

**MINUTES OF MEETING
TOSCANA ISLES
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on April 28, 2021, at 10:00 a.m., at Comfort Suites Sarasota, Siesta Key, 5690 Honore Avenue, Sarasota, Florida 34233.

Present were:

Alex Hays	Chair
Brian Watson	Vice Chair
Daniel Peshkin	Assistant Secretary
Jeffrey Sweater	Assistant Secretary
Michael LaBoe	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC
John Vericker	District Counsel
John Peshkin (via telephone)	Representative LALP Development, LLC

Residents present in person were:

Mark Perry	Thomas Hart	Steve Wood
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Residents present via telephone were:

Lisa Fine	Loredana Astillero	David Lewis
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FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:02 a.m. All Supervisors were present.

Ms. Cerbone stated that residents Lisa Fine, Loredana Astillero and David Lewis were attending via telephone. She asked that others identify themselves in order to call on them during the public comments section to see if they wish to make a comment at that time. No members of the public spoke.

SECOND ORDER OF BUSINESS

**Discussion/Consideration:
Duration [1 hour]**

Meeting

Ms. Cerbone acknowledged the lengthy agenda and stated that, as one hour was slotted to conduct the meeting, she would let the Board know when they reach the one hour mark and, at that time, the Board would be asked to decide whether to extend the meeting, via a motion. The Board agreed with this process.

THIRD ORDER OF BUSINESS

Public Comments [9 minutes]

This item was presented following the Fifth Order of Business.

FOURTH ORDER OF BUSINESS

**Billings and Payments: D.R. Horton for the
Series 2014 Debt Service for FY2015 and
FY2016 [5 minutes]**

Ms. Cerbone recalled that concerns were previously raised regarding whether D.R. Horton was billed and paid appropriately. She asked the Board if the information that was provided satisfied those concerns.

Mr. LaBoe stated that he submitted another request and asked to table this item until he receives that information and address it at the next meeting. As Ms. Cerbone responded to all requests and was unaware of any outstanding items, Mr. LaBoe stated he would resend the email request to Ms. Cerbone.

Based on Mr. LaBoe's allegations against the District Manager's office several months ago and to finalize this matter, Mr. Hays asked Ms. Cerbone to place this as the first item on the next agenda and, for transparency purposes, prepare a synopsis confirming the Board of Supervisors felt that, based on their analysis, WHA performed everything properly, and to send it to the HOA Property Manager to distribute to all residents.

Ms. Cerbone stated, to prepare the document, she would use portions of email exchanges between her and Mr. LaBoe that satisfy this matter and ask the Trustee to provide written confirmation that all debt payments for FY2015 and FY2016 related to this matter were satisfied.

Mr. LaBoe clarified that he brought the topic up as he believed the District did not collect enough funds or that some of the discounts were inappropriate and/or not properly managed. He stated that his comments were not accusations against WHA.

Mr. Hays read portions of prior minutes.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2021-07, Approving a Proposed Budget for Fiscal Year 2021/2022 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date [10 minutes]

Ms. Cerbone presented Resolution 2021-07. She gave an overview of the annual budget process and reviewed the proposed Fiscal Year 2022 budget, highlighting any line item increases, decreases and adjustments compared to the Fiscal Year 2021 budget, and explained the reasons for any adjustments. The following lines items were addressed:

➤ “Legal”: Mr. LaBoe questioned why the line item exceeded budget and the proposed amount doubled; he asked Ms. Cerbone if she anticipated more fees or challenge from the Board.

Ms. Cerbone stated that an increase was expected when the Board transitions to resident control; however, Mr. LaBoe’s statements and allegations made in prior meetings about improper activities and faulty construction claims was the primary factor for the increase; she was unsure if there will be any other claims.

Mr. LaBoe believed he would not have any further requests but he would resend the email about DR Horton that was still outstanding to Ms. Cerbone. He recalled that the outstanding item he wanted was to have the 2018 Debt Service breakdown in the same format that Ms. Cerbone provided for 2015 and 2016; however, Ms. Cerbone explained that certain documents created in one year may not be used in the following year. Upon receipt of Mr. LaBoe’s email, Ms. Cerbone stated she would research the materials and let him know if she satisfied his request; if something is missing, she would send it to him.

Ms. Cerbone stated that another matter that could cause the CDD to incur additional legal fees is the not-for-profit entity formed by “concerned homeowners of Toscana Isles”, who she heard may file claims against the District.

Mr. Vericker stated that, if lawsuits are filed, his firm would deal with it. With the Board transitioning, \$20,000 to \$30,000 was a normal legal budget amount to designate for a District of this size. Mr. LaBoe stated that the questions he asked were based on homeowners’ and his own concerns and, as a Board Member, they were brought before the Board to discuss.

➤ Page 1, “Assessment Revenues” were increased \$20,000 more than expenditures in order to build up fund reserve, as it is necessary to re-establish the working capital needed to pay certain line items due in the first quarter. If fund reserve is used, this item would be reduced by approximately \$10,000, which would reduce the proposed assessment amount for every unit, accordingly.

Discussion ensued regarding explaining why on-roll and off-roll assessments differed and where the Tax Collector rebates were allocated. Ms. Cerbone stated, after further research, she would email confirmation to the Board that the Tax Collector surplus funds were posted to the “revenue-interest and miscellaneous” line item.

The following change would be made to the proposed Fiscal Year 2020 budget:

➤ Page 1, “Revenue-Assessments”: Reduce revenues by approximately \$10,000, resulting in reducing the proposed assessment amount for every unit by approximately \$10.

On MOTION by Mr. Peshkin and seconded by Mr. Hayes, with all in favor, Resolution 2021-07, Approving a Proposed Budget for Fiscal Year 2021/2022, as amended, and Setting a Public Hearing Thereon Pursuant to Florida Law for July 7, 2021 at 10:00 a.m., at the Comfort Suites Sarasota – Siesta Key, 5690 Honore Avenue, Sarasota, Florida 34233; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

▪ **Public Comments [9 minutes]**

This item, previously the Third Order of Business, was presented out of order.

Each person attending in person and via telephone was identified.

Resident Mark Perry asked for the assessment amount when the first residence was completed. He asked if assessments are done periodically during the year or annually and if they increase each year.

Ms. Cerbone stated that, during the public comments section, the Board and Staff may decide whether to respond to questions or comments at that time.

Ms. Cerbone noted that she did not have that information available but she would get back to him. Mr. LaBoe thought that the original amount was around \$97.12. Discussion ensued regarding assessments increasing as new homeowners arrive and the possibility that the Operations and Maintenance (O&M) budget was expected to go down.

Ms. Cerbone called roll for those attending via telephone and identified Ms. Fine, Mr. John Peshkin, Ms. Astillero and Mr. Lewis.

Resident Lisa Fine asked about the Juniper Landscaping charges exceeding \$200,000 when, in her opinion, since 2019 she and others continue having irrigation and drainage issues between their homes, due to grading. She noted that a DR Horton warranty representative told her that this would be corrected and that irrigation was still a work in progress. A Juniper representative told her they can repair the issues for a fee but she believed it was not her responsibility to pay for the repairs.

Mr. Sweater stated that he and others also have the same issue. It was noted this is not a CDD matter; it is a matter between the residents and the builder, as the issues are on private property. The Juniper invoices are construction related, according to the District Engineer's report, for servicing CDD owned common areas. Ms. Fine asked Staff to review Juniper's invoices to determine if the costs were reasonable.

Resident Loredana Astillero concurred with Ms. Fine's comments regarding Juniper's invoices to the CDD and HOA and voiced her opinion that they then charge residents for repairs that were part of the Developer's problem, in the first place.

Resident David Lewis asked if the Toscavilla Boulevard homeowner drainage easement issue was resolved. Mr. LaBoe noted Line 145 in the prior minutes and identified the homeowner as Mr. Joe Tain. Ms. Cerbone stated she would contact Mr. Tain and proceed accordingly.

Ms. Cerbone indicated that the time was 10:54 a.m. She asked if the Board wanted to proceed with the next agenda item and decide whether to adjourn after each item or adjourn the meeting now. The Board chose to proceed with the meeting.

SIXTH ORDER OF BUSINESS

Discussion Memorandum of Understanding, Section 448.095, Florida Statutes/E-Verify Requirements [2 minutes]

Ms. Cerbone explained new legislation that requires the District and contractors that provide services to the District to use the E-Verify system. Contractors would certify in their contracts that they use the E-Verify system.

Mr. Vericker stated that this is a State Statute and part of the Department of Homeland Security program, which requires all governmental agencies to register with E-Verify. This requirement was being incorporated into all new contracts with the District. In response to a question, Mr. Vericker stated that, implementation of E-Verify may cause costs to increase.

On MOTION by Mr. Sweater and seconded by Mr. Peshkin, with all in favor, attesting to the requirement for the District to use E-Verify and to build that requirement into District contracts, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2021-06, Providing for the Designation of Certain District Roads and Areas Within Toscana Isles for Golf Cart Use; Making Certain Findings of Fact; Providing for Signage on Said District Roads and Areas; Restricting the Hours of Operation of Golf Carts on District Roads and Areas; Imposing Requirements for Golf Carts and Golf Cart Drivers Operating on District Roads and Areas; and Providing an Effective Date [5 minutes]

Ms. Cerbone presented Resolution 2021-06 and read the title. This Resolution provides for the District to work with the HOA, if needed, regarding use of golf carts in the community. Mr. Vericker stated this is typical for communities like this. The primary issue will be those who

drive discourteously or drive under the legal age of 14 although there is no way to stop that from happening. Discussion ensued regarding whether to defer this item to November 2022, when the full Board transitions to resident control; however, without this, it allows police to ticket residents just for driving the golf cart and exposes the District to liability, as it requires drivers to carry proof of insurance.

Mr. LaBoe’s motion to defer this item until 2022 died due to a lack of a second.

This item was deferred to the next meeting to determine if it benefits residents to approve it sooner than November 2022.

On MOTION by Mr. Watson and seconded by Mr. Hays, with Mr. Watson, Mr. Hays, Mr. Peshkin and Mr. Sweater in favor, and Mr. LaBoe dissenting, deferring Resolution 2021-06 to the next meeting, was approved. [Motion passed 4-1]

Ms. Cerbone indicated that the time was 11:07 a.m. She asked if the Board wanted to proceed with the next agenda item and decide whether to adjourn after each item or adjourn the meeting now.

**THE EIGHTH THROUGH FIFTEENTH
ORDERS OF BUSINESS WERE DEFERRED TO THE NEXT MEETING**

EIGHTH ORDER OF BUSINESS

**Ratification of Toscana Phase 6 Utility
Turnover Documents [2 minutes]**

- A. Affidavit of No Liens**
- B. Certification of No Contribution**
- C. Bill of Sale**
- D. Phase 6 Guarantee**

NINTH ORDER OF BUSINESS

Discussion: Requisition(s) [5 minutes]

- A. No. 249, Duraserv Corp dba Action Automatic Door and Gate [\$12,250.00]**
- B. No. 250, AM Engineering, LLC [\$20,007.00]**

- C. No. 251, Commercial Residential Aluminum & Fabricating, LLC [\$600.00]
- D. No. 252, DLS Construction, Inc. [\$10,855.00]
- E. No. 253, Guy's Hauling & Dumpster Service, Inc. [\$2,353.45]
- F. No. 254, Heavyweight Industries, LLC [\$419.63]
- G. No. 255, Juniper Landscaping of Florida, LLC [\$5,299.74]
- H. No. 256, Rusty Plumbing Company, Inc. [\$176,658.76]
- I. No. 257, Contech Engineered Solutions, LLC [\$13,930.08]
- J. No. 258, Core & Main [\$11,955.85]
- K. No. 259, Core & Main [\$16,059.38]
- L. No. 260, Sarasota Land Services, Inc. [\$127,035.45]
- M. No. 261, Guy's Hauling & Dumpster Service, Inc. [\$639.44]
- N. No. 262, Prestige Sod Service, Inc. [\$12,996.00]
- O. No. 263, Juniper Landscaping of Florida, LLC [\$9,138.40]
- P. No. 264, Wetland Management Services, LLC [\$3,400.00]
- Q. No. 265, T-Top Electric, LLC [\$4,750.00]
- R. No. 266, AM Engineering, LLC [\$14,612.47]
- S. No. 267, Smith-Manus Agency, Inc. [\$424.00]
- T. No. 268, Guy's Hauling & Dumpster Service, Inc. [\$270.00]
- U. No. 269, Permacast, LLC [\$37,648.80]
- V. No. 270, Core & Main [\$747.40]
- W. No. 271, DR Horton, Inc. [\$2,000.00]
- X. No. 272, Lomski Engineering & Testing, Inc. [\$8,146.80]
- Y. No. 273, Rusty Plumbing Company, Inc. [\$56,516.61]
- Z. No. 274, Juniper Landscaping of Florida, LLC [\$3,499.72]
- AA. No. 275, Robin Kastor [\$400.00]
- BB. No. 276, LALP Development, LLC [\$2,466.58]
- CC. No. 277, S.I. Storey Lumber Company, Inc. [\$5,381.00]
- DD. No. 278, Juniper Landscaping of Florida, LLC. [\$142,368.31]
- EE. No. 279, Sarasota Land Services, Inc. [\$268,738.89]
- FF. No. 280, Ennistymon Equities LLC, d/b/a Florida Fence [\$2,040.50]
- GG. No. 281, Superior Asphalt, Inc. [\$55,967.50]

- HH. No. 282, Nostalgic Lampposts & Mailboxes Plus, Inc. [\$1,805.00]
- II. No. 283, Curbcoco, Inc. [\$31,295.00]
- JJ. No. 284, Patrick's Pressure Washing, LLC [\$2,440.00]
- KK. No. 285, Wetland Management Services, LLC [\$3,257.45]
- LL. No. 286, Guy's Hauling & Dumpster Service, Inc. [\$95.00]
- MM. No. 287, Lomski Engineering & Testing, Inc. [\$2,145.00]
- NN. No. 288, Juniper Landscaping of Florida, LLC [\$1,122.14]
- OO. No. 289, Prestige Sod Service, Inc. [\$25,384.00]
- PP. No. 290, Stewart Tennis Courts & Fencing, Inc. [\$850.00]
- QQ. No. 291, Core & Main [\$759.83]
- RR. No. 292, Pat O'Hara Pavers, Inc. [\$15,997.70]
- SS. No. 293, Rusty Plumbing Company, Inc. [\$123,236.31]
- TT. No. 294, Rusty Plumbing Company, Inc. [\$60,001.17]
- UU. No. 295, Permacast, LLC [\$156,201.20]
- VV. No. 296, Guy's Hauling & Dumpster Service, Inc. [\$755.69]
- WW. No. 297, Juniper Landscaping of Florida, LLC [\$41,737.16]
- XX. No. 298, AM Engineering, LLC [\$10,820.94]

TENTH ORDER OF BUSINESS

Ratification of Agreement(s),
Contract(s)/Change Order(s)/ Purchase
Order(s)/Proposal(s) [5 minutes]

- A. Stewart Tennis Courts & Fencing, Inc.
 - Apply One Coat of Light Green on Tennis Court [\$850.00]
- B. Juniper Landscaping of Florida, LLC
 - I. Irrigation Reroute Utilities and Curbing (No. 103948) [\$222.50]
 - II. East Perimeter Development Cleanup (No. 103741) [\$1,225.70]
 - III. Temporary Irrigation for Mitigation Planting - NW Corner (No. 106128) [\$1,122.14]
 - IV. Add Rock at Sea Wall (No. 68360.2) [\$12,000.00]
- C. Nostalgic Lampposts & Mailboxes PLUS, Estimate #1766, No Parking Signs, Emergency Access Gate and West Utility Drive End [\$580.00]

- D. **Curbco, Inc., Job 8876, Curb Repair [\$26,000.00]**
- E. **Florida Fence, Proposal Number 2353, Phase 7 Lift Station Fencing [\$4,081.00]**
- F. **Artistic Structures, Inc.**
 - **Installation of 180 LF of Timbarrier Streetguard System (Provided by CDD) [\$8,500.00]**
- G. **Superior Asphalt, Inc.**
 - **Installation of Final Lift of Asphalt on Portions of Veraza Court, Sections of Maraviya Blvd. and Portavecchio Bend [\$67,925.00]**
- H. **Florida Fence, Change Order #2423, Remove Exiting Gates and Gate Post, Furnish and Install New Set of Posts and Pair of 7' Wide Drive Gates [\$922.00]**
- I. **Patrick's Pressure Washing, Estimate #060269, Soft Wash Both Sides of Border Wall Along Knights Trail [\$2,440.00]**
- J. **Hancock Environmental Seeding, Inc., Proposal Number 2020214, Seed and Mulch [\$8,550.00]**
- K. **Juniper Landscaping of Florida, LLC, Proposal No. 108685, Tree Medians – Maraviya [\$1,600.00]**
- L. **Nostalgic Lampposts & Mailboxes PLUS, Install 10-Minute Parking Signs on Black Fluted 3" Post with Ball Top; Paint Back of Sign Black [\$1,225.00]**
- M. **S.I. Storey Lumber Company, Inc., Revised Materials Quote [\$5,381.00]**
- N. **Florida Land Department, Change Order No. 3, Clearing, Grading and Road Construction – Toscana Phase 7, Miscellaneous [\$6,987.94]**
- O. **Permacast Precast Concrete Fence, Change Order #1, Sonotubes – 23 Footers Needing Sonotubes @ \$300 each [\$6,900.00]**
- P. **Permacast Precast Concrete Fence, Change Order #2, Repaint Existing Wall, Additional New Wall Installation and Panel Cuts [\$47,955.00]**

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2021 [5 minutes]

TWELFTH ORDER OF BUSINESS

Approval of February 24, 2021 Regular Meeting Minutes [2 minutes]

THIRTEENTH ORDER OF BUSINESS

Staff Reports [2 minutes]

- A. District Counsel: *Straley Robin Vericker*
- B. District Engineer: *AM Engineering, LLC*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - I. Update from HOA Regarding Clubhouse Availability
 - II. 612 Registered Voters in District as of April 15, 2021
 - III. NEXT MEETING DATE: June 16, 2021 at 10:00 A.M., at Comfort Suites Sarasota – Siesta Key, 5690 Honore Avenue, Sarasota, Florida 34233
 - QUORUM CHECK

FOURTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests [3 minutes]

- Mailbox Roof Structure Project

FIFTEENTH ORDER OF BUSINESS

Public Comments [5 minutes]

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. LaBoe and seconded by Mr. Peshkin, with all in favor, the meeting adjourned at 11:08 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair