

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

The Board of Supervisors of the Toscana Isles Community Development District held a Special Meeting on June 28, 2023, at 10:00 a.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275.

**Present were:**

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

**Also present were:**

Cindy Cerbone (via telephone)	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Kathryn Hopkinson (via telephone)	District Counsel
Shawn Leins	District Engineer
Chris Simmons	Resident/HOA President
Diane Jochum	Resident/HOA Board Member

**Residents present:**

Eugene Coblentz	Tom Hart	Janet Sasso	Bill Rymsza	Linda Hogenmiller
Robert Raimondi	Lisa Hart	Erika Lewis	Jim Edwards	Paula Steinert
Gloria Raimondi	Alan Hintz	Hung Nguyen	Jeff Munzing	Other Residents

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Sanchez called the meeting to order at 10:00 a.m. Supervisors Contardo, Traczuk, Collins and Schmitt were present. Supervisor Blaser was not present.

**SECOND ORDER OF BUSINESS**

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

**Meeting**

It was determined that one hour will be sufficient time to conduct this meeting.

**THIRD ORDER OF BUSINESS**

**Public Comments [15 minutes]**

Ms. Sanchez stated that, after all public comments are heard, the Board will determine which to address during the meeting.

Resident and HOA President Chris Simmons voiced his concerns about today's meeting relating to due diligence, jurisdictional issues and the CDD's fiduciary responsibilities. He discussed correspondence with District Management about the possibility that capital improvement work is being performed by the HOA and expressed his opinion that this Special Meeting is unnecessary. He discussed his response to complaints, concerns and allegations received via a public records request. He thinks that the CDD should have contacted him and investigated the matter further rather than calling this Special Meeting.

Resident Hung Nguyen discussed his correspondence with the CDD to request the addition of major infrastructure improvement items on the agenda. He sent papers to document the concerns of 189 homeowners about the installation of pumps and the shoreline. He stated some homeowners would like to be able to attend CDD meetings via Zoom. He requested a copy of the CDD procedures relating to the shoreline and any agreements between the CDD and the HOA so he can understand how the community is maintained.

Resident Bill Rymza discussed pictures of the shoreline submitted by Mr. Nguyen and opined that modifications are unnecessary and discussed his reasoning. He provided pictures and stated the water's edge is still intact and the City Engineer, Mr. Steve Ellis, asserted that no changes can be made to the shoreline of Lake #2 unless a new Engineering Study is done and a new permit is approved. He noted that the Governing Documents specify that no construction in wetlands can be done without prior approval of the Southwest Florida Water Management District (SWFWMD). He respectfully asked the CDD to advise the HOA of the costly engineering study that would be required for any modification to the surface water system and that the CDD oversee future plans, studies and proposals that the HOA considers, with regard to the stormwater management system.

Resident Eugene Coblentz discussed the pump systems and stated his opinion that the major issue is an infestation of microorganisms that are visible on screens and filters and in the miles of irrigation piping. He thinks that filtering will reduce but not eliminate the issue and suggested the issue be investigated and pursued.

Mr. Raimondi discussed the failures of the irrigation pumps on the west end. He stated one obsolete pump failed seven months ago and the replacement cost is \$55,000 and, in

October, the controller of the second pump failed. He stated the cost to repair an eight-year-old system should be compared to the cost of a new system.

Regarding Mr. Nguyen's request for Zoom meetings, Ms. Sanchez stated the Board would need to vote on such a change and the meeting would need to be advertised as a Zoom meeting. Regarding documentation, Ms. Sanchez stated public records requests can be sent to her or the District Manager.

Mr. Contardo would like residents to understand that his obligation to residents is to forward inquiries to District Staff for legal and engineering consideration.

Regarding the comment about the pumps Mr. Contardo stated he has no way of knowing whether the comments and the statements are accurate.

Mr. Schmitt asked if any independent studies were performed.

**FOURTH ORDER OF BUSINESS**

**Discussion: Potential Capital Improvement Work Being Performed [15 minutes]**

Ms. Sanchez stated this Special Meeting is being held to discuss any Capital Improvement work that the Master Association might be doing or is planning to do. The CDD does not have any direct knowledge of Capital Improvement work being done and has not seen any signed agreements or proposals. The Board sent resident emails regarding issues that have been discussed.

Mr. Schmitt asked how to know if the pump system is needed and asked if a study done or if it was recommended by a vendor.

A Board Member stated this is an issue for the HOA, not a member of the public.

Mr. Simmons stated, as of last week, there were over 300 irrigation problems in the CDD, representing almost half of the homes. The rear pump was under water following Hurricane Ian and the system has failed. The cost to update the system is half the cost of a new system. In his opinion, there is nothing more to study.

Mr. Contardo would like more specifics, such as the number of broken sprinkler heads, rather than generalizations.

Mr. Traczuk asked Mr. Leins about an inspection in May 2022. Mr. Leins stated that inspection was before Hurricane Ian; he was on site at the HOA's request after Hurricane Ian but he has not conducted a follow-up inspection. Asked if, in his opinion, the damage was caused by Hurricane Ian, Mr. Leins stated he did not see anything noticeable; he viewed specific

areas, including the Knight's Trail Road weir. Some triple pipes coming in from the east appeared to be functioning fine and, based on the amount of rain, the system was working fine.

Ms. Sanchez asked Mr. Leins if it is true that the inspection report completed in May 2022 does not need to be repeated unless there is a request. Mr. Leins replied affirmatively. Ms. Sanchez asked for confirmation that the Master Association did not ask Mr. Leins to complete an inspection report for 2023. Mr. Leins stated that is correct.

Mr. Contardo asked if the system is still in good standing. Mr. Leins stated, based on that report, as of May 2022 it was in good standing.

Mr. Schmitt asked how the CDD selected that pump and that Hoover system. He stated he heard a rumor that the HOA will hire an engineer to perform a lake study. He noted that today the CDD Board is to consider whether to hire AM Engineering to do a comprehensive study of the lake system. He hopes there will not be competing studies, as, in his opinion the issues will never get resolved.

Mr. Collins supports the CDD taking action and advising the community of the steps taken.

Asked the difference between maintenance and a capital improvement, Mr. Leins stated maintenance involves addressing matters such as minor erosion on lake banks. An example of a capital improvement would be the installation of geotubes to correct the slope of a lake bank that has sunken 2' over time.

Mr. Schmitt stated an email sent within the last few days referred to the City ordinance that established the CDD and a table showing the ownership, installation and maintenance of the CDD's gross assets. He wants clarification of the chart as he does not think it is 100% correct. He stated the chart claims the roadways are privately funded, which he thinks is not true. The chart claims the roadways are maintained by the HOA, which he agrees with. The chart claims the roadways are owned by the HOA, which he thinks is not true. The chart claims the irrigation is maintained by the CDD and the HOA, which thinks is not true. The chart claims the irrigation is owned by the CDD and the HOA, which he does not believe as he thinks the HOA does not own anything. Mr. Contardo stated he sees Mr. Schmitt's point but that chart shows what is proposed, it is not the actual. Mr. Schmitt stated his concern is that this chart is circulating to the public and people will believe what they see.

Discussion ensued regarding the chart and the proposed changes.

The consensus was the District Engineer will review the document, in light of ordinances and potential maintenance requirements, and confer with District Counsel, as needed.

**On MOTION by Mr. Schmitt and seconded by Mr. Contardo, with all in favor, directing the District Engineer to review the Briefing Paper and to confer with District Counsel, as needed, was approved.**

**FIFTH ORDER OF BUSINESS**

**Consideration: AM Engineering, LLC, District Improvement Inspections Proposal [10 minutes]**

Mr. Leins presented the AM Engineering, LLC, District Improvement Inspections Proposal and responded to questions.

Mr. Leins will obtain proposals with a detailed scope of service for an Irrigation Specialist to assess the irrigation needs of the community and determine whether the existing equipment satisfies the irrigation needs.

**On MOTION by Mr. Schmitt and seconded by Mr. Traczuk, with all in favor, the AM Engineering, LLC, District Improvement Inspections Proposal, in the amount of \$6,000, was approved.**

Mr. Contardo would like the proposal to indicate whether it entails pressure checking the pumps to see how functional they are.

**Ms. Cerbone left the meeting at 10:52 a.m.**

**On MOTION by Mr. Schmitt and seconded by Mr. Collins, with all in favor, authorizing Staff to work with the District Engineer to find an Irrigation Specialist to give maintenance recommendations, in a not-to-exceed amount of \$5,000, was approved.**

**SIXTH ORDER OF BUSINESS**

**NEXT MEETING DATE: July 5, 2023 at 10:00 AM**

Ms. Sanchez stated the July 5, 2023 meeting will be canceled.

A Board Member supports making Zoom meetings available for residents.  
The consensus was to provide for members of the public to participate via telephone.

**On MOTION by Mr. Schmitt and seconded by Mr. Contardo, with all in favor, allowing members of the public to call in to the August meeting, was approved.**

A Board Member suggested the District Engineer engage a consultant to review the signs for FDOT compliance. Ms. Sanchez will provide information at the next meeting.

Mr. Schmitt will work with Juniper and prepare a report for the August meeting.

Mr. Schmitt thinks it would be nice if the HOA would clarify the kayak policy.

Mr. Schmitt stated a resident emailed to advise that she is trying to have trees cut in her yard and the HOA referred her to the CDD. Ms. Sanchez stated the resident contacted the CDD, the CDD contacted the HOA and copied the resident and the HOA did respond.

**EIGHTH ORDER OF BUSINESS**

**Public Comments [15 minutes]**

Mr. Simmons stated the CDD was advised that a kayak event was not an HOA sanctioned event. He asked the District Engineer about any current or past relationship with the builder and the Developer.

Resident Paula Steinert suggested the CDD and the HOA meet to find out what was done to address the issues.

Ms. Hart presented a picture of her irrigation filters, which must be cleaned after every use, and stated it has been an issue since 2016. She asked about the documentation that everything was inspected before turnover from the Developer.

A resident acknowledged that there is a big difference between a capital improvement and a repair. He voiced his belief that the west pumps are now functioning at 50% and, if the secondary pump fails, the CDD might lose \$2 million worth of plantings and vegetation and an emergency repair could take months since parts are not readily available and the CDD would be held accountable

Ms. Sanchez reiterated that the public is welcome to make comments and the Board can respond today or address questions or comments at the next meeting.

Resident and HOA Board Member Diane Jochum stated participants were advised that the kayak event was not sanctioned because of how the program was advertised.

Resident Jeff Munzing asked if the entire weir outfall ditch was inspected all the way to the 60" pipe. He asked Mr. Leins to involve the SFWMD and expressed concern about funds for pumps and irrigation. He asked if the easement will be surveyed for future cleanup.

Mr. Nguyen believed the document referring to ownership and responsibility should be removed from the website if it is not official. He took issue with the comment stating the CDD is not exercising due diligence and discussed the reasons.

Mr. Coblenz asked if anyone looked into reconfiguring the pipes and the impact on the wetlands. He discussed the importance of filtration and suggested prioritizing the landscaping study.

A Board Member asked Mr. Leins if AM Engineering can inspect the weir on their behalf.

Mr. Contardo believes the Maintenance Agreement shows that the HOA is responsible.

Mr. Leins stated the weirs need to be kept free of storm debris and fallen trees.

Mr. Contardo stated the Maintenance Agreement denotes who is responsible for every tract. The Agreement states the Master Association is the responsible party. He thinks this document should be available to all to dispel confusion. He asked that those members who represent the HOA do so in a very meaningful and polite way.

Ms. Sanchez stated the weir was brought up in the past. It was noted that "the weir is located within the drainage and maintenance access easement located on Tract 17. The Toscana Isles Stormwater Maintenance Association has maintenance access pursuant to the plat." She will email that information following the meeting.

Mr. Schmitt stated the CDD tried to get Mr. Leins to inspect at the weir six months ago and realized the CDD has no access to the weir. Mr. Contardo believes that, if it does not fall within those tracts, it is not the responsibility of the HOA or the CDD.

**NINTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Schmitt and seconded by Mr. Contardo, with all in favor, the meeting adjourned at 11:29 a.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair