

**MINUTES OF MEETING
LUCERNE PARK
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Lucerne Park Community Development District was held on Thursday, **January 19, 2023** at 9:04 a.m. at the Holiday Inn – Winter Haven, 200 Cypress Gardens Blvd., Winter Haven, Florida and by Zoom Webinar.

Present and constituting a quorum:

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| Lauren Schwenk | Chairperson |
| Bobbie Henley | Vice Chairperson |
| Emily Cassidy | Assistant Secretary |

Also present were:

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| Tricia Adams | District Manager, GMS |
| Meredith Hammock | District Counsel |
| Rey Malave <i>by Zoom</i> | District Engineer |
| Lisa Kelley <i>by Zoom</i> | Dewberry |
| Marshall Tindall | GMS |

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order at 9:04 a.m. There were three Board members present constituting a quorum. She noted that Ms. Emily Cassidy had previously been appointed to the Board and they administered the oath outside of the Board meeting.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams stated that there were no members of the public present or joining via Zoom. The public comment period was closed.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Administration of Oath of Office to Newly Appointed Supervisor

Ms. Adams addressed this item in the first order of business.

January 19, 2023

Lucerne Park CDD

FOURTH ORDER OF BUSINESS

Approval of Minutes of the October 20, 2022 Board of Supervisors Meeting

Ms. Adams presented the October 20, 2022 Board of Supervisors meeting minutes and asked if there were any comments or corrections to those minutes. The Board had no changes.

On MOTION by Ms. Henley, seconded by Ms. Cassidy, with all in favor, the Minutes of the October 20, 2022 Board of Supervisors Meeting, were approved.

FIFTH ORDER OF BUSINESS

Consideration of Contract Agreement with Polk County Property Appraiser

Ms. Adams presented this item stating that this agreement was on page 13 of the agenda packet, which was bookmarked. She explained that this Contract Agreement was with Polk County and enabled the District to include the CDD assessments in the non-ad valorem section of the Polk County tax bill. She further explained that this was an agreement that Board members, who had previously been serving on this Board, were familiar with as it is presented annually, as required by the Polk County Property Appraiser. She noted that staff did recommend approval.

On MOTION by Ms. Schwenk, seconded by Ms. Henley, with all in favor, the Contract Agreement with Polk County Property Appraiser, was approved.

SIXTH ORDER OF BUSINESS

Consideration of 2023 Data Sharing and Usage Agreement

Ms. Adams stated that this agreement was on page 15 of the agenda package. She explained that this agreement states that those records that Polk County held exempt from public disclosure, the District would also hold exempt. She noted that Florida has very broad public record laws. She also noted that there were some classifications of citizens who could qualify for exemptions, such as law enforcement officers, judges, etc. Therefore, if there are District residents allowed this exemption, the District agrees to abide by the Polk County exemptions from public records disclosures. She stated that this was an annual agreement and Board members were likely familiar with it. She added that staff did recommend approval.

January 19, 2023

Lucerne Park CDD

On MOTION by Ms. Schwenk, seconded by Ms. Henley, with all in favor, the 2023 Data Sharing and Usage Agreement, was approved.

SEVENTH ORDER OF BUSINESS**Discussion of Parking Rules**

Ms. Adams stated that the District management staff and field management staff had been in communication and interfacing with HOA Board members. She explained that they had brought several matters to the attention of District management, including the discussion of parking rules. She further explained that District management had received some negative feedback from residents regarding the lack of ability to navigate the roadways and some concern about emergency vehicles going in. She noted that as Board members were aware that, as with other nearby communities, the District may adopt rules related to the roadways that are owned by the District. She stated that the District owned and maintained the roadways. She added that while the District was restricted from engaging in traffic enforcement or law enforcement activities, there is statutory authority for the District to enact towing policies. She stated that if the Board would like to move forward with adopting parking rules, they needed to set a rule hearing. She recommended that they set it for their May Board meeting, as that would give plenty of time for noticing and the preparation of the parking rules. She also stated that staff would suggest that the District adopt the same or similar parking and towing policies that have been successful with other nearby CDDs, where parking was sequestered to one side of the roadway and the other side of the roadway was designated as no parking. She noted that she would be happy to answer any questions on this matter and it was ready for Board discussion.

On MOTION by Ms. Schwenk, seconded by Ms. Henley, with all in favor, Setting a Rule Hearing for the May 18, 2023 at 9:00 a.m. Meeting at the Current Location, was approved.

Ms. Schwenk noted that they should consider some of the big open spaces for parking. Ms. Adams responded that they could draft a parking map for the Board to review prior to the rule hearing. She added that field management staff was actually very good at creating diagrams and they could also circulate to the District engineer in advance of the meeting in case they have any input from an engineering perspective on additional areas that they should restrict parking.

January 19, 2023

Lucerne Park CDD

EIGHTH ORDER OF BUSINESS**Discussion of License Agreement for HOA
Bulletin Board**

Ms. Adams stated that this was another request from the HOA. She explained that they requested the ability to install a bulletin board on a CDD parcel. She noted that typically this was something that staff would recommend, but recommended that there be a License Agreement in place, which specifies who would be responsible to maintain the bulletin board, who would be responsible to install it, etc. She noted that if the Board would like to consider the installation of HOA bulletin board on the CDD property, they could authorize District counsel to prepare the License Agreement. She noted that they could either bring the License Agreement back or the motion could also include delegation to the Chair to approve the agreement and they would simply bring it back for ratification. Ms. Hammock stated that she had License Agreements in place with other communities for this exact same request and it typically included the obligation of the installer, which would be the HOA in this case, to maintain the area to the satisfaction of the District.

On MOTION by Ms. Schwenk, seconded by Ms. Henley, with all in favor, Authorizing Staff to Prepare the License Agreement for HOA Bulletin Board and Authorizing the Chair to Approve the License Agreement and Bring It Back to Future Meeting for Ratification, was approved.

NINTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Ms. Hammock welcomed new Supervisor, Ms. Emily Cassidy. She reminded Ms. Cassidy that as a Supervisor of the District, Florida Ethics laws applied to her when acting in her capacity as a Supervisor, as well as the Florida Sunshine law, which included the communications about District matters between her and other Supervisors. She also stated that the Public Record laws applied to District documents and other materials. She briefly reviewed the Ethics laws with the new Supervisor, as well as the Form 1 information. Ms. Adams noted that Ms. Cassidy served on other Boards, and she asked if she had the ability to amend the Form 1 with the Supervisor of Elections office. Ms. Hammock responded that she could.

B. Engineer

Mr. Malave had nothing to report, the next item followed.

January 19, 2023

Lucerne Park CDD

C. Field Managers Report

Ms. Adams stated that they had several items to consider. The first item, she noted, was as a result from damages from the hurricane. She noted that the District did have property insurance; however, the minimum deductible was \$10,000 for a percentage of the area of property. She explained that this was a relatively expensive repair, but it did not meet their insurance deductible, so they were presenting this to the Board for consideration.

Mr. Tindall reviewed a few items that were not included in the agenda. He noted that beyond the shade structure, there was no significant areas of damage from Hurricane Nicole. He stated that the landscaping had been satisfactory overall, and everything had been neat and clean. He also stated that the palms had been trimmed. He noted that the pool maintenance had been satisfactory as well. Lastly, he added that the fence cleaning was completed.

i. Consideration of Proposal for Playground Shade Cover Replacement

Mr. Tindall reviewed the proposal on page 19 of the agenda package. He stated that field management staff reached out to Pro Playgrounds after the original shade was blown off. He explained that the vendor tried to see if the shade was repairable, and it was determined after a month and a half that it was not something that they could repair, so they prepared the proposal presented in the agenda package to replace the shade structure. He noted that this proposal covered the replacement shade cloth and the installation totaling \$6,346.43. Ms. Adams stated that the current budget did have some contingency funding in the amenity maintenance line item, as well as the general repairs line item. She explained that the Board also had \$10,000 allocated for capital funding this year. She noted that because of some other maintenance items, the Board might want to consider that this was a capital item for the current fiscal year, but it depended on how they wanted to consider the following recommended maintenance considerations for pet waste stations, solar lights, and other request that have come in now that residents were in the community and actively using the amenities and other properties. She asked the Board if they would like review all the proposals and then go back or if they wanted to take these one at a time. The Board decided to review all the proposals and vote on proposals after reviewing all proposals.

Ms. Adams circled back to this proposal stating that staff did recommend replacing the shade structure, but if the Board wanted to consider different funding options, they had the ability to take this out of a contingency. She noted that there was \$10,000 from last year that was put into

January 19, 2023

Lucerne Park CDD

the capital reserve and this year there was a \$50,000 transfer to the capital reserve that was scheduled, so the total fund balance in capital reserve would be \$60,000 after this fiscal year. Ms. Adams reviewed several options that the Board had and, after further Board discussion, they decided to allocate the expenditure from the amenity repairs and maintenance for now. She asked for a motion to approve the Pro Playground proposal for the shade structure totaling \$6,346.43. She clarified that this was a one-time expense and would be paid out of amenity expenditures line item.

On MOTION by Ms. Henley, seconded by Ms. Schwenk, with all in favor, the Pro Playground Proposal for the Shade Structure Totaling \$6,346.43, was approved.

ii. Dog Waste Stations

a) Map of Possible Locations for Consideration

b) Count and Pricing of waste stations – *Separate Cover*

Mr. Tindall presented the map on page 22 of the agenda package stating that the map showed the locations that members of the HOA Board selected as their request. He listed these selected locations as I, A, H, F, and E. He noted that they selected these locations to keep the stations balanced around the community. He reviewed the proposal further stating that it covered the stations, delivery at the site, and the installation of six dog waste stations totaling approximately \$2,589.47. He stated that if the Board felt that six stations were too much at this time and would prefer to do a reduced number with the budget in mind, they could. He noted that it was roughly \$900 for two stations. Ms. Adams stated that this was not budgeted as part of the current fiscal year, but there was \$7,500 in both general repairs and \$7,500 in amenity as contingency. She noted that there was some funding available to consider these matters should the Board choose, and they could isolate the pet waste station maintenance in future budgets as an on-going maintenance item. Mr. Tindall clarified that there was \$7,500 contingency in both the amenity and the general fund. He also noted the consideration of the maintenance cost involved the emptying of those stations as well as the dispenser bags listed on the summary sheet that he presented. He stated that CSS was the janitorial company and they normally recommended emptying the waste stations more times a week because they didn't want a situation where the bags become overfilled, and they must pick up dog waste on the ground. He stated that he could discuss with CSS to see if they could do a reduced number or try and go with a landscaper, who is a little more expensive per empty, but

January 19, 2023

Lucerne Park CDD

would be once a week. Ms. Adams noted for the Board to keep in mind that this monthly estimated expense was based on six waste stations and if the Board approved something less than six, there would be a reduction in their monthly expenses. She also noted that they were a third of the way into the fiscal year, and had not exceeded the prorated expenses, so the District was in a good position. She explained that if the Board approved either CSS or Prince & Sons, implicit in that motion was either directing District counsel to prepare an agreement that provided indemnification and other protections for the District. She also stated that there was typically a 30-day termination cause, so if for any reason they needed to terminate and select a different vendor, they had some flexibility. After Board discussion, it was decided to go with Prince & Sons.

Ms. Adams circled back to this proposal stating that there would be a one-time expense to install six dog waste stations and there would be an on-going monthly maintenance expense. Ms. Adams asked Mr. Tindall if the Board approved the dog waste stations today, how far out would he expect for installation. Mr. Tindall responded that it would be the middle of next month, conservatively. Ms. Adams stated that they would start the service depending on the installation date around mid-February or the first of March, conservatively. After Board discussion, it was decided to accept this proposal.

On MOTION by Ms. Henley, seconded by Ms. Schwenk, with all in favor, the GMS Proposal of \$2,589.47 to Install the Six Dog Waste Stations Per the Locations the Field Manager Recommends, was approved.

Ms. Adams stated that the Board needed to consider which option they wanted for removal of the waste. After further Board discussion, it was decided to approve the Prince & Sons proposal for emptying the dog waste stations one-time a week.

On MOTION by Ms. Henley, seconded by Ms. Schwenk, with all in favor, Accepting Prince & Sons Proposal for Emptying the Dog Waste Stations One-Time a Week, was approved.

January 19, 2023

Lucerne Park CDD

iii. Consideration of Proposal for Solar Lights by Mailboxes

Ms. Adams presented this item to the Board stating that this item was brought to the attention of District management and field management staff that residents were requesting additional lighting at the mailboxes. Mr. Tindall stated that page 27 of the agenda package was an image showing the solar light proposal, which included the recommended locations for the two lights as well as a wide-angle view to show the facing of the streetlights. He stated that this proposal was \$1,275, which included delivery and installation of two solar lights.

Ms. Adams circled back to this proposal stating that this could come out of their field expenses, general repair and maintenance.

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| On MOTION by Ms. Schwenk, seconded by Ms. Henley, with all in favor, Accepting the Proposal for Solar Lights by Mailboxes, was approved. |
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iv. Consideration of Waste Removal Agreement

Mr. Tindall presented this consideration to the Board stating that the trash can next to the mailboxes was frequently overflowing. He stated that CSS would collect the mail trash three times a week and they wouldn't come down on that. He stated that it was \$100 a month per can and would be an extra \$1,200 annually. He noted that field staff could also move the trashcan if the Board would like. He suggested another option would be if there are two trash cans by the playground, the field staff could bring one of those trash cans to the mailboxes to alleviate some of the overflowing issues. He stated that if the second trash can did not fix the overflow issue, they could come back and find a more appropriate solution at that time.

D. District Manager's Report

i. Approval of Check Register

Ms. Adams stated that included in the agenda packet on page 35 of the PDF was a check run from September 1st through November 30th, 2022 and the total amount was \$74,353.61. She noted that she would be happy to answer any questions that Board members may have. Hearing none,

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| On MOTION by Ms. Schwenk, seconded by Ms. Henley, with all in favor, the Check Register totaling \$74,353.61, was approved. |
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January 19, 2023

Lucerne Park CDD

ii. Balance Sheet and Income Statement

Ms. Adams noted that the unaudited financials were included in the agenda package through November 2022. She stated that these were provided for informational purposes only. She noted that as of the end of November the revenue for the year from the tax roll had started to come in. She also noted that the District was in a favorable position according to their actual spending compared to their prorated budget. She added that with all the District’s bond issues that had scheduled payments for November, those actuals had been filled in. She stated that no action was required, and she would be happy to answer any questions. Hearing none, the next item followed.

TENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Schwenk, seconded by Ms. Henley, with all in favor, the meeting was adjourned.


Secretary / Assistant Secretary


Chairman / Vice Chairman