look at cars coming over that hill. There is also a big curve there on the north side.

Mr. Flint: I will get with the District Engineer and with staff after the meeting, and talk about how we want to approach that issue.

Mr. DiPiero: Thank you.

TENTH ORDER OF BUSINESS

Supervisors Requests

Mr. Gysen: I have a couple of questions. We have a lot of walkers in the morning and they requested some benches on SW 79th Terrace Road to sit on. Is that a possibility? I know we have them in the park. They want some benches between the sidewalk and the property line. I would like to know if that's possible?

Mr. Flint: We will need to figure out where they are proposed to be located, who owns the property and whether it is a CDD or HOA issue.

Mr. Gysen: I think it's all on CDD property.

Mr. Flint: If the Board would like, we could bring back a proposal at the next meeting with proposed locations and costs. Be prepared. The benches cost more than you think they do.

Mr. Gysen: I know. Do we still have to make an agreement between the CDD and the Indigo East Neighborhood Associations, regarding the gate on SW 90th Street? That was brought up at the last meeting.

Mr. DiPiero: What are you talking about John?

Mr. Gysen: The new gate.

Mr. Colen: Rachel and I are preparing that agreement. I think we need some additional information in order to do that. I will have that fairly soon. Yes, you need the agreement. That's the reason I brought it up again.

Mr. Gysen: It was brought up at the last meeting. The next item is power washing the sidewalks. The last time we did it was the fall of 2016. Sometime over the next couple of months, we should schedule it again.

Mr. Flint: We have \$6,000 budgeted for pressure washing, so we can look into that. Are there any other Board comments? If not, we will follow up on the pressure washing, the concern over traffic safety, the benches on SW 79th Terrace Road and the agreement regarding the new gate.

Ms. Williamson: I have a comment.

Mr. Flint: Mr. Chairman, do you want to open it up to public comment?

Mr. Gysen: Go ahead.

Ms. Williamson: Connie Williamson, 7882 SW 80th Avenue. What about pressure washing the streets? In Indigo East, there is so much construction. There's dirt in the house from walking the dog in the streets, so if you are going to wash and you're building, think about the people that already purchased and would like to clean streets. We can get with the developer. Typically, the developer provides for a street sweeper periodically and we can follow up with the developer to see if that's a possibility. They can run a street sweeper through if there's concern about dirt on the roadways.

Mr. Brouillard: Is there any reason why all construction traffic cannot come in off of SW 90th Street, rather than through the development?

Mr. Flint: I don't know the answer to that.

Mr. Brouillard: That's where most of the dirt on the street comes from. They need to do something, because a lot of it is washing down that hill in front of the Clubhouse.

Mr. Flint: We are somewhat limited in being able to regulate traffic, because they are public roads, but we can get with the developer to see if they can get with their contractors and whether that is a possibility.

Mr. Brouillard: All we can do is ask.

Mr. DiPiero: We were out walking one time and the street sweeper came by.

Mr. Porterfield: My name is John Porterfield and I live at 7965 SW 81st Loop. I have lived here for a year. Sometimes I only hear negative comments, but I've been a builder for many years. I thought that I would comment on what I have seen and enjoyed, as a member of this community. One of the very first things that I noticed is drainage and grading. What you don't see in a community, sometimes are the most important things. The developer and builder take extreme care in the underground and grading of all of our properties. You don't see standing water or debris. The surrounding and common areas are absolutely beautiful. It makes me feel good about the decision I made. I'm proud to be an Indigo resident. The OTOTW ladies that handled my closing, were very professional and handled it very well. I dealt with the OTOTW real estate people in my purchase. I looked at probably 50 houses, before I purchased one. The care and concern that I received, was really great. I feel very good about my decision of moving into Indigo East. I met so many wonderful people here. Most of all, the overall management of the common areas and the way that they maintain it, is very impressive to me and I've been very happy.

Mr. DiPiero: The proof of the pudding was that during the hurricane, there was not a drop of standing water. They planned those retention basins very well. The one behind the Clubhouse, was filled up to the brim with water and it took away all of the water from the neighborhoods.

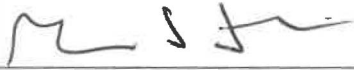
Mr. Porterfield: They did a very good job.

Mr. Flint: Is there anything else from the Supervisors? If not, a motion to adjourn would be in order.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Solan, seconded by Mr. Brouillard, with all in favor, the meeting was adjourned.



Secretary / Assistant Secretary



Chairman / Vice Chairman

