

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, February 18, 2020 at 9:10 a.m. at the Circle Square Commons, Cultural Center, 8395 SW 80th Street, Ocala, Florida 34481.

Present and constituting a quorum were:

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

Also present were:

George Flint	District Manager
Rachel Wagoner	District Counsel
Gerald Colen	District Counsel
Lynette Vermillion	On Top of The World Communities
Philip Hisey	On Top of The World Communities
Robert Stepp	On Top of The World Communities

FIRST ORDER OF BUSINESS

Mr. Flint called the meeting to order. All five members of the above listed Board Members were present constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Flint: This is an opportunity for members of the public to provide comment to the Board on anything on the agenda or not on the agenda you would like to bring to the Board's attention. If you would like to provide comment, we would ask that you step to the microphone and state your name and address. Please try to limit your comments to three minutes. Any public comments?

Roger Schwartz, 8096 Southwest 81st Loop: I'd like to propose that the CDD and the HOA Boards meet a minimum of 3 times a year. Maybe every time that the CDD meets the HOA meet at the same time to allow residents crossover issues. We've done it one time.

Mr. Flint: Okay.

Mr. Schwartz: That's it.

Mr. Flint: Thank you. As the Board knows, we don't control when the HOA meets. This Board does have four scheduled meetings a year. November, February, May, and August. The May and August correspond with your budget adoption requirements. I know this Board doesn't have any control over when the HOA meets.

Mr. Schwartz: Is it possible that this Board can talk to the other Board to come up with a plan to do that? Somebody's got to start somewhere and each Board can't say we are not responsible for it, and then it never gets done. Is there some kind of mechanism for that, for you to talk through the Board?

Mr. Flint: I don't really know what, other than the gate issue, is a concern of yours, but really each Board has its own responsibilities. I'm not sure what common interest the Board's would have. But, I serve at the pleasure of this Board, if this Board wants me to do something I will be happy to do that.

Mr. Brouillard: One meeting, occasionally, could resolve these things. It would be nice.

Mr. Flint: District Counsel would like to make a comment.

District Counsel: Gerald Colen, District Legal Counsel. We have to keep in mind that this Board is a public entity. If we are going to have a meeting with the HOA, that's really that Board's decision. If we are going to have a meeting with the HOA that's got to be published, all the notices have got to be kept, we have to be very cautious about that. You are elected officials, and you have to understand that your obligation is to the CDD. If the HOA wants to meet with the Board, the HOA needs to set that. That's my view on this topic.

Mr. Barnes: Could I say something too? If I understood correctly, the main issue is that people don't know what the CDD's responsibilities are versus the HOA responsibilities. So they may go to one meeting or the other thinking they are going to take care of an issue with the HOA, for example, but it's really a CDD issue and vice versa. A couple of months back, I think it was Phil, you had this nifty little drawing of the Indigo East Community, and it was color coded. It showed what areas were the responsibility of the CDD and which areas were the

responsibilities of the HOA. Then there was the third one, I believe it was the community common property or something. That would go a long way towards helping people figure out which goes to which. So would it be possible to get copies of that map and then send it to all the residents? We could send it to all the residents so they know if it's a something to do with the gates, well then I've got to go to the HOA. If it's something to do with the landscaping on 79th I've got to go to the CDD. Maybe that would help to nip this thing in the bud.

Mr. Hisey: Phillip Hisey, On Top of the World Community. There is a map to help delineate who is responsible for what area. Now getting it out to all the residents, I don't know how to package that. I think we can certainly discuss it outside of this meeting. I think there's a possibility.

Mr. Flint: From the CDD perspective, we can put it on our website.

Mr. Barnes: I was going to say the same thing. The HOA has a website too. Maybe we can put it on each website and then people would go straight to the respective websites and get that information or get that map.

Mr. Hisey: We can certainly look into that.

Mr. Barnes: Okay. Thank you. It is confusing. I'm on both Boards and I get confused myself.

Mr. Schwartz: I would think that about 95% of the residents of Indigo East are not attorneys, accountants, etc. they are retired people. For them to look at a map and have the answers right there, I don't think is plausible. From a legal standpoint, you are saying that these two Boards cannot meet at the same time because things have to be published and it has to be done legally. Is there a way that one or two people can sit down with us because of it has to be open to the public?

Mr. Flint: Sunshine Law.

Mr. Schwartz: You are saying that there is absolutely no way that the residents can get together with people from both Boards to just ask questions. I bring this up because at our last CDD meeting, when there was a large increase in the HOA fees and everybody was asking questions and it crossed both Boards, we were admonished by Mr. Colen for even bringing it up. So I'm trying to find some way that the community can get some answers to questions that may be involving both Boards at one time.

Mr. Flint: I understand that there may be some confusion, but I really don't think it's very complicated about which entity has what responsibility. I don't know if a simple frequently asked questions, or a simple description of responsibility for each entity would answer those questions, but the CDD has very limited responsibilities. We maintain the storm water system, we own the roads, and we have responsibility for maintaining some of the landscaping that corresponds with the roads. That's it. The confusion may be well what landscaping do we mow, and what do we not mow, and that may be answered by the map but beyond that, there's not a lot of moving parts to what we do.

Mr. Barnes: I agree. Again, I think it's a good idea to post that map on both of the websites along with a list of duties and responsibilities of the CDD on the CDD's website and duties and responsibilities of the HOA on the HOA's website. Between the map and that, that should be able to answer 95% of the questions. The 5% that can't be answered, call the management company, they will answer them for you.

Mr. Flint: We are happy to respond or talk with anyone who may have questions about the responsibilities. We do it all the time, either via email or calling our office. There's something called the disclosure of public financing that's already on the website. It describes what a CDD is, what the bonds were issued to pay for, what the debt service assessments are. A lot of that information if you look on there is likely in some of the documents. If we can make it a little more simple and straight forward, we will try to do that as well. I think one of the issues that Mr. Schwartz is referring to in that coordination is the gate issue. It's not on the agenda, but under 'Other Business' we can talk about that if that's the Board's desire rather than during public comment. Is that okay with the Board?

Mr. Gysen: Yes.

Mr. Flint: Alright, is there any other public comment? Hearing none,

THIRD ORDER OF BUSINESS

Notice for Meeting

Mr. Flint: The notice of the meeting was in your agenda. The Affidavit of Publication is also included.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the November 19, 2019 Meeting

Mr. Flint: Next is the approval of the minutes from November 19, 2019. Did the Board have any comments or corrections on those? If not, is there a motion to approve them?

On MOTION by Mr. Brouillard, seconded by Mr. Barnes, with all in favor, the minutes of the November 19, 2019 meeting, were approved as presented.

FIFTH ORDER OF BUSINESS

Review and Acceptance of Fiscal Year 2019 Audit Report

Mr. Flint: Next is review and acceptance of the Fiscal Year 2019 Audit Report. The Board previously went through a competitive selection process and you picked Grau & Associates to perform the independent audit. As a government entity you are required to have that independent audit performed, and it gets transmitted to the state of Florida. As you can see on the management letter, or report to management which is the last page, there are no current or prior findings and recommendations. They also determined we've complied with all the provisions of the auditor general of the state of Florida that they are required to review. It is a clean audit. If there are any questions we can discuss those, if not I'd ask for motion to accept the audit and authorize us to transmit it to the state of Florida.

On MOTION by Mr. Barnes, seconded by Mr. Gysen, with all in favor, the Review and Acceptance of Fiscal Year 2019 Audit Report, was approved.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Flint: Mr. Colen do you have anything to report?

Mr. Colen: I have nothing further.

B. District Manager

1. Approval of Check Register

Mr. Flint: You have the approval of the check register for the General Fund and Payroll. Included in here is transfers to the debt service fund. As we receive assessment revenue from the

county it's received in one check, and then we have to write a check to the Trustee to move that money. That constitutes the majority of those expenses. It's from the period of November 12th through February 10th and it totals \$73,346.46 Were there any questions on the check register?

Mr. Gysen: None from me.

Mr. Flint: Hearing none, is there a motion to accept it?

On MOTION by Mr. Gysen, seconded by Mr. Brouillard, with all in favor, the Check Register totaling \$73,346.46, was approved.

2. Balance Sheet and Income Statement

Mr. Flint: You also have the combined balance sheet and statements of revenue and expenditures for the General Fund, the Debt Service Fund and your Capital Reserve Fund. For the General Fund we've collected \$232,000 of the \$254,000 we've certified for collection. Our Administrative and Operating costs are both below our prorated amounts. You can see that in our capitol reserve fund we have a balance of \$500,000 invested in the State Board of Administration account. Any questions on the financials? No action is required on those.

3. Presentation of Arbitrage Rebate Calculation Report

Mr. Flint: You also have the Arbitrage Rebate Requirement Report. This was performed by Grau. It indicates a negative rebate requirement of \$4,335, which means there's no arbitrage issue. Any questions on the Arbitrage Report? If not, is there a motion to accept it?

On MOTION by Mr. Gysen, seconded by Mr. DiPiero, with all in favor, the Arbitrage Rebate Calculation Report, was approved.

SEVENTH ORDER OF BUSINESS

Other Business

Mr. Flint: That brings us to Other Business and Supervisor's Request. Was there anything else the Board wanted to discuss that was not on the agenda?

Mr. Gysen: The only thing I want to discuss and I already discussed it with Mr. Hisey, that three signs have come down. Some of them the actual street sign on top of the pole. That occurred when we had the last heavy winds a couple of weeks ago. Some of the poles are still leaning one way or the other.

Mr. Hisey: There is nothing in our states contract regarding street signs. As I was telling you before the meeting, we can address and get it taken care of. We will get together after this meeting to make sure that gets handled. Understood, and we'll get it addressed.

Mr. Flint: Thank you.

Mr. Gysen: The other one is there's a bush growing into the street coming in from the north entrance. Maybe they can cut it.

Mr. Hisey: Is it the tree or is it the bush?

Mr. Gysen: Maybe part of tree or part of a bush, I don't know, I saw it this morning when I came.

Mr. Hisey: We'll take a look at that; I know there was some complaints about driving around that curve and not being able to see.

Mr. Gysen: Maybe they could cut some more.

Mr. Hisey: Not to sound rude but there's a side of the road that everybody's supposed to stay on. If everybody stays on the side of the road, we don't have an issue. I really don't mean that to be disrespectful. But trimming the tree anymore at this point is really going to deform the tree, because we've done a lot of trimming of that tree already. So, whatever you guys would like me to do, I serve your pleasure as well. I'd like to help out and do whatever I can, but there's what's right and agriculturally correct. We'll take another look at it and see what we can do.

Mr. Brouillard: They do come around the corner on two wheels.

Mr. Gysen: Another question is when you come in from the north side it says 30 miles an hour. When you come in from the south side, it says 20 miles an hour.

Mr. Hisey: I would assume it's due to county design was originally.

Mr. Brouillard: We have a discrepancy right at the clubhouse. If you come in off 80th Avenue in the middle and you make a left turn, you've got 30, if you make a right turn, you've got 20.

Mr. Hisey: And that may be from the Marion County design.

Mr. Flint: Okay. The other issue that we discussed at the beginning of the meeting. The issue of the gates has been discussed, and maybe we can bring it up so the Board can just take a position on it going forward. The CDD doesn't own the gates, we own the right of way, where the gates are located. The CDD gave what's called a license agreement to the HOA to allow them to install and maintain those gates. Now we have three gates, we've got one at the south

end, the north end, and the west side, which original was the main entrance. Because the roads are CDD roads, they are not privately-owned roads, we've got a public access issue that we have to comply with. Because we are a government we own those roads, therefore they are public roads and we can't restrict access to those roads. There is an exception to that, there's something called soft gates, and that's basically what we have. The gates, the way they're structured now, when you pull up to them they open up. That satisfies the public access requirement we have as a government. I brought up this in a prior meeting a year or more ago, that you can still comply with the public access part of it as long as you have one gate that opens when you pull up, and the other gates could be resident only gates. We've got that in a number of other communities. The Bond Counsel and District Counsel in those CDDs have all signed off that that meets the requirement of public access. That's always an option, if the HOA who owns the gates chose to want to do something like that. I think they'd want something in writing from the CDD consenting to that and some proof that that meets the requirement of public access. The CDD doesn't have a lot of role in doing that because we don't own the gates, but one role we would have is that we would want to consent to two of the gates being resident only. That's kind of where that issue is. I think Mr. Schwartz feels like it's getting bounced back and forth between the HOA and CDD. From my perspective, I've made it clear that the CDD doesn't own the gates. We gave a license agreement to the HOA so if there's any desire by the HOA to want to make one or more of those resident access that would be an HOA decision, unless this Board had some objection to doing that. At this point I don't know what the Board's desire is, whether you want to take a position one way or another, or just leave it as an HOA decision.

Mr. Barnes: I personally would kind of like that, to have north and the south residents only. It would cut down on a lot of people who use that 79th road as a short cut to bypass 80th Avenue. I have no problem with that. We maintain the west gate as the public access gate, so that meets the legal requirement. What do you guys think about it?

Mr. Solan: I'm not aware of how many people are taking the short cut through there. Our house backs right up to the street. I can't say that I see a lot of cars going by at say 4:00 or 5:00. There's a lot of cars on it because there's a lot of people that live there. I just think it would be hard to prove that there was many people taking that short cut.

Mr. Barnes: So would you object to it though?

Mr. Solan: No, I would not object to it. I'm just saying you're going to slow your car down to 20 mph or are you going to go up to the stop light and go 50 or 60 mph.

Mr. Barnes: I guess it would discourage outsiders from coming in. It would make it harder and they would have to go out their way to come in.

Mr. Solan: I would not be against it, but I'm just saying they are making the argument that a lot of people are taking a short cut.

Mr. Gysen: I concur with Mr. Solan. Because I think, right now, I think the majority of those extra people coming through Indigo are still construction people one way or the other. They come in through Indigo to do their job, and I think when the building is finished I think we will see a decrease of traffic coming into our subdivision. As he says, why I should I take a short cut on 79th and going through Indigo East when there's only 20 mph or I can go to the stop light and go to 80th Avenue and go 50 mph. I don't know who those people are, who's taking the short cut, to where?

Mr. Solan: I just don't see any advantage. I don't want to stand out there and ask if they are taking a shortcut.

Mr. Flint: Any other discussion on that? It sounds like there is no motion on the table at this point. From this Board's perspective, if the HOA decided they wanted to do something that would come back to you all and then you could make a decision at that point. Mr. Colen?

Mr. Colen: It's been an interesting discussion to follow. The CDD granted a license to the Association to put the gates in, and the gates slow people down so their license plates can be photographed. So there was a measure of deterrence there. If you want to make it, and I say If you the Board wishes to make it a controlled gate, we do have a protocol using a waiver where you can punch a dial up, and you can call somebody and they can buzz you in. There is a cost for that, so we would have to come back if you want it, you can give approval. I think would be the proper, or non-objection to the Association. The Association would then have to bring this dial on before the members, and say okay this is the choice, this is how it works, and this is how much additional it costs each month.

Mr. Flint: If it's like Envera Systems, it's pretty expensive. If you can get somebody on the end of a call box that also would satisfy, as long as that person on the other end of the call box has the ability to open that gate. You could satisfy the public access that way. Again, it's a matter of whether you want to initiate the request to the HOA, or you want the HOA as the

owner of those gates to be the entity that makes a decision based on requests from the community. Again we don't own the gates, we are just allowing the HOA to place them there. Whether the resident desire to have that limited access goes to the HOA and this Board consents, or if you want to make a request to the HOA, you could do that as well.

Mr. Barnes: I say let the HOA take care of it since they own it and then we'll give them the rubber stamp, whichever they want to do.

Mr. Gysen: I agree.

Mr. Flint: Is the Board in agreement with that? Alright. Is there any other business or Supervisor's Request? If not, is there a motion to adjourn?

EIGHTH ORDER OF BUSINESS

Supervisors Request

Hearing none, the next item followed.

NINTH ORDER OF BUSINESS

Adjournment

The meeting was adjourned.

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



Secretary / Assistant Secretary



Chairman / Vice Chairman