

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on November 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
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
Diane Jochum	Resident/HOA Board Member

Residents present:

Joanne Koscielniak	Jim Tenney	Thomas Hart	Lisa Hart	Nancy Gibson
Raymond Foxwell	Bill Ambrose	Dennis Koroll	Irwin Block	Jeff Munzing
Other Residents				

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:01 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 read portions of Resolution 2021-05 concerning conduct in CDD meetings.

THIRD ORDER OF BUSINESS

**Discussion/Consideration: Meeting
Duration [1.05 hour]**

Mr. Blaser hoped to conduct the meeting within 1.05 hours.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2024-01, Adopting Revised Policies Relating to Golf Carts on District Property; Designating Certain District Roads and Areas for Golf Cart Use; Providing for Conflicts, Severability, and an Effective Date [5 minutes]

This item was presented following the Fifth Order of Business.

FIFTH ORDER OF BUSINESS

Approval of September 6 2023 Public Hearing and Regular Meeting Minutes [2 minutes]

On MOTION by Mr. Schmitt and seconded by Mr. Collins, with all in favor, the September 6, 2023 Public Hearing and Regular Meeting Minutes, as presented, were approved.

- **Consideration of Resolution 2024-01, Adopting Revised Policies Relating to Golf Carts on District Property; Designating Certain District Roads and Areas for Golf Cart Use; Providing for Conflicts, Severability, and an Effective Date [5 minutes]**

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

Mr. Babbar stated Resolution 2024-01 depicts policy changes with respect to golf carts and raising the age limit to 18. Some requirements and language were streamlined to ensure compliance with State laws.

Mr. Blaser opened Public Comments.

Resident and HOA Board Member Diane Jochum noted that the HOA adopted the same policies pertaining to age limits, including permits, and adopted the registration requirement,

which is done at the office at no cost. Mr. Blaser asked if the CDD needs to incorporate the HOA policy into the CDD Policy. Mr. Babber stated it is already covered under Section 7e.

A resident asked if the State requires insurance on the golf carts. It was noted that Section 7B requires proper insurance; some think it is homeowner’s insurance that covers it.

Resident Irwin Block asked how the registration requirement will be enforced. Ms. Sanchez stated it is an HOA question; she suggested speaking to Ms. Jochum after the meeting.

Having reviewed statutes, Mr. Babbar stated that low speed vehicles require liability insurance. He noted that golf cart usage in the CDD is a privilege, not a right.

A resident asked about a policy for golf carts and asked why it does not require insurance on motorcycles, motorized bikes and skateboards. It was noted that those are governed by Florida Law and golf cart usage is regulated by local governmental entities.

Mr. Blaser closed Public Comments.

On MOTION by Mr. Schmitt and seconded by Mr. Collins, with all in favor, Resolution 2024-01, Adopting Revised Policies Relating to Golf Carts on District Property; Designating Certain District Roads and Areas for Golf Cart Use; Providing for Conflicts, Severability, and an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Chairman’s Opening Remarks [5 minutes]

Mr. Blaser deferred his remarks to after Juniper Landscaping’s (Juniper) update.

SEVENTH ORDER OF BUSINESS

Public Comments [15 minutes]

Resident Nancy Gibson asked about the study to determine ownership/responsibilities of the CDD and the HOA. Ms. Sanchez stated that will be covered later in the meeting.

Resident Dennis Koroll asked if it is the responsibility of the CDD or HOA to install and pay for weight limit signs on bridges. He thinks the District Engineer stated the weight capacity is 20 to 25 tons. He asked for signage with that information to be installed on the bridge. Ms. Sanchez stated that the District Engineer can provide a response, if available; otherwise, it will be provided at the next meeting. Regarding Mr. Blaser’s comment that the Florida Department

of Transportation (FDOT) determines the appropriateness of signs, Mr. Korol voiced his opinion that FDOT regulations should not matter if the homeowners want signs posted.

Mr. Block voiced concern about liability litigation. He believes posting a weight limit sign has a significant risk mitigation on the CDD; in the event of trucks damaging the bridge, the burden becomes on the party who caused the damage.

A resident asked for the CDD to provide the drawings for the clubhouse and guardhouse to the HOA. He thinks it will be helpful when mechanical and control issues arise.

Ms. Sanchez read the following email from Mr. Leins regarding the bridges:

“As far as the weight limits on bridges and required signage; the design of these bridges meet FDOT standards with a weight capacity of 20 to 25 tons. Whether to post signs or not would be an HOA call, but there are not too many vehicles that exceed those limits. A fully loaded cement truck could exceed those limits, but they would be using a construction entrance.”

Mr. Leins affirmed the above statement.

A resident stated that cement and sod trucks are accessing through the south gate and not adhering to the sign directing construction traffic to the north gate. Asked who oversees the gates, Mr. Blaser stated that it is the HOA.

Mr. Blaser asked if the CDD should research liability concerning the bridges. Mr. Babbar stated that the Agreement with the HOA covers liability and incidents.

It was noted that information about the missing stop signs and whether the signs are FDOT compliant will be addressed later in the meeting.

EIGHTH ORDER OF BUSINESS

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

In his absence, Ms. Sanchez presented Mr. Scappatura’s email list of the following outstanding items:

- The remaining punch list items from Mr. Schmitt have not been completed.
- A few more palms on Soliera need bracing.
- A few more holes need to be filled.

➤ Two piles of 2x4’s need to be picked up.

Mr. Blaser asked Mr. Babber about the next step regarding legal action. Mr. Babber stated he will contact Ms. Sanchez offline to review Juniper’s actions to determine if a phone call or demand letter is needed.

Mr. Blaser referred to Line 114 of the last meeting minutes and asked Ms. Sanchez if Juniper is backing out of Mr. Scappatura’s response about addressing outstanding items. Ms. Sanchez stated she could not determine that from Mr. Scappatura’s recent email.

Mr. Schmitt reviewed the sabal palm warranty terms with Juniper, paying Juniper to address hurricane related damages, Mr. Scappatura’s verbal commitment to fill the holes and remove stakes and Juniper’s unwillingness to finish the punch list items, since the HOA terminated them.

Suggestions to address this matter included having the HOA get the work done and charge the CDD and/or filing a claim with Juniper’s insurance carrier for not fulfilling the contract. The consensus was for Mr. Babber to send a letter to Mr. DaMont, at Juniper, to include certain language and to appoint Mr. Schmitt as the contact person.

NINTH ORDER OF BUSINESS

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

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

TENTH ORDER OF BUSINESS

Staff Reports [10 minutes]

A. District Counsel: Straley Robin Vericker

Mr. Babbar stated he received a request for a Shade Session within a Public Meeting to discuss the 2022 litigation involving Wisdom Properties, LLC versus the CDD, HOA and Developer. A request was made for full mediation and to discuss the settlement offer.

Mr. Babbar formally requested a Shade Session for advice concerning the litigation; the subject matter will be confined to settlement negotiations and strategy sessions related to the litigation and expenditures.

The notice for the Shade Session will include the Board Members, CDD Staff with relevant information, Mr. Schmitt, District Counsel, Defense Counsel and the District Engineer. Members of the public cannot attend this portion of the meeting. A Court Reporter will transcribe the meeting, which will be made public once litigation has concluded.

On MOTION by Mr. Contardo and seconded by Mr. Schmitt, with all in favor, holding a Shade Session on Wednesday, December 6, 2023 at 9:00 a.m., at the Toscana Isles Amenity Center, 100 Maraviya Blvd., Venice, Florida 34275, and authorizing District Counsel to arrange the newspaper advertisement and engage a Court Reporter, was approved.

B. District Engineer: AM Engineering, LLC

- **Inspection Report Regarding CDD Ownership**

Mr. Leins presented the Inspection Report dated October 27, 2023 and responded to questions about recommendations to address safety matters noted in his Report, such as installing signage and landscaping or fencing at dead end streets. A Board Member asked if reflectors can be installed around the curbs to illuminate the islands. Mr. Leins replied affirmatively and stated another option is to use reflective paint.

Mr. Schmitt noted broken curbs and scars in the asphalt roadways need to be repaired. He voiced his belief that the top coat is not typically installed on roadways until construction is completed and asked why the protocol changed with construction still ongoing. Mr. Leins stated asphalt lifts are done both ways and there is no requirement to do the roads in two lifts.

Mr. Schmitt asked if the CDD can have the builder repair the damaged roadways. Mr. Babbar stated the CDD has no recourse unless there is a latent defect or it is not the best recommended practice. The CDD can send a letter to the Developer/contractor but, if the City and County requirements were met and it failed, they have sufficient defenses supporting that they did what they were obligated to do and complied with those requirements.

Mr. Babbar and Mr. Leins addressed questions about recourse, which involves obtaining evidence to prove which party is responsible for repairing damaged roadways and sidewalks.

Regarding the irrigation system issues, Ms. Sanchez recalled that the Board approved engaging a third party to assess the system after completion of Mr. Liens’ Inspection Report.

Discussion ensued about identifying which improvements were paid for with bond funds and water quality testing being excluded from the scope, which affects the irrigation system.

Mr. Liens confirmed that the traffic signs are FDOT compliant.

A Board Member thinks the CDD should know who repaired the roads and sidewalks and how they were repaired before sending a letter to the Developer/Builder. A Board Member voiced their belief that the CDD will receive information once the letter is sent. Ms. Sanchez was asked to research who previously performed the repairs.

On MOTION by Mr. Traczuk and seconded by Mr. Schmitt, with all in favor, authorizing District Counsel to draft and send a letter to the Developer/Builder asking for the roadways, gutters and sidewalks damaged during construction to be repaired, was approved.

Supervisor Collins left the meeting at 11:11 a.m.

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

- **NEXT MEETING DATE: December 6, 2023 at 10:00 AM**
- **QUORUM CHECK**

ELEVENTH ORDER OF BUSINESS

Board Members’ Comments/Requests [2 minutes]

This item was presented following the Twelfth Order of Business.

TWELFTH ORDER OF BUSINESS

Public Comments [15 minutes]

Ms. Gibson noted that the sidewalk on Soliera was repaired a few weeks ago and concrete was spilled on the driveways.

Resident Thomas Hart voiced his belief that curbing was funded with CDD bond funds and that the curbs were replaced more than once because the neighbors photographed the damaged areas and complained. He thinks the Curbcos invoice should show the repairs made.

Ms. Jochum voiced her opinion that copying Mr. Peshkin on the letter to Juniper might push Juniper to expedite completion of the outstanding items, since it was his construction warranty. She suggested scheduling a final walkthrough with the CDD, HOA and Juniper, to ensure all parties are on the same page before signing off that any repairs are completed.

Resident Jeff Munzing asked if Juniper had notified the CDD that they had a problem with irrigation. He believes that the roadways' transverse cracking could have been prevented if the developer proceeded with the original plans. He suggested the community submit pictures to the CDD of how the roads were paved and of troubled areas and that the Developer should have an expert with them on the walkthrough to identify failed roads. In his opinion, the current condition will not last to the 20-year life expectancy as noted in the Reserve Study. He thinks the CDD should hold all parties accountable.

▪ **Board Members' Comments/Requests [2 minutes]**

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

Mr. Traczuk stated his belief that the Builder or Developer should make the repairs and that the CDD and/or HOA should not fund the repairs.

Mr. Schmitt clarified an earlier comment that, when the CDD expends funds, those funds originate from the homeowners' assessments.

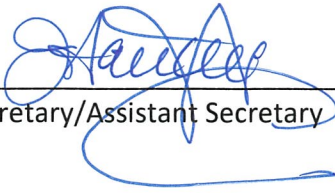
Mr. Blaser asked for clarification as to how the CDD pays for items that the HOA maintains. Ms. Sanchez stated she would email the information.

Regarding payment, Mr. Blaser voiced his opinion that the CDD should find out who was on the CDD Board at that time.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Blaser and seconded by Mr. Schmitt, with all in favor, the meeting adjourned at 11:24 a.m.



Secretary/Assistant Secretary



Chair/Vice Chair