

**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, **October 16, 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
Lindsey Roden
Joan Griffin
Catherine Gonzalez

Chairperson
Vice Chairperson
Assistant Secretary
Assistant Secretary

Also present were:

Tricia Adams
Katie O'Rourke
Savannah Hancock
Cole Landau

District Manager, GMS
District Manager, GMS
District Counsel, Kilinski Van Wyk
District Engineer, Dewberry

FIRST ORDER OF BUSINESS

Roll Call

Ms. O'Rourke called the meeting to order. Four Board members were present in person constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

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

Resident (Rolando Lopez, 901 Cambridge Drive) asked for clarification when the Board reached item eight regarding the new Board member appointments. He wanted to understand how the process took place, whether the Board accepted letters of interest or resumes, or if they were appointing someone they already knew.

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THIRD ORDER OF BUSINESS**Approval of Minutes of the August 21, 2025, Board of Supervisors Meeting**

Ms. O'Rourke presented the minutes from the August 21, 2025, Board of Supervisors meeting. She added that staff had reviewed and edited the minutes. She asked the Board if they had any comments, corrections, or changes. The Board had no changes to the minutes.

On MOTION by Ms. Roden, seconded by Ms. Griffin, with all in favor, the Minutes of the August 21, 2025, Board of Supervisors Meeting were approved.

FOURTH ORDER OF BUSINESS**KVW Memo Regarding Updated Provisions to the District's Rules of Procedure****A. Consideration of Resolution 2026-01 Setting a Public Hearing to Amend Rules of Procedure**

Ms. Hancock explained the memo to the Board regarding the updated Rules of Procedure. She stated that these rules guided how the District handled things like meetings, notices, procurement, and general procedures. Because of recent legislative changes, some sections needed updating. She pointed out the new notice requirement for rule development and rulemaking hearings. Before July 1, 2025, the District only had to publish notices 29 and 28 days before a hearing. Now, the first notice must go out 35 days in advance, while the second is still at 28 days. She noted that this meant the District wouldn't be able to set a hearing one month out anymore and would need closer to two months of lead time.

B. Updated Rules of Procedure

Ms. O'Rourke noted that they cleaned up the language regarding rule variances and emergency rules to align with current state requirements. After explaining the changes, she said she could answer any questions; otherwise, the Board just needed a motion to set the public hearing. There was a motion to approve Resolution 2026-01 setting the public hearing for January 15, 2026, at 9:30 a.m.

On MOTION by Ms. Shockley, seconded by Ms. Roden, with all in favor, Resolution 2026-01 Setting a Public Hearing to Amend Rules of Procedure for January 15, 2026 at 9:30 a.m. was approved.

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FIFTH ORDER OF BUSINESS**Discussion Regarding Property
Encroachments**

Ms. O'Rourke referred to the map on page 86 of the agenda package and directed the Board to review the color-coded spreadsheet showing Mr. Landau's findings. She explained that seven homes were marked green, and that Mr. Landau had determined the encroachments could be tolerated because they did not interfere with drainage. The addresses were 812, 820, 860, 892, 900, 912, and 920. Ms. O'Rourke recommended that, even though these encroachments could remain, the homeowners should still proceed with the standard easement variance process.

Ms. Hancock explained that whenever a homeowner has something within a District easement or attached to District property, the District issues an Easement License Agreement. This gets recorded in the public records, allows the improvement to remain, prevents it from becoming a title issue later, and gives the District the right to enter the property for maintenance. Ms. Hancock said she would draft the agreements, and the staff would get the signatures. Since the documents need to be notarized, a Board member offered to notarize them at no cost to save costs, and Ms. Hancock noted that some District staff are also notaries if needed. After Board discussion, consensus was to authorize counsel to draft the agreements for the seven homes and to send letters to those residents.

On MOTION by Ms. Shockley, seconded by Ms. Roden, with all in favor, Authorizing Staff to Send Notification Letters to the Residents Regarding the Easement Variance Policy for Homes where Encroachments can be tolerated, was approved.

Ms. O'Rourke stated that the Board had reviewed Mr. Landau's findings that 10 homes would need changes to their properties. Of those ten, two homes had landscaping or landscape borders that were blocking water flow, and eight homes had fences that needed modification. The discussion started with the landscaping issues, focusing on the homes at 840 and 916, which were highlighted in peach on the spreadsheet. Photos in the meeting packet showed landscape additions causing drainage concerns. Homes 840 and 916 had landscape borders that were blocking water flow and Mr. Landau recommended that those items be removed. The other eight homes had fences sitting directly on the soil within the drainage easement. Ms. O'Rourke provided pictured examples

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of how compliant fences have openings for water to pass through, compared to those that are flush against the ground. After visiting each yard, Mr. Landau recommended raising the fences by only 4 inches within the swale, not the entire fence. He said that it could be just one post that was set too low and needed to be lifted. Ms. Shockley questioned whether lowering the soil could solve it instead. Mr. Landau explained that it would create depressions and disrupt the required continuous slope, potentially causing ponding and stormwater permit issues. Ms. Hancock added that the District could face fines if the system wasn't functioning as designed. Staff discussed that only the CDD, not the builder or HOA, has the authority to allow anything in the easement. Mr. Landau noted that for the landscaping encroachments here only the hardscape items that blocked flow needed to be removed, and that regular plants and trees that didn't hold water could stay. The Board decided to send letters to those 10 addresses and advise them that they needed to make changes to their property within the drainage swale. The board decided on January 31st as the deadline, with the understanding that homeowners could contact management for extensions if needed.

On MOTION by Ms. Shockley, seconded by Ms. Gonzalez, with all in favor, Authorizing Staff to Send Letters to 10 Residents, Requiring Modifications and Then Having Residents Enter Into Easement Variance Policy, Giving the Residents Until January 31, 2026 to Comply, was approved.
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Ms. O'Rourke reviewed the final two homes, 828 and 880, where Mr. Landau found permanent structures built inside the drainage area. One property had a shed, and the other had an above-ground pool with a deck. Mr. Landau explained that in both cases, it was unclear whether water could flow properly under or around the structures, and a topographical survey for both homes would cost about \$2,700. He noted the shed might need to be raised to allow a flow path for water, and the pool property appeared to have cut into the slope and fill in the drainage swale for installed decking that could restrict drainage. Ms. O'Rourke added that the HOA had been contacted to confirm whether these structures were ever ARC-approved, but the HOA was still searching for old records and had not yet responded. The Board discussed whether to wait for the HOA's findings, with Ms. Hancock reminding everyone that the CDD should not enforce HOA covenants but could act on easement encroachments. Ms. Griffin indicated that she believed the

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homeowners had requested approval from the HOA and that they should also be asked directly to respond and provide proof of their request and approval. Ms. O'Rourke agreed to reach out to those two homeowners and request their documentation as well as continue to work with the current HOA management company to check for records of approval.

On MOTION by Ms. Roden, seconded by Ms. Gonzalez, all in favor, Directing Staff to Contact Homeowners at 828 and 880 Regarding HOA Approval Paperwork Allowing 30 Days to Respond, was approved.

SIXTH ORDER OF BUSINESS

Review and Acceptance of Annual Engineer's Report

Ms. O'Rourke stated that this was a report Dewberry provided to help them achieve the Districts goals and objectives. She added that they required this report so the engineer could ensure compliance.

On MOTION by Ms. Shockley, seconded by Ms. Roden, with all in favor, the Annual Engineer's Report, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Dewberry Work Authorization 2026-1 for FY26 Engineering Services

Ms. O'Rourke stated that the Board had gone over the Dewberry work authorization for FY26. She added that it was basically just an update to their engineering services costs. She explained that the new amount was already included in the budget.

On MOTION by Ms. Roden, seconded by Ms. Shockley, with all in favor, Dewberry Work Authorization 2026-1 for FY26 Engineering Services, was approved.

EIGHTH ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation of Diana Macecsko

Ms. O'Rourke stated that Ms. Diana Macecsko had submitted her resignation. Her departure created a vacancy in seat 3, and Ms. O'Rourke asked for a motion to accept her resignation.

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On MOTION by Ms. Shockley, seconded by Ms. Roden, with all in favor, Accepting the Resignation of Diana Macasco, was approved.

B. Appointment of Individual to Fill Board Vacancy in Seat #3 Exp. 11/2028

Ms. O'Rourke noted that seat 3 was a general elector seat expiring in November 2028. Ms. O'Rourke discussed the basic qualifications and explained that the Board had options. They could consider the one interested resident, Mr. Rolando Lopez, who was present, or they could send a community-wide notice to see if anyone else wanted to apply. Ms. Griffin said that Mr. Lopez would be a great addition, but still supported sending the notice, as long as the Board could make the appointment at the next meeting. The Board agreed and made a motion to send the email.

C. Administration of Oath to Newly Appointed Individual

D. Consideration of Resolution 2026-02 Electing Officers

Items B through D were tabled until the next meeting.

NINTH ORDER OF BUSINESS

**Consideration of Assignment Agreement
for Towing Services**

Ms. O'Rourke reviewed the updated towing agreement on page 102 in the agenda package. It was an administrative update because the towing company changed its name from SNS Towing to Downtown Tow & Hold, so the contract was revised to reflect the new name.

On MOTION by Ms. Shockley, seconded by Ms. Griffin, with all in favor, the Assignment Agreement for Towing Services, was approved.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Hancock reminded the Board to finish their ethics training by December 31st and noted she would work with staff to send out any needed letters. She repeated the requirements for the open Board seat and added that anyone applying should attend the meeting, as the Board likes to do a Q&A before choosing someone.

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B. Engineer

Mr. Landau stated that in addition to the annual report already provided, a yearly inspection of all CDD-owned properties had also been completed at the same time. He added that the report had been submitted and that they were available to answer any questions.

C. Field Manager's Report

Mr. Bailey stated that the men's restroom automatic flushers had been acting up but started working again after the batteries were replaced. He noted the paint on the road had been removed, the entrance landscaping was still looking good heading into fall, and the ponds were dry as expected. Ms. Gonzalez pointed out that the long stretch between the first and second entrances still had bald dirt patches along the fence. Mr. Bailey said that he would get a proposal for sod or seeding since the area didn't have turf irrigation and wouldn't fill in quickly on its own. Mr. Bailey discussed a problem corner near the second entrance where cars kept cutting the turn and tearing up the ground. He added that if the grass wouldn't hold up there, they agreed that gravel would be better. Mr. Bailey said that he would set that up.

i. Consideration of Pool Maintenance Increase from Resort Pools

Mr. Bailey presented the updated monthly increase for Resort Pools. He noted that the correct updated amount was \$2,034 per month and that amount fit within the budget.

Ms. Griffin asked about the pool shade structure and wanted to know if that proposal was available. Ms. O'Rourke said the item had been moved to the November meeting.

On MOTION by Ms. Shockley, seconded by Ms. Gonzalez, with all in favor, the Pool Maintenance Increase from Resort Pools, was approved.

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

Ms. O'Rourke presented the check register from August 8, 2025 through October 2, 2025, totaling about \$71,245. She noted that a detailed run summary of all those checks followed. She stated that the Board had already reviewed everything for accuracy and she was seeking a motion to approve.

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

ii. Balance Sheet and Income Statement

Ms. O'Rourke presented the balance sheet and income statement through August 31, 2025. She noted that there was nothing for the Board, and they were 100% collected. She added she was happy to take any questions. This was just for informational purposes only and no action was necessary.

ELEVENTH ORDER OF BUSINESS

Other Business

There being no comments, the next item followed.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

Ms. O'Rourke asked for any Supervisors' requests. There being no comments, the next item followed.

THIRTEENTH ORDER OF BUSINESS

Public Comment Period

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

Resident Mr. Lopez (901 Cambridge) stated that they had been very critical of the Board in the past but wanted to thank everyone because he felt the Board picked the best outcome for the homeowners on the fence issue. They mentioned that other affected homeowners couldn't attend and asked the Board to accept their appreciation as well. He then asked who would pay for any future inspections to confirm that fence posts were raised the required 4 inches. Ms. O'Rourke clarified that the District, not the homeowners, would handle those inspections. Mr. Lopez asked whether homeowners could add something like lattice or another barrier at the bottom of the fence after raising the posts, especially for pets. Ms. O'Rourke confirmed that they could and that multiple options were available.

Resident thanked the Board and said they really appreciated having someone who kept everyone informed. They said many people in the community felt more comfortable and safer because of that involvement. They expressed that on behalf of the residents attending, they valued that kind of communication and support.

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Ms. Diana Macesco (884 Cambridge) spoke and agreed with Mr. Lopez that the fence solution was a good one, and she appreciated the Board's decision. She asked for clarification about her own fence because she believed it was already raised due to sprinkler lines the builder installed but wasn't sure whether it met the required 4-inch height. She asked if fixing it would mean raising the posts. Mr. Landau explained that the neighboring properties on both sides shared fence sections, and once everyone raised their fence four inches in the back 15 feet of the drainage area, it would resolve her section as well. Ms. O'Rourke added that post locations vary by property, so she could check with staff before making any changes to ensure they can guide her.

Ms. Macesco said that she appreciated the help and added that it had been a pleasure serving on the Board. She said she would miss everyone and commented that Mr. Lopez would be a great addition if he were appointed to the open seat. She closed by thanking the Board again for choosing a solution that she felt worked best for everyone.

FOURTEENTH ORDER OF BUSINESS**Adjournment**

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

Signed by:

Katie O'Rourke

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Secretary / Assistant Secretary

Signed by:

Bobbie Shockley

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Chairman / Vice Chairman