

MINUTES OF MEETING
INDIGO
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Indigo Community Development District was held Wednesday, August 24, 2022 at 1:00 p.m. at the Fairfield by Marriott Daytona Beach, 1820 Checkered Flag Boulevard, Daytona Beach, Florida.

Present and constituting a quorum were:

John McCarthy	Chairman
Mark McCommon	Vice Chairman
Kevin Kilian	Assistant Secretary
Ken Workowski	Assistant Secretary
Ron Brown	Assistant Secretary

Also Present were:

James Perry	District Manager
Katie Buchanan	District Counsel
Kurt von der Osten	Field Operations Manager
Jamie Rountree	Team Rountree
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Perry called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Public Comments

A resident stated as you are aware with all the construction that is going on towards the clubhouse, trucks are coming through all day long. What can be done about this?

Mr. Kilian stated I don't know that we can do anything. We have had the police on my street because they are flying down the street. They are city streets, not CDD streets.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the June 22, 2022 Meeting

On MOTION by Mr. McCarthy seconded by Mr. Killian with all in favor the minutes of the June 22, 2022 meeting were approved as presented.

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FOURTH ORDER OF BUSINESS

Public Hearing for the Purpose of Adopting the Fiscal Year 2023 Budget

Mr. Perry stated there are some minor changes to the proposed budget. Under the revenue section the maintenance assessments, the \$576,274, is going to be changed to \$653,000, a few plats have been submitted and we have updated the roll so those platted lots will have a full load of the assessments. When lands are unplatted they have a reduced assessment. With that increase our carry forward surplus will be decreased by the same amount and will go down to \$511,769. Those changes will flow through the total assessments. There will be some changes on the last page, which has the allocation and assessments for raw land and platted units. Consistent with what we discussed previously when the budget was approved, the assessments are going to stay at the same levels for this year. In past years we have been able to reduce assessments because of the carry forward surplus.

Supervisor Workowski joined the meeting at this time.

Mr. Perry stated even with some increase to the cost of landscaping and other line items, we have sufficient funds in the carry forward surplus to keep the assessment levels the same and that was the direction of the board when we last discussed this.

The debt service on the different bonds that you have starts on page 14.

On MOTION by Mr. Killian seconded by Mr. McCarthy with all in favor the public hearing was opened.

There were no questions or comments from the public.

A. Consideration of Resolution 2022-05 Relating to Annual Appropriations and Adopting the Budget for Fiscal Year 2023

Mr. Perry stated we will insert the numbers from the budget in the blanks on page 2 and the total of all funds is \$2,896,534.

On MOTION by Mr. McCarthy seconded by Mr. Brown with all in favor Resolution 2022-05 was approved.

B. Consideration of Resolution 2022-06 Imposing Special Assessments and Certifying an Assessment Roll

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Mr. Perry stated we are waiting on the roll because one parcel was a complete parcel last year has been platted and broken apart and there are two owners, and we are trying work with them to understand how many units are on one and how many units are on the other. Other than that, the roll is ready to go.

On MOTION by Mr. McCarthy seconded by Mr. Brown with all in favor Resolution 2022-06 was approved.

On MOTION by Mr. Killian seconded by Mr. Workowski with all in favor the public hearing was closed.

FIFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Ms. Buchanan stated this is a special warranty deed that conveys stormwater tracts from Lennar to the CDD. The form of the deed is a special warranty deed that Lennar will execute for us, this is a no value exchange, meaning it is dedicated to the district with no cost to the district. On exhibit A you see the stormwater tracts 1-7 in connection with the LPGA Phase A Plat. Lennar constructed the ponds with proceeds from the bond and the residents within the community are paying assessments for these particular bonds. I request that we approve this in substantial form because I want to make sure the engineer has certified that the ponds are in good condition, and I want to make sure that Kurt and Jim agree that these are in fact the correct ponds for us to maintain.

On MOTION by Mr. McCarthy seconded by Mr. McCommon with all in favor the special warranty deed from Lennar for improvements and common areas was approved in substantial form.

B. District Engineer

There being none, the next item followed.

C. District Manager – Consideration of Designating a Regular Meeting Schedule for Fiscal Year 2023

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On MOTION by Mr. McCarthy seconded by Mr. Killian with all in favor the fiscal year 2023 meeting schedule was approved as amended.

Mr. Perry stated last month the board based upon the discussion of the pond at Jubilee directed staff to look into the permit. Kurt and the district engineer have done a lot of work going through the records back to 1992 and the one thing overall is the district engineer in his review and staff's review, have determined it is not the district's ponds, it is not the district's responsibility to renovate or enhance the ponds; it is the responsibility of the HOA.

Mr. von der Osten stated there is correspondence between the developer and the water management district in which the water management district stated the ponds are not in compliance with the permit and need to be corrected, which never occurred. There are letters stating there are deviations from the design and how it was actually constructed that were never corrected. The HOA owns the land and the ponds but the permit, which is in violation I believe is still in the name of the developer who is in default. This is just for Jubilee.

A resident asked where does it say that it belongs to the Jubilee HOA?

Ms. Buchanan stated the language in the plat does dedicate to the Jubilee Addition Community Association multiple tracts as neighborhood common areas and common area retention areas. The plat is what you typically look at for the conveyance document and the cover page of the plat is in the package and I'm happy to send you home with this package. It does in fact convey to the Jubilee Addition Community Association, Inc. both common area tracts and common area retention tracts, which is what they used to call stormwater retention tracts.

Mr. McCommon asked did we ever get a price for what it would take to fix this problem?

Mr. von der Osten stated there are two different problems, one references banks that are too steep, and it vaguely mentions the depth of the lake with the algae problems. We don't know the actual depth of the lake versus what was designed. I don't know what they are going to need to perform; whether it is dredging the lake or if there are issues with the bank that will need to be addressed. The problem is the lake bank has eroded into the lake behind it, now the lake is filling up with weeds and each lake is almost dry land. Ultimately the homeowners' association is going to have to decide what to do.

Mr. McCommon asked if we did assist in some way does that set a legal precedent?

Ms. Buchanan stated not necessarily a legal precedent but a practical precedent.

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D. Field Operational Manager

Mr. von der Osten stated I spoke yesterday with FDOT regarding LPGA Boulevard and the PD&E study is underway, the traffic analysis portion has been completed and they are now moving into the initial design phase. The most fluid area we are talking about is from Timber Creek to the interchange, the stretch they will probably have multiple design scenarios to review. They are now talking about a public meeting in February where they would present those designs.

I have the proposal for traffic control when we are ready to trim the palm trees at the overpass. With the lane changes we have to block off lanes and control traffic. The bid for the MOT, which is the cones, is \$3,000 plus the permit fees from the county. That would be two-days in each direction for Rountree to set up and trim the palm trees on the overpass. We need to complete the application and submit it to the county.

When the CDD accepts these parcels in the Preserve, when would we begin maintenance? We will need maintenance rather quickly once we accept.

Mr. Perry stated it is typically right after you accept it, but there are a lot of documents involved.

SIXTH ORDER OF BUSINESS**Supervisors Requests and Public Comments**

Mr. Kilian stated we have so many new developments that we have trucks 8-hours a day every two minutes, it appears they are putting 44-single-family homes in there. I think that has been platted. Are we already billing them for 44 units, or will we be billing them for 44? You said when they are platted is when we bill them for the whole. What is and is not platted in these new developments that we are going to be billing for in 2022 real estate tax bills? Can we have something that lays that out? The owner of the golf course plans to build 170 homes; I don't know if that will go through or not.

Mr. Perry stated let's say there are two buckets, one is where we have worked out where we might have said there is going to be 200 units there and there is only going to be 150 so let's keep those on this side. All the other ones that haven't had a workout agreement if they were assigned 50 units if they platted that folio for 50 units now is 50 folios on the assessment roll so they have been platted because they have been assigned by the county. Up until then we just take

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that large plat and assess them for those 50 units. We will make up a schedule with raw land and associated units and platted lots.

SEVENTH ORDER OF BUSINESS

Approval of Check Register

On MOTION by Mr. McCarthy seconded by Mr. Workowski with all in favor the check register was approved.

EIGHTH ORDER OF BUSINESS

Financial Statements as of September 28, 2022

A copy of the financials was included in the agenda package.

TENTH ORDER OF BUSINESS

**Next Scheduled Meeting – September 28, 2022
at 1:00 p.m. at the Fairfield by Marriott
Daytona Beach, 1820 Checkered Flag
Boulevard, Daytona Beach, Florida**

Mr. Perry stated the next scheduled meeting is September 28, 2022 at 1:00 p.m. in the Fairfield by Marriott Daytona Beach.

On MOTION by Mr. Killian seconded by Mr. McCommon with all in favor the meeting adjourned at 2:09 p.m.

DocuSigned by:

Jim Perry

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Secretary/Assistant Secretary

DocuSigned by:

John McCarthy

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Chairman/Vice Chairman