

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

The Board of Supervisors of the Toscana Isles Community Development District held a Regular Meeting on May 1, 2024 at 10:00 a.m. at the Toscana Isles Amenity Center, 100 Maraviya Boulevard, 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:

Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Vivek Babbar (via telephone)	District Counsel

Residents present:

Tom Hart	Dennis Koroll	Kathy Syphard	Mac Syphard	Stephanie Rowland
Lisa Hart	Bobbi Sterin	Jeff Munzing	Michael Seaver	Maryann Bozich-Diluigi
Sue Perry	Trina Dwyer	Nancy Gibson	Diane Jochum	Other Residents
Alan Hintz	Janet Sasso	Bill Ambrose		

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 11:04 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 advised attendees that today's meeting is not an HOA meeting. He reviewed the rules and policies regarding the importance of respectful, civil conduct in CDD meetings. Questions and comments are welcomed.

THIRD ORDER OF BUSINESS

**Discussion/Consideration: Meeting
Duration [95 minutes]**

This item was not addressed.

FOURTH ORDER OF BUSINESS

Approval of Minutes [5 minutes]

- **March 12, 2024 Regular Meeting**

Ms. Sanchez presented the following edits submitted by Mr. Contardo:

Line 72: Change “Schmitt” to “Contardo”

Line 73: Delete “from the Army Corp of Engineers (ACOE)”

Line 74: Change “roads” to “loads”

On MOTION by Mr. Contardo and seconded by Mr. Blaser with all in favor, the March 12, 2024 Regular Meeting Minutes, as amended, were approved.

FIFTH ORDER OF BUSINESS

Chairman’s Opening Remarks [5 minutes]

Mr. Blaser noted Juniper’s comments in the HOA meeting and expressed his regret that the CDD did not meet last month to move the item further along.

SIXTH ORDER OF BUSINESS

Public Comments [15 minutes]

Resident Diane Jochum stated she received an inquiry from a resident related to perceived shoreline riprap damage along the Knights Trail lake resulting in debris entering the water. She provided pictures and asked who residents should approach with such issues.

Mr. Blaser stated the Board will sometimes not give an immediate answer but will review the inquiry with Staff and advise at a later time.

After reviewing the photos, Mr. Contardo asked Ms. Jochum to restate her concern.

Ms. Jochum stated a homeowner on Maraviya Boulevard who closed less than one year ago noticed riprap eroding from the shoreline and entering the lake. She asked who to contact about it since the Master Association maintains the area but the CDD owns the property. Mr. Contardo asked how much she thinks is related to water levels. Ms. Jochum does not believe it is related to water levels because she thinks the riprap shifted from where it was installed.

Resident Nancy Gibson stated the City truck that recently cleaned the sewers leaked transmission fluid along Soliera Street. Many cleaning attempts were made; she believes the

last product applied is causing the asphalt to crack. She asked if the roads are owned by the CDD. Mr. Blaser replied affirmatively. Ms. Gibson asked if the CDD knows of the problem and if it will work with the City on the issue. Mr. Contardo stated he viewed the area last month and observed stains on the road but nothing more. Ms. Gibson stated an area in front of her home that was treated twice is beginning to crumble. Mr. Contardo thanked her for the report and stated he will inspect the area. Mr. Blaser encouraged residents to send photos of issues whenever possible. Ms. Gibson stated her understanding that the City admitted responsibility and voiced her opinion that the CDD should ensure that the roads are restored.

Resident Jeff Munzing stated he emailed District Management about the emergency gate. The Board asked him to ensure the emergency gate works. Per Mr. Munzing, to the best of his knowledge, it has not worked since the hurricane. His understanding is that it was opened as another point of access/egress during an emergency. The Fire Marshal advised that the HOA needs to get it fixed or he will have the gate opened permanently until it is fixed. Hearing this, the HOA engaged the subcontractor who performed the repair and he confirmed that the gate operates now. The Fire Department has a key to the gate; however, in his opinion, overgrown foliage needs to be removed to ensure that the gate can slide the 30' necessary for it to open. He stated, if Knight's Trail is closed for any reason, that gate will be the only point of egress for emergency vehicles. He recommended a sign stating "Emergency Entrance Only" or similar, in English and Spanish, because landscapers have pushed the gate open manually to enter and exit. The gate contractor can be hired annually if a hurricane approaches.

Mr. Contardo asked how the gate lock and access works. Mr. Munzing stated that the "yelp" system includes a speaker that provides access to emergency vehicles. It was noted that landscapers, residents and golf carts have been accessing the back gate.

Ms. Sanchez reiterated that some of these matters will be researched and addressed at the next meeting. The first three items, including the issue of transmission fluids on the roads, will be action items that will be discussed at the next meeting.

Resident Maryann Bozich-Diluigi stated that DR Horton is finishing in the CDD and voiced her opinion that DR Horton destroyed the roads. She thinks that roads paved in 2022 have been damaged by heavy trucks and wants assurance that the CDD holds DR Horton accountable for road repairs before they leave the CDD. She asked about the conditions for release of the bond and asked what the CDD can do to make sure those funds are reserved for the roads. Asked what bond she is referring to, Ms. Bozich-Diluigi stated her belief that DR

Horton was required to post a bond. Mr. Blaser stated that a letter related to this will be discussed; the rest of the concerns will be investigated.

Resident Paula Stein asked why homeowners are being asked to bring questions to the CDD. Mr. Blaser stated the CDD receives questions from members of the public, like any other public entity. The CDD does not have personnel on site to inspect the property; therefore, the CDD relies on the HOA and residents to notify the Board of issues and concerns.

Mr. Blaser stated a second public comment period will be offered later in the meeting.

SEVENTH ORDER OF BUSINESS

Consideration of Matters Related to Wisdom Properties, LLC vs. LALP Development, LLC, Toscana Isles Community Development District, and Toscana Isles Master Association, Inc., Case No 2022 CA 004042 NC [15 minutes]

Mr. Contardo asked if this pertains to the previously discussed Common Interest Agreement. Mr. Blaser replied affirmatively. Ms. Sanchez stated that approval would be to enter into a Joint Defense Agreement with the Toscana Isles Master Association.

On MOTION by Mr. Contardo and seconded by Mr. Collins, with all in favor, the Common Interest Agreement, was approved.

EIGHTH ORDER OF BUSINESS

Discussion: Demand Letter to Juniper Landscaping of Florida, LLC for Completion of Warranty Work [10 minutes]

Ms. Sanchez presented the second Demand Letter sent to Juniper Landscaping of Florida, LLC (Juniper). Neither District Management nor District Counsel received a response. It was noted that the Board hoped for a response from the upper management level rather than from Mr. Anthony Scappatura; all previous parties were copied on the letter.

Mr. Schmitt stated he attended Juniper’s presentation and asked questions. During the presentation, Juniper stated that it completed warranty work related to the hurricane and he responded that the CDD Board did not believe the warranty work was completed. After the meeting, he had a discussion with Mr. Damont about what warranty work the CDD expected Juniper to complete and Mr. Damont had no idea of the CDD’s expectation. Mr. Damont thinks the stump grinders made the large holes and ruined the irrigation, and that the HOA hired

somebody to remove all the tree staking, including the new ones that Juniper installed, all of which is not true. Mr. Schmitt stated that Mr. Damont seemed open to correcting any existing problems but, in a subsequent call, he agreed to walk the enhanced warranty area with him, Mr. Anthony Scappatura and Eugene. Regarding whether another Board Member wishes to participate, the consensus was that Mr. Schmitt is still the lead Board liaison.

Mr. Schmitt stated the meeting is scheduled for May 15, 2024. He noted Mr. Damont's comment that, during the tour, whatever they can convince him is Juniper's responsibility, Juniper will correct it, so there is one more chance to resolve this matter amicably.

A Board Member noted that the HOA already completed some of the work. Mr. Schmitt stated he understands that the HOA paid approximately \$7,000 to have some stumps ground and never showed Juniper the invoice. He thinks there is a good chance that, if Juniper sees the invoices, Juniper will give the money to the HOA. He believes that Juniper's goal is to earn the CDD's business, if not this year, then next year. He recommended giving Juniper a chance.

A Board Member stated he is interested in the outcome of the meeting. He was supportive of Juniper until the events following the hurricane and what was presented to the HOA, which he thinks was disappointing, false information.

Mr. Contardo asked what the baseline of the negotiations with Juniper will be.

Discussion ensued regarding a punch list of items and irrigation.

Mr. Schmitt stated the priority is the CDD's request for Juniper to pay for the stump grindings and to fill the holes left over from removing the sabal palms; there are approximately 60 holes measuring 2' to 3' in diameter by 3' deep. Mr. Schmitt stated that he wants the HOA to be present for the walkthrough to evaluate the scope of work for the stump grinder they hired and the statements of Mr. Scappatura regarding work he performed. The HOA will also need to be present because it will be responsible for fixing whatever Juniper does not fix.

Mr. Contardo voiced his opinion that Juniper basically did a good job in the CDD.

Mr. Blaser stated the contract with Juniper specifically stated that Juniper would fill in the holes, cut down the trees to ground level and remove the debris. He specifically asked Mr. Anthony Scappatura if these three things would be completed and Mr. Scappatura said yes.

Ms. Sanchez asked if there is written documentation of the walkthrough. Mr. Schmitt stated an email from Mr. Anthony Scappatura to Mr. Damont, Eugene and himself set a tentative meeting date of May 15, 2024, with the time to be announced.

Ms. Sanchez asked for meeting confirmations to be emailed to District Management so Staff can follow up. The first letter to Juniper includes the punch list from her email to Mr. Anthony Scappatura; Mr. Damont was copied on all communications, including the \$7,215 invoice from the HOA. It is important for both letters and the backup to be present during the walkthrough. She asked Mr. Babbar for suggestions regarding the walkthrough with Juniper.

Regarding the meeting, Mr. Babbar recommended taking and sending notes to District Management and the parties, confirming what was discussed, what was agreed to and what they can do. While the parties might not be able to commit to anything during the walkthrough, the matter can be discussed at the next meeting.

NINTH ORDER OF BUSINESS

Discussion: Correspondence from Becker & Poliakoff Regarding D.R. Horton Construction Defects [10 minutes]

Mr. Traczuk voice his opinion that DR Horton basically denies any construction defects related to materials used or installation; however, DR Horton is willing to work with the CDD to inspect the property and have representatives from the CDD and the HOA look at damages to roads and sidewalks. After that, DR Horton is willing to determine what areas need to be repaired and will make those repairs. He asked if homeowners can have a copy of the letter. Ms. Sanchez replied affirmatively; it is a public record. Mr. Traczuk voiced his belief that all homeowners should see the letter and know that DR Horton is willing to cooperate concerning the roads and sidewalks. He thinks homeowners/residents should be asked to provide information as to damages they observe, so that necessary repairs can be documented.

Mr. Blaser asked for the letter to be read into the record and for it to be sent to the HOA for dissemination to residents and to begin documenting issues, including pictures and descriptions.

Ms. Sanchez read the April 2, 2024 email from Mr. Mark J. Stempler, of Becker & Poliakoff, into the record, as follows:

“Dear Mr. Babbar:

The undersigned law firm represents D.R. Horton, Inc. (“D.R. Horton”) concerning the Toscana Isles Community. We have been provided your letter dated February 14, 2024, concerning alleged damage to roadways, curbing, and sidewalks.

D.R. Horton denies that there are construction defect issues related to, “materials used, installation issues, or possibly both” as stated in your correspondence. Please advise what concerns are being raised about the concrete material, or specific installation issues. Further, it is not clear where all the alleged defects are located, based on your letter and the report from AM Engineering, LLC dated October 23, 2023. D.R. Horton, however, commits to working with the Toscana Isles Community Development District on these issues. D.R. Horton requests an opportunity to inspect the property and have someone from the CDD identify all areas alleged to have problems. A representative from the Toscana Isles association can accompany an inspection as well. Following the inspection, D.R. Horton will determine what areas, if any, are needed to be repaired and will make those repairs.

D.R. Horton is in the process of constructing homes and improvements within the Toscana Isles Community. It would be prudent for D.R. Horton to complete its work and then make the repairs it determines are required, since some or all of the alleged areas may be where D.R. Horton is currently working. It can make any and all repairs at one time.

Please provide dates and times when D.R. Horton can inspect the areas subject of your correspondence. D.R. Horton reserves all rights, and nothing herein shall be construed as a waiver of any defenses, claims, or otherwise concerning these issues.

We look forward to your response.”

Mr. Contardo left the meeting at 10:46 a.m.

Mr. Blaser recommended designating Mr. Traczuk as the lead CDD liaison with DR Horton regarding this matter. The Board Members agreed.

It was noted that the CDD’s original letter to DR Horton is not included in the agenda, it only contains DR Horton’s response.

The Board and Staff discussed the letter to DR Horton and DR Horton’s response.

Ms. Sanchez will forward homeowner/resident responses to Mr. Traczuk.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2024 [3 minutes]

On MOTION by Mr. Schmitt and seconded by Mr. Collins, with all in favor, the Unaudited Financial Statements as of March 31, 2024, were accepted.

ELEVENTH ORDER OF BUSINESS

Staff Reports [10 minutes]

A. District Counsel: Straley Robin Vericker

B. District Engineer: AM Engineering, LLC

There were no District Counsel or District Engineer reports.

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

- **NEXT MEETING DATE: June 5, 2024 at 10:00 AM**

- **QUORUM CHECK**

The next meeting will be on June 5, 2024, unless cancelled.

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests [2 minutes]

Mr. Blaser stated questions not answered today will be addressed at the next meeting.

Mr. Schmitt voiced his opinion that the riprap issue raised by Ms. Jochum is an HOA or DR Horton matter. The HOA committed to maintaining the lakes. Ms. Sanchez stated that is accurate; she will contact the District Engineer and provide information outside of meetings.

THIRTEENTH ORDER OF BUSINESS

Public Comments [15 minutes]

Resident Sue Perry recommended having someone knowledgeable about concrete specifications present on the walkthrough with DR Horton.

Resident Mike Seaver asked if Zoom or remote meeting access is possible. Ms. Sanchez discussed advertising requirements and noted that, due to feedback, Zoom meetings do not run as smoothly as in-person meetings. Approved summary meeting minutes are transcribed and posted on the CDD website; she can forward meeting audio upon request.

Ms. Jochum asked to attend the walkthrough; she was the point person when work was done and can provide information. Mr. Schmitt invited Ms. Jochum to attend the walkthrough with Juniper. Mr. Blaser invited Ms. Jochum to attend the walkthrough with DR Horton.

Resident Nancy Gibson asked if financials will be posted on the CDD website. Board Members replied affirmatively. Ms. Gibson suggested DR Horton provide a bond or financial commitment for work to be done, as DR Horton is almost finished working in the CDD. Mr. Traczuk stated that the letter from DR Horton is a commitment to correct issues.

Resident Bill Markowitz stated he would like Mr. Schmitt to inspect a hole on his property near the seawall. Mr. Blaser stated that is an HOA matter.

Resident Alan Hintz asked where to email pictures/documentation of concrete to be repaired. Ms. Sanchez stated they should be emailed to her District Manager email rather than to Board Members. If a member of the public asks for an item to be added to the agenda, she will forward the information to the Board. Board Members can contact individual members of the public or not, at their discretion.

Resident Dennis Koroll voiced his opinion that the roads and sidewalks have a myriad of issues and that the roads should be repaved.

Resident Bill Ambrose asked for the process for residents/homeowners to submit information. Ms. Sanchez stated Sebastian will send an email with her District Management email address so documentation and photographs can be compiled. Mr. Traczuk will work with the information to identify areas to be addressed. This will be a work in progress; a response will be sent to DR Horton and a walkthrough scheduled once certain areas are determined.

A resident discussed a solvent to remove the oil-based stain and stated the Fire Department applies emulsifying agents; it might be worth contacting the Fire Department.

Mr. Munzing stated he referenced the emergency gate, not the north or south gate. The brush would need to be maintained and/or removed to allow the 30' fence to open and close freely. He suggested security be notified to open the gates and possibly remove the gate arms for a hurricane. He suggested including instructions in the procedure manual.

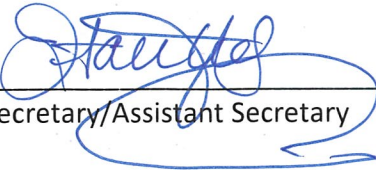
Regarding the roads, Mr. Munzing stated Ms. Sanchez sent the scope of work last year. He suggested an outside Engineering firm be hired to work with the CDD and the HOA to review the approved plans versus what was constructed. He does not think repaving will be effective if the sub-base is insufficient and predicted the road and bridge issues will reoccur. He wants an independent engineering firm to review the plans, the specs and the core.

Resident Tom Gerson believes an independent engineer should inspect the weir that was constructed long before development in the CDD began. Ms. Sanchez stated the CDD does not own or maintain the weir, so the CDD will not inspect the weir.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Schmitt and seconded by Mr. Traczuk, with all in favor, the meeting adjourned at 11:15 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair