

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on March 1, 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

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Vivek Babbar	District Counsel
Chris Simmons	Resident/HOA President
Dan Damont	Juniper Landscaping
Anthony Scappatura	Juniper Landscaping

Residents present:

Janet Sasso	Diane Jochum	Jeff Munzing	Dennis Koroll
Rick Rogala	Greg Talarico	Thomas Hart	Linda Hogenmiller
Lynn Rogala	Kathy Gombos	Bill Ambrose	Lisa Hart

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:01 a.m. Supervisors Blazer, Schmitt, Contardo and Collins were present. Supervisor Traczuk was not present.

SECOND ORDER OF BUSINESS

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

Meeting

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

THIRD ORDER OF BUSINESS**Presentation for Juniper Landscaping [10 minutes]**

Ms. Cerbone stated the Juniper Representatives will only discuss the CDD Agreement regarding construction and installation of landscaping related to the sabal palms and sabal palm damage and/or destruction as a result of Hurricane Ian. The Construction Agreement between the CDD and Juniper has a warranty clause, in the Third Amendment, which included re-staking and/or replacing sabal palms destroyed in the event of a storm. She recalled that, after the last meeting, Mr. Simmons facilitated a golf cart tour for himself, District Managers, Supervisor Schmitt, Anthony Scappatura, from Juniper, and a few residents to tour the areas with sabal palms. The group provided feedback and Mr. Scappatura was very attentive and receptive of the feedback given on site. The group asked Juniper to prepare a letter for inclusion in the agenda, have representatives present at the meeting to address the warranty work and pending items and to respond to Board questions. Residents who participated in the golf cart tour were informally asked to email their specific concerns, complaints and preferences to Management; no feedback was received except one email about a leaning tree, which Juniper was asked to address. Juniper staked the tree and the resident sent a thank you email. Staff received feedback from the Board and the Juniper letter is included in the agenda, as requested.

Mr. Dan Damont stated Juniper has serviced the CDD since 2014 and, in 2019, Juniper was asked to plant a sabal buffer by the Developer, whose intention was to hide the adjacent property. Juniper devised a plan to create a sabal buffer and hesitantly agreed to provide insurance for the trees. Mr. Damont discussed the following breakdown:

- 1,913 trees were originally planted in the enhanced warranty buffer area under the insurance agreement.
- 1,868 trees are currently standing, including those replaced by Juniper.
- Juniper replaced 110 trees, re-staked 227 at-risk trees and will flush-cut and mulch 53 root ball trees that cannot be replaced.
- Juniper prefers to credit a net deficit of 45 trees back to the CDD because it is difficult to access the areas where the trees were destroyed.

Mr. Damont responded to questions regarding the location of the enhanced warranty buffer area, if hedges can be installed to block the property behind Toscana Isles, if Juniper is aware of several leaning and failing trees, the flush-cut process, Irrigation Techs, 53 root ball trees, an above-ground pvc pipe along a back wall and landscaping quotes.

Ms. Cerbone stated the construction installation of landscaping and irrigation in relation to the sabal palms was paid out of municipal bond funds; therefore, any credits received must be utilized for CDD items/improvements in the 2018 Engineer’s Report; landscaping was one of those items. She was confident that whatever the recommendation from the provider, if it falls in the landscaping category, it will be acceptable to the District Engineer, District Counsel and Bond Counsel. She will obtain written confirmation from all three parties.

Asked what must be done to commence, Mr. Damont stated Juniper will produce an exhibit of the project and a proposal for the Board’s approval and proceed from there. Asked if the proposal will be limited by the credit amount, Mr. Damont replied affirmatively. Asked about the grass destroyed by Juniper’s equipment, Mr. Damont stated the CDD must pay for the grass; the insurance policy only assured the sabals.

On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor, hearing public comments only related to only the sabal palms, was approved.

Resident and HOA President Chris Simmons asked how many trees the \$13,500 credit covers. Mr. Damont stated 45 trees will be credited back but the number could increase as Juniper will re-examine the area for additional failing trees. Since the area was under water for several weeks, there are several variables of which the CDD should be mindful.

Ms. Cerbone clarified the following:

- The original contract, plus all amendments, forecast 2,268 sabal palms.
- Only 1,913 palms were installed and paid for and the contract was closed but the warranty is still open.

- **Sabal Palms (1/3 of original size)**
- **Grass Destroyed by Vendor equipment**

These items were addressed during the Third Order of Business and in Juniper's letter.

FIFTH ORDER OF BUSINESS

Public Comments [15 minutes]

Ms. Cerbone explained the protocol for public comments.

Resident Bill Ambrose asked why the CDD is involved in the parking policies if the HOA is in charge of road maintenance.

Resident Jeff Munzing asked which entity is responsible for the downed and missing or leaning signage caused by Hurricane Ian.

Mr. Simmons asked if Ms. Cerbone had an answer to his previous email. Ms. Cerbone stated Mr. Simmons emailed some requests about Board Members, the CDD and the HOA, which she forwarded to the Board Members. The Board is aware of his email, her telephone response and that she let Mr. Simmons know to feel free to discuss the issue.

Resident Greg Talarico asked about residents who constructed a berm or retaining wall, how will it work and if the CDD is responsible for the project.

Ms. Cerbone addressed the above comments as follows:

- **Parking Policies:** For CDD-owned roads, even if there is a maintenance agreement with the HOA, the CDD is legally the entity that should establish parking policies. The CDD contracts with a towing company and, at the same time, the CDD contracts with the HOA who usually appoints the property manager to be the administrator of the parking policy. Based on a conversation with the Chair and the new HOA President, this is an open item but, due to other activities the HOA is addressing, Mr. Simmons asked to keep it on the agenda until finalized. When the HOA, in coordination with the CDD, can fully amend the policy, Staff will proceed. The parking policy in the agenda book is where it left off with a former resident CDD Board Member and a former HOA President.
- **Signage:** For CDD-owned areas, a repair and maintenance agreement covers everything. Under the terms of the agreement, the HOA is responsible for repairs and maintenance.

- Regarding missing signage on bridges and a weight limit, Ms. Cerbone, along with the District Engineer, will inform the HOA.
- Resident-built Berm: The area where the berm might have been built was done near the weir, which is not on CDD or HOA property; it is likely on private property. The only entity that has access rights to the weir is the HOA, not the CDD; it is a plat dedication.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2023 [3 minutes]

Ms. Cerbone presented the Unaudited Financial Statements as of January 31, 2023.

On MOTION by Mr. Blaser and seconded by Mr. Contardo, with all in favor, the Unaudited Financial Statements as of January 31, 2023, were accepted.

SEVENTH ORDER OF BUSINESS

Approval of February 1, 2023 Regular Meeting Minutes [2 minutes]

Ms. Cerbone presented the February 1, 2023 Regular Meeting Minutes.

On MOTION by Mr. Blaser and seconded by Mr. Contardo, with all in favor, the February 1, 2023 Regular Meeting Minutes, as presented, were approved.

EIGHTH ORDER OF BUSINESS

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

This item was deferred.

NINTH ORDER OF BUSINESS

Discussion: CDD Workshop Topics [10 minutes]

Ms. Cerbone recalled a previous discussion about holding a CDD workshop and about the accompanying agenda. Staff followed up with each Board Member and with District Counsel to discuss potential meeting dates and venue availability. The workshop will be held on

March 14, 2023 at 5:00 p.m., at this location. Ms. Cerbone reviewed the sample workshop agenda.

On MOTION by Mr. Blaser and seconded by Mr. Schmitt, with all in favor, scheduling the CDD Workshop on March 14, 2023 at 5:00 p.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275, was approved.

TENTH ORDER OF BUSINESS

STAFF REPORTS [10 minutes]

A. District Counsel: *Straley Robin Vericker*

Mr. Babbar reported the following:

- There was recently a conference call regarding the litigation involving access to the weir, wherein all parties participated.
- The case is currently in the discovery phase, during which the parties can request/compile documents and necessary information.
- The case is set for a non-jury trial on April 9, 2024; discovery is set to conclude by December 2023.

B. District Engineer: *AM Engineering, LLC*

There was no report.

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

Ms. Cerbone noted the Board deferred this at the last meeting. If the Board wants to proceed, she can include it as an expense in the fiscal year but must first do a cash forecast. She responded to questions regarding the cost proposal of \$5,500 per month for District Improvement Inspections.

The Board's consensus was to table this item until the CDD hears from the HOA regarding if the HOA would like to engage the District Engineer.

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

- **NEXT MEETING DATE: April 5, 2023 at 10:00 AM**
 - **QUORUM CHECK**

The next meeting will be on April 5, 2023.

The Workshop meeting is scheduled for March 14, 2023 at 5:00 p.m.

ELEVENTH ORDER OF BUSINESS

Board Members’ Comments/Requests [5 minutes]

There were no Board Members’ comments or requests.

TWELFTH ORDER OF BUSINESS

Public Comments [15 minutes]

Mr. Ambrose reported that three pipes in the alley need to be inspected; two are visible and one is obscured.

Discussion ensued regarding the location of the pipes, the easement, the lake and the District Engineer. Ms. Cerbone stated, if a pipe is blocked, the HOA needs to unblock it.

Resident Thomas Hart asked if there is a construction agreement with the correct number of trees presented to the CDD by Juniper.

A resident asked if there is a setback going beyond the fence to the sabal palms.

Ms. Cerbone made the following clarifications:

- Sabal Palms: The contracts, plus amendments, show 2,268 trees. The AIA documents show 1,913 trees, based on what was changed in height or could not be installed. It was signed, sealed and certified by the District Engineer; the contractor was paid for 1,913 trees.


Mr. Babbar will find out if the document should be amended and report his findings at the next meeting.

- Staff does not believe CDD lands go beyond the fence in the location of the sabal palms. Interested individuals could check the Property Appraiser’s website to see who owns the land.
- The CDD does not have any maintenance contracts with Blue Heron Landscaping and will defer the question to the HOA.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Schmitt and seconded by Mr. Contardo, with all in favor, the meeting adjourned at 11:19 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair