

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on August 2, 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 (via telephone)	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Vivek Babbar (via telephone)	District Counsel
Shawn Leins (via telephone)	District Engineer
Tammy Campbell (via telephone)	McDimit Davis
Diane Jochum	Resident/HOA Board Member

**Residents present:**

Alan Hintz	Paula Steinert	Bill Ambrose	Bill Rymgsa	Linda Hogenmiller
Sue Doyle	Gloria Raimondi	Thomas Hart	Lisa Hart	

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Blaser called the meeting to order at 10:00 a.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Discussion: Resolution 2021-05, Policies Regarding the Conduct of Meetings of the Board [3 minutes]**

Mr. Blaser expressed regret that he missed the last meeting. His understanding is that all Rules and Policies were not followed at that meeting as well as the previous month, when they were presented. He emphasized the importance of abiding by the Rules of Conduct for Board Meetings, included in the agenda, and available on the CDD website.

This item was not addressed.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes [2 minutes]**

**A. June 7, 2023 Regular Meeting**

The following change was made:

Line 103: Change "Garcia" to "Sanchez"

**B. June 28, 2023 Special Meeting**

Mr. Blaser asked if he can abstain from voting since he was not at the last meeting. Ms. Cerbone stated he can only abstain if there is a conflict of interest but he can dissent .

**On MOTION by Mr. Contardo and seconded by Mr. Collins, with Mr. Contardo, Mr. Collins, Mr. Schmitt and Mr. Traczuk in favor and Mr. Blaser dissenting, the June 7, 2023 Regular Meeting Minutes, as amended, and the June 28, 2023 Regular Meeting Minutes, as presented, were approved. (Motion passed 4-1]**

Ms. Sanchez read the following Meeting Policies listed in Resolution 2021-05:

- Board Supervisors and members of the public shall use respectful tones and words when they are addressing the Board, the public, or District Staff.
- Board Supervisors and members of the public should avoid repetitive or redundant questions or comments.
- Questions, comments, and other communications may not be directed to an individual, but rather should be addressed to the meeting chairperson and should relate to agenda items and discussion topics.
- District Staff will record any questions raised at the meeting and will provide a response at a subsequent Board meeting after District staff has had time to research the question.
- Degrading, uncomplimentary, or disrespectful remarks about an individual in any way may result in the adjournment of the Board meeting.
- Agenda items or discussion topics must pertain to District business.

**FIFTH ORDER OF BUSINESS**

**Chairman's Opening Remarks [5 minutes]**

Mr. Blaser reminded the Board to wait for the Chair to recognize them before asking questions.

**SIXTH ORDER OF BUSINESS**

**Public Comments [15 minutes]**

Resident Alan Hintz asked if there is any overlap between the CDD and the HOA Engineering Studies.

Resident and HOA Board Member Diane Jochum discussed the HOA parking policy. She stated Counsel advised that, because the CDD owns the roads, the CDD and the HOA must work together to decide which entity will monitor the roads. Mr. Blaser asked Ms. Jochum to email the policy to Staff for dissemination to the Board. District Counsel will review the policy and the CDD will work with the HOA in this regard.

The phone lines were opened for public comment. No members of the public spoke.

Mr. Blaser stated he asked Staff to research the legality of public comments via telephone and electronic means and provide further direction.

**SEVENTH ORDER OF BUSINESS**

**Update: Juniper Landscaping Sabal Palm Warranty Work [5 minutes]**

This item was presented following the Ninth Order of Business.

**EIGHTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2022, Prepared by McDirmit Davis [10 minutes]**

Ms. Campbell presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2022. There were no findings, recommendations, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-08, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022 [2 minutes]**

**On MOTION by Mr. Contardo and seconded by Mr. Traczuk, with all in favor, Resolution 2023-08, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022, was adopted.**

▪ **Update: Juniper Landscaping Sabal Palm Warranty Work [5 minutes]**

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

Ms. Sanchez stated Anthony Scappatura, at Juniper, advised that the estimated completion date for the warranty work is the end of next week. Supervisor Schmitt will conduct a final walkthrough in advance of the next meeting and provide an update.

Discussion ensued regarding remaining cleanup work and the need to determine the scope of warranty work during the walkthrough.

Mr. Blaser recalled asking if the root balls that cannot be removed are being cut to ground level and if holes are being filled in and stakes removed.

Discussion ensued regarding whether sod is covered by the warranty.

Mr. Blaser thinks the area is part of the Maintenance Agreement with the HOA and asked if work not covered by warranty is all the HOA's responsibility. Ms. Sanchez replied affirmatively.

**TENTH ORDER OF BUSINESS**

**Discussion: Resolution 2021-06, Golf Cart Policy [5 minutes]**

Ms. Sanchez presented Resolution 2021-06 that was approved by the previous Board, which states the following:

- A golf cart may be operated on a public road which has been designated for golf cart use by the responsible local government entity.
- Parking of Golf Cart Vehicles: All golf cart vehicles must be parked in designated golf cart vehicle parking areas or motor vehicle parking areas. No golf cart vehicles shall be parked in a roadway or on any designated golf cart vehicle path.
- Golf cart operators must be at least age fourteen (14).
- Golf cart vehicle speed shall not exceed 20 miles per hour at any time.

Mr. Babbar stated House Bill 949 passed. It states that golf cart operators must be eighteen (18) years or older with a valid government issued identification; or, if under eighteen (18) with a valid Learner Permit or Driver License. He recommended the Resolution 2021-06 be

amended to strike out the reference to fourteen (14) year old drivers and to refer to the current Florida Statue. While the CDD does not have enforcement powers, the HOA and Law Enforcement Officers have enforcement powers.

In response to a resident’s question, Mr. Babbar stated the minimum age for a Learner Permit is fifteen (15) years of age.

Mr. Babbar will modify Resolution 2021-06 to refer to the current Florida Statute.

Mr. Contardo observed that many operators are below the minimum age and suggested that, if the HOA will monitor and enforce, the HOA should have input about the policies and registration, etc. Mr. Blaser noted the need to follow State laws.

Ms. Sanchez stated the parking and towing policy is separate from this Resolution.

Discussion ensued regarding liability and the CDD’s lack of enforcement authority.

Ms. Sanchez noted that the Board can add details about golf carts to the parking and towing policy and send it back to the HOA for comment.

**ELEVENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of June 30, 2023 [3 minutes]**

**On MOTION by Mr. Contardo and seconded by Mr. Traczuk, with all in favor, the Unaudited Financial Statements as of June 30, 2023, were accepted.**

**TWELFTH ORDER OF BUSINESS**

**STAFF REPORTS [10 minutes]**

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

There was no report.

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

Mr. Leins estimated that the Engineering Report will be complete in 45 to 60 days.

In response to the question of whether there is overlap between the work he is doing for the HOA and the CDD, Mr. Leins stated he is only performing work authorized by the CDD.

Mr. Blaser recalled that, at the last meeting, he asked if the CDD owns the irrigation piping and it was noted that it is still being reviewed by Staff. He questioned why an Engineering Study would be done for non-known items.

Ms. Sanchez stated the HOA is responsible for any and all irrigation-related equipment and maintenance, regardless of ownership. The CDD is working to answer Mr. Blaser’s questions and report the correct responses at or before the next meeting.

Ownership and responsibility for irrigation-related equipment by the CDD versus the HOA and the Maintenance Agreement between the CDD and the HOA were discussed.

Ms. Sanchez stated nothing will be done until the District Engineer’s work is complete and ownership is confirmed.

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

- **NEXT MEETING DATE: September 6, 2023 at 10:00 AM [Adoption of FY2024 Budget]**
  - **QUORUM CHECK**

**Mr. Leins left the meeting.**

**THIRTEENTH ORDER OF BUSINESS**

**Board Members’ Comments/Requests [5 minutes]**

A Board Member asked if the District Engineer engaged a consultant to review the signs for Florida Department of Transportation (FDOT) compliance. Ms. Sanchez will provide information at the next meeting.

The Board directed Ms. Sanchez to contact the HOA to determine if there is any overlap between the CDD and the HOA Engineering Studies.

Mr. Collins suggested the CDD designate a liaison to work with the HOA. Mr. Contardo stated he tried to work with the HOA; however, he has found the HOA unwilling and unresponsive. Mr. Collins expressed his willingness to serve as liaison to the HOA to develop a parking policy.

**On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor, designating Mr. Collins as CDD liaison to work with the HOA to develop a mutually acceptable parking policy, was approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Public Comments [15 minutes]**

A resident asked for the research into ownership of CDD assets to address the Lake 4 fountain that has been inoperative for months. She noted a street sign that needs to be corrected, as it reads "Soliera Boulevard" rather than "Soliera Street".

Resident Tom Hart noted that Resolution 2021-06, regarding golf carts, states that the Board determined it is necessary to implement a policy and registration application. He noted that the policy, on Page 3 of Resolution 2021-06, provides for enforcement. Regarding sod, he believes the contract with Juniper was for 1,000 square feet of sod.

Mr. Collins expressed his understanding that the CDD will work with the HOA on a parking policy and that, generally, enforcement currently involves calling the police and further steps will be taken in cooperation with the HOA.

Ms. Sanchez stated she will speak with District Counsel following the meeting and address Mr. Hart's concerns individually.

Ms. Jochum stated the HOA announced the golf cart policy change last month to inform residents; the HOA will keep reiterating the desire to follow State Statute.

Resident Sue Doyle stated her impression that, when the Clubhouse is turned over to the community, the guardhouse will also be turned over to the community. Ms. Sanchez stated the HOA controls the guardhouse and the CDD has no maintenance responsibility for it. Ms. Doyle asked who will be responsible for rebuilding the guardhouse if something happens to it. Mr. Babbar stated he will check to see if the guardhouse is covered by the Agreement. Mr. Blaser stated the Guardhouse will be included in the Engineering Survey.

Mr. Contardo noted the difference between ownership and responsibility and that the CDD might own assets for which the HOA is responsible for insuring and maintaining.

Ms. Sanchez hoped to have answers before the next meeting; she will email residents prior to the next meeting, if possible.

Resident Bill Ambrose asked if the CDD is responsible for insuring everything it owns, even if the HOA is responsible for maintaining it. Mr. Blaser stated it depends on how the Maintenance Contract is written; Staff will research this.

The phone lines were opened for public comment. No members of the public spoke.

**FIFTEENTH ORDER OF BUSINESS****Adjournment**

<b>On MOTION by Mr. Schmitt and seconded by Mr. Contardo, with all in favor, the meeting adjourned at 11:15 a.m.</b>
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Secretary/Assistant Secretary

  
Chair/Vice Chair