

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 18, 2021 at 9:00 a.m. at Circle Square Commons, 8395 SW 80<sup>th</sup> Street, Ocala, FL.

Present and constituting a quorum were:

John Gysen	Chairman
Frank DiPiero	Vice Chairman
Terrance Solan	Assistant Secretary
Harold Brouillard	Assistant Secretary
Cynthia LaFrance	Assistant Secretary

Also present were:

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

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Flint called the meeting to order. Five members of the Board were present at the meeting, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Mr. Flint: Are there any members of the public here who would like to provide comment to the Board on any agenda items or anything that is not on the agenda for Indigo East? Hearing no public comment,

**THIRD ORDER OF BUSINESS**

**Notice for Meeting**

Mr. Flint: The notice of the meeting was included in the agenda book and was advertised in the Ocala Star Banner. The annual meeting notice was advertised back in the fall. We have met the legal noticing requirements.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the February 16, 2021 Meeting**

Mr. Flint: Did the Board have any comments or corrections to the February 16, 2021 minutes? Hearing no changes to the minutes I would ask for a motion to approve them.

On MOTION by Mr. DiPiero, seconded by Ms. LaFrance, with all in favor, the Minutes of the February 16, 2021 Meeting, were approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-05 Approving the Proposed Budget for 2022 and Setting a Public Hearing**

Mr. Flint: Each year the Board is required to approve a proposed budget by June 15<sup>th</sup>, and set the date place and time for the public hearing for its final consideration. There are some other noticing requirements that have to be met. We have to send a copy of the budget to Marion County at least 60 days before the hearing. We have to put it on the website. The Resolution in your agendas suggest your August 17<sup>th</sup> meeting for the Public Hearing. It would be in this location at 9:00 a.m. Attached to the resolution as exhibit 'A' is the proposed budget. This is not binding on the Board, so it is just the start of the process. It is preliminary. The Board can make changes to this up until the Public Hearing in August if you need to. The only exception to that would be if your assessments are proposed to increase, then there are some additional noticing requirements and we would need to know that. The proposed budget as we currently have it in your agenda does not contemplate any increase in your per unit assessment amount. It would remain at \$447 per home, per year. The revenue is level. The administrative expenses are basically level, but they have gone up by about \$700. The maintenance expenses are level. The one item in there I would note is your landscape maintenance contract is up for renewal on October 1<sup>st</sup>, so I am working with Phillip Hisey to get bids and to vet contractors to provide that service. We have included it at the current dollar amount, and we anticipate we will be able to meet that dollar amount or come in lower than the current amount based on preliminary proposals we have received. We don't see a need at this point to increase the assessments. In the event there are savings in the landscape

maintenance, my recommendation would be to transfer that money out to your capital reserve account. If you turn to page 7, we established a number of years ago a Capital Reserve account and you can see that we are anticipating on October 1 that we would have about \$483,000 in that account. The first phase of resurfacing is proposed to occur next fiscal year. We will bring back a proposal for that at your August meeting. There wouldn't be any action today, but we are anticipating that we will start that process of resurfacing based on an inspection of all of the roads within Indigo East. That number can change if we do more or less, it is not binding on the Board at this point. Were there any questions or comments on the resolution of the proposed budget? We are required to do an arbitrage rebate calculation annually, and on your agenda is a proposal from AMTEC, which is about \$150 less a year than the company we were previously using. If there are no comments or questions, is there a motion to approve Resolution 2021-05? District Counsel has asked that the maker of the motion read this in.

Mr. Gysen: The resolution of the Board of Supervisors of the Indigo East Community Development District is approving the proposed budget for the Fiscal Year 2021-2022. In setting a Public Hearing, thereof, presuming to the Florida law, addressing the transmittal, posting and publication requirement and providing the effective date.

On MOTION by Mr. Gysen, seconded by Ms. LaFrance, with all in favor, the Resolution 2021-05 Approving the Proposed Budget for 2022 and Setting a Public Hearing, August 17, 2021, was approved.

## **SIXTH ORDER OF BUSINESS**

### **Consideration of Proposal with AMTEC to Provide Arbitrage Rebate Services**

Mr. Flint: Historically we have used Grau and Associates for the arbitrage rebate calculation, it was about \$650 a year. I asked staff to solicit a proposal from AMTEC. We use AMTEC on the majority of our Districts for the calculation. This is a requirement of the IRS that we demonstrate that we are paying less interest than we are earning on the trust account funds, which is typically not an issue. Any questions on the proposal? This would be for 5 years at \$450 a year. Is there a motion to approve the agreement with AMTEC?

On MOTION by Mr. Brouillard, seconded by Mr. Solan, with all in favor, the Proposal with AMTEC to Provide Arbitrage Rebate Services, was approved.

**SEVENTH ORDER OF BUSINESS**

**Landscape Maintenance**

**A. Termination of Agreement with Sharp Fence Construction, LLC**

Mr. Flint: We received a notice of termination from Sharp Fence. They were mowing the District's DRAs, or Dry Retention Areas. We use them for the ponds or retention areas, and then we use Earthscapes Unlimited Inc. for the common areas. Sharp gave us notices presuming to our contract that they were no longer able to provide those services. Because there wasn't a Board meeting, we have had Earthscapes Unlimited Inc. providing those services. They have picked up the work for Sharp. In your agendas is the termination on Sharp's agreement, I don't think there is any action required because they are able to do that under their contract.

**B. Consideration of Addendum to Agreement with Earthscapes Unlimited Inc., to Provide Landscape Maintenance Services**

Mr. Flint: The next item would be an Addendum to the Earthscapes Agreement for Earthscapes to pick up the mowing of the 3 dry retention areas. That would be contract addendum #1. They actually have already started doing that on April 1. Again, because there wasn't a Board meeting and we had to have someone doing it, it made sense that because Earthscapes was already doing the common area that they would also do the dry retention areas. This addendum and that contract only go through September 30<sup>th</sup>. Any questions or comments?

Mr. DiPiero: On the addendum, are those the 3 things Sharp did that is being taken over by Earthscapes?

Mr. Flint: Yes, Phillip is here, but yes that is correct.

Mr. Hisey: Good morning Board, Phillip Hisey with On Top of The World Communities. Earthscapes is picking up those 3 tracks. There is one on that northeast corner. It is a triangular shaped pond on the far corner of 80<sup>th</sup> street. If you take the intersection going down 80<sup>th</sup> street there is a retention pond. A larger retention pond between the communities on the west end. There is a DRA directly behind the community center. Those are the 3 DRAs. We can provide you all with a map, if need be, this is just an addendum. They are extending the pricing that Sharp provided, which I thought was gracious of them to take the work on and continue that pricing.

Mr. DiPiero: I was just curious because the monthly amount is much less than Sharps was. Although I think you are just referring to the retention.

Mr. Hisey: Yes, the dog park and the exercise area are not part of those areas.

Mr. DiPiero: What about those other two areas then?

Mr. Hisey: That is all part of the Association, it is not CDD.

Mr. Flint: The Sharps contract I want to say was about \$18,000 per year.

Mr. Hisey: Yes, that is pretty close. About \$18,000. Those were just DRAs.

Mr. Flint: Any other questions on the contract addendum? Is there a motion to approve the addendum with Earthscapes Unlimited?

On MOTION by Mr. DiPiero, seconded by Mr. Gysen, with all in favor, the Addendum to Agreement with Earthscapes Unlimited Inc., to Provide Landscape Maintenance Services, was approved.

**C. Consideration of Proposals for Fiscal Year 2022 Landscape Maintenance Services**

Mr. Flint: This next item is related to the provisional landscape maintenance starting on October 1. I don't have any specific proposal for you to approve today, but we wanted to bring you up to date in what steps we are taking. Phillip, do you want to bring the Board up to speed on this? The current agreement expires September 30<sup>th</sup>.

Mr. Hisey: Good morning again. This year with the minimum wage increase, the contractors decided that they did not want to extend their two 1-year agreements that they had available in their contract. They are going to terminate their services on September 30<sup>th</sup>. We put it out to bid in March, and we had 11 bidders actually in this cycle. That is the most I have had in 16 years with On Top of The World, so it was good to see that many. We did have those come out and we had a wide array of pricing. George and I spoke, and we are going to entertain those meetings with two vendors tomorrow to see if we can try to keep the prices down or less than what you were paying. Are there any questions with that? It works the same. It is all Indigo East, we had Sharps and Earthscapes in the majority of this contract doing retention ponds and then Earthscapes picked up the DRAs and Indigo South and the common areas. Part of the common areas along the road are CDD. So now we have one vendor doing it all. We don't have two vendors anymore, I decided to do away with that process. Are there any questions with that? Thank you.

Mr. Flint: Phillip and I have Zoom meetings tomorrow morning with two of the vendors that are bidders. Some of the bidders we were concerned they didn't have the ability to provide services. Either they were too small, and some the pricing was out of line with the budget. We have narrowed it down to two bidders we are going to be interviewing tomorrow morning.

Unfortunately, Earthscapes' pricing went up and they have kind of taken themselves out of the running because of their cost increase. We are looking at likely changing, and it would be a different contractor starting October 1. If the Board is comfortable, I would like to lock up whoever the contractor is going to be. If the Board is comfortable with Phillip and I interviewing those and getting with the Chairman making a motion to authorize the Chairman to execute a contract up to the current budget amount would allow us to tie up that vendor. Otherwise, we will have to come back at your August meeting and I am concerned that the time between now and August some things could change and I would like to get that taken care of. Is there any objection from the Board to that? Is there a motion to authorize the Chairman to execute a contract up to the current budget amount?

On MOTION by Mr. DiPiero, seconded by Mr. Brouillard, with all in favor, Authorizing the Chairman to Execute a Land Maintenance Services Contract up to the budget amount, was approved.

**EIGHTH ORDER OF BUSINESS**

**Update on Speed Limit Signage Study**

Mr. Flint: Unfortunately, Beau couldn't be here today, but at a prior meeting you approved an agreement with Tillman and Associates for them to come in and review your speed limit regulatory signage within Indigo East. There were some conflicting speed limits. Part of the community was posted 30 mph and part of it was posted at 20 mph. As a result of their review, they are recommending that the entire community be posted at 20 mph. One sign is posted at 20 mph, two entrances would need to be changed, and one internal sign would need to be removed that says 30 mph. The result of the effort would be a sign at SW 90<sup>th</sup>, a sign at SW 80<sup>th</sup>, and a sign at SW 80<sup>th</sup> Avenue entrance. All of the signs would be 20 mph. The one internal sign would be removed. We are going to be reusing the components so the internal sign that is being removed will allow us to reuse that pole at another location. They didn't feel the need for any additional internal signage. They believe that one sign at each entrance was adequate. That is the result of the speed limit sign review.

**NINTH ORDER OF BUSINESS**

**Consideration of Proposal from John T. Crowder, LLC for Speed Limit Signage Revisions**

Mr. Flint: We have a proposal from John T. Crowder, LLC to actually do the work. They would remove the one internal sign that was mentioned, that would cost \$25. They would remove

the speed limit sign only for \$25. They would install the sign with the post furnished. We are going to reuse the one internal sign. They would replace one of the 30 mph signs with the 20 mph sign. The total cost is \$500 to do that work. I am not sure the work has been carried out. I have this as ratification but I don't know and did not have a chance to ask Beau. At this point it would be approval of the estimate not ratification.

On MOTION by Mr. Gysen, seconded by Mr. DiPiero, with all in favor, the Proposal from John T. Crowder, LLC for Speed Limit Signage Revisions, was approved.

**TENTH ORDER OF BUSINESS**

**Review and Acceptance of Fiscal Year 2020 Audit Report**

Mr. Flint: Each year the District is required to have an Annual audit performed. The audit was provided to you under a separate cover. You all selected Grau and Associates to perform that independent audit. This has to be submitted to the state of Florida by June 30<sup>th</sup> of each year. If you look at page 29, report to management, you will find there is not current or prior findings or recommendations and they found we complied with all of the provisions of the auditor general of the State of Florida that they are required to review. It is a clean audit. Are there any questions on the audit? If not, is there a motion to accept it and authorize it to be transmitted to the state of Florida?

On MOTION by Mr. Brouillard, seconded by Mr. Solan, with all in favor, Acceptance of the Fiscal Year 2020 Audit Report, was approved.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Flint: Gerry, do you have anything else for the Board?

Mr. Colen: I do not.

**B. District Manager**

**1. Approval of Check Register**

Mr. Flint: You have the Check Register from February 10<sup>th</sup> through May 11<sup>th</sup>. It totals \$144,564.00 and the detailed register is behind the summary. Were there any questions on the check register? Hearing none,

On MOTION by Ms. LaFrance, seconded by Mr. Gysen, with all in favor, the Check Register, totaling \$144,564.00, was approved.

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

Mr. Flint: You also have the unaudited financial statements through March 31<sup>st</sup>. They require no action, but if you have any questions we can discuss those. We are almost 100% collected on our assessments. We are at \$245,000 out of \$254,000 that we certified for collection on the tax roll. There will be some additional revenue that will come in as a result of the tax certificate sales at this point. We must have some tax bills that are outstanding but we are under our prorated budget. Any questions?

## **3. Presentation of Number of Registered Voters – 966**

Mr. Flint: Each year, we are required to announce the number of registered voters in the District as of April 15<sup>th</sup> of each year. As you can see, there are 966 active registered voters within the District. There is no action required on that.

## **4. Discussion of Resident Requests**

Mr. Flint: I received an email forwarded to me from Patty Soriano with On Top of the World. A resident, Barbera Adler, who resides at Indigo East, had two concerns that she wanted mentioned to the Board. One is really an HOA issue and the other is a CDD issue. One issue is that she believes the gates should be removed and she does not believe they are effective and thinks they are inoperable a good part of the time according to her email. That is really an HOA issue. The CDD has a license agreement with the HOA that authorizes them to install and operate those gates so that is not an issue for the CDD unless the CDD wanted to revoke the license agreement. I see this as an HOA issue so the response on that one would be that she needs to direct that concern to the HOA. The other issue she brought up was that she believed replacing the annuals, the planted annuals and flowering plants, four times a year was excessive and she would like to see it reduced to two times a year. Phillip can tell you that four times a year is standard. The types of annuals that you use, there is nothing out there that lasts for six months. They are seasonal.

Mr. Hisey: Yes, that is correct. Phillip Hisey again with On Top of the World. The standard for the industry is four times a year. You could possibly maybe go down to three times a year using



a perennial mixture. That can tend to be problematic for people as well because they don't like the butterfly garden look which is basically where you are going to with that. If you did go to twice a year, I don't think you guys would be happy. I don't think the majority of the residents would be happy. That is my opinion. Again, your standard is four times a year.

Mr. DiPiero: Initially, there were grass plants and they were the same all year round. People were complaining that they were ugly and they wanted a variety in there.

Mr. Hisey: The north entrance is where the beds were added after the fact to help dress up the entrance. The south entrance by the fire station was added when we did that development. It is you all's call, but the standard is four times a year.

Ms. LaFrance: What would the difference of cost be if we were to three times a year?

Mr. Hisey: Off the top of my head, you are roughly paying \$1.55 per plant. You all have somewhere around 6,000 plants. It may drop your costs by around \$6,000 or \$7,000.

Ms. LaFrance: That would be interesting to hear.

Mr. Hisey: There is a tradeoff. When you are at annuals, you are at 4-inch plants. When you are at a butterfly garden look you move to 1 gallon size plants. Instead of spending \$1.55 on plants, you would be spending \$3-4 on plants. There is a tradeoff, I don't know if there would be much of a savings, that is why I say if you did the butterfly and go down to three times a year, you may end up spending the same amount of money.

Mr. Flint: There is no action required by the Board on either of those issues unless the Board believes action should be taken, I just wanted to bring that up since we received the email. Is there any desire to take action on the request?

**TWELTH ORDER OF BUSINESS**

**Other Business**

Hearing none, the next item followed.

**THIRTEENTH ORDER OF BUSINESS**

**Supervisors Request**

Mr. Flint: Any other business or Supervisors request that the Board wanted to discuss that was not on the agenda?

Mr. Gysen: I want to thank Ms. Vermillion; we had an issue since the last meeting. We had some confusion on procedure with the resident services and how you go about getting things done, so I wanted to thank you for that.

Mr. Flint: Good, yes, she called me and we talked about that. I think we are all on the same page. There was some miscommunication apparently. If there is nothing else, is there a motion to adjourn?

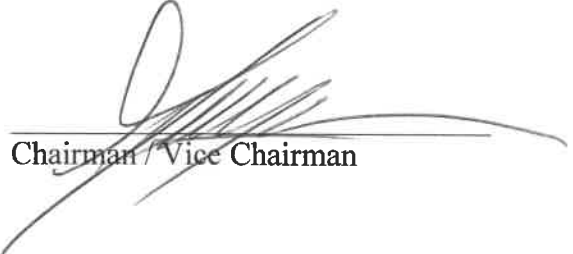
**FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned.

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

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman