

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on June 7, 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 (via telephone)	Assistant Secretary
Michael Traczuk	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Andrew Kantarzi	Wrathell, Hunt and Associates, LLC (WHA)
Vivek Babbar (via telephone)	District Counsel
Anthony Scappatura	Juniper Landscaping
Diane Jochum	Resident/HOA Board Member

Residents present:

Tom Hart	Erika Lewis	Bill Ambrose	Robert Raimondi
Lisa Hart	Janet Sasso	Nancy Gibson	Maryann Bozich-DiLuigi
Alan Hintz	Paula Steinert	Other Residents	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:01 a.m.

Supervisors Contardo, Traczuk and Schmitt were present. Supervisor Collins attended via telephone. Supervisor Blaser 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

Approval of May 3, 2023 Regular Meeting Minutes [2 minutes]

Ms. Sanchez presented the May 3, 2023 Regular Meeting Minutes. The following changes were submitted in advance of the meeting:

Line 60: Change “were” to “will be”

Line 111: Change “reply” to “rely”

On MOTION by Mr. Contardo and seconded by Mr. Traczuk, with all in favor, the May 3, 2023 Regular Meeting Minutes, as amended, were approved.

FOURTH ORDER OF BUSINESS

Resident Concerns [5 minutes]

- **No Parking Signs at Dog Park**

Ms. Sanchez stated this matter will be determined by the Master Association.

- **Responsibility for Parking/Towing**

Ms. Cerbone stated, if the HOA and CDD Boards want to tow legally, both Boards must agree upon parking and towing rules and a public hearing must be held at a CDD meeting to adopt the rules. The CDD must enter into an Agreement with the towing company and name the HOA as the Administrator with the towing company. Once parking and towing rules are adopted by the CDD, if the HOA Officer or Property Manager notices a violation they can legally have the vehicle or other obstruction on the CDD road towed. If formal rules are not adopted and a car is towed, the individual who contacted the towing company could be held liable.

- **Rules Implementing Street Parking**

Regarding a suggestion to implement alternate side of the street parking, Ms. Sanchez stated, once rules are implemented, the consequences will be determined.

- **Surplus Funds in Budget**

Ms. Sanchez stated surplus funds remain in the budget for future use.

FIFTH ORDER OF BUSINESS

Chairman's Opening Remarks [5 minutes]

In the absence of the Chairman, this item was not addressed.

SIXTH ORDER OF BUSINESS

Public Comments [15 minutes]

Mr. Contardo stated that, after all public comments are heard, the Board will determine which to address during this meeting.

Resident Paula Steinert stated, with regard to parking rules, a request was made for unrestricted parking during the day, with restrictions at night. She asked who would monitor parking, noted that only neighbors could document violations and asked how long it would take to address towing.

Resident Erika Lewis asked if parking rules will address parking on sidewalks. She observed numerous vehicles parked on the sidewalk, forcing dog walkers to walk in the street.

Resident Lisa Hart suggested violators be fined rather than towed so the CDD would receive the money rather than a towing company.

Resident and HOA Board member Diane Jochum stated the HOA is discussing the issue and the HOA prefers not to tow cars, utilize boot devices or issue fines. The HOA will send suggestions to the CDD Board and the HOA welcomes the CDD's input. The HOA sent a letter to Mr. Peshkin and daytime parking changed from two hours to eight hours.

Resident Robert Raimondi requested an update regarding Juniper's repairs.

Resident Bill Ambrose recalled previous enforcement of a parking policy with a 24/7 gate staff rover issuing fines and warnings; the annual cost was more than \$250,000 for the gate and rover services.

Resident Maryann Bozich-DiLuigi complained of a box truck parked behind her home. While she understands construction is ongoing, she thinks the truck should remain where the construction is occurring.

Resident Nancy Gilson stated she received a notice that CDDs in Sarasota County received tax rebates that should be passed on to HOA. She asked if the CDD received rebates and, if so, why they were not passed on to residents.

Ms. Garcia stated the questions the Board and Staff do not address today will be addressed at the next meeting.

Regarding overnight parking, Ms. Cerbone thanked Ms. Jochum for speaking with her before the meeting. Given her understanding that the HOA does not want to tow, she suggested that, in the interest of time, the HOA ask its Counsel to check the Covenants to determine what the HOA can do regarding CDD-owned roads without the CDD. This would address every issue related to parking and towing.

Mr. Contardo stated the CDD Board is looking forward to seeing a policy from the HOA, as this seems to be a growing issue. He believes it would be expedient for the HOA to establish the policies and then, based on the policies, the CDD can assist with the implementation.

Regarding construction trucks on the road, Ms. Cerbone suggested residents call the HOA Property Manager, who can contact the parties, beginning with DR Horton or field staff.

Discussion ensued regarding the HOA's authority to address these issues.

Regarding the warranty work to be completed by Juniper, Ms. Sanchez stated work has not started yet; Juniper will begin work on July 10, 2023

Mr. Raimondi asked if the sabal palm trees have a warranty. Ms. Sanchez stated his question will be answered before the end of the meeting.

Ms. Cerbone asked Ms. Gibson for the letter that she received about tax rebates that she thinks the CDD should pass on to the HOA. Ms. Gibson did not have it with her but will email it to Ms. Cerbone. Ms. Cerbone stated the only thing she can think of is that it might be about refunds issued for overpayments for fees incurred in conjunction with placing non-ad valorem assessments on the property tax bills. Refunds are made payable to the CDD and deposited into the CDD's account but those are refunds, not rebates. Ms. Gibson thinks the letter referred to a refund.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-06, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing

Severability; and Providing an Effective Date [10 minutes]

Ms. Sanchez presented Resolution 2023-06. She noted that, as indicated on Page 7 of the proposed Fiscal Year 2024 budget, assessments decreased by \$15.54 for each unit type compared to the Fiscal Year 2023 assessments. She reviewed the proposed Fiscal Year 2024 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2023 budget, and explained the reasons for any changes. This budget does not include Field Operations.

Discussion ensued regarding “Unassigned Funds” and the “3 months working capital” that is needed to fund expenses until the CDD receives assessment revenues from the Tax Collector, once property owners pay their taxes. Ms. Cerbone stated, while the funds are not specifically assigned or restricted, it is recommended that CDD bills be paid on time due to the prompt payment policy that is in effect.

Mr. Contardo asked Ms. Cerbone to discuss the interest rates on the bonds.

Ms. Cerbone stated both the Series 2014 and 2018 bond issuances have a “ten-year call” period, which means, for the first ten years, the bonds cannot typically be refinanced because the non-taxable status of the bonds would be triggered. After the call period ends, it might make sense to refinance, if the market has favorable interest rates. Refinancing the remaining portion of the debt would not extend the payments further and the payment would be lowered. Staff will monitor interest rates and advise at the opportune time.

On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor, Resolution 2023-06, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law on September 6, 2023 at 10:00 a.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-07, Designating Dates, Times and Locations for Regular Meetings of the Board of

Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date [5 minutes]

Ms. Sanchez presented Resolution 2023-07. She noted that the January 3, July 3 and September 4, 2023 meetings fall close to holidays, which might create quorum issues.

The consensus was that changes will be made closer to the meeting dates, if necessary.

On MOTION by Mr. Schmitt and seconded by Mr. Traczuk, with all in favor, Resolution 2023-07, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

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

This item was discussed during the Fourth Order of Business.

TENTH ORDER OF BUSINESS

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

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

ELEVENTH ORDER OF BUSINESS

STAFF REPORTS [10 minutes]

A. District Counsel: Straley Robin Vericker

Mr. Babbar stated there are no new developments with regard to the lawsuit; depositions will be taken in December.

B. District Engineer: AM Engineering, LLC

There was no report.

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

- **1,067 Registered Voters in District as of April 15, 2023**

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

On MOTION by Mr. Schmitt and seconded by Mr. Collins, with all in favor, canceling the July 5, 2023 meeting, was approved.

Ms. Sanchez asked the Board Members to check their spam folders for quorum check and electronic agenda emails, as emails are regularly sent by various staff members.

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests [5 minutes]

A Board Member recalled that the contract with Juniper was approved at the last meeting and the minutes reflect that Anthony agreed to a one-year warranty on palm trees. All the other plants installed have a 90-day warranty.

Mr. Traczuk expressed his opinion that parking enforcement will be difficult and suggested engaging the assistance of the Police or Sheriff. Mr. Contardo recalled the police were contacted in the past in this regard. Ms. Cerbone stated, in the past, she was asked to contact the City of Venice Police Department to inquire. A Traffic Enforcement Agreement would be required and all signage, including yield, stop, speed limit, etc., within the CDD would need to be Florida Department of Transportation (FDOT) compliant. She did not recall if that is why the matter was not pursued further and stated she will help the CDD and HOA Boards revisit the matter if they wish to do so.

A Board Member noted that changes to the Governing Documents are not enforceable without a formal Amendment.

Asked if volunteers are needed to patrol parking lots at night, Ms. Jochum stated the HOA does not want residents to manage incidents involving other residents. She supports the idea of becoming FDOT compliant to enable a police response. Ms. Cerbone stated that was one issue raised by the police and noted the police will respond to 911 calls on CDD and HOA

property for violations of the law. Supervisors Contardo and Collins agreed that use of volunteers to patrol parking lots is not a desirable solution to the issue.

THIRTEENTH ORDER OF BUSINESS

Public Comments [15 minutes]

A resident mentioned that, when a property is sold, the taxes paid are prorated and repaid at the closing. Ms. Cerbone stated that is not a CDD matter; the sale is between the buyer and the seller of the property, unless it is an Estoppel with the original sale.

Resident Lisa Hart reported that some trees planted by Juniper died.

Resident Tom Hart expressed concern about young children riding motorized scooters in the streets and asked if the HOA or the CDD can address the issue.

Mr. Ambrose expressed support for police involvement but noted that a cost might be incurred.

Ms. Bozich-DiLuigi asked if the issue preventing the police from patrolling is due to FDOT compliance.

Resident Janet Sasso stated she read that the minimum age to operate a golf cart will increase on July 1, 2023 and asked if the CDD will update its rules accordingly.

Resident Alan Hintz asked if the budget just voted on is the proposed Fiscal Year 2024 budget and if it will be adopted in September. He asked about the bond Underwriter and what the interest rates are because, in his opinion, the interest rates do not seem consistent with interest rates at the time.

Ms. Cerbone recalled that the Developer-based Board previously passed a Resolution regarding golf carts. She suggested the Resolution be circulated to the Board and included in the next agenda, as it might include rules relating to golf carts and other motorized vehicles. Mr. Babbar can address rules for vehicles on the road and the CDD and HOA can work together on the matter. If the Board directs her to, Ms. Cerbone will research traffic enforcement regulations related to signage and determine if the existing signs are FDOT compliant.

Ms. Cerbone stated she believes FMSbonds is the bond Underwriter. She stated the Developer would have sought the best possible interest rate and noted that the municipal bond market is very small; most of the bonds are “dirt” bonds and the CDD has first lien rights.

It was noted that Mr. Babbar left the meeting earlier.

Ms. Sanchez stated she will email the concerns to Mr. Babbar for his review.

Mr. Contardo noted that street legal golf carts might carry additional driver restrictions.

A Board Member recalled Anthony, from Juniper, stating he will replace the palm trees that died.

Regarding the expanded warranty work to begin the week of July 11, 2023, Ms. Cerbone suggested designating a Board liaison, given the cancellation of the July 5, 2023 meeting. The consensus was that Mr. Traczuk will serve in this capacity for now. In consideration of the Sunshine Law, Mr. Schmitt will email information to Ms. Sanchez.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Schmitt and seconded by Mr. Traczuk, with all in favor, the meeting adjourned at 11:12 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair