

**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, **August 21, 2025**, 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 Shockley	Chairperson
Lindsey Roden	Vice Chairperson
Diana Macecsko <i>by Zoom</i>	Assistant Secretary
Joan Griffin	Assistant Secretary
Catherine Gonzalez <i>by Zoom</i>	Assistant Secretary

Also present were:

Tricia Adams	District Manager, GMS
Katie O'Rourke	District Manager, GMS
Savannah Hancock	District Counsel, Kilinski Van Wyk
Rey Malave	District Engineer, Dewberry
Joey Duncan <i>by Zoom</i>	District Engineer, Dewberry
Allen Bailey	Field Manager, GMS

FIRST ORDER OF BUSINESS

Roll Call

Ms. O'Rourke called the meeting to order. Three Board members were in attendance, constituting a quorum. Ms. Macecsko and Ms. Gonzalez participated by Zoom.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. O'Rourke opened the meeting for public comments.

Resident (Rolando Lopez, 901 Cambridge) asked about the easement policy and noted there were no guidelines in place, and he wanted transparency. He asked what the next step for the fence is, and who is paying.

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Resident (Victor Chavez, 868 Cambridge) asked about the same Board policy on the fence and noted nothing had happened during the last hurricane in his backyard.

Resident (Enid Carmona, 812 Cambridge) asked about the fence policy and made comments on her fence, access, expenses, and safety issues with her family.

Resident (William Steinhaur, 904 Cambridge) stated he had lived here for 3 years, and there was no explanation on his survey or by the builders. He asked regarding the drainage easement and the original deed and survey and never was told about the issues. He noted he had never seen flooding in the neighborhood. He had 2 approvals for fences. He stated he opposes the easement that has been neglected for the past 3 years and noted it had never been maintained by the city.

THIRD ORDER OF BUSINESS

Approval of Minutes of the July 17, 2025 Board of Supervisors Meeting

Ms. O'Rourke presented the minutes from the July 17, 2025, Board of Supervisors meeting. She added that staff had reviewed the minutes, and she was happy to take any comments or corrections.

On MOTION by Ms. Shockley, seconded by Ms. Griffin, with all in favor, the Minutes of the July 17, 2025 Board of Supervisors Meeting, were approved.

FOURTH ORDER OF BUSINESS

Consideration of Fiscal Year 2025 Audit Engagement Letter

Ms. O'Rourke stated the is for the Fiscal Year 2025 audit engagement letter. The annual fee is \$4,000 and is consistent with the proposal they submitted and with the current budget.

On MOTION by Ms. Roden, seconded by Ms. Shockley, with all in favor, the Fiscal Year 2025 Audit Engagement Letter, was approved.

FIFTH ORDER OF BUSINESS

Discussion Regarding Property Encroachments

Ms. Adams stated this will be for discussion on the property encroachment. She noted she will introduce information regarding the easements and background on the easement policy. She

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stated there are easements on private property in Lucerne Park and some are in favor of the city or others are in favor of the utility companies for access to cable lines or access to city waterlines. She added there are others are in favor of the CDD. She stated the easements are recorded on the plat and the surveys. She noted the maintenance is designed for the property owner and the District has a right for access to the easement and there should be nothing blocking the easement. She noted the types of easements that were a part of the District. She stated the District should have access to that property and repair any issues.

Ms. Adams added the easements are not new and were recorded when the lots were surveyed. She discussed the implementation of the policy and there were challenges with the HOA not understanding the policy. The communication issue and lack of understanding and this clarification was done to aid in communication with the HOA. This did not change the issue.

Ms. Adams discussed the property owner that had contacted the District living on Cambridge and noted he had submitted an application to install a fence and was denied. The property owner informed the District of easements in the District. An inspection was made on the encroachments and became aware of the encroachments and sent letters to the homeowners.

Mr. Malave noted the history of the plats and recording of the easements. He noted property owners can maintain the easements and the rights stay in place. He discussed the permits, construction plans, the stormwater system, and the drainage issues. He noted the options that were available and approved by the city, and the permit by SWFWMD gave the CDD the permission to operate. He added there are two things required, and the engineer is to certify and review every year. He explained the drainage problems that would incur if fences were installed. Other issues could be created by vegetation.

Mr. Malave explained the steps that would occur if he could not certify the system was working the CDD can be found non-compliant and fined up to \$10,000 a day for every day that the violation was in place. He explained the new laws on stormwater rules requiring quality issues and working the way they were designed.

Further discussion was held on what was underground, the swells, design of the ditch, and the way drainage runs. Ms. Griffin noted she had seen the land and didn't understand why the water wouldn't travel down. Mr. Malave discussed the drainage easement, the stormwater system and how it affected property owners, fences, and landscaping. Other topics of discussion was held

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on hurricanes, designer permits, installation of fences, cross-section impeding drainage, and the easement in relation to the property line of the homeowner.

Ms. Adams presented documentation to describe the feet of the easement, property line for utilities, builder getting permission without accounting to the homeowner, these were on the plats, the surveys, the permits, various locations of the easements, and responsibility of mowing of these areas.

Ms. Adams pointed out on page 17 is the copy of the form letter that was mailed to homeowners notifying them there was an encroachment. It does not go into detail of the swells or ask for action, it is a notification letter.

Ms. Adams further described the policy to allow property owners to apply for a variance. Other documents from the engineer were provided to the audience.

Ms. Hancock described all the different options for the Board. She estimated this is to be a \$200,000 project for the District. She noted they want to work with the homeowners, but there is a legal interest to protect the CDD. She recommended the Board try to work with the homeowners to retroactively go through the policy and to evaluate the impact to the swell and remove fences if needed, regate the swell, and to reinstall to the fence at the cost of the homeowners. There is a possibility the fence could not be reconstructed, and it would be licensed in public record and documented in a new sale. She noted the CDD could file an injunction in court to enforce our easement right. It was asked how long the process would take. It was reiterated this could be the charge to the homeowners.

Board member commented on damages to the property, effort to help protect the homes, police involvement, and Board recommendation, and this would be a safety and security to the homeowners. It was stated the fence may just be relocated, not removed completely and it is understood that security is a concern.

Discussion ensued on the builder not originally putting a fence due to the swell. Clarification from District counsel was sought on if a homeowner was in the audience tonight and they want to relocate the fence on their own lot, outside of the easement, the engineer would not need to do anything. This is responsibility of the homeowner. Grass cutting was discussed and damages to dig the areas to cover. Damages would be on the homeowner. The District would have the legal authority to maintain the swell by the nature of it being in the District. This decision would be up to the Board.

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It was noted the staff is looking for the direction from the Board for several options. This would be to demand removal and send letters to the homeowner asking them to relocate their fence outside of the swell, or they can reinstall the fence in their yard, keeping out of the easement. Then the issue would be homeowner responsibility and there would be policy if the easement is clear for mowers to go back, and if the District would maintain that drainage swell.

Ms. Macecsko voiced concerns this was a previous mistake, the easement areas, Cambridge homeowners should have been notified when they bought the property and though the process of buying property, and now you will have the expense to mowing, and it was not fair to these homeowners. She was very concerned with the impact on the homeowner, and it was not fair.

Other options were discussed for the Board, with one to ignore this altogether, ask the homeowner to relocate the fence, ask the homeowner to submit an easement application, and ask the engineer if a fence is allowable. One key question is to ask if there any conditions where the District engineer would allow the fence in the drainage easement.

Engineer options were discussed for outcomes. The most collaborative option is to have the policy to allow residents to have fences. If residents are allowed to submit a voluntary application and with the \$75 fee. Discussion ensued on the process for the engineer, the Board costs, budget available, allowing the engineering to get into back yard to access the swell and determination on the easement and if they can allow a fence. The engineer noted it would be done in 30 days. He clarified the process.

The Board asked for staff to send a letter to homeowners that the Engineer would be inspecting the drainage swales and encroachments. Further discussion was held on repair, that the District cannot spend money on private property, and the process for repairs within the swale if needed. Staff is trying to protect the District's interest.

Board direction is clear to have the District engineer to inspect each one and to coordinate notice with the property owners. It was clarified this was not a guarantee and there is a real possibility that it would have to be relocated or other options.

Ms. Adams asked if the Board would like to open the meeting for public comments. The Board decided to hold until the end of the meeting.

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SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Hancock reminded the Board for the ethics training and filing of Form 1. She noted they will be working with the District on the easement issue

B. Engineer

Mr. Duncan stated there were no further comments.

C. Field Manager's Report

Mr. Bailey reviewed the report and commented the landscape is doing well, the hinges of gate rust has been fixed, solar light paint touch ups, and ponds are dry.

i. Consideration of Proposal from Pro Playgrounds for Pool Shade Structure

Mr. Bailey reviewed the proposal from Pro Playgrounds noting the costs would be \$36,653.16. He added this is for a shade structure 24x14 over the pool. He noted another quote came in today at \$27,260. It is 30x60. He explained the location of the shade structure.

The Board asked about pavers around the pool, structure effect on pavers, permanent structures to handle hurricane damage, the fabric options are found on page 39, and this can be added to the insurance policy. The Board asked for staff to check to see if the actual cloth would be covered under insurance. The Board asked if it was in the budget for this. Ms. O'Rourke noted it was not budgeted in the 2026 budget and there is \$12,000 in contingency and in capital funds. This would require a budget amendment. There was no hurricane amount set aside, but funds carry over. The process of the installment and pricing was discussed. He stated other proposals could be brought back.

After discussion the Board decided to table this item until the October meeting.

ii. Consideration of Proposal for Paint Removal

Mr. Bailey reviewed the proposal due to a paint spill, and the options were discussed. It was noted paint was on a car and truck. Mr. Bailey reviewed the options for repair with a chemical company for \$1,034.69.

On MOTION by Ms. Shockley, seconded by Ms. Griffin, with all in favor, the Proposal for Paint Removal, was approved.

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D. District Manager's Report**i. Approval of Check Register**

Ms. O'Rourke presented the check register from July 4, 2025, through August 7, 2025, totaling \$28,146.49. A detailed check run summary follows the check register.

On MOTION by Ms. Roden, seconded by Ms. Shockley, with all in favor, the Check Register, was approved.

ii. Balance Sheet and Income Statement

Ms. O'Rourke presented the unaudited financials through June 30, 2025. She added that it was for informational purposes only, but she could answer any questions. She added they were 100% collected and were coming in under budget for Administration and Field expenses.

iii. Approval of Amenity Policy Clarification Regarding Access Card Issuance

Ms. O'Rourke stated this for clarification of the amenity policy regarding the access card issuance. This is an administrative change and is under access card section to update language.

On MOTION by Ms. Shockley, seconded by Ms. Griffin, with all in favor, the Amenity Policy Clarification Regarding Access Card Issuance, was approved.

SEVENTH ORDER OF BUSINESS**Other Business**

There being no comments, the next item followed.

EIGHTH ORDER OF BUSINESS**Supervisors Requests**

Ms. O'Rourke opened the meeting for additional public comments.

Resident (Rolando Lopez, 901 Cambridge) commented on the front of his house and area oil stained by the truck. The staff will send to the city. He asked about reaching out to the attorney general on making an exception to pay or help the homeowners on the removal and maintenance of the fence. He wasn't happy with the responsibility of the homeowners. District Attorney made reply regarding bond money and not using CDD money on private property. The District engineer stated there were three houses that needed review 828, 848, and 878. He noted these all have

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structures within the swell and believed the structures were in violation. Findings will be reported back to the Board.

A statement was made there is a drainage easement on lot #825 and conflicts with documentation.

Resident (William Steinhaur, 904 Cambridge) commented on the easements and was advised there was multiple options on the table not just coming in and making the homeowner pay. He asked for the homes that already had the approval from the HOA be grandfathered into what they already have with no expenses on them.

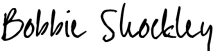
NINTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Griffin, seconded by Ms. Shockley, with all in favor, the meeting was adjourned.

Signed by:

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 Secretary / Assistant Secretary

Signed by:

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 Chairman / Vice Chairman