

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on December 6, 2023, at 10:00 a.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275.

Present were:

Scott Blaser
Bill Contardo
Paul Schmitt
James Collins
Michael Traczuk

Chair
Vice Chair
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present:

Cindy Cerbone
Jamie Sanchez
Whitney Sousa
Shawn Leins

District Manager
Wrathell, Hunt and Associates, LLC (WHA)
District Counsel
District Engineer

Residents present:

Paula Steinert
Frank Pokornik
Thomas Hart

Jeff Munzing
Deb Pokornik
Lisa Hart

Dennis Koroll
Bill Ambrose
Other Residents

Tom Gerson
Raymond Foxwell

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:03 a.m.

All Supervisors were present.

SECOND ORDER OF BUSINESS

**Continued Discussion: Resolution 2021-05,
Policies Regarding the Conduct of
Meetings of the Board [5 minutes]**

Mr. Blaser read portions of Resolution 2021-05 concerning conduct in CDD meetings.

THIRD ORDER OF BUSINESS

**Discussion/Consideration:
Duration [1.00 hour]**

Meeting

Mr. Blaser hoped to conduct the meeting within 1.00 hour.

FOURTH ORDER OF BUSINESS

**Approval of November 1, 2023 Regular
Meeting Minutes [5 minutes]**

Mr. Schmitt left the meeting briefly and returned at 10:05 a.m.

Regarding Line 241, Mr. Schmitt asked what was meant by “Resident Jeff Munzing asked if the CDD knew Juniper had a problem with irrigation, as he thinks that the roadways’ transverse cracking could have been prevented if the contractor proceeded with the original plans.”

Ms. Cerbone suggested approval of the minutes be deferred; Ms. Sanchez will review the audio and provide necessary edits to the minutes.

This item was deferred.

FIFTH ORDER OF BUSINESS

Chairman’s Opening Remarks [5 minutes]

Mr. Blaser asked for the meeting to be kept as cordial as possible.

SIXTH ORDER OF BUSINESS

Public Comments [15 minutes]

Resident Dennis Koroll stated he has been asking for drawings of the Clubhouse. He located some preliminary drawings of the Clubhouse and the bridge, which he offered to provide to the CDD. Mr. Blaser thanked Mr. Koroll and asked him to provide them to Staff.

Mr. Koroll asked if a letter was sent to the Developer regarding the roads, as discussed at the last meeting.

Mr. Blaser reminded attendees that questions will be answered after public comments are received.

Ms. Sanchez stated District Counsel will address that before the end of the meeting.

Resident Jeff Munzing criticized Juniper's work. He asked if signs for the bridges were given to the HOA and questioned whether the road plans and specifications were followed. He stated his belief that transverse cracking will lead to premature road failure. He thinks a comment was made two meetings ago about the CDD paying for roads, when it should have been the HOA or the Developer, He asked who approved it, if that is correct.

Resident Paula Steinert asked if the CDD has additional documents regarding turnover from the Developer.

Mr. Blaser stated some of these questions might be addressed at the next meeting.

Ms. Sanchez stated Mr. Munzing's questions regarding Juniper should be addressed to the Master Association. Regarding road cracking and the letter to the builder, an update will be provided later in the meeting.

Ms. Sanchez stated she will provide her email address so that Ms. Steinert can make a public records request for the documents she is seeking.

Ms. Cerbone stated the CDD utilized construction funds, bond money, for construction of the roads. Once all the bond money was depleted, if it was determined that additional construction-related expenses were necessary so the Developer, under the Completion Agreement, would have paid for those. The Developer would have paid for those by depositing money in the Construction Account in the CDD's name. Through the submission of invoices reviewed by the District Engineer, the CDD would have utilized the money that the Developer or an applicable party sent to the Construction Fund and then issued a check to pay the contractors. The CDD did not use assessment-related funds to pay for the construction of the roads. That is where Ms. Sanchez's remark is helpful; a public records request can provide a link to construction requisitions.

Ms. Cerbone stated, with regard to "turnover documents," the term "turnover" is not utilized with the CDD. "Turnover" typically is utilized with the Master Association and the HOA or the POA; therefore, the CDD would not have those documents. The CDD has a Certificate of Completion regarding the 2014 Project and the 2018 Project and the improvements to be installed; those would be the public records that the CDD can provide.

Mr. Blaser stated there will be an additional opportunity for public comment at the end of the meeting.

SEVENTH ORDER OF BUSINESS

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

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

EIGHTH ORDER OF BUSINESS

Staff Reports [10 minutes]

A. District Counsel: Straley Robin Vericker

Ms. Sousa stated that Mr. Babbar is working on both items discussed at the last meeting; he is following up with Juniper regarding outstanding warranties related to landscaping and he is working on the letter to the Developer.

Ms. Sanchez stated she sent all her emails with Juniper, including Mr. Dan Damont and Mr. Anthony Scappatura, to Mr. Babbar and he stated drafting something but she believes he would like to present it himself. If she receives a draft prior to the next meeting, she will blind copy it to the Board. She stated that Mr. Babbar also has all the information she could find related to the letter to the builder; she sent Mr. Babbar the information from requisitions and Meeting Minutes and she can also blind copy the information to the Board.

Discussion ensued regarding the letter Mr. Babbar is drafting.

Ms. Sanchez stated her understanding that Mr. Babbar is addressing the letter to the builder, with a copy to the Developer.

B. District Engineer: AM Engineering, LLC

There was no report, as Mr. Leins left earlier to attend another meeting.

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

- **NEXT MEETING DATE: January 3, 2024 at 10:00 AM**
 - **QUORUM CHECK**

The next meeting will be held on January 3, 2024, unless canceled.

Discussion ensued regarding whether to cancel the January meeting, the upcoming mediation and the goal of scheduling meetings on a quarterly basis.

Ms. Sanchez stated the January meeting will not be canceled for now; rather, she will poll the Board a week and a half before the meeting date.

NINTH ORDER OF BUSINESS

Board Members' Comments/Requests [2 minutes]

A Board Member asked Ms. Cerbone to explain her earlier comment regarding the Developer's contribution.

Ms. Cerbone stated she did not reference any improvement in her statement; she stated, once bond funds were utilized for the construction of the roadways and other improvements in the CDD and when funds were totally depleted, the Completion Agreement obligated the Developer to complete those improvements, whether bond funds remained or not. While a Developer will typically pay the vendor, some Developers like to keep everything flowing through the CDD so, when there is an expenditure, the Developer will fund the CDD Construction Account, not the Operating Account. The pay draw will then be made from the Construction Account to pay the vendor. The Developer did deposit money into the Construction Account to fund the expenses, which she does not believe were over \$100,000 or \$200,000. If there were any other applicable parties, the Developer could have asked those applicable parties to also contribute via a check payable to the CDD Construction Account. She believes DR Horton and possibly another party could have contributed; once the public records request is received, the same information will be sent to the Board regarding monies into the account and payments made from the account. There were several hundred requisitions so the information will be sent via a Dropbox or similar link.

Mr. Collins stated, with regard to road and sidewalk issues, the HOA was supposed to negotiate with the Developer regarding turnover. He repeatedly asked the last HOA President about whether the HOA actually met with the Developer and had discussions but he did not receive a straight answer. He thinks the new Board might be more responsive. In his opinion, these issues are very common in developments where things are turned over and issues might

not be apparent until months or years later. Such matters are handled with the HOA and with the Developer; outside experts inspect and verify. He stated, while these questions are being asked of the CDD Board, a lot of these issues and matters are handled by the HOA. He encouraged homeowners to bring these questions to the HOA and follow up with them rather than with the CDD.

A Board Member asked if the letters to the builder regarding the roads and sidewalks will be passed on to the HOA.

Mr. Collins stated the letters can be passed on but it is an HOA issue so it should be communicated by, followed up by and resolved by the HOA.

It is hoped that further information will be available for discussion at the next meeting.

Mr. Contardo stated he observed a lot of growth around the lake. There is a maintenance contract and he informed Sebastian, who will look into it. There was a presentation regarding the littoral grasses, which are planned to grow 20% per year. It will overtake the lake in a short time. He believes a plan should be developed to address the issue going forward.

Mr. Blaser asked attendees to send photos of any road damage to Staff.

TENTH ORDER OF BUSINESS

Public Comments [15 minutes]

Ms. Steinert asked about any remaining warranty on the Developer contracts that the CDD can pursue, in writing.

Mr. Munzing expressed his opinion that, based on the reserve study, all homeowners will have to pay a lot in the future for road and sidewalk repairs. He stated another reserve study was just done and discussed what he thinks are potential and observed issues that could be found. He discussed dumpsters on finished roads and opined that the paving was not finished properly when the project was nearing completion. He voiced his opinion that there are issues with gutter curbs and that they need to be milled. In his opinion, an outside Engineering opinion is needed.

Mr. Blaser noted that all Board Members are also homeowners.

ELEVENTH ORDER OF BUSINESS


Adjournment

On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor, the meeting adjourned at 10:32 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair