

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on February 1, 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
Michael Traczuk	Assistant Secretary

**Also present were:**

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Mark Straley (via telephone)	District Counsel
Shawn Leins	District Engineer
Chris Simmons	Resident/HOA President
Ron Ciranna	HOA Treasurer

**Residents present:**

David Waller	Elaine Danchise	Mark Marburger	Suzy Marburger
Dan Gombos	Diane Jochum	Dennis Koroll	Nadine Essency
Rob Guarnieri	Steve Wood	Janet Barnard	Irina Smotrich
Bill Ambrose	Robert Raimondi	Gloria Raimondi	Margaret Sutherland
Jeff Munzing	Tom Hart	Lisa Hart	Christine Abrams
Bernie Pluard			

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Sanchez called the meeting to order at 10:02 a.m. Supervisors Schmitt, Contardo and Traczuk were present. Supervisors Blaser and Collins were not present.

**SECOND ORDER OF BUSINESS**

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

**Meeting**

It was determined 1.20 hours will be sufficient time to conduct this meeting.

Ms. Sanchez stated the Oath of Office was administered to Mr. Traczuk prior to the meeting.

**THIRD ORDER OF BUSINESS**

**CDD Update on Resident Questions/Concerns [10 minutes]**

Ms. Cerbone explained public records request protocol and the Rules of Procedure related to public comments. She provided the following responses to public comments from the last meeting and emails from Board Members:

- **CDD Improvements**

CDD improvements are outlined in the District Engineer’s Report and are part of the Trust Indenture for the 2014 and 2018 Bonds, which is logged with the Security and Exchange Commission (SEC). Improvements are comprised of CDD roads, drainage, stormwater ponds, most fences, walls, the guardhouse and landscaping only on CDD-owned or easement property.

Regarding the weir, the CDD does not own the weir. The weir is private property and owned by the entity known as Wisdom Properties (Wisdom), who filed a lawsuit against the Master Association, the CDD and the Developer.

Ms. Cerbone provided information about the CDD’s District Engineer being involved in the plans and design of the weir constructed in the early 1990s and the plat dedicating maintenance rights to the HOA “Stormwater Association” as the weir does impact the CDD’s stormwater system. The HOA will have to engage the District Engineer or an Engineer directly to inspect the weir and make recommendations since this is not a CDD matter.

- **Maintenance Agreement**

The Agreement is between the CDD, the Master Association and the Stormwater Association and has existed for a number of years. The Master Association and the Stormwater Association will be referred to as the HOA, going forward.

The CDD budget has never included Field Operation costs. The CDD constructed the assets that the HOA maintains, via the Maintenance Agreement. A termination clause was not included in the Agreement. If the HOA and CDD decide to terminate the Agreement, it should not go into effect until January 1, 2024, as several steps must be addressed before the transition date. It will be helpful if the HOA provides all its documents and contracts to the CDD in order to prepare a CDD Field Operations budget and meet certain criteria and deadlines.

The Board should keep the Wisdom litigation in mind before deciding on terminating the Maintenance Agreement with the HOA, as this includes the weir and the process of transitioning permits over to the CDD.

Ms. Cerbone provided various documents to the HOA.

- **Landscape Construction/Installation and Sabal Palm Warranty**

Juniper Landscaping (Juniper) is complying with the Landscape Construction/Installation Agreement warranty and will submit a final written report, which will be emailed to the Board and be an item on the next agenda. If the CDD receives a credit, the funds must be applied to the construction account and used solely on a project outlined in the District Engineer's Report.

Regarding noise abatement, CDD Staff researched CDD records and found nothing about noise abatement in the CDD permits or it being a requirement, at the CDD level; therefore, residents should contact the City or County directly.

Regarding a tour of community, Staff accepted HOA President Chris Simmons' invitation to a tour after this meeting. Mr. Schmitt accepted today's invitation. If there is interest, Board Members should contact the HOA to schedule similar individual tours, which will prevent the possibility of violating the Sunshine Law.

- **Have any new regulations, requirements (or changes) impacting stormwater management been issued?**

The District Engineer is not aware of any new regulations, as of last week, and would have advised the HOA if there were any.

- **Sarasota County and Acknowledgement of Issues/Mistakes with Decisions Related to Knight's Trail**

The District Engineer, District Counsel and Ms. Cerbone are not aware of anything that would have impacted the CDD. Residents should contact Sarasota County directly.

- **Impact of New Developments on Piping and Stormwater Systems**

Various governmental agencies are responsible for reviewing new developments and issuing permits and, aside from that, the District Engineer confirmed that, during construction, all permits were complied with and his designs related to CDD improvements were built as designed and take future developments in surrounding areas into consideration.

- **Impact of Lake 2 and Partial Wall vs Full Wall**

The CDD constructed these walls based on typical wind flow to control erosion and they were constructed according to that criteria. Those areas without it are protected by the lake enhancement areas, referred to “little islands” at a prior meeting.

- **Potential Blocked Pipes in the SE Area Behind Toscavilla**

The District Engineer inspected and did not identify any blocked pipes.

- **Camera Options for Inside Drainage Pipes**

The District Engineer did not see a need to use cameras to inspect the pipes at this time.

- **Fencing Transition from Concrete to Plastic and Potential Water Runoff into Street**

The District Engineer reported that the CDD was impacted after the hurricane and because the Myakka River crested at historic levels due to the 1,000-year storm event.

Residents and Board Members were asked to submit further questions to Ms. Cerbone to forward to the District Engineer in order to prepare responses for the next meeting.

The fencing transition was designed and built as planned; the Board can decide to make changes, which will require designating budget funds for professional services and materials.

- **Irrigation System (or Lack Thereof) in Roundabouts**

The decision was made during development to install drought-proof vegetation instead of an irrigation system. The Board can decide to make changes and designate budget funds.

Mr. Schmitt asked for the cost impact if the parties agree to terminate the Maintenance Agreement. He wants to obtain the HOA’s records. He believes irrigation infrastructure is installed in the roundabouts but it is not being used; it is a maintenance issue. Ms. Cerbone stated that she will contact the HOA and report her findings at the next meeting.

**FOURTH ORDER OF BUSINESS**

**Public Comments [15 minutes]**

Resident and HOA Board Member Diane Jochum stated at least six residents on Ravello Boulevard are affected by washouts. In her opinion, the area is dangerous. She asked for rip rap to be installed. In her opinion, the little islands do not protect the land, as intended.

Resident Mark Marburger agreed with the opinion that the little island does not stop the wind. He felt that the area is decimated and needs to be graded and sodded before another storm hits, regardless of the budget.

Resident Bernie Pluard felt that, prior to the hurricane, the sabal palms helped with noise abatement between homes and businesses and asked the Board to consider something in

place of the trees. The sabal palms were full before the hurricane and should be replaced in whole and, if not, bamboo should be installed for esthetics and noise abatement.

Resident Christine Abrams voiced her opinion that the vendor is not installing sabal palms like for like when compared to the sizes lost in the storm. She noticed a tremendous difference in debris and noise since the storm.

A resident defined the purpose of a vegetation buffer and asked the Board to research the original design. The resident discussed Article 11 in the contract that states all sabal palms have to be replaced or re-staked. He feels the palms were installed incorrectly.

A resident asked if Juniper will replace turf damaged by their equipment during installation.

Resident Lisa Hart questioned the warranty amount as it exceeds 111 sabal palms. She asked when the downed walls will be repaired.

Resident Bill Ambrose asked if the blocked pipes in the southeast area includes 296 Toscavilla Boulevard. He felt transitioning the Maintenance Agreement to the CDD will cost the homeowners more and it is not worth the additional tax advantage.

Resident Jeff Munzing stated he advised Florida Power & Light (FPL) of missing lights. He noticed several dark areas and feels that these streetlights should mirror those near the condominiums. He voiced his opinion that all roads are failing and asked the Board to review the original design plans and determine if the roads were installed properly and what materials were used. He wants to re-address cameras in the pipes, as he saw residents dumping items in the pipes and having difficulty pulling the filter valve off to get the water to stop flowing into driveways on Toscavilla Blvd.

Resident David Waller feels that the roundabout areas are dark and suggested installing reflecting tape to prevent potential accidents.

Resident and HOA President Chris Simmons expressed his appreciation of the CDD's open-mindedness about the Maintenance Agreement. He believes in transparency and asked the CDD Board to provide the HOA with information about the CDD budget. He asked the CDD Board Members to vote to rescind acceptance of the allowable Supervisor stipend and to assign those funds to the O&M budget.

Resident Irina Smotrich noted she invited everyone to inspect the lack of vegetation in her backyard and asked why the north wall cannot be maintained exactly as it was before the

hurricane. She agreed with Mr. Munzing's comment and asked who maintains Knights Trail Road.

Ms. Cerbone addressed the above comments as follows:

➤ The HOA budgets and assesses homeowners and uses those funds to maintain and repair the CDD's assets, via the Maintenance Agreement, since inception. Residents should contact the HOA to address maintenance concerns and vendor issues, until such time a decision is made to transition this over to the CDD.

➤ The CDD's budget consists solely for Professional and Administrative expenses. It excludes Field Operations costs as the HOA maintains the CDD assets, which is typical for CDDs. The 2014 and 2018 Bonds are not underfunded and are separate from the General Fund. The debt service portion of the assessments pays the principal and interest on the bonds. It cannot be used on maintenance items. Until the CDD receives information from the HOA about CDD expenses and direction from the Board is received, she cannot seek bank loan information.

It was noted that residents will be paying more in O&M costs, if it transitions to the CDD, because the CDD must comply with certain constraints.

➤ Sabal Palm Warranty: The CDD will take all necessary action, once Juniper submits a report. It was noted that Juniper is proceeding with like-for-like replacement, as required.

Regarding the sabal palm count, Ms. Cerbone will research it. She discussed the ability, if needed, to engage a vendor to certify that the warranty was fulfilled properly.

➤ Inspecting CDD Assets: A \$5,500 proposal from the District Engineer to inspect and report on CDD assets will be presented later in the meeting.

Universal Engineering was engaged to inspect the roads about two years ago. This Report was included in a prior agenda. Requests for a copy should be sent to Ms. Cerbone.

➤ Asphalt: The timing of the second lift of asphalt is always controversial.

➤ Knights Trail Road is outside the CDD's boundaries. The Property Appraiser's website should be researched to determine ownership.

Requests for a copy of the Construction Landscape Installation Agreement should be directed to Ms. Cerbone.

Ms. Cerbone stated that the HOA needs to submit a request to terminate the Agreement before the Board can make a decision on this matter. She formally asked Mr. Simmons to provide all CDD-related documents to her so she can email the Board. The documents will be used to determine the impact on the CDD and homeowners.

Discussion ensued between Mr. Contardo and Mr. Simmons regarding the Developer executing the Agreement, not the HOA Board Member, and understanding that transitioning maintenance back to the CDD will not result in a cost-savings to homeowners.

**FIFTH ORDER OF BUSINESS**

**Administration of Oath of Office to Appointed Supervisor, Michael Traczuk [SEAT 4] (the following to be provided in a separate package) [5 minutes]**

This item was discussed during the First Order of Business.

- 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**

**SIXTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of December 31, 2022 [3 minutes]**

Ms. Cerbone presented the Unaudited Financial Statements as of December 31, 2022.

**On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor, the Unaudited Financial Statements as of December 31, 2022, were accepted.**

**SEVENTH ORDER OF BUSINESS**

**Approval of January 4, 2023 Regular Meeting Minutes [2 minutes]**

Ms. Sanchez presented the January 4, 2023 Regular Meeting Minutes.

**On MOTION by Mr. Schmitt and seconded by Mr. Contardo, with all in favor, the January 4, 2023 Regular Meeting Minutes, as presented, were approved.**

Ms. Cerbone thanked Mr. Simmons for participating on a conference call with Mr. Blaser, which resulted in agreeing to defer and keep this matter on the agenda until the HOA Board has time to address it.

In Mr. Contardo's opinion, there should be some type of enforcement level implemented to address parking issues. He hopes it will be addressed sooner rather than later.

**NINTH ORDER OF BUSINESS**

**Discussion: CDD Workshop Topics [10 minutes]**

Ms. Sanchez presented a sample agenda for a Joint Workshop with the HOA. Ms. Cerbone discussed Workshop protocol. Residents in attendance were asked to provide suggestions for the Workshop agenda during public comments or email them to Ms. Cerbone.

Ms. Cerbone was asked to research dates, room and Staff availability for an evening Workshop and report her findings at the next meeting.

**TENTH ORDER OF BUSINESS**

**STAFF REPORTS [10 minutes]**

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

Mr. Straley welcomed Mr. Traczuk to the Board and advised him to expect a letter outlining the Sunshine and Public Records laws.

**B. District Engineer: *AM Engineering, LLC***

There was no report.

- **Cost Proposal and Inspection Report on District Improvements**

Ms. Cerbone felt that the lump sum services require further clarification. She will ask Mr. Simmons if the HOA wants to engage the Engineer, instead of the CDD, so the weir can be included in the inspection. This item was deferred.

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

- **NEXT MEETING DATE: March 1, 2023 at 10:00 AM**

- **QUORUM CHECK**

The next meeting will be on March 1, 2023.



There were no Board Members' comments or requests.

**TWELFTH ORDER OF BUSINESS**

**Public Comments [15 minutes]**

A resident expressed their opinion that projects should be done when needed, instead of touring the community, discussing ideas and holding workshops.

A resident asked if the Maintenance Agreement is available to review.

Mr. Simmons wanted to hear more about the engineering information at the Workshop and for the on-site Engineer to provide an overview of various infrastructure documents. He requested a map identifying CDD-owned improvements.

A resident suggested holding a meeting with the residents affected by the sabal palms before the Board makes any decision.

A resident asked for clarification that the CDD was responsible for installing the original fences but the HOA is responsible for the maintenance.

Ms. Cerbone addressed the above comments as follows:

- Because the CDD is a governmental agency and must abide by certain rules and regulations, Ms. Cerbone, as District Manager, must provide the Board with adequate information to make informed decisions before proceeding with projects.
- Requests for CDD documents should be emailed to Ms. Sanchez or Ms. Cerbone, whose business cards were available at the back of the room.
- Sabal Palms: Juniper's report and supporting documents will be discussed at the next meeting; those unable to attend can email comments to the Board or WHA Staff.
- Workshop: The purpose of conducting a workshop was explained. Workshops differ from Mr. Simmons' request. Mr. Simmons was asked to submit a public records request.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

<p><b>On MOTION by Mr. Schmitt and seconded by Mr. Traczuk, with all in favor, the meeting adjourned at 12:03 p.m.</b></p>
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Secretary/Assistant Secretary

  
Chair/Vice Chair