

MINUTES OF MEETING
INDIGO
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Indigo Community Development District was held Wednesday, January 24, 2024 at 1:00 p.m. in the Fairfield by Marriott Daytona Beach, 1820 Checkered Flag Boulevard, Daytona Beach, Florida.

Present and constituting a quorum were:

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

Also Present were:

Jeremy LeBrun	District Manager
Katie Buchanan	District Counsel by telephone
Brett Witte	District Engineer by telephone
Kurt von der Osten	Field Operations Manager
Don and Vickie Shackelford	Residents
Laura Nipper	Resident

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Public Comments

Mr. Shackelford stated I guess you can see now how that shopping center is taking form next to LPGA. One of you had mentioned a buffer and you can see that is not going to happen. There is only a line of trees and no room for a berm. I wanted to pass the information on to you.

Mr. Killian stated this is between Tournament and the lake basically. I'm sure there will be a fence or something behind the apartments because they will have further parking, but we don't know yet what that is going to look like.

Mr. Shackelford stated I was asking about whether there was going to be a buffer between the road and the lake other than our palm trees, which are not a buffer.

January 24, 2024

Indigo Community Development District

Mr. McCommon stated I remember discussions about there being a buffer between the townhomes and the apartments.

Mr. von der Osten stated I know Rennar also discussed with the city commissioner about some other buffers because they were not originally addressed in the plan. Let me see if I can find that plan for you. I'm not aware of any buffers. In talking with Rennar and the HOA up there, buffers are not part of the landscape plan.

Mr. Shackelford stated a woman ran off Grand Champion into a lake and perished.

Mr. von der Osten stated it was Grand Champion, it is not a CDD lake, it is an HOA lake, but she missed her driveway or turn and went into the lake. It seems like nobody heard it or saw it.

Mr. Shackelford stated you may want to think about wrought iron fence, something that will stop a car from going into a lake.

Mr. Kilian stated I would think at a minimum they are going to have some sort of fencing around the apartments. All of them typically have a gated entrance into their parking lot. Where the lake is I doubt there is going to be anything.

Ms. Nipper stated there is big confusion about the ponds for Rennar. We just had an increase in our HOA fees of \$200 a year to maintain ponds. What is required for the maintenance of the pond? Who has been paying for it because it has not been the HOA and why now? They are looking at putting in a half million-dollar budget for just my Opal Hill 2 area for these ponds and nobody can answer me what is this money really going for.

Mr. McCommon stated it is not a CDD issue. The ponds are owned by the HOA, and they brought in a consultant to advise them on how much they should be putting aside for repair and replacement of things. In my opinion, this company is putting the replacement cost of the lake into the budget. For there to be a complete replacement of the lake, there would have to be some natural disaster that would wipe everything out and fill the lake with dirt. It is absurd in my opinion, but again that has nothing to do with the CDD.

Mr. von der Osten stated you can ask the HOA for a copy of the reserve study and that will itemize everything.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the November 15, 2023 Meeting

January 24, 2024

Indigo Community Development District

On MOTION by Mr. McCommon seconded by Mr. Kilian with all in favor the minutes of the November 15, 2023 meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Agreement with Rountree for Landscape & Irrigation Maintenance Services

On MOTION by Mr. Brown seconded by Mr. Kilian with all in favor the agreement with Rountree for landscape and Irrigation maintenance services was approved.

FIFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. LeBrun stated in your agenda package is a memo on the new required ethics training that was also sent electronically. Supervisors are now required to take four-hours of ethics training. The memo that Katie prepared has details. You don't report this training until you file your form 1 next year.

B. District Engineer

Mr. LeBrun stated at the last meeting the board asked if there were other options for stormwater management filtration and you said there are some possibilities but there would be extensive work involved. Maybe give us a general idea of the current system and any options the board may have.

Mr. Witte stated as an overview the ultimate outfall goes to the Tomoka River which is an impaired water body so there is an additional treatment requirement from the water management district. I glanced through their permits and saw where they mentioned a couple different options they looked at, but they were having trouble meeting the criteria, which is why I think they ended up with the system they have that comes with high ongoing maintenance costs for the life of the system. It is something we could look at if the board desires.

Mr. McCommon stated it would be up to getting the developer to agree to that option.

Mr. Witte stated yes, they would have to modify their permit, assuming there is something else that works and we want them to do.

Mr. McCommon asked when does the contract expire?

January 24, 2024

Indigo Community Development District

Mr. von der Osten stated the beginning of next year, March 2025.

Mr. Kilian stated that is for the first lake.

Mr. von der Osten stated that is the first lake. Phase 2 is under construction; it has additional separate lakes that are under construction. There is also going to be a Phase 3, that will have more lakes. By the time this is wrapped up you will be looking at an annual maintenance bill of a quarter million dollars.

Mr. McCommon asked was the reasoning for the new filtration because of the clay bottom or this is the new modern way of doing things?

Mr. von der Osten stated it is both. The area has water table issues and filtration issues and storage issues. They are having trouble with typical ways of treating the runoff. There might be other options, I don't know.

Mr. Kilian stated I would like to know what that cost is. We know the maintenance cost is substantially higher, but how much different is the upfront cost.

Mr. von der Osten stated I don't know. Is it too late to look at it in Phase 2, which is under construction that is already permitted and being constructed?

Mr. Common asked can we ask Brett to look at other options and come back to us or more clarity?

Mr. Witte asked are you looking for just possible options or do you want me to go through their accounts and find options that we want them to do?

Mr. Common stated I think we need a discussion with the developer. Can you get with the developer and have a discussion about the fact that the annual maintenance is a heavy burden on the residents in that community.

Mr. von der Osten stated maybe if you won't accept it. Run that idea up the ladder.

Mr. McCommon stated we took the first one. Did it require us to take the future ones?

Mr. LeBrun stated I have to look at the specifics of each phase and what was platted.

Mr. McCommon stated we need to take a look at that. We can say we are not accepting those costs to be borne by the residents. That is a substantial charge over and above the other charges.

Mr. Workowski stated this may be a legal issue.

Mr. LeBrun stated we can have Brett investigate if there is another feasible solution because this might be the only option available to them.

January 24, 2024

Indigo Community Development District

Mr. Workowski stated we need to find out if there are legal requirements through EPA and St. Johns River Water Management District that we have to use this exact system. We need to know if there are option, what those options are. I would make that a priority before our next meeting.

Mr. Brown asked do we have to accept that when the developer turns it over to us? Maybe we don't.

Mr. LeBrun asked is that board consensus for our district engineer to investigate fully other options? Is that clear what the board is asking?

Mr. Witte stated I understand.

C. District Manager

There being none, the next item followed.

D. Field Operational Manager

Mr. von der Osten stated they will be starting the trim process for the palm trees along the interchange of I-95 this week. They came up with a vendor that can do it without closing lanes.

Ms. Buchanan joined the meeting by telephone at this time.

Mr. McCommon stated there has been an email to you and I was copied on, regarding the St. Johns River Water Management District easement release of some sort, from Mallory Tatum of Zev Cohen.

Ms. Buchanan stated at the last meeting you approved a utility easement in connection with the St. Johns River Water Management District easement that was requested by the City of Daytona Beach. The city requested an easement from the CDD over land that is protected by the St. Johns River Water Management District. They have asked the district to submit a request letter for the water management district's files to alter and amend the permit since the district is the actual permittee on the property. I think we reviewed it with your district engineer and they don't have concerns about the letter so if we want to authorize either the chair or district manager to sign the letter we can. The one thing that I have spoken with Mallory about to confirm is that they are not going to be able to modify the permit without the district's ultimate consent. The water management district just wants this before they even begin the process of permit modification.

January 24, 2024

Indigo Community Development District

Are there any objections to move forward with it? I think it is fine. You approved the easement; you are now approving the permit modification letter request.

On MOTION by Mr. Workowski seconded by Mr. McCommon with all in favor the chair or his designee were authorized to sign the permit/easement modification letter to SJRWMD.

Mr. Kilian asked if we are taking ethics training by virtue of another city or county board we are on, is it the same training or is it specific to this?

Ms. Buchanan stated it is not specific to the district, it is specific to the State of Florida. If you are taking a training that was about the federal public records law, it wouldn't be applicable. If you are on another local board and the requirement is that you learn about Florida sunshine law or Florida ethics law, then it will likely be transferable.

Mr. Kilian asked is there a link you can send us that tells us where we can go find these trainings?

Ms. Buchanan stated yes and we did send an email to the district manager for distribution with links included, but I'm happy to recirculate that to you.

Mr. LeBrun stated it was included in the electronic agenda and you can click on those links.

SIXTH ORDER OF BUSINESS

Supervisors Requests and Public Comments

Mr. Shackelford stated in the report about the ponds, I thought I heard that our tax dollars that we put in there for two years doesn't reach you or reaches you and is used for something else, for the ponds. You are saying 2026 is when the CDD takes over the ponds. But we have been paying taxes on the ponds for two years. Somebody is maintaining them, and I know we have to pay for that.

Mr. McCommon stated the developer for the first two years.

Mr. von der Osten stated just for harvesting of the beds. Right now you are paying for all the mowing and maintenance around them. I think through the end of this year the harvesting of the mats is still covered.

Mr. Shackelford asked for two years we have been paying for the harvesting of the mats and the developer has been doing that.

Mr. McCommon stated you have not been paying for that.

January 24, 2024

Indigo Community Development District

Mr. Shackelford stated we have been paying the taxes.

Mr. McCommon stated you have been paying for the bond repayment and the maintenance that everybody pays the same amount, but you have an additional maintenance charge.

Mr. von der Osten stated the additional charge started this year.

Mr. Shackelford stated I'm concerned that Rennar is not getting this money.

Mr. LeBrun stated any money collected from assessments stays within the district.

Ms. Nipper asked the map that is on your site that has numbered water areas, what do the numbers represent?

Mr. von der Osten stated that is simply the lake numbers that are used when we are talking to maintenance contractors. You tell them there is a problem with lake 21 and they go to lake 21 and see what's going on. That is the only reason that map exists.

Mr. Shackelford stated this is a suggestion; along that boulevard by the main gate and the shopping center that is going up, they have installed a rustic guardrail that really looks nice. You might want to think about looking at that because it is an accident waiting to happen especially if there are elderly people driving down that road, they can cut over the curb and go right into the lake.

Mr. McCommon stated as we said earlier, we don't know what the developer is doing yet.

Mr. Kilian stated that pond is not a CDD pond.

Mr. Workowski stated there needs to be better communication with the city when these new developments are coming in. We seem to be the last to know. The complaints seem to be lack of communication about landscape buffers.

Mr. von der Osten asked Katie, does the city have obligations to consult with the district on approving a new project within the district?

Ms. Buchanan stated unless the district is anticipated to be the owner of the process then it is unlikely. If the roads are going in with landscape buffers they are not going to be maintained by the district, then the district doesn't usually get asked to review development approval.

Mr. Workowski asked just generally, as a board could it be a courtesy?

Mr. McCommon stated one of the people we could contact is Stacy Cantu, she is our city commissioner. We need to communicate to her that we need communication to the CDD board.

Mr. Workowski stated maybe we should communicate to her that we would like her to attend our meeting.

January 24, 2024

Indigo Community Development District

Mr. von der Osten stated I can reach out to her.

Mr. McCommon stated coming from the district manager may be better to attend our next meeting to discuss some of these issues, or at least open lines of communication.

Ms. Buchanan stated keep in mind that you are at a little bit of a disadvantage right now in the sense that most communities of your size and scale have one developer that starts with the project and completes the project with one point of contact but because there have been so many issues with defaulting and non-payment once the original developer left this project you are now looking at several smaller scale groups coming in acting independently of each other. It is hard to have that coordinated effort but probably worth trying to engage the county in assisting with the process so you could have a more uniform long-term result.

SEVENTH ORDER OF BUSINESS

Approval of Check Register

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

EIGHTH ORDER OF BUSINESS

Financial Statements as of December 31, 2023

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

TENTH ORDER OF BUSINESS

Next Scheduled Meeting – Wednesday, March 20, 2024 at 1:00 p.m. at the Fairfield by Marriott Daytona Beach, 1820 Checkered Flag Boulevard, Daytona Beach, Florida

Mr. LeBrun stated the next scheduled meeting is Wednesday, March 20, 2024 at 1:00 p.m. in the same location.

On MOTION by Mr. Kilian seconded by Mr. Workowski with all in favor the meeting adjourned at 1:47 p.m.

DocuSigned by:
Jeremy LeBrun
665CD7AA7BB8455
Secretary/Assistant Secretary

DocuSigned by:
John McCarthy
BBE007244C3C478...
Chairman/Vice Chairman