

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on January 4, 2023, at 10:00 a.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice Florida 34275.

Present were:

Scott Blaser	Chair
William Contardo	Vice Chair
James Collins	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Vanessa Steinerts (via telephone)	District Counsel
Shawn Leins (via telephone)	District Engineer
Chris Simmons	Resident/HOA President
Paul Schmitt	Resident/Board Candidate

Residents present:

Gail Mandel	Erika Lewis	Mark London	Michael Caldarella
Jeff Mandel	Bill Ambrose	Janet Sasso	Loredana Astillero
Cathy Gombos	Dan Gombos	Glorida Raimondi	Robert Raimondi
Lisa Hart	Tom Hart	Tim Bankson	John Vanderwees
Tom Gerson	Ray Gibson	Debre Gibson	Beckey Schoonover
Bob Gilley	Barb Gilley	Claudia McCann	Jeff Hogenmiller
Susan Doyle	Mark Marburger	Bill Sutherland	Linda Hogenmiller
Mindy Bankson	Suzy Marburger	Paula Steinert	Christine Katsamakakis
Jeff Munzing	June Appleget		

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:04 a.m. Supervisors Blaser, Contardo and Collins were present. Supervisor-Elect Traczuk was not present. One seat was vacant.

SECOND ORDER OF BUSINESS

**Discussion/Consideration:
Duration [1.20 hours]**

Meeting

- **District Engineer: *AM Engineering, LLC***

This item, previously Item 11B, was presented out of order.

- **Update: Post Hurricane Ian – Roads and Stormwater Ponds/Lake Banks**

Mr. Leins reported his post-Hurricane Ian inspection findings. From a design standpoint, the lakes did very well over a 24-hour period; flooding occurred several days after Hurricane Ian when the Myakka River crested at historical levels, impacting the CDD and other communities.

Mr. Leins stated he toured the community twice after Hurricane Ian and was in constant contact with the Master Association President to discuss water levels. In his opinion, the CDD's stormwater system handled the storm very well. He did not see any issues around the bridge or the roads; however, he is not a structural engineer.

- **Discussion: Opportunities for CDD Improvements and/or Repair and Maintenance**

Mr. Liens suggested inspecting the outfall control structure annually, commencing in April or May 2023, and clean and clear debris. The CDD has drainage coming into Toscana Isles Lake 3.

Mr. Leins was asked to present a proposal at the next meeting. He offered to take a closer look during the Spring inspection to determine if a structural engineer should inspect the bridges or other CDD improvements.

Mr. Liens stated that the CDD owns all the roads within the community, all sidewalks between the road and the homes and all the drainage structures, the HOA maintains via an agreement with the CDD.

THIRD ORDER OF BUSINESS

Public Comments [15 minutes]

Ms. Sanchez explained the Rules of Procedure related to public comments.

Resident Michael Caldarella asked what Mr. Leins inspected when he stated the drainage worked properly, as Positano Trail was flooded for two weeks and not draining at all and the technician clearing the weir also told him it was working properly, which he does not believe.

Resident Lisa Hart believed the conditions and location of the three drainage pipes in the southeast area changed within the last few years and should be inspected as they are not handling the rain water properly.

Resident Suzy Marburger stated that the easement washed out behind her residence on Ravello Boulevard and asked for the CDD to install a sea wall to protect it and prevent further damage.

Resident Mark Marburger thought the CDD should repair the easement.

Resident Bill Ambrose stated that the best practices of surrounding communities have day-time hourly parking restrictions, which he thinks should be eliminated, and the evening hours of 12:00 a.m. to 6:00 a.m., should be kept. He wanted to know the monitoring cost before this policy is implemented.

Resident Dan Gombos asked about the CDD's responsibilities regarding parking and reporting residents operating commercial enterprises within the CDD. He wants to know how the future development north of the CDD will affect the CDD's drainage system.

Resident Janet Sasso asked for the status on the irrigation installation at the two roundabouts on Toscavilla Boulevard and if it is the CDD's responsibility.

Resident Debra Gibson asked why a plastic fence was installed instead of extending the concrete fence on Positano Trail, which would have prevented flooding on the streets and in the homes. She wants it replaced.

Resident Susan Doyle believed the Developer changed the weir to its benefit, not the CDD's, and should be held responsible for having it thoroughly cleaned before it was conveyed to the CDD. She thinks the CDD should engage a structural engineer.

Resident Robert Raimondi thought the weir was inspected in May 2022 and suggested implementing a vegetation maintenance program. He does not think engaging the engineer was cost-effective. He suggested the CDD discuss with the County whether the piping underneath the road is suitable to take on that amount of water, as that might be why the water is backing up.

Resident and HOA President Chris Simmons stated the HOA is responsible for enforcing the Covenants and advised that the HOA issued nine violation letters in the last two weeks. He appreciated the community's input on what still needs to be repaired.

Resident Jeff Munzing asked how the CDD plans to address water from outside developments draining into the CDD. In his opinion, the weir might need to be re-engineered.

Resident Erika Lewis asked the District Engineer and Mr. Contardo how structural problems with the pipes can be determined by observation.

Resident Gail Mandel asked how the resident questions posed today will be answered.

Resident Claudia McCann asked if a camera was used to inspect the drainage pipes.

Ms. Carbone stated that Mr. Leins will answer the questions and present recommendations at the next meeting. Mr. Leins was in constant contact with her and Mr. O’Dea and was aware of and kept track of the roads that were underwater for two weeks. No government agency has permit requirements to address an unpredicted 1,000-year storm event.

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Appointed Supervisor, Michael Traczuk [SEAT 4] (*the following to be provided in a separate package*) [3 minutes]

This item was deferred.

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

FIFTH ORDER OF BUSINESS

Consider Appointment of Fill Unexpired Terms of Seat 5; *Term Expire November 2024* [5 minutes]

Ms. Sanchez stated the resumes of Jeffrey Mandel and Paul Schmitt, were emailed to the Board. Each candidate spoke about their education, professional background and qualifications. The Board posed questions and felt that both candidates are qualified.

Ms. Sanchez noted that Supervisor-Elect Traczuk, who is absent, is not officially a Board Member, as the Oath of Office has not been administered. She read Mr. Traczuk’s comments about each candidate; he recommended appointing Mr. Paul Schmitt.

Mr. Contardo nominated Mr. Paul Schmitt to fill Seat 5. Mr. Collins nominated Mr. Jeffrey Mandel to fill Seat 5. No other nominations were made.

On MOTION by Mr. Contardo and seconded by Mr. Blaser, with Mr. Contardo and Mr. Schmitt in favor and Mr. Collins dissenting, the appointment of Mr. Paul Schmitt to fill Seat 5, was approved. [Motion passed 2-1]

SIXTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor [SEAT 5] [5 minutes]

Ms. Sanchez, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Paul Schmitt. Ms. Sanchez and Ms. Cerbone briefly explained the items in the Supervisor’s package and procedures for email, record keeping and public records requests.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-05, Designating Certain Officers of the District, and Providing for an Effective Date [5 minutes]

Ms. Sanchez presented Resolution 2023-05. Mr. Collins nominated the following slate:

Chair	Scott Blaser
Vice Chair	Bill Contardo
Secretary	Craig Wrathell
Assistant Secretary	Jim Collins
Assistant Secretary	Michael Traczuk
Assistant Secretary	Paul Schmitt
Assistant Secretary	Cindy Cerbone
Assistant Secretary	Jamie Sanchez

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Contardo and seconded by Mr. Collins, with all in favor, Resolution 2023-05, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

CONSENT AGENDA ITEMS [2 minutes]

Going forward, the unaudited financial statements and meeting minutes will be separate agenda items; they will no longer be presented as “Consent Agenda Items”

Ms. Sanchez presented the following items:

- A. Acceptance of Unaudited Financial Statements as of November 30, 2022**

On MOTION by Mr. Contardo and seconded by Mr. Blaser, with all in favor, the Unaudited Financial Statements as of November 30, 2022, were accepted.

- B. Approval of November 7, 2022 Regular Meeting Minutes**
- C. Approval of November 15, 2022 Continued Regular Meeting Minutes**
- D. Approval of November 28, 2022 Regular Meeting Minutes**

On MOTION by Mr. Contardo and seconded by Mr. Blaser, with all in favor, the November 7, 2022 Regular Meeting Minutes, November 15, 2022 Continued Regular Meeting Minutes and November 28, 2022 Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Continued Discussion: Policy Regarding Parking and Towing [10 minutes]

Ms. Sanchez stated the Master Association has not provided comments about the Parking and Towing Policy and sample policy submitted to them for review. She recommended deferring this to the next meeting and appointing a Board Member to work with the Master Association.

Ms. Cerbone listed essential key items necessary, that will need to be completed in order to implement a Parking and Towing Policy, including conducting a public hearing; the Master Association will administer the Policy.

Prior discussions with the Venice Police Department about traffic enforcement and the Florida Department of Transportation (FDOT) regulating signage were discussed.

TENTH ORDER OF BUSINESS

Discussion: CDD Workshop [5 minutes]

A Joint Workshop with the HOA will be scheduled. A sample Workshop agenda will be emailed to the Board to modify and requests will be made for agenda topics, which will be reviewed at the next meeting. Ms. Cerbone suggested and the Board agreed to Staff asking the Master Association President and the Property Manager to consider posting a link to the CDD website on the HOA website and e-blasting the CDD agendas to residents.

ELEVENTH ORDER OF BUSINESS

STAFF REPORTS [5 minutes]

A. District Counsel: *Straley Robin Vericker*

Ms. Steinerts stated the court denied the CDD's Motion to Dismiss the Wisdom Properties LLC complaint but did grant a Motion in which the Plaintiff is not entitled to Attorney's fees. She will continue monitoring progression of the case and the amount of the legal defense, which is covered by the CDD's insurance, up to \$100,000.

Ms. Steinert stated that, beginning in February, Mr. Babbar will be lead counsel.

B. District Engineer: *AM Engineering, LLC*

- **Update: Post Hurricane Ian – Roads and Stormwater Ponds/Lake Banks**
- **Discussion: Opportunities for CDD Improvements and/or Repair and Maintenance**

Thess items were presented following the Second Order of Business.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

- **NEXT MEETING DATE: February 1, 2023 at 10:00 AM**
 - **QUORUM CHECK**

The next meeting will be on February 1, 2023.

Ms. Cerbone stated that the Federal Emergency Management Agency (FEMA) Representative who was on site advised that the CDD does not qualify and thereby withdrew its claim. In lieu, the Master Association filed a claim with FEMA.

TWELFTH ORDER OF BUSINESS**Board Members' Comments/Requests [10 minutes]**

Mr. Contardo asked if, since the inception of the CDD, there have been any other instances with the weir. Ms. Cerbone stated no, not that she is aware of. She suggested researching the Master Association records, which Mr. Leins will report on.

Mr. Schmitt thanked the Board for their confidence in his appointment to the Board.

THIRTEENTH ORDER OF BUSINESS**Public Comments [15 minutes]**

Mr. Ambrose felt that the two large pipes behind his property need to be inspected; he is unsure if they are the same pipes that were mentioned earlier.

Mr. Raimondi felt that homeowners are frustrated because they are under the misnomer that the Developer was not actively involved in the community and the structure design.

Resident Beckey Schoonover asked if, due to the 1,000-year storm, there are plans to implement new standards to address rainfall above the amount for which the system was designed.

Mr. Gombos voiced his belief that the Sarasota County Board admitted mistakes as to how much it approved for ground cover/flooding and asked if Mr. Leins will research and determine if the CDD is properly covered. He asked for the CDD to provide information to residents about the tax bill and where CDD funds are being expended.

Mr. Simmons asked for copy of documentation that the CDD owns the easement to the weir, as there is no copy of it in the HOA files.

Mr. Caldarella asked about the HOA, not the CDD, being responsible for maintaining and repairing CDD-owned roads and sidewalks. He asked where his money is going.

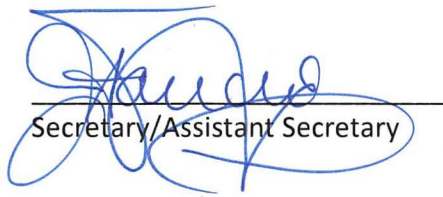
Ms. Cerbone stated that, although these questions will be addressed in the future, she wanted to clarify that professionals are responsible for knowing what updates or changes are made that might impact the CDD and for bringing the information to the Board and making recommendations, if warranted. Regarding the tax bill, she directed residents to view the CDD website www.toscanaislescdd.net and noted that the tax bill is debt, the majority of which was used to construct the CDD's stormwater ponds and roads.

On MOTION by Mr. Schmitt and seconded by Mr. Contardo, with all in favor, authorizing the Chair to work with the Master Association to 1) discuss the Master Association communicating in a variety of different ways to the community about the CDD meetings, 2) discuss topics for the Workshop and 3) discuss the Parking and Towing Policy and several maintenance-related items mentioned in the meeting and anything else the CDD and Master Association might need to clarify, was approved.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Contardo and seconded by Mr. Blaser, with all in favor, the meeting adjourned at 12:44 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair