

**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 5, 2023, at 10:00 a.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275.

Present were:

Scott Blaser	Chair
Bill Contardo	Vice Chair
Paul Schmitt	Assistant Secretary
James Collins	Assistant Secretary
Michael Traczuk	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Vivek Babbar (via telephone)	District Counsel
Dan Damont	Juniper Landscaping
Anthony Scappatura	Juniper Landscaping
Diane Jockum	Resident/HOA Board Member
Chet Nebolini	Resident/Carriage Homes Board Member

Residents present:

Erika Lewis	Paula Steinert	Irina Smotrich	June Appleget
Mark Shantz	Mike Dunnaya	Steve Sowers	Bernie Pluard
Janet Sasso	Irina Gorekiko	Hung Nguyen	Dennis Koroll
Chip Velaris	Robert Raimondi	Mike Schultz	Diane Nebolini
Lisa Hart	Linda Hogenmiller		

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:01 a.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

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

Meeting

THIRD ORDER OF BUSINESS

Presentation for Juniper Landscaping [10 minutes]

A. Discussion/ Consideration of Amendment to Construction Agreement with Juniper Landscaping [5 minutes]

Mr. Damont reported the following:

- Trees were counted and, of the original 1,913 sabal palm trees planted, 1,868 remain, including the 110 replaced after the storm.
- 227 trees were re-staked and additional trees that are leaning slightly will be re-staked.
- 53 root balls still in the ground will be flush cut and covered with mulch.
- 30 dead trees remain in the ground; 15 are taller than 60' and the remaining 15 trees are shorter. The remaining dead trees will be removed and flush cut.
- 75 sabal palms from the original count are missing. A credit enhancement to install material back into the buffer is proposed. The credit for 75 palms, at \$298.30 per tree, totals a \$22,372.50 enhancement credit.
- Installing Fishtail Palms, Muhly Grass and Silver Saw Palmettos is proposed.
Asked how high the Fishtail Palms would be, Mr. Damont stated 30-gallon palms are 8' to 10' tall and they are fast growers.

Mr. Damont discussed the proposed landscaping and responded to questions about the number of dead trees, lack of foliage on hurricane cut trees, warranty on replacements, expectation that 10% of replacement trees might fail and overall aesthetics.

Mr. Damont noted that landscaping taller than 14' is not included in the contract scope of work but can be added for an additional cost, as it is considered arbor work.

Discussion ensued regarding the location of the enhanced warranty buffer area and how the credit would be used.

Ms. Cerbone stated the CDD provided information to the HOA President but feedback is pending. In similar situations, one CDD Board Member can be designated to work with an HOA representative to develop a survey to solicit resident ideas. Plantings must be installed on CDD easements and/or CDD property, not on private property.

Discussion ensued regarding the roles of the Landscape Committee and the HOA, easing the burden on Juniper to provide multiple proposals, tree count discrepancies and the need to agree upon the tree count.

On MOTION by Mr. Blaser and seconded by Mr. Contardo, with all in favor, authorizing Supervisor Schmitt and Juniper Landscaping to do a tree count together, was approved.

Mr. Damont reiterated that, based on the height, removal of hurricane damaged bamboo is considered non-contractual arbor work. Ms. Cerbone asked if the landscaping along the perimeter wall was funded by construction funds. Mr. Damont replied affirmatively.

Ms. Cerbone asked if there is an issue using a landscaping credit for hurricane cleanup of a CDD easement/property related to a previous Agreement. Mr. Babbar stated that a one-time, post-storm maintenance event is permissible, even though construction funds were used.

Mr. Damont stated bamboo removal is classified as site prep for the new buffer. Ms. Cerbone stated the \$3,150 proposal for debris removal includes all debris removal including bamboo. Mr. Damont stated the cost of debris removal for the enhancement area is \$850.50

Regarding concentrating on the corner section, Mr. Damont stated his professional opinion that the corner is the worst eyesore. Although it is not a high-traffic area, he suggested using the credit on that corner. To achieve a noticeable effect it is necessary to concentrate trees in the area.

Mr. Schmitt stated residents complained about the asphalt odor and asked what can be done. A Board Member sympathized but noted that the business was there first. Mr. Contardo stated the CDD cannot do anything about it.

Regarding whether to solicit additional HOA input, the consensus was to request additional input from the HOA, hear public comments today and advise residents that additional comments will be accepted at the next meeting.

FOURTH ORDER OF BUSINESS

**CDD Update on Resident Questions/
Concerns [5 minutes]**

Ms. Sanchez stated the following responses were provided by the District Engineer:

- **Pipes Behind 296 Toscavilla**

All pipes, obscured or visible, were checked and none appear to be clogged. The resident who raised the issue at the previous meeting was notified.

- **Bridge Weight Limits and Signage**

The bridge weight limits meet Florida Department of Transportation (FDOT) standards, with a weight capacity of 20 to 25 tons. Whether to post signs is an HOA decision but not many vehicles exceed those limits. Vehicles that might exceed these weights should use the construction entrance.

- **Ownership of Pumps for Fountains**

Aeration pumps, if any, would be owned by the HOA. Questions should be directed to the HOA.

Mr. Contardo discussed his experience with superstructure analysis and bridges and opined that the bridge would hold but impact loads could erode the structure, over time. Large trucks should not drive across the bridge.

Ms. Cerbone stated Staff was not tasked with determining the appropriateness of signs with the Florida Department of Transportation (FDOT) guidelines; if asked, she would coordinate with the HOA.

Mr. Collins expressed his opinion that the HOA is not representing residents' interests.

FIFTH ORDER OF BUSINESS

Chairman's Opening Remarks [5 minutes]

Mr. Blaser welcomed residents to the meeting and explained that governmental meetings run differently than HOA meetings.

SIXTH ORDER OF BUSINESS

Public Comments [15 minutes]

Resident June Appleget complained about parking in the entrance circle during school bus drop off and pick up. She thinks vehicles are illegally parked since they block the entrance

and exit. She was advised by Patrick that it is not within the HOA's jurisdiction to enforce parking rules and she should call the police.

Ms. Cerbone stated all the roads owned by the CDD are public and, since the CDD is a governmental entity, the CDD would need to adopt parking and towing rules in order to have a legal parking and towing enforcement policy. She discussed the process, including drafting rules/policy, holding a public hearing, adopting the rules/policy, partnering with the HOA because it maintains all roads, and entering into a Towing Agreement with the HOA to administer of the Towing Policy. The HOA would have the policy and could give instructions to place notices on vehicles and have vehicles towed, when appropriate. Via an email and a call with the HOA President, she and Mr. Blaser were advised that the HOA is aware of the issue and, while the HOA is not ready to address it, the HOA intends to do so.

Mr. Contardo recalled that there was no response to a draft parking procedure and policy previously submitted to the HOA.

Discussion ensued regarding a means of addressing the issue and asking Patrick to include this in the HOA newsletter to garner resident input.

Resident Robert Raimondi supported obtaining an accurate tree count and asked how the determination is made that a tree must be replaced. Mr. Scappatura discussed the root ball structure of the sabal palm trees and stated damaged and at-risk trees were identified immediately after the storm and re-staked, if necessary.

A resident observed that some trees are tilted and asked if that is normal. Mr. Scappatura stated sabal palms and coconut palms often tilt.

A resident stated, although she was aware of what is on the other side when she purchased her home, the diminished buffer makes matters worse and is unsightly.

Ms. Cerbone stated the only open item the CDD has right now is the warranty credit. Any and all enhancements to landscaping are up to the HOA because the CDD does not have an Operations budget. Questions regarding additional buffering and other landscaping items the HOA can provide should be directed to the HOA.

Mr. Blaser stated construction, earthwork or engineering by the CDD could necessitate an assessment. Mr. Contardo noted the Board wants to avoid that.

Resident Dennis Koroll expressed concern about trucks on the bridge exceeding 25 tons. Ms. Cerbone stated, in her experience, communities with an HOA generally have numerous requirements for builders, including entry and exit points, start and end times, grading requirements, etc. She stated documents should be available and noted that many HOAs include committees such as an Architectural Review Board, that exist to address such issues.

Mr. Koroll echoed previous complaints about parking.

Resident Mark Shantz encouraged the CDD to work to reduce animosity and improve communications with the HOA. He feels that the two groups should solve problems for the benefit of the community. The HOA President advised him that the HOA paid to have Juniper remove root balls that were covered by the warranty and, if true, he thinks the HOA should be reimbursed and the funds could be used to address the issues at the asphalt plant.

Mr. Contardo agreed about the need to work together and noted that there was no response from the HOA regarding parking.

Regarding the question of whether the HOA paid for something covered by the warranty, Ms. Cerbone stated she does not know if the HOA did because she does not have access to HOA records. The previous and current HOA Presidents have the warranty information and understand that, because the warranty is in the CDD's name, the CDD was working with everyone and with Juniper. Any decisions regarding the warranty would come before the CDD Board and the CDD Board would give direction. In parallel, after the hurricane, the CDD immediately filed for Federal Emergency Management Agency (FEMA) assistance without knowing if the CDD would qualify because, while the CDD owns the assets, it contracts with the HOA for maintenance. The HOA was informed and advised to contact HOA Counsel and possibly file a claim, as well. The HOA representatives and Ms. Sanchez, representing the CDD, met with FEMA and, at that meeting, FEMA advised the CDD to withdraw its claim since the CDD is not the maintenance entity and FEMA advised the HOA to proceed with its claim. While she does not know what subsequently transpired, it is possible that the HOA directed Juniper to perform work that was also included in the warranty. While this information does not answer the question directly, these are the details about relevant events.

Mr. Babbar stated, if the HOA can provide documentation, Staff can investigate and the HOA can request a credit from Juniper. Additional information would be needed by Juniper or the HOA, to further investigate before an answer is given. Ms. Cerbone suggested it would be best from the HOA; the CDD would need a copy of the invoice from Juniper and a copy of the canceled/cleared check to determine if it is within the warranty area.

Discussion ensued regarding the work completed and the FEMA claim.

Staff will find out if the HOA paid for work covered by the CDD's warranty.

A resident complained about paying HOA fees and CDD assessments because, in her opinion, neither takes responsibility for the perimeter wall fencing. Ms. Cerbone stated the HOA is responsible for assessing and repairing perimeter walls.

Mr. Blaser stated information about the CDD's purpose and function is available on the website. The majority of CDD assessments pay the bonds that built the development; no additional funds are set aside for repairs, as that is managed by the HOA.

Resident Paula Steinert asked if Juniper will prop up leaning trees along the perimeter wall, on the hill backing up to the apartments. Mr. Scappatura stated those trees are not covered by the insurance policy; they are the HOA's responsibility. Proposals were sent with no authorization to proceed. The trees should survive but might grow irregularly if not addressed.

Resident Hung Nguyen expressed concern about the HOA's special assessments levied for lake aeration and irrigation.

Discussion ensued regarding lake water quality, irrigation issues, previous lake oxygen measurements and previous work done by SOLitude.

Ms. Cerbone stated her understanding that the HOA has a Master Association and a Stormwater Association. The Stormwater Association holds all the permits and the HOA is the only maintenance entity. The HOA is responsible for contracting with licensed, certified vendors to perform work and/or recommend work to be done. The HOA does not need CDD approval to change the irrigation system, add or remove an aerator, etc., as the HOA is the maintenance entity and the permits are in the name of that entity. While the CDD owns the assets and the HOA and the CDD can discuss the matter at a publicly noticed meeting, there is no requirement to do so. Regarding Mr. Nguyen's question about the \$1,500 HOA assessment, she is confident

the HOA received his email because it was forwarded to the CDD. The majority of Mr. Nguyen's questions are for the HOA and she cannot opine on HOA matters. She suggested he work with the HOA and call or email her if he needs further information.

Resident and Carriage Homes Board Member Chet Nebolini expressed frustration about further delays due to what he thinks was the prior Board's failure to address ongoing parking issues. He asked how the issue can be finalized. Mr. Blaser stated there is a parking policy; however, the HOA is not enforcing it because the CDD has not authorized the HOA to do so.

Discussion ensued regarding parking violations and enforcement of parking rules.

Ms. Cerbone reiterated that the CDD must follow a process to establish official parking rules in order to enforce towing. She stated her understanding that the former HOA President was advised that it is not legal for the HOA to tow vehicles and the HOA could be held liable for doing so. She suggested that, when the CDD Board is ready to work with the HOA and the community, rules can be developed and a contract put in place. Rules could include warnings and, if the HOA agrees, the Property Manager could issue warnings before the towing company is called. At the time, HOA Counsel confirmed that, since the roads are public, towing enforcement comes from the CDD.

Ms. Cerbone stated the previous HOA President worked with resident and former CDD Board Member Jeffrey Sweater to develop a draft Parking and Towing Policy. It was presented to the CDD Board around the time resident and CDD Board Member Mr. LaBoe moved and resigned from the CDD Board, leaving one resident and three Developers on the CDD Board. The Developers were hesitant to proceed with action as they did not live in the CDD and did not want to impose something on residents so this matter was deferred to the resident-controlled Board elected in November 2022. The version of the Policy in the agenda was developed by the former HOA President and Mr. Sweater, the former resident CDD Board Member.

Mr. Contardo reiterated that the HOA has not responded.

Asked why towing cannot be allowed, Ms. Cerbone reiterated that the CDD owns the roads and, according to the law, the CDD must hold a public hearing to adopt rules, enter into a Towing Agreement and name administrators of the Towing Agreement. Many months ago, it was thought that the HOA would be the administrator of the Towing Agreement.

- **Continued Discussion: Policy Regarding Parking and Towing [5 minutes]**

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

Regarding traffic enforcement during morning drop off and afternoon pick up, Ms. Cerbone stated the area in question is CDD property. She suggested asking the police department if an officer is available during those times to address safety issues.

Staff was directed to review the parking rules and present ideas at the next meeting, at which, public comment will be taken regarding this matter.

- **Public Comments Resumed**

Resident Janet Sasso thanked the Board for their efforts to work with the HOA. She discussed issues with illegal parking and asked for an improved policy to be implemented as soon as possible.

Discussion ensued regarding asking the school to change the pickup location.

Resident and HOA Board Member Diane Jochum feels that the HOA and the CDD need to avoid animosity and work together for the benefit of the community.

Mr. Blaser stated he arranged to meet monthly with HOA Board Member Chet Bellairs. He noted CDD Board Members cannot meet/discuss matters outside of a public meeting.

Ms. Jochum stated HOA Board Members are also restricted with regard to meetings.

Ms. Cerbone stated Staff will email documents to Mr. Simmons and Patrick, of the HOA, when directed by the Board. If a joint HOA and CDD meeting is desired, Management will ensure legal noticing requirements are met and work with the parties to schedule a meeting or a workshop.

Ms. Jochum stated the HOA's parking procedure prohibits parking from 11:00 p.m. to 7:00 a.m. Two violation letters were sent and both recipients complied. There have been issues with cars parking overnight; the HOA welcomes help in working with a towing company. She will not approach violators parking up front and feels that it is not appropriate for residents to do so. She stated the HOA would like to add to the CDD buffer and budgeted for it in the special assessment; the HOA recognizes that it is up to the CDD how to spend the credit from Juniper.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2023 [3 minutes]

On MOTION by Mr. Schmitt and seconded by Mr. Traczuk, with all in favor, the Unaudited Financial Statements as of February 28, 2023, were accepted.

EIGHTH ORDER OF BUSINESS

Approval of Minutes [2 minutes]

- A. March 1, 2023 Regular Meeting**
- B. March 14, 2023 Workshop**

Ms. Sanchez stated some names of members of the public present were missing. She noted that those names were added and appear in the version in the agenda.

On MOTION by Mr. Collins and seconded by Mr. Traczuk, with all in favor, the March 1, 2023 Regular Meeting and the March 14, 2023 Workshop Minutes, as presented, were approved.

Mr. Blaser asked for "Approval of Minutes" to be after "Chairman's Opening Remarks" on future meeting agendas.

NINTH ORDER OF BUSINESS

Continued Discussion: Policy Regarding Parking and Towing [5 minutes]

This item was addressed during the Sixth Order of Business.

TENTH ORDER OF BUSINESS

STAFF REPORTS [10 minutes]

Mr. Blaser stated Staff is directed to send a request to the HOA President and the Administrator advising that the CDD Board will discuss the Parking and Towing Policy and the Juniper warranty options at the next meeting and residents will be able to comment.

- A. District Counsel: *Straley Robin Vericker***

There was no report.

B. District Engineer: *AM Engineering, LLC*

Ms. Cerbone asked to be informed, in advance, if the District Engineer’s attendance is needed so she can arrange for his attendance, via telephone. At one time, the Board asked the District Engineer to prepare a proposal for an inspection of the CDD’s improvements and maintenance recommendations. The Board tabled this so it will be removed from the agenda, for now, and be sent to the HOA to determine interest. She did not think any action was taken.

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

- **NEXT MEETING DATE: May 3, 2023 at 10:00 AM**
 - **QUORUM CHECK**

Ms. Cerbone stated questions, concerns or direction about budget line item adjustments should be discussed at the May meeting to allow time for discussion and for Staff to prepare for presentation of the Fiscal Year 2024 budget at the June meeting.

Discussion ensued about the HOA possibly wanting to turn items back over to the CDD.

Ms. Cerbone stated, when she and Mr. Blaser met with Mr. Simmons months ago, they stated that the CDD needs advance notice and time to collect revenues to fund expenses and gather documents. Such a change would not be effective until January 1 of the new year; at the moment, she did not believe such a change was in discussion.

ELEVENTH ORDER OF BUSINESS

Board Members’ Comments/Requests [5 minutes]

Mr. Contardo asked for the HOA’s parking regulations. Ms. Cerbone will email them.

TWELFTH ORDER OF BUSINESS

Public Comments [15 minutes]

No members of the public spoke.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Contardo and seconded by Mr. Traczuk, with all in favor, the meeting adjourned at 12:27 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair