

**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, **June 15, 2023** at 9:12 a.m. at the Holiday Inn – Winter Haven, 200 Cypress Gardens Blvd., Winter Haven, Florida and by Zoom Webinar.

Present and constituting a quorum:

Bobbie Henley	Chairperson
Jessica Kowalski	Vice Chair
Emily Cassidy	Assistant Secretary
Kristin Cassidy	Assistant Secretary

Also present were:

Tricia Adams	District Manager, GMS
Meredith Hammock	District Counsel, KVV Law
Maddie Flint	KVV Law
Molly Banfield <i>by Zoom</i>	District Engineer, Dewberry
Marshall Tindall	Field Services, GMS

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Adams called the meeting to order at 9:12 a.m. There were four Board members present constituting a quorum. For the record, Kristin Cassidy was appointed to the Board of Supervisors at the May Board meeting and the oath of office was administered in advance of the start of today's meeting.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Ms. Adams reviewed the guidelines for the public comment period. Ms. Adams asked if anyone had any statements for the Board of Supervisors.

Diane Nessico (884 Cambridge Dr.) stated she is having trouble discerning what is HOA and what is CDD responsibility and asked for better clarification of that due to problems with

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security and safety in the common areas such as the pool and playground. She noted a security guard is there but has limitations, so the police are being called constantly with no resolution. She noted as a resident, she is worried about her children.

Resident (861 Cambridge Dr.) stated his kid was in a group of kids playing at the park where there was a safety incident. He noted things were missing out of his yard. He stated better security is needed and provided additional incidents of which he was aware or had been told. He expressed these concerns as a parent. He noted the security guard plays dominoes with the same people committing these problems and allowing these problems to happen.

Rolondo Lopez (901 Cambridge Dr.), previously a member of the community's HOA Board, stated there is no clear delineation for residents between what the CDD can do and what the HOA can or cannot do. He noted there are many issues, such as the security guard mentioning safety-related situations to him. He asked if there is no debrief between the security guard and the company. He feels there are things that can be prevented and these things the CDD can do. He noted there is fencing in the front of the neighborhood, and the same fencing should be installed to the back of Cambridge Drive where these individuals are being seen coming from. He feels there are funds in the budget for a fence. He noted this would make a dent in these people trespassing into the neighborhood. He noted the more the cops are called, and they show up at the neighborhood, that creates a high crime rate which is an issue for homeowners. He noted action is needed and security should be the main concern.

Nicole Vasquez (1061 Cambridge Dr.) stated concerns regarding safety at the playground. She noted the playground area is extremely dark and asked for improvements with lighting, plus increasing security. She noted the new light at the mailbox is not working. Paulette, who lives on Cambridge Drive, asked if the security guard can be eliminated and have the camera linked directly to the police department. She noted the security guard does nothing and is a waste of money and asked if it would be an additional cost to link the camera to the police. Ms. Adams stated this is not a question/answer session at this time and is an opportunity for the public to make a statement to the Board of Supervisors. She noted there will be a security report under the District Manager's report.

George Sorelle stated the issue with safety and security has become a major issue and has gone on far too long. He noted he is part of the HOA Board. He stated he has spoken to Winter Haven Police Department many times, but this is an issue that keeps on going. He noted a

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resolution is needed for the CDD and HOA to work together for the benefit of the community. He noted the security guard is not benefitting the CDD in protecting their assets or benefitting the homeowners by protecting their community. He stated the pool should only be for the community members and not for everyone in the area. He stated people who live in the community should be part of the Board.

Resident (Unidentified) stated if the community has to police themselves, there is a problem. He stated they should not have to put themselves in danger for that situation. He feels police should live in the community as things would be rectified quicker to protect their children.

Rolondo Lopez (901 Cambridge Dr.) asked to clarify the scope of work from the CDD and the security company. The security guard stated to him that he cannot control the CDD amenity, such as the playground, and is only allowed to be stationed inside the pool. He noted the teenagers are the people trespassing so instead of doing illegal activities at the pool when the security guard is there, they will go to the playground and do illegal things at the playground. He feels that is an issue because that is CDD property and, based on his understanding, the contract with the security company is to monitor everything the CDD owns - in this case the pool and playground.

Alexia Rupell stated concern for hearing all of this as her family just arrived from a different country to the United States in October. She stated allowing these young outlaws to outsmart us is a concern for her. She stated they need the CDD's support to up the security and figure out a different way such as if they knew they were being monitored and cameras were out on the streets, they would not be doing all of this. She noted they are being allowed to do this to the community.

Ms. Adams stated there will be a Security Report under District Manager's Report.

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**THIRD ORDER OF BUSINESS**

**Approval of Minutes of the May 18, 2023  
Board of Supervisors Meeting**

Ms. Adams presented the May 18, 2023, Board of Supervisors meeting minutes and asked if there were any comments or corrections to those minutes. She noted they had been reviewed previously by staff and counsel. The Board had no changes.

On MOTION by Ms. Kowalski, seconded by Ms. Henley, with all in favor, the Minutes of the May 18, 2023, Board of Supervisors Meeting, were approved.

**FOURTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Hammock had nothing to report.

**B. Engineer**

Ms. Adams stated the District Engineer was not present at today’s meeting.

**C. Field Managers Report**

**i. Consideration of Landscape Enhancements Proposal – Prince & Sons**

Mr. Tindall stated the Field Manager’s Reports is on page 16 of the agenda. He noted most of the items are deferred from the previous Board meeting. The landscaping and maintenance of the facility and some of the security issues that were discuss about have been looked into. He noted general facility maintenance has been up kept, beyond the things that have been vandalized. The overall maintenance of the area landscaping is doing well. The only issue is a few minor odds and ends for landscape replacement and proposals from Prince and Sons Landscaper for mulch and plants at the entrances and around the pool area are included for Board consideration. He noted beyond that general maintenance items, a sidewalk was completed that had been missing at the east entrance and some general sign repairs were done. He noted he did reach out to the builder on some pipes that were still sticking up along the right of way on McKenna. The builder has agreed to get those taken care of and should be working on that this week. Beyond that, a stormwater maintenance review was done, and end sections were cleaned out as noted on page 20, just standard maintenance as over time they build up as dirt collects in them. Also, washout at the west entrance along the street was reported to the City and there is a depression forming that the City has agreed to take care of.

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Mr. Tindall stated the last item for Board consideration are the landscape proposals. The total for the two together is \$4,179.50. The landscape replacement budget is \$15,000 and the District has not expended funds from this line item, so there are funds available to cover the cost of these proposals. It is staff's recommendation to move forward with this to help the appearance at the front of the community and then fill in plants and mulch the front. He noted this includes plants around the pool area as there are some areas that are lacking and also includes plants and a couple of touch ups around the entrances and a couple along the wall. Ms. Henley asked if this is for two different areas. Mr. Tindall stated one proposal is for mulch and one proposal is for plants.

On MOTION by Ms. Henley seconded by Ms. Kowalski, with all in favor, the Landscape Enhancements Proposals with Prince & Sons, were approved.

**ii. Consideration of Stormwater Repair Proposal – All Terrain**

Mr. Tindall noted, with the vandalism issues discussed, there is a proposal from All Terrain for stormwater repair related to damage caused by someone lighting trash on fire inside the stormwater pipe and it burned the plastic pipe and it collapsed. He noted it needs to be fixed and there is a proposal from All Terrain for \$11,534 on page 28 of the agenda. He noted they would replace the pipe and the redo the area so it is back up to standard. He noted he received proposals from other vendors that were much higher and previously discussed repairs with the District's engineer who agreed that All Terrain's quote looked good, so it is staff's recommendation move forward with this. Ms. Adams asked if the Board would like to take action on this matter at this time or finish up the Field Manager's Report then go through each proposal. Ms. Henley asked if this is in the budget. Ms. Adams stated it is an unbudgeted expense but overall, the Board has done a good job controlling expenses and the actual spending is under the prorated budget. She stated it is an essential element of the stormwater system and it is important to have a functioning stormwater system, so it is recommended to repair. She noted ultimately it may require a budget amendment but even with the budget amendment, there are funds to operate.

On MOTION by Ms. Henley seconded by Ms. Kowalski, with all in favor, the Stormwater Repair Proposal with All Terrain, was approved.

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**iii. Consideration of Camera Replacement Proposals – Current Demands  
(2)**

Mr. Tindall stated next item related to vandalism is security cameras. Those were damaged and were taken from the site, four were removed from the property and one was damaged. He noted there are two proposals from Current Demands, one on page 32 and one on page 33. Ms. Henley asked if they caught who took them. Ms. Adams stated no but there is a police report on file as well as a trespass order on file. Marshall has worked with the police on numerous occasions in regard to illegal activity at the amenity center. She noted that security matters will be reviewed in the Security Report for the benefit of the members of the public. She stated they have been working with the police and have trespass orders on file at the amenity center. She noted the replacement cameras will not be installed until the new security system is fully implemented. Ms. Henley asked how long that will be. Ms. Adams noted the vendor estimates about 60 days out but could be up to 90 days out. The proposal has been approved by the Board of Supervisors and statement of work has been revised based on a request from one of the Board members regarding camera angles but that is in process.

Ms. Henley asked if the cameras are working now. Mr. Tindell stated one. Ms. Henley stated it is not being monitored, correct. Ms. Adams stated that camera has recently been reviewed but it is not monitored live. She noted the security cameras are important to capture activity on the pool deck but again since the system has been vandalized twice, staff did not want to recommend replacement until after the other system is installed. She noted this is really an approval contingent on the other system being installed and then these particular cameras will be repaired or replaced. Ms. Kowalski asked if the new system would have live monitoring. Ms. Adams stated to Board members that Florida has very broad public access requirements for governmental entities, like the CDD, however there are some exceptions to government in the Sunshine. One exception is if there is active litigation and the other exception is for security matters. She noted there may be times where there is a closed session for security matters because if there is the ability of the public to fully access and understand all of the details and components of this security system, it could potentially be compromised. She stated when talking about the system, staff speaks in general terms during the public meeting =. She stated she would go into as much detail as Board members want but it is the recommendation of staff to have a special closed session for security matters. Ms. Kowalski agreed. Ms. Adams stated she will be speaking to generalities and differentiating between HOA responsibility, CDD responsibility, and law enforcement responsibility on the

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record. This is something that staff are planning for as Board members are aware of, the Board has increased funding for security for the upcoming fiscal year so staff are prepared for this for the Fiscal Year 2024 budget. She stated this repair likely will not actually take place until close to that time. Mr. Tindall stated with that in mind on page 32 and 33, he recommends that the Board approve the proposal on page 33 that replaces the additional camera that covers the pool. He noted there is available funding in the amenity repairs and maintenance budget line item that would cover this cost. Current Demands is the entity that maintains the amenity access system components and also the CCTV currently. Ms. Henley asked if that is a total of five cameras. She asked what the switchboard was. Ms. Adams stated it is to do with the internet access.

On MOTION by Ms. Henley seconded by Ms. Kowalski, with all in favor, the Camera Replacement Proposals and Current Demands (2) for \$3,249.27, was approved.
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#### **D. District Manager's Report – Discussion of security matters**

Ms. Henley asked if they know where they will be putting the cameras. Ms. Hammock recommended for the safety and security that be a discussion that is kept in a security session. Ms. Henley asked about the security guard. Ms. Adams asked if the Board would like a high-level overview of security matters and for District staff to differentiate between HOA's, CDD, and law enforcement responsibility. Ms. Henley stated, yes. Ms. Adams stated first there is some confusion among some of the residents about what the HOA responsibilities are and what the CDD responsibilities are. For the benefit of audience, as the Board members are well aware, the CDD is responsible for property that the CDD owns. The CDD owns the roads, certain common areas, the amenity center, and the stormwater systems, so maintenance of all of these public infrastructure improvements is the responsibility of the CDD. The HOA has governing documents which govern private property, so the HOA has responsibilities for what happens on residential lots in general. If there is an issue about something on a resident's own property that tends to be an HOA issue. If it is an issue on the CDD's property, that is likely a CDD issue. She noted she had a request from the HOA Board to have an information meeting, which the District Manager did hold. District staff and the HOA representatives had a discussion that was nearly two hours and District staff answered questions that the HOA had and, as a result of the meeting, there was some requests from the HOA for improvements that were presented to the Board and the Board did approve those earlier this

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year. The Field Management staff communicated back to the HOA Board on the status of all of those items. Ms. Adams stated that District staff can offer the community via Zoom is CDD 101, which is an introduction to CDD's. She indicated that information is helpful to residents to residents to differentiate between HOA and CDD. If the Board would like, she noted she would reach out to the HOA to coordinate a date and offer that online and usually evening is best for members of the public. She stated generally the CDD is responsible to safeguard the CDD assets and resources as reasonably as possible within the confines of the budget. She noted, as Board members are aware, security funding was increased for the current fiscal year because of security issues. She stated there is an incremental approach being done to adding additional security and then monitoring the effects of that. With any known issues that they have, District staff have been actively addressing them in terms of safeguarding the amenities. When it comes to illegal activities, the CDD does not have authority to act in a law enforcement capacity. She noted if there is illegal activity, that must be referred to the police either by citizens, members of the CDD, or members of the security team. She noted the reason District staff emphasize the importance of calling the police when there are illegal activities taking place, as addressing illegal activities is a police matter and the CDD does not have authority to intercede beyond contacting local law enforcement. At the same time, District staff wants to deter any illegal activities at the District's amenities. The first report District staff heard of a firearm on District property was an email from a member of the public and that is being researched by the District's security team. The District does have an active trespass order with local law enforcement. Marshall has frequently communicated with the police and has provided access codes so that they can access the amenities at any time. She noted to Board members at last month's meeting, they approved a project for enhanced security to address intrusion into the amenity center at night. It does take time for the technology to be assembled, for equipment to be installed, and for these types of security improvements to be implemented but once it is implemented, District staff will monitor for results. She noted consistent steps have been taken to increase security based on the feedback from residents and feedback from the Access Control System CCTV. Ms. Adams noted the security guard should not be opening the pool gate for anyone as it should remained closed at all times. There is an amenity access system that requires an access card to get in. She noted the benefit to that is if there is an issue, by using the access system, staff should be able to identify who it was that came into the amenity center.



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Parking rules were briefly discussed. At last month's meeting there were reports to the Board that vehicles were parking on both sides of the road creating a hazard where emergency vehicles could not get through and there were certain times the roadway was blocked with people parking on both sides. Ultimately the Board reviewed and considered parking rules that sequester parking to one side of the public roadway and those parking rules were approved by the Board. She noted there are several other steps to take before the parking rules are enforced. There has been a mailed notice to all of the property owners regarding the implementation of the parking rules. There is an agreement for towing enforcement services in process with S&S Towing. There is signage that must be installed at the community entrances before towing commences and this is all in accordance with Florida Statutes. She noted prior to enforcing the District's towing rules, there will be another courtesy reminder via email reminding residents of the parking rules and cautioning them that vehicles found improperly parked are subject to immediate towing.

Ms. Henley asked if anyone notified the security company that their employee was letting people into the amenity center without using an access card. Ms. Adams stated this was the first time she had heard of that occurring, and she has a meeting next Tuesday morning with the security company to address issues, look for areas that need improvement and discuss enhanced security reporting. She noted if there is an issue, that security guard needs to run that up the chain of command with their supervisor and not be speaking with members of the public about any security matters and compromising the integrity of the system. She stated she has made notes today based on feedback of the public.

Ms. Kowalski asked what would be needed to have a meeting regarding the security issues. Ms. Adams stated if Board members would like to request a closed security session, staff can certainly do that, perhaps in advance of the next meeting between 8:30 to 9:00 a.m., then start the regular Board meeting at 9:00 a.m. where the public can attend. The Board agreed. Ms. Adams stated closed security will be scheduled for the next meeting and proceed that way.

Ms. Henley asked about the lights on the playground and getting prices to install. Mr. Tindall stated lighting of the playground requires certain lighting standards and have to have the Engineer's Report for the lighting to be installed so that is why action has not been taken thus far. He noted to put that lighting there, the District would need the lighting survey to make sure the lighting is up to standard. If the Board would like staff to proceed, they can look into it. Ms. Adams stated if Board members would like, police will do a complimentary security analysis at the

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community so staff can reach out to the officer who has been doing a lot of patrol work and responding there and if they have any recommendations, we can review those at the closed security session.

*\*Ms. Banfield, District Engineer joined the meeting at this time.*

Ms. Adams asked if she had anything to report to the Board under Engineer's Report. Ms. Banfield stated nothing additional. Ms. Adams stated they received the annual engineer's inspection that is done in accordance with the bond Trust Indenture requirements and that is being presented to the Board at their next meeting.

**i. Approval of Check Register**

Ms. Adams noted in the agenda packet on page 40 is a summary of the check register from April 1<sup>st</sup> through April 30, 2023, total amount is \$23,877.97. Immediately following that is a detailed summary.

On MOTION by Ms. Ms. Kowalski seconded by Ms. Henley, with all in favor, the Securitas Proposal, was approved.

**ii. Balance Sheet and Income Statement**

Ms. Adams noted this is provided for informational purposes. Because the unaudited financial reports were not presented at last month's meeting, there are actually reports for two months which are the unaudited financials for March and April. She noted in April's unaudited financials, staff keeps an eye on the general fund unassigned balance in the combined balance sheet. The next couple of pages show the prorated spending relative to your actual spending and this District has done a good job on controlling expenses.

**iii. Presentation of Registered Voters – 431**

Ms. Adams noted on page 70 of the agenda packet is a letter from the Supervisor of Elections office in Polk County notifying the Board that there are 431 registered voters as of April 15, 2023. She noted it is required to present this information annually.

**FIFTH ORDER OF BUSINESS**

**Other Business**

There being no comments, the next item followed.

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**SIXTH ORDER OF BUSINESS****Supervisors Requests and Audience Comments**

Rolondo Lopez at 991 Cambridge Dr. stated that the monitoring part of security that apparently drives around the community is being cut but we are not getting rid of the security guard that is stationed in the pool so that is going to run parallel to the surveillance cameras that are being installed based on what Justin from the HOA and CDD said to us. We would like some clarification. One other thing to note on the meeting with the security company, there is a trick to get in the door based on what was mentioned aside from not having a key card, clearly to jump the fence. It is worth mentioning having someone come out to speak to the security guard so he actually understands what that trick is. By just putting your arm around and hitting a button the door opens without the card which is a problem and means we need a new door or we need a new system in place. He also asked for any updates on the budget for getting a fence installed behind Cambridge like in the front to help with issues of trespassing. He stated the lights on the mailbox do work by solar power but on days when it is cloudy, they don't work. He proposed considering another method where they automatically have a timer where they shut off at specific times to avoid people from lingering at that area. Another issue is parking, fire trucks cannot get in if people are parking in the street, garbage trucks can't get in so trash isn't getting picked up. Ms. Adams stated to Ms. Henley that the District has adopted rules that limit public comments to three minutes, would you like to extend that time. Ms. Henley stated no. Ms. Adams asked Mr. Lopez to email her to schedule a time to provide additional comments.

Resident (861 Cambridge) asked who to speak to, to get more residents on the Board so there will be more of a fair playing ground. Ms. Adams stated this is not a question-and-answer session but the Field Manager will make sure he gets her email address to schedule a call to discuss the process.

George Sorelle one of the HOA Board members stated one thing is the issue with the pool and the camera that is not working. The one working right now is facing towards the pool and cannot record anything that happens underneath the deck when people come in or go to the bathrooms. He stated that camera does not do much unless people are in the pool. As Marshall already knows there are people breaking into the attic of the pool and stashing/removing things which has been reported to the CDD. Also, people are using the pool parking area as an area to do funny business and have been caught many times. He stated he has already contacted Winter Haven

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Police Department and requested for an analysis of the report. One thing that was brought up was if the CDD could close that parking lot at night with a sign that says parking lot is closed to detain anyone from going into the parking lot especially at a certain time. The insurance company says lighting is something that should not be added there but I disagree with that as darkness can bring ideas to people to open their minds to doing things they shouldn't be doing because they know that no one can see them especially behind the playground as there is a dead zone and a drop back there and it is so dark no one can see it. The lights placed on the mailboxes were over \$1,600. Those lights are no good at all and only light up for about 3-4 hours then they are dead so around 9:00-10:00 those lights are gone. He noted he knows the CDD should not be involved with the illegal activities but he is asking for prevention. He is asking for transparency from the HOA with the CDD to work together.

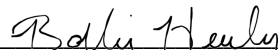
Ms. Adams stated the Board has adopted policies that limits three minutes per speaker so if you would email her, she would be happy to discuss this matter with you further in advance of the closed security session so thank you for your comments today.

**SEVENTH ORDER OF BUSINESS**

**Adjournment**

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

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman