

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 18, 2020 at 9:00 a.m. via Zoom Video Conferencing, pursuant to Executive Orders 20-52, 20-69, 20-112, 20-150, 20-179, 20-193 and 20-246 issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 29, 2020, June 23, 2020, July 30, 2020, August 7, 2020, and September 30, 2020 respectively, and any extensions or supplements thereof, and pursuant to Section 120.54(5)(b)2., *Florida Statutes*.

Present and constituting a quorum were:

John Gysen	Chairman
Frank DiPiero	Vice Chairman
Terrance Solan	Assistant Secretary
Donald G. Barnes	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
Guy Woolbright	On Top of The World Communities
Philip Hisey	On Top of The World Communities
Terri Kirchhoff	On Top of The World Communities
Robert Stepp	On Top of The World Communities
Tricia Adams	GMS

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Flint called the meeting to order. Four members of the Board were present, via Zoom, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Mr. Flint: It doesn't look like we have any members of the public here, it is only staff and the Board.

**THIRD ORDER OF BUSINESS**

**Notice for Meeting**

Mr. Flint: The notice of the meeting is in your agenda.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the May 19, 2020 Meeting**

Mr. Flint: You have approval of the minutes from May 19, 2020. Did the Board have any comments or corrections on those? Hearing no changes, 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 19, 2020 Meeting, were approved as presented.

**FIFTH ORDER OF BUSINESS**

**Public Hearing**

**A. Consideration of Resolution 2020-02 Adopting the Fiscal Year 2021 Budget and Relating to the Annual Appropriations**

Mr. Flint: We will open the public hearing. Are there any members of the public that would like to comment? Hearing no comments I will move on to review of the resolution. You all approved a proposed budget back in the spring and you set today as the place and time for the public hearing. Resolution 2020-02 would adopt the budget for Fiscal Year 2021 which starts on October 1<sup>st</sup>. The exhibit to that resolution proposed budget, it contemplates the per unit assessment amount would remain the same at \$447 per unit and the total budget remains at \$254,337. The insurance went up slightly and the admin expenses went up a few dollars, but there were no significant changes. Are there any questions? Hearing none and noting there is no public here to provide comment, I would ask for a motion to approve the resolution.

On MOTION by Mr. Gysen, seconded by Mr. DiPiero, with all in favor, Resolution 2020-02 Adopting the Fiscal Year 2021 Budget and Relating to the Annual Appropriations, was approved.

**B. Consideration of Resolution 2020-03 Imposing Special Assessments and Certifying an Assessment Roll**

Mr. Flint: There are two exhibits; the budget you just approved and the Assessment Roll. The Assessment Roll certifies the \$447 for collection on the tax bill.

On MOTION by Mr. Gysen, seconded by Mr. DiPiero, with all in favor, Resolution 2020-03 Imposing Special Assessments and Certifying an Assessment Roll, was approved.

## **SIXTH ORDER OF BUSINESS**

### **Consideration of Geo-Tech, Inc. Proposal – ADDED**

Mr. Flint: This is a proposal from Geo-Tech, Inc. We had a small sink hole open up in the retention pond adjacent to S.E. 89<sup>th</sup> Street and 88<sup>th</sup> St. Road. It's outside the limits of what's included in our contract. I understand it's 4 or 5 feet wide, but it's 15 to 20 feet deep. Geo-Tech provided a combined, lump sum figure of \$6,082.50 to repair the sink hole and include if necessary, possibly some injection of grouting as well as fill. As a Geo-Tech engineer, they would monitor that repair. In my experience, this is a very reasonable price. In Arlington Ridge CDD and Lake County, a couple of years ago we had a sink hole in the road and it was well over \$100,000, but that was a much larger sink hole. When you start talking about the Geo-Tech oversite and then actually doing the repair, it seems reasonable. We do have Bo Stepp on the line. Bo, do you need to add anything?

Mr. Stepp: No, you pretty well covered it, George. Unless someone has a specific question related to the repair.

Mr. DiPiero: I have a general question. Do we have insurance? Is there insurance for such a thing in case we get wacked with one of those \$100,000 ones? That could take a pretty serious hit on our budget. Is there insurance? Is it worth pursuing or not?

Mr. Flint: No, the only sink hole insurance you would typically see is associated with structures. The club house there, which we don't own, but if we owned the club house or something that we held property insurance on, along with that property insurance would be sink hole coverage. Typically, I've never seen a policy out in the open that would cover a sink hole like this. Even roadways, you don't insure roadways, so those aren't typically covered either. Buildings, fencing, and things that are covered under property insurance, you might have some coverage. Up to this point, the holes that we've had in the past 10 years or so have all been small. I don't think there is a policy out there that you could get for something like this.

Mr. DiPiero: Okay, it would probably be cost prohibitive I would imagine.

Mr. Flint: You know, rolling dice the cost of that verses repairing it. I guess you can get insurance for anything but, I've not seen it. With the 170 Districts we manage, I haven't seen it. I

would suggest that we take this out of the Capital Reserve Fund, not the General Fund. We're projected we've got half a million dollars in that Capital Reserve Fund. So, I would suggest that when we do this repair.

Mr. DiPiero: That makes sense to me.

On MOTION by Mr. DiPiero, seconded by Mr. Gysen, with all in favor, the Geo-Tech, Inc. Proposal totaling \$6,082.50, was approved.

## **SEVENTH ORDER OF BUSINESS**

### **Consideration of Landscape Request**

Mr. Flint: Next we have a request from a resident who lives in Indigo South. They were concerned with the landscaping that surrounded the retention pond was not consistent with the level of landscaping in other parts of Indigo East. They came forward to the District to consider beautifying those areas. I don't know if the resident is on the call, I don't believe we have any members of the public on. Wait a min, I have a couple of people waiting. Hi, who just joined? If you could unmute yourself and let us know.

Mr. Barnes: This is Don Barnes, I'm on here.

Mr. Flint: Hi Don, I didn't realize you were on. Let the record reflect Mr. Barnes is on the meeting. Is there any discussion on the landscaping request? At this point, we haven't done anything as far as asking our contractor to providing any enhancements. I wanted to hold off pending any discussion from the Board.

Mr. DiPiero: I don't have a problem with it. John and I went and took a look of the area that he's talking about and it is a little bare. It wouldn't hurt to throw a few shrubs in there.

Mr. Flint: I explained the resident that our budget doesn't necessarily include money for enhancements. I told them that we save expenses and capital reserves for repaving roads and replacing existing landscapes. In your Capital Reserve you can do something like this, but I don't have a number to suggest to you, so I wanted to defer this and we get a proposal that you all can consider.

Mr. Gysen: That sounds okay.

Mr. DiPiero: Fine by me.

Mr. Flint: Okay.

Mr. DiPiero: George, I think Phil Hisey wanted to say something about that.

Mr. Flint: Phil, did you have some input?

Mr. Hisey: We need to consider the irrigation, but just a total budget of what the District wants to work with in that area. Then we need to make sure that we do fall inside the District's property because there are some boundary lines. Like the District holds up to the top of bank, which a lot of the landscape is on that slope of the bank and then you've got HOA property with the sidewalks. So, we've got to be really careful with that.

Mr. Flint: Yes, we are still working with the District Counsel and the developer on cleaning up ownership of certain areas across the entire deed. I think Phil has a good point. We want to hold out on what we are installing until we resolve those ownership issues.

Mr. Hisey: George, if I can share my screen really quick, I can show you what I'm talking about.

Mr. Flint: Do you have the ability to share?

Mr. Hisey: I'm disabled on screensharing.

Mr. Flint: Try it now.

Mr. Hisey: Alright, I believe can you guys see the colored map?

Mr. Flint: Yes.

Mr. Hisey: So, the area we are talking about is right here where my cursor is at. As you can see if I zoom in on that, this pink area is all HOA property, the yellow is CDD. All of the slopes are landscaped. So, that's what I'm saying. We have to be really careful to make sure we're not creating more work for the CDD or HOA. I just want to bring that up.

Mr. Flint: You can also see there are a lot of other dry retention areas too that are in yellow. How many other dry retention areas are in the same situation? Phil, you may be able to add insight, but if you are concerned with setting a precedent where if you're going to do it for that pond, you end up having to do it for all the other ones. I don't know the situation on the other ponds, whether they are similar.

Mr. Hisey: The other ponds are, I would say, are pretty nicely landscaped. The exception of this one, it doesn't have much around it. These over in the Indigo East portion, there is a lack of irrigation there so they just have a pine tree and core grass kind of look. Whereas, we have the irrigation availability in the Indigo South portion.

Mr. Flint: Okay. So, they will have to include irrigation. Does the Board have a thought in mind on a not to exceed just to kind of give us something that we can work with?

Mr. Hisey: George, if I may, maybe I can provide two or three options for the Board.

Mr. Gysen: That would be good.

Mr. Hisey: Because we are kind of going in to this blind. Otherwise, if we say \$5,000 and \$5,000 gets us nowhere near where we want to be or gets us way above where we want to be. We can get with Earthscapes or a couple of vendors if need be, and have them give us a price to irrigate and plop in some trees with some shrubs. That would be my suggestion.

Mr. Gysen: I agree with that.

Mr. DiPiero: Sounds like good common sense to me.

Mr. Flint: It sounds like we got some direction from the Board. We can develop some options and then bring it back to you at the next meeting or discussion.

## **EIGHTH ORDER OF BUSINESS**

### **Staff Reports**

#### **A. Attorney**

Ms. Wagoner: I just wanted to report that I've been working with developer's counsel to review the community plan to make sure if there are remaining items as far as title, that they are addressed and cleaned up. We are making sure that lands maintained by the District are free of claims of third parties such as the developer or the association. Also, we are working to ensure that property that should be owned by the association or the master association is clearly not a responsibility is the CDD. I expect to have a proposal action plan from the developer at our next meeting to present to the Board for consideration at that time. I just wanted to let you know that we are working on it and I expect to discuss it more formally at the next meeting.

#### **B. District Manager**

##### **1. Approval of Check Register**

Mr. Flint: You have the approval of the check register, that was in your agenda. Did the Board have any questions on that? It's from May 12<sup>th</sup> through August 11<sup>th</sup>. Were there any questions on it? Hearing none,

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

##### **2. Balance Sheet and Income Statement**

Mr. Flint: You also have the unaudited financials. They require no action, if you have any questions we can discuss those.

**3. Approval of Fiscal Year 2021 Meeting Schedule**

Mr. Flint: We've provided a proposed meeting schedule in the agenda. It suggests meeting at 9:00 am in November, February, May and August. We've scheduled Candler for 9:00 a.m. also. I don't know if you would consider meeting at 9:30 a.m. or if you want to continue to meet at 9:00 and alternate the districts? If you want to keep it at 9:00, then just a motion to approve this notice.

Mr. Gysen: I think we should keep doing what we have been doing.

On MOTION by Mr. Gysen, seconded by Mr. DiPiero, with all in favor, the Fiscal Year 2021 Meeting Schedule, was approved.

**NINTH ORDER OF BUSINESS**

**Other Business**

Mr. Flint: Is there anything else from the Board?

Mr. Gysen: Is Bo still there?

Mr. Stepp: Yes, I'm here.

Mr. Gysen: Can we still look at all the signage that we discussed at the last meeting to straighten up the street signs?

Mr. Stepp: Yes, sir. We'll continue to keep an eye on that. That's an ongoing maintenance item. Every time we get a nice stiff wind, we have to go back and do it over again. That's something we will continue to keep an eye on.

Mr. Gysen: There's a lot of them leaning.

Mr. DiPiero: George, I also have a question. In the contracts it talks about water culverts and all the storm water culverts need to be cleaned out so the water can flow freely. I had a question about the storm drains in the streets themselves. Who is responsible for the storm drains?

Mr. Flint: The District would be. Normally, probably annually you'd want to do through and pull the tops.

Mr. DiPiero: After a heavy rain storm, because we use the straw in the landscaping, a lot of that stuff gets washed and clogs the drains and the water backs up. The water has trouble

flowing and streets can get flooded really badly. Last Memorial Day weekend, we had about a foot of water on 79<sup>th</sup> Terrace Road and around 83<sup>rd</sup> place, that area over there. John and I had to go, because it was a holiday weekend and nobody was around, had to go out with shovels and rakes and cleaned them all out so the water would drain. I just wondered, is that a part of one of the entities that we contract with to go around and clean that or?

Earthscapes Representative (Keith): We clean them once a week when we are there, but we can do a better job. If there is a major storm, we are always in the area. We can swing through and do a better job with that. It's definitely an issue with the pine needles and I know exactly what you are talking about.

Mr. DiPiero: We really just had a freak weather phenom. I think we had a down burst or something and it was a tremendous amount of rain in a very short period of time. Things were really backed up pretty bad.

Mr. Gysen: That was May 22<sup>nd</sup> when we had the hail storm here.

Mr. DiPiero: After every heavy rain we do get some, there not totally blocked like they were after the May 22<sup>nd</sup> storm.

Mr. Hisey: I could add to that too. I know I'm riding the property with Keith every two weeks to make sure that they are keeping up on things. We were in there last Friday, Keith? Taking notes and looking at all the storm drains and things like that.

Earthscapes Representative (Keith): Last Wednesday we were there, Philip.

Mr. Hisey: If there's anything the CDD Board wants to meet with us on, we typically meet at the Indigo Rec Center, if you guys want to meet us there. Every 2<sup>nd</sup> Wednesday if you have a comment or a concern we can address. I think we start at 7:00 a.m.

Mr. DiPiero: Which Wednesdays?

Mr. Hisey: The 2<sup>nd</sup> Wednesday. We meet there next Wednesday.

Mr. DiPiero: Okay, the 2<sup>nd</sup> Wednesday of the month?

Mr. Hisey: Yes, sir.

Mr. DiPiero: Okay, I know I'm a pain in the butt sometimes, but the weeds are especially annoying to me. In that new area where they had planted across from the Club House, they planted a ground covering because the grass won't grow in there. That thing was really loaded with weeds. I complained about it and they came along and sprayed it; which helped. With so



much rain that we have been getting, the weeds just keep coming back. I pulled two big bags full about a month ago. It just annoys the heck out of me.

Mr. Hisey: If I may add, we removed all the grass that wasn't growing there, but we disturbed the soil. Anytime you disturb the soil, you bring all those weed seeds up. One thing I noticed when riding it last week was all the new areas that we have planted in recently, are where the weeds are popping up at. That's because we disturbed that soil. Not to mention the fact that we are at the end of our mulch cycle. Mulch should be coming in at the end of this month. So, now there's nothing there to really keep those weeds at bay so to speak. There's some of that, but Keith has got a pretty good handle on it. We are just continuing to work through that. We will get that taken care of.

Mr. DiPiero: Thanks, I appreciate it.

Mr. Flint: Just remember to not have more than one Board member meeting with Keith and Phil. You can alternate or something.

Mr. Hisey: I just want to make sure that just for record really more than anything, the sidewalk for the Indigo CDD ends at the Indigo East Club House. The sidewalk beyond that going into Indigo South belongs to the HOA. We will need to create some type of Interlocal Agreement with the HOA or have the HOA add that to their scope of services to make sure those get pressure washed.

#### **TENTH ORDER OF BUSINESS**

#### **Supervisors Request**

Hearing none, the next item followed.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Adjournment**

The meeting was adjourned.

On MOTION by Mr. Gysen, seconded by Mr. Barnes, with all in favor, the meeting was adjourned.
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Secretary / Assistant Secretary

  
Chairman / Vice Chairman