

**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, **April 18, 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:

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

Also present were:

Tricia Adams	District Manager, GMS
Meredith Hammock	District Counsel, Kilinski Van Wyk
Chace Arrington <i>by Zoom</i>	District Engineer
Rey Malave <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. Five Board members were present constituting a quorum.

**Ms. Henley joined the meeting at this time.*

SECOND ORDER OF BUSINESS

Public Comment Period

Resident (Diane Macecsko) commented on the traffic situation in the neighborhood with people driving at excess speeds. Ms. Adams noted Ms. Macecsko received some communication from Winter Haven Police Dept in which they were questioning their ability to engage in traffic enforcement activity in the District without permission or an agreement from the District. District

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Counsel has been made aware of this and is in communication with the attorney for the City of Winter Haven. There is a scheduled call to address this matter.

THIRD ORDER OF BUSINESS

Approval of Minutes of the March 21, 2024 Board of Supervisors Meeting

Ms. Adams presented the minutes from the March 21, 2024 Board of Supervisors meeting. She noted the minutes have been reviewed by District Counsel as well as by District Manager. There were no corrections.

On MOTION by Ms. Henley, seconded by Ms. Kristen Cassidy, with all in favor, the Minutes of the March 21, 2024 Board of Supervisors Meeting, were approved.

FOURTH ORDER OF BUSINESS

Public Hearing

Ms. Adams stated this is the public hearing for the adoption of easement variance policy as well as the \$75 application fee. She asked for a motion to open the public hearing.

On MOTION by Ms. Henley, seconded by Ms. Kristen Cassidy, with all in favor, Opening the Public Hearing, was approved.

A. Consideration of Resolution 2024-05 Adopting Variance Policy and Fees

Ms. Adams stated they are required to take public comment regarding Resolution 2024-05. This is included in the agenda package on page 11. Approval of this resolution adopts the easement variance policies and also approves the collection of the \$75 application fee. The Board is considering this item because sometimes property owners in the District will submit an application to the HOA management company to request to do some type of improvement on their private property. When the HOA management company refuses the request if they determine there is an easement in favor of the District then this additional review process would be required.

Resident Comments:

Diane Macecsko asked what would happen if someone already had a fence would they be grandfathered in or would they have to reapply for this application? If they are denied, is that \$75 refundable? Ms. Adams noted no one is grandfathered in. If there is an encroachment without

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approval, the District can pursue legal action. A person can apply for an easement variance and there would be protection if the easement was granted that would result in a recorded document authorizing the easement variance. If somebody applies and is denied, the application fee is not refundable.

Joan Griffin asked does the CDD have a plat plan of the whole development identifying where you are? Ms. Adams noted they access the plats through the Polk County Property Appraisers office. Each plat book includes a portion of the development. The only easement that the District has a legal interest in on private lots are the easements in favor of the District.

On MOTION by Ms. Henley, seconded by Ms. Kristen Cassidy, with all in favor, Closing the Public Hearing, was approved.

Ms. Adams noted the policy is on page 13. There have been no changes since this policy was previously reviewed. The key reason for today’s public hearing is approval and adoption of that \$75 application fee.

On MOTION by Ms. Henley, seconded by Ms. Kristen Cassidy, with all in favor, Resolution 2024-05 Adopting Variance Policy and Fees, was approved.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2024-06
Setting the Date, Time, and Location for
the Landowners’ Election and Meeting**

Ms. Adams stated this sets the Landowners’ Election for November 24, 2024 at 9:30 a.m. This is required per Florida Statute. She asked for a motion to approve Resolution 2024-06.

On MOTION by Ms. Henley seconded by Ms. Kristen Cassidy, with all in favor, Resolution 2024-06 Designating November 24, 2024 at 9:30 a.m. for the Landowners’ Election, was approved.

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SIXTH ORDER OF BUSINESS**Staff Reports****A. Attorney****i. Ethics Training Workshop Date/Time**

Ms. Hammock reminded the Board of April 30th and May 30th ethics training via Zoom. She scheduled a call with the attorney to discuss having a traffic enforcement agreement. She wanted to make sure there is no charge to the District for that service. She is hoping to have that finalized as soon as tomorrow but sometime next week at the latest. Ms. Hammock stated that she also needs direction from the Chair or Vice Chair with the agreement. The District being a special purpose unit of government only has a limited set of powers. The District is prohibited from any sort of police powers. Ms. Adams asked Meredith if there is an agreement in between scheduled meetings, would a motion be needed to authorize the Chair to execute it or can the Chair execute it and bring it back to the next meeting to ratify? Ms. Hammock stated yes, the Chair can execute it.

B. Engineer**i. Consideration of Work Order 2024-01 for Annual Engineers' Report**

Mr. Malave noted they have a work order as part of the requirements of the bond documents and holders. It requires an Annual Engineer's Certification letter indicating that all of the facilities are in good shape and being operated and maintained as required. This work order is for that type of effort and most of it is stormwater related. It is on page 23 of the agenda packet.

On MOTION by Ms. Henley seconded by Ms. Kristen Cassidy, with all in favor, Work Order 2024-01 for Annual Engineer's Report, was approved.
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C. Field Managers Report

Mr. Tindall presented the Field Managers Report. Topics included pool deck cleaning, shower repair, playground mulch leveling, trimming and mowing, irrigation, entry sign cleaned, sign touchup painting/repair, and streetlights reported for repair. He noted a couple areas where the stop bars at the stop signs are starting to wear thin so will work on getting a proposal for that.

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D. District Manager’s Report

i. Approval of Check Register

Ms. Adams presented the check register from March 9, 2024 through April 5, 2024 for a total of \$18,973.33. Immediately following the register is a detailed run summary.

On MOTION by Ms. Henley seconded by Ms. Kristen Cassidy, with all in favor, the Check Register totaling \$18,973.33, was approved.

ii. Balance Sheet and Income Statement

Ms. Adams noted the unaudited financials were through the end of March. She went over line items. These are for informational purposes. No Board action is required. Under the assessments, the District was almost 100% collected as of the end of March.

SEVENTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

EIGHTH 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.

NINTH ORDER OF BUSINESS

Adjournment

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

DocuSigned by:
Tricia Adams
Secretary / Assistant Secretary

DocuSigned by:
Bobbie Henley
Chairman / Vice Chairman