

**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, **February 15, 2024** at 9:30 a.m. at the Holiday Inn, Winter Haven, 200 Cypress Gardens Blvd., Winter Haven, Florida and via Zoom.

Present and constituting a quorum:

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| Bobbie Henley | Chairperson |
| Jessica Kowalski | Vice Chair |
| Kristin Cassidy | Assistant Secretary |
| Justin Brock | Assistant Secretary |

Also present were:

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| Tricia Adams | District Manager, GMS |
| Meredith Hammock | District Counsel, KVV Law |
| Chace Arrington <i>by Zoom</i> | District Engineer |
| Marshall Tindall | Field Services, GMS |

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order at 9:30 a.m. There were four Board members present constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams noted this is an opportunity for any members of the public to make a statement to the Board.

Resident (Diane Macecsko) commented about developing neighborhood watch and noted that there has been activity at the pool at night. She asked for a light at the playground to keep people away. She relayed concerns about minors accessing the closed amenities at night in the community for potentially illegal or nefarious purposes. Resident raised concerns regarding

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speeding through the neighborhood and suggested trying to deter that and also suggested putting crosswalks in certain areas.

THIRD ORDER OF BUSINESS

Approval of Minutes of the November 16, 2023 Board of Supervisors Meeting and Audit Committee Meeting.

Ms. Adams presented the minutes from the November 16, 2023 Board of Supervisors and Audit Committee meetings. She noted the minutes have been reviewed by District Management Staff and reviewed by District Counsel. The Board had no changes to the minutes.

On MOTION by Ms. Henley, seconded by Ms. Kowalski, with all in favor, the Minutes of the November 16, 2023 Board of Supervisors Meeting and Audit Committee Meeting, were approved.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2024-01 Authorizing the Opening of State Board of Administration (SBA) Account

Ms. Adams stated SBA is an investment pool that has been set up just for Florida governments and the return rate this year is running around 5.5%. She noted the District is set to receive its income this fiscal year from non-ad valorem assessments and staff recommends the District retain that portion of the assessments required for ongoing maintenance expenses in the District’s General Fund and invest any surplus funds and reserve funds in the SBA account. This resolution, if approved, authorizes staff to open the SBA account. Mr. Brock asked what would happen if money put is in this fund and then the District needs those funds. Ms. Adams noted with SBA is a very liquid account and everything occurs electronically. Ms. Adams noted that there is no penalty for withdrawing funds from the SBA account and funds are typically received the same or next business day, depending on the time funds transfers are requested. Interest earnings will be distinct and recognizable in the financials.

On MOTION by Ms. Kowalski, seconded by Ms. Henley with all in favor, Resolution 2024-01 Authorizing the Opening of State Board of Administration (SBA) Account, was approved.

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FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2024-02
Setting a Public Hearing for Easement
Variance Policies**

Ms. Adams stated if the Board approves this resolution, a public hearing will be set two months from now and the purpose would be to formally adopt policies related to approval of certain easements and also an application fee. If the Board ever wanted to consider any easement variances, this is a tool the District uses to review those applications where there might be special circumstances. The application fee is \$75 to cover administrative expense and recording fees. Mr. Brock asked if the HOA has the map of existing plats. Ms. Adams noted the plats are recorded with Polk County and readily available through public records.

A Board member asked what happens if someone installs a fence on the District's easement. Ms. Adams noted if someone, without prior authorization from the District, encroaches on District property or within an easement in favor of the District, the Board has several options. One option is tolerating the encroachment and doing nothing, another decision would be to direct staff to inform the property owner in writing that they have encroached on the District's property and/or within the District's easement and the District is requesting they enter into a license agreement.

Mr. Brock asked if field staff noticed any current encroachments and will those be grandfathered in or be addressed. Mr. Tindall stated he hasn't noticed any encroachments at the moment that are blocking their ability to service the area. He noted he could do a more thorough review if the Board directs him to do so. Ms. Hammock generally reviewed the substance of the License Agreement used across the community and stated the license agreement provides, for example if a fence blocks a landscape access easement, the resident would be required to install a gate in the front and back of the fence that is the width of the easement so equipment can still get through. She noted, based on District Engineer's recommendations and in order to maintain compliance with applicable permits, any request to install improvements within the District's drainage swales, would be denied. Ms. Adams noted the public hearing will be set for the meeting date in April.

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| <p>On MOTION by Ms. Kowalski, seconded by Ms. Cassidy, with all in favor, Resolution 2024-02 Setting a Public Hearing for Easement Variance Policies, was approved.</p> |
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SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2024-03
Relating to the General Election Seats &
Qualifying Period Notice and Procedure**

Ms. Adams stated this identifies that the District has seat #2 and seat #3 transitioning to the General Election process. Chapter 190, Florida Statutes, has two criteria to be met in order to transition from the landowner election process to the general election process. The general election process identifies qualified electors within the District that can qualify to be elected on the general election ballot. In order to be a qualified elector, a person must be 18 years old, citizen of the State of Florida, citizens of the United States, live within the District boundaries and be registered to vote with Polk County Elections Office. The qualifying dates are June 10th at noon through June 14th at noon. The qualified electors go to the elections office and submit appropriate paperwork. If more than one person qualifies, it will be on the ballot in November.

On MOTION by Ms. Henley, seconded by Mr. Brock, with all in favor, Resolution 2024-03 Relating to the General Election Seats & Qualifying Period Notice and Procedure, was approved.

SEVENTH ORDER OF BUSINESS

**Consideration of License Agreements for
Holiday Events and Holiday Lighting**

Ms. Adams stated Ms. Macecsko is here representing the HOA. They are looking to have an Easter event on March 16th, a 4th of July event, and a holiday event on December 14th. Ms. Hammock noted with the license agreement the areas identified which is the pool and parking lot area, they are limited to that space and it's a temporary license agreement for using the property that day. It is nonexclusive. There is a requirement for event insurance submitted to the District Management Staff ahead of the event. There is a requirement to keep the property clean and field staff will take pictures before and after so there is record of that. Ms. Adams noted they are asking for the ability to install holiday decorations. Mr. Brock asked if the license agreement for the holiday decorations can be a 5-year agreement. Ms. Hammock stated yes but future Boards would have the discretion to revoke the agreement.

On MOTION by Ms. Kowalski, seconded by Mr. Brock, with all in favor, the License Agreements for Holiday Events and Holiday Lighting and 5-year Lighting Installation Agreement, was approved.

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On MOTION by Ms. Kowalski, seconded by Mr. Brock, with all in favor, the Calendar Year 2024 HOA Events, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Contract Agreement with Polk County Property Appraiser

Ms. Adams stated this is the contract agreement providing guidelines for us providing information back to the county offices related to the CDD assessments that will be included on the Polk County Property tax bill.

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

NINTH ORDER OF BUSINESS

Ratification of Data Sharing & Usage Agreement with Polk County Property Appraiser

Ms. Adams stated this is the agreement related to confidential and exempt data. This agreement addresses persons and citizens who have exemptions from public records law. If there is a record that Polk County is holding exempt and confidential, the District will hold that same record exempt and confidential. In order to return this to the property appraiser on time, this has been executed and they are looking for a motion to ratify.

On MOTION by Ms. Henley, seconded by Ms. Kowalski, with all in favor, the Data Sharing & Usage Agreement with Polk County Property Appraiser, was ratified.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Hammock reminded the Board of the required 4 hours ethics training by the end of the calendar year. She noted they could do online interactive workshops. The Board prefers two hours on two days, any day Monday through Friday during the day time.

B. Engineer

Mr. Arrington had nothing to add but can answer any questions the Board might have.

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C. Field Managers Report

Mr. Tindall noted the easement encroachments that he found were some along the left side, a swale there, some between the streets in the center, at Meadowbrook there is a small easement that runs into three homes. He noted that is more for wall maintenance than drainage. There is a small section on the South between Peyton and Cambridge with an easement in the back of the houses.

Mr. Tindall noted the amenity looks good overall with minor repairs and maintenance. Landscaping overall looks good. The mulch getting thin so will arrange for additional mulch as needed within budget. Minor fence repairs, cleanup around mitered end where dumping had occurred. An unauthorized hydrant access tool was identified and removed. Street lights were reviewed and a ticket opened up for light repair and relabeling with the utility vendor. Minor repairs were done to a MES skimmer that was loose. He noted he can go through and make sure the lights are set to come on and if that is good will let them know at the next Board meeting or in the interim. Same with the lights at the mailbox and playground.

D. District Manager's Report

Ms. Adams noted when the Board budgeted for the annual security budget, they included additional funds for the dynamic presence of security during key holidays. Spring Break is coming up and some of the other Districts are doing additional security staff. There were some issues last year in this community. This is something staff would recommend and wanted to ensure the Board is good with this plan.

She noted she received a mail message from Ms. Macecsko regarding some of the communication from Winter Haven Police Department who recommended there is somebody on site at Lucerne Park that can authorize a trespass warning. Justin Brock is willing to be in this capacity to authorize trespass on behalf of the District. He does reside onsite. She asked if there are any members of the public that want to make a comment before the Board takes action. There are no members of the public present to make comment.

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| On MOTION by Ms. Henley, seconded by Ms. Cassidy, with all in favor, Authorizing Supervisor Justin Brock to Trespass Persons on the CDD Property, was approved. |
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Ms. Adams noted when it comes to enforcing speeding and enforcing failing to stop at stop signs those are exclusively the powers of Winter Haven Police Department so the best thing to do if anyone sees those issues in the community is to contact Winter Haven Police Department. She noted regarding intersection improvement such as cross walks, if the Board wanted to authorize staff to investigate and determine if there are any areas that could potentially have an intersection improvement such as a crosswalk there is a process with the city and involves the Engineer. A Board member noted they would hold off on the crosswalk process right now.

Ms. Adams noted they have not been aware of any security system failures so would be happy to give Ms. Macecsko her cell number so if there is an issue to let her know right away.

i. Approval of Check Register

Ms. Adams presented the check register from November 3, 2023 through January 31, 2024 for a total of \$472,595.29. Immediately following is a detailed run summary.

On MOTION by Ms. Henley seconded by Ms. Cassidy, with all in favor, the Check Register totaling \$472,595.29, was approved.

ii. Balance Sheet and Income Statement

Ms. Adams noted the unaudited financials were through the end of December 2023. She reviewed the line items.

ELEVENTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

TWELFTH ORDER OF BUSINESS

Supervisors Requests

Ms. Adams stated this was for Supervisor requests or audience comments. Hearing no comments or requests, the next item followed.

THIRTEENTH ORDER OF BUSINESS

Adjournment

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

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Tricia Adams
Secretary / Assistant Secretary
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DocuSigned by:
Bobbie Henley
Chairman / Vice Chairman
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