

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, August 21, 2018 at 9:00 a.m. at the Live Oak Hall at 8413 S.W. 80th Street, Suite 7-8 Ocala, Florida.

Present and constituting a quorum were:

John Gysen	Chairman
Frank DiPiero	Vice Chairman
Harold Brouillard	Assistant Secretary
Terry Solan	Assistant Secretary
Donald Barnes	Assistant Secretary

Also present were:

George Flint	District Manager
Gerald Colen	District Counsel
Rachel Wagoner	Colen and Wagoner
Philip Hisey	On Top of the World Communities
Lynette Vermillion	On Top of the World Communities
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order and called the roll. A quorum was present.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Flint: Any members of the public have comment for the Indigo East CDD? My understanding is that we do have a budget hearing, so if you have comments on the budget you can make comments at that time. This is not about the proposed water and sewer rate adjustment, this is just about the Indigo East CCD. Any public comment on the agenda or anything else that you want to bring to the Board's attention? Hearing none,

THIRD ORDER OF BUSINESS

Notice of Meeting

Mr. Flint: The notice of the meeting was included in your agenda and was advertised in the Ocala Star Banner.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the May 15, 2018 Meeting

Mr. Flint: Did the Board have any comments on those? Hearing none, I would ask for a motion to approve.

On MOTION by Mr. Gysen, seconded by Mr. DiPiero, with all in favor, the minutes of the May 15, 2018 meeting, were approved as presented.

FIFTH ORDER OF BUSINESS

Discussion of the Landscape Maintenance Contracts

Mr. Flint: One of the things that I want bring to the Board's attention is that, and we will have the agreement on your next agenda for renewal, when the Indigo South portion of the development landscaping gets turned over to the District, you are going to see an increase in the landscape maintenance contract. Because everyone in the District is paying O&M assessments—whether it is developed or undeveloped or there is or is not a house on it—when those new expenses come online, it's going to cause pressure for per unit assessment to go up because your numerator is staying the same, but your denominator is going up. So, you've got the same number of units that you have been assessing over time; your landscape maintenance costs are lower because we are not currently maintaining that area. Once we maintain that area, it is going to cause the per unit amount to go up. During the next budget process, we are going to have to talk about that, and in the spring, we will talk about what kind of impact that will have on the annual assessments.

Mr. Gysen: When is that date going to be?

Mr. Flint: Well, at this point because you've not included that in your budget for next year, there is a process you have to go through to increase the per unit assessment amount which includes a mailed notice and some other steps. Right now, you can't absorb those costs so the developer is going to have to bear those costs for a period of time until the District is in a position to be able to take them over.

Mr. DiPiero: And you said the numerator stays the same, is that what that 705 number is?

Mr. Flint: Yes, the 705 doesn't change, but your cost changed. So, what ends up happening is your per unit amount is going up.

Mr. DiPiero: So, 705 properties in both North and South?

Mr. Flint: Yes.

Mr. DiPiero: Okay, I understand now.

Mr. Flint: That's the total number of platted units, and we have always been assessing 705 units whether you had 200 homes or 705 homes. The developer has been paying the full amount on either the platted, undeveloped lots, or the undeveloped land. We have that to look forward to, so I just wanted to bring that to your attention. There is going to be an increase in the right-of-way maintenance costs under the current contract. We will have to bring that back to you. Staff bid it out and we got 2 or 3 bids. For the right-of-way portion of the expense, the current contractor is asking for an increase. It's consistent with the other pricing that we got, so there will be some increase in the current contract.

SIXTH ORDER OF BUSINESS

Ratification of Escrow Agreement with On Top of the World Communities, Inc. and Colen & Wagoner, P.A.

Mr. Flint: For this Escrow agreement, the County requires that the developer set aside certain money associated with the infrastructure that they are constructing to guarantee that the infrastructure will actually be constructed. Because the CDD is the one that those assets are going to be conveyed to, the District is required to enter into an escrow agreement with the developer. We are basically going to escrow that money while they are constructing the improvements. Once the improvements are completed, the escrow would be eliminated, but this is something the County requires as a guarantee that when they improve the subdivision plan, the infrastructure would actually be constructed. Any questions on the escrow agreement?

On MOTION by Mr. DiPiero, seconded by Mr. Brouillard, with all in favor, Escrow Agreement with On Top of the World Communities, Inc. and Colen & Wagoner, P.A., was ratified.

SEVENTH ORDER OF BUSINESS

Ratification of First Amendment to License Agreement with Indigo East Neighborhood Association

Mr. Flint: In your agenda, we've got the first amendment to the license agreement and what this covers is the Indigo South section of the community. Although the District owns the roads, the Homeowner's Association owns the cameras and the gate arms, etcetera. So, this is basically an agreement between the CDD and the HOA, allowing them to have the gates in place and the security cameras. This is amending the agreement you had which covered the entrances on the North part of it, but we are just amending it to add the Indigo South entrance.

Mr. Brouillard: May I clarify something?

Mr. Flint: Sure.

Mr. Brouillard: When I talked to you about security cameras, it seems we have one at the North entrance, and two at South Entrance—everybody forgot the West entrance.

Mr. Flint: Is Lynette here? Maybe Lynette can comment on that.

Mr. Brouillard: It may just be a typo.

Ms. Vermillion: I apologize, I didn't hear the question.

Mr. Brouillard: Under Exhibit A, where it talks about the security cameras and gates? It says, "North entrance, South entrance, and South entrance"—there's nothing about the West entrance.

Ms. Vermillion: That's a typo.

Mr. Brouillard: Oh okay.

Mr. Flint: Okay, so with that correction, are there any other questions from the Board?

Hearing none.

On MOTION by Mr. Gysen, seconded by Mr. DiPiero, with all in favor, the First Amendment to the License Agreement with Indigo East Neighborhood Association was ratified.

EIGHTH ORDER OF BUSINESS

Public Hearings

A. Consideration of Resolution 2018-04 Adopting Fiscal Year 2019 Budget and Relating to the Annual Appropriations

Mr. Flint: The Board had previously approved a proposed budget and set today as the date, place, and time for its final consideration. You have a Resolution in your agenda adopting Exhibit A, which is the proposed budget. It is, substantially, the same as what we saw in the spring. It contemplates that the per unit assessment amount would remain the same at \$296 per

unit. Any questions on the budget? You will see in the right-of-way maintenance that it does have the increase in there for the right-of-way. We have recognized about \$12,000 to carry forward to balance the budget under the \$296 per unit amount. Any questions on the resolution or budget? If not, we will open the floor to public comment.

Resident: When do we get a copy of this budget?

Mr. Flint: The budget is on the website, and it's www.indigoeastcdd.org, and it has been posted on there. It's also in the agenda packet, which is on the website as well, and it was approved in the spring. The Board has to approve a proposed budget by June 15th of each year, and then the final budget is usually adopted in August.

A Resident: Okay, so this is exactly the same as what we got during the last meeting?

Mr. Flint: Yes, except for the landscaping maintenance has gone up a little bit, because of the right-of-way cost. The per unit amount is still the same. It's been \$296 for the last 4 years, at least.

A Resident: Okay thank you.

Mr. Flint: Any other public comment?

A Resident: How many units have been sold?

Mr. Flint: I don't know the answer to that because we assess all 705 planned units in Indigo, so whether it is sold or not sold they are still paying assessments. We collect them all on the tax roll because they are all platted. So off-hand, I don't know that. That is a developer question. Any other public comments?

Mr. Stoloman: Rick Stoloman, 8261 Southwest 78th Terrace Road. Are there any plans to do anything to the streets that are all torn up from construction?

Mr. Flint: The CDD does own the roads, and we are setting aside money each year to ultimately repave those when they are ready to. If there have been any damages as a result of construction that we can identify who did it, we can pursue having those repaired. But if it is normal wear-and-tear, that will be taken care of when the roads are resurfaced.

Mr. Stoloman: Are there any plans to do that in the near future?

Mr. Flint: Well, we look at the condition of the roads each year. The North section was built in 2 phases, so it will be repaved in 2 phases, but I can get you an answer to that if you want to give me your name and email address.

Mr. Stoloman: Okay.

Mr. Brouillard: George, if I may? When we consider taking care of those roads, we should do it after they are finished running cement mixes in and out of the South section. They tend to come in on the North side and drive all the way through there to get to the South. I don't know why they do that, but they do.

Mr. Flint: If we don't want to wait, the other thing we can do is talk to the developer to see if they can reroute those trucks.

Mr. Brouillard: It is just a shortcut, one turn instead of three.

Mr. Flint: Any other comments from Indigo East? Hearing none, are there any further questions from the Board on the resolution or the exhibit?

On MOTION by Mr. DiPiero, seconded by Mr. Solan, with all in favor, Resolution 2018-04 Adopting the Fiscal Year 2019 Budget and Relating to the Annual Appropriations, was approved.

B. Consideration of Resolution 2018-05 Imposing Special Assessments and Certifying the Assessment Roll

Mr. Flint: This just imposes the operating and maintenance assessment contained in the budget you just adopted.

On MOTION by Mr. Gysen, seconded by Mr. DiPiero, with all in favor, Resolution 2018-05 Imposing Special Assessments and Certifying the Assessment Roll, was approved.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2018-06 Declaring Vacancies in Seats 2 & 5 of the Board of Supervisors

Mr. Flint: There were 3 seats that were up for election on November 6, but no one qualified for both 2 and 5, so part of the process we have to do is the Board declares them vacant as of after the election. We are just doing this in advance, the vacancy wouldn't be effective until after the election. At that point the incumbents in those seats would carry over in those seats until the Board decides to either reappoint the incumbent or to appoint someone else. Any questions on the resolution? Hearing none,

On MOTION by Mr. Brouillard, seconded by Mr. Solan, with all in favor, Resolution 2018-06 Declaring Vacancies in Seats 2 and 5 of the Board of Supervisors, was approved.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There not being any, the next item followed.

B. Engineer

There not being any, the next item followed.

C. District Manager

i. Approval of Check Register

Mr. Flint: Any questions on the check register from May 7th through August 13th?

Hearing none,

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

ii. Balance Sheet and Income Statement

Mr. Flint presented the Unaudited Financial Report through July 31st. No action is required.

iii. Approval of Fiscal Year 2019 Meeting Schedule

Mr. Flint: You have historically met 4 times a year: November 20th, February 19th, May 21st, and August 20th are the dates that we are suggesting. If the Board is okay with those, I would ask for a motion to approve the schedule.

On MOTION by Mr. DiPiero, seconded by Mr. Gysen, with all in favor, the Fiscal Year 2019 meeting schedule was approved as presented.

NINTH ORDER OF BUSINESS

Other Business

Mr. Gysen: Have we done anything about the request for benches in the common area? The walkers requested a couple of benches to sit on when they are walking in the morning.

Mr. Flint: I will have to follow-up on that.

Mr. Gysen: Okay. The pressure washing of the sidewalks and the gutters is almost done. The only places that need to be done are 81st Loop, the Inner Circle, and a section of 80th Place Road. I brought it to the young man's attention the other day, and he has to go back and do it. But, hopefully it will be done this week.

Mr. Flint: Okay. I will follow up on the benches.

Mr. DiPiero: Also, another item carried over from last time is that we are looking at the possibility of a traffic study for the intersection of 79th Terrace Road and 84th Street for either speed bumps or stop signs. I think the District Engineer had the responsibility for or has jurisdiction of the County Engineer, but you thought it might be a good idea for the District Engineer to look at liability issues on that. Do you know if he has had a chance to do that yet or not?

Mr. Flint: I will follow up on that. That's the proposed 3-way stop there? Or speed bumps?

Mr. DiPiero: Yes.

Mr. Flint: Okay.

Mr. Hisey: Do you want me to comment on that intersection?

Mr. Gysen: Sure. Comment away.

Mr. Hisey: We did remove some of the plant material on the North and South side of that intersection. I don't know if it helped at all.

Mr. DiPiero: The visibility is a little better, yeah.

Mr. Hisey: Okay. We trimmed down the Ligustrum trees, and there are some large Laurel Oaks there. We didn't want to go cutting the trees down until we had the Board's approval or direction from there. If it is better, let us know how you would like to proceed, but I don't know where any of the other information is at.

Mr. Brouillard: It is better, but there are some low shrubs right next to one of those trees. If you are coming in from 80th Avenue on the right side? Get rid of some of that low brush, and we will have a little bit better visibility.

Mr. Hisey: Everything has been removed underneath the Ligustrum trees, so the canopy might be the only issue.

Mr. Solan: It could be thinned out a little more.

Mr. Hisey: I think the next step would be to remove the Ligustrum trees in that corner. I think it would be best if someone from the Board can meet us there just to get your opinion on it after you see it.

Mr. Gysen: We will meet you there.

Mr. Hisey: I will contact you then.

Mr. Flint: Because of the Sunshine Law, the Board would want to just designate one Board Member to be the liaison with Phillip on that because more than one Board Member can't meet out there. If there is no objection from the other Board Members, then Mr. Gysen would be designated to meet with Phillip on that issue. Now, we will open public comment.

ELEVENTH ORDER OF BUSINESS

Other Business

Mr. Cohen: Glenn Cohen, 8307 Southwest 78th Circle. This is a different topic, but I would like to know whether there is any plan for extending bicycle paths so that there is more connection from Indigo East to the rest of On Top of the World.

Mr. Flint: The CDD does not have plans, but I don't know if the developer has any plans to interconnect any of the existing bicycle paths. It doesn't look like it.

Mr. Gysen: You would have to go across 80th Avenue.

Mr. DiPiero: There's a light on the North side there, so there is a path that goes all the way across.

Mr. Flint: So, the short answer is that it is not something that the Board is currently considering. Any other comments.

Mr. Barnes: Yes, I have one more comment. We have a lot of walkers in the Indigo East, and some of the walkers indicated to me that while walking, they ran into a gang of boys—12 to 13 years old—they are not from Indigo East or On Top of the World, but from the surrounding area. They tend to hang around our community center, and they can't get into the center or the pool without a resident but boys that have nothing to do that stay in an area for too long get bored and get into trouble. Can we do anything about that?

Mr. Flint: Because the clubhouse is owned by the HOA, it is more of an HOA issue. The CDD owns the roads, but the roads are public, so the CDD doesn't have much control over that. But, if you see someone doing something that is not appropriate, I would suggest calling the Sheriff's Office. If they are hanging out around the clubhouse and they are not supposed to be there, it's really a trespass issue for the HOA.

Mr. Barnes: Are all of the roads public?

Mr. Flint: All the roads in Indigo are public, yes. Any other questions.

Mr. Hutson: Robert Hutson, 8090 Southwest 81st Loop. I noticed this morning when I went to the outside workout equipment that where the sidewalks are it says, "must utilize golf carts" down that, and it's barely just wide enough for the golf carts. So, do people have to get off of the sidewalks? I just noticed it this morning, but I haven't been using it.

Mr. Flint: I don't know the particular section of sidewalk that you are referring to.

Mr. Hutson: It's a new section.

Mr. Flint: Phillip Hisey could probably address that.

Mr. Hisey: I think the signs might be in the wrong locations because the car path ends at the Indigo Fitness Center, and there are walking trails past that. Golf carts are not supposed to be on the walking trail. We will look at that though, to see if we can fix that.

Mr. Flint: Okay. Thank you.

Mr. Schwartz: Roger Schwartz, 8096 Southwest 81st Loop. The sidewalks outside of the south entrance on 90th are those ours or the County's?

Mr. DiPiero: He is talking about the main street there.

Mr. Hisey: Are they the sidewalks on the north side of Indigo?

Mr. Brouillard: No, the ones on 90th.

Mr. Hisey: Oh okay. I believe it's going to be County property there.

Mr. Schwartz: So, why is the widening being done?

Mr. Hisey: Yes. That was land development in the County, and there's a car path being put in there. I'm not sure about the specifics on where it's going, but there is a proposition for a car path.

Mr. Fesette: Dean Fesette, 83355 77th Court. On the swing gates, every vehicle that comes into the community and the gate swings open for anybody in any vehicle. Eventually, down the road, will it be secured closed gates?

Mr. DiPiero: I think I can address that. This is an issue that comes up every year—in fact, I used to bring it up when I first moved here myself. A lot of people do wonder why we don't have guards there or individuals to check folks coming in and out like they do on this side of the property. One of the biggest reasons is that those are public roads, and the ones over here are not public roads. The second reason is that we can't keep people out of Indigo that want to come in here because those are public roads. All we can do is make it a little more difficult for them, hence the reason for the gate. There are also cameras that take snapshots of the license plates each time someone comes into the property too. I believe it was Mr. Colen that had a meeting about it a year and a half ago where there was a decision that was made that since we can't afford to have live bodies there 24 hours a day, they had this company come in with this remote-control process. In other words, there were cameras there and people would have to stop and talk to a live-body from a tv set in some other location. They laid out what the expense would be for that, and there were a couple of other variations on it too, and it was unanimously voted down—it was about an 80% no because there was a \$35 increase in fees and people didn't want to pay it. Does that answer your question?

Mr. Fesette: You did the best that you could as far as the information that you understand. It would seem that something else could be worked.

Mr. DiPiero: Right. And the only thing that I can really say to answer your question is that we cannot legally keep people out. You can make it difficult for them, but you can't keep them out.

Mr. Flint: Because they are public roads and tax-exempt bonds were issued to finance those roads, there are certain limitations that the Board has on restricting access. One of the things we did talk about is as long as you have one access that is available for people to enter, your other two accesses could be resident-only accesses. So, one possibility might be to make the North and South entrances resident-only, and the West entrance could be where it opens up. But, to be able to do that you would have to have the system in place, and there would have to be a process for issuing barcodes or whatever process it would be. It's something that we have talked about possibly to eliminate cut-through traffic from North to South. So, it is something that we are looking at, but you do have to have one access point that would be available for the public.

Mr. Fesette: Could you give me an explanation as to why those are public roads? I don't understand.

Mr. Flint: The roads are owned by the Community Development District. The CDD is a governmental entity, therefore the roads are public roads. In addition to that, the CDD issued tax exempt bonds, and to keep tax exempt status on those bonds, those roads have to remain open to the public.

Ms. Stroud: Janet Stroud, 8246 Southwest 78th Street. I just want to mention that there is a difference between a gated community and a fenced community. Putting a live person at this place does not stop walking traffic—actually I am from the Baltimore area, and I can tell you that most stuff is done with walkers, not automobiles. Because we are not a fenced-in area, the cost is not effective to have people directing traffic, I just wanted to say that.

Ms. Rae: Susie Rae, 8311 Southwest 78th Circle. I have a question on the road from the North to the South entrance, is it possible to get the City to put speed bumps across there? That will divert a lot of the people wanting to take short cuts.

Mr. Flint: It would be the CDD that would put in speed bumps if they were to be installed, so it would have to be with the approval of Marion County because they have traffic enforcement responsibility, but if there were speed bumps or some sort of traffic-calming device, it would be this Board that would be responsible, and I don't think that is something that the Board has discussed at this point. Any other public comments?

A Resident: I just wanted to take a moment to say something. Mr. Colen, I think this has been a fantastic place. I am an ex-builder for over 35 years as a commercial broker, and I want to tell you that your areas are impeccably clean, your roads are clean, your sewers are clean. So, I just want to say thank you so much for that.

A Resident: I would like to know why I have to pay for the sewage charge for my irrigation water.

Mr. Flint: That's not this meeting, it will be the next meeting that we talk about that issue. Any other public comments on Indigo East?

Mr. Stoloman: You mentioned that the roads are public and anyone can use them, but does the CDD take care of all of the maintenance?

Mr. Flint: Yes.

Mr. Stoloman: Why doesn't the tax structure of the County assist in the cost of maintenance since the public can't be stopped from coming in?

Mr. Flint: Well, it's just like the County doesn't maintain the roads in the City, and the City doesn't maintain the roads in Marion County. Each governmental entity has its own responsibilities. The CDD, as a governmental entity, that is one of its responsibilities to maintain those roads.

Mr. Stoloman: So, if a truck came in and tore up a road, that's too bad because it's on us?

Mr. Flint: It's on the Community Development District, yes. Any other comments?

Hearing none,

TWELFTH ORDER OF BUSINESS

Supervisor's Requests

There being none,

THIRTEENTH ORDER OF BUSINESS

Adjournment

Mr. Flint asked for a motion to adjourn the meeting at 9:35 a.m.

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


Secretary / Assistant Secretary


Chairman / Vice Chairman