

MINUTES OF MEETING
BONNET CREEK RESORT
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Bonnet Creek Resort Community Development District was held Thursday, February 6, 2020 at 2:00 p.m. at the Hilton Bonnet Creek, 14100 Bonnet Creek Resort Lane, Orlando, Florida.

Present and constituting a quorum were:

Bob Gaul	Chairman
Randall Greene	Vice Chairman
Glen Winsor	Secretary
Ruth Perry	Treasurer by telephone
Herb Von Kluge	Assistant Secretary

Also present were:

George Flint	District Manager
Andrew d'Adesky	District Counsel
Jim Nugent	District Engineer
Clayton Smith	Field Manager
Justin Koegel	Whiting-Turner Contracting Co.
Bob Amsterdam	Whiting-Turner Contracting Co.
Reese Patterson	Golf Course Superintendent

The following is a summary of the minutes and actions taken at the February 6, 2020 meeting and a copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Public Comment Period

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the December 5, 2019 Meeting

On MOTION by Mr. Gaul seconded by Mr. Greene with all in favor the minutes of the December 5, 2019 meeting were, approved as presented.

Mr. Flint stated before we take up the other business, I understand we have the Hilton contractor representative here and Hilton's representative on the construction project and they will give an update on the project.

Mr. Koegel outlined the changes in the MOT since the last presentation and the Board and staff discussed the changes including infill of an area for the turning radius, professional flagmen being onsite, location of the bus stop, any damage to the median would be repaired, signage on both sides of the road and in the median.

Mr. Winsor asked are we settled on the liability piece?

Mr. d'Adesky stated no, we are not. Jan looked at it very thoroughly and we had an issue come up with a different client and the issue is the liability insurance in addition to a couple things it may or may not cover. It definitely does not cover fines and penalties and that is the real thing, which can add up if there is a violation. We will make sure this gets moving as quickly as possible and we will have some sort of indemnification insurance provisions with the contractor and have Parc acknowledge that so we can get it executed initially by the contractor, have it in place and then get the acknowledgement to Parc and if that takes a couple months then it takes a couple of months. We will prepare it and send it to the contractor and to Parc. That would protect the District fully in case there are any fines or penalties that might result as a part of this.

Mr. Greene asked if we get sued don't we have liability?

Mr. d'Adesky stated we have limited liability in terms of legal liability but in terms of fines and penalties as the permittee we could be subject to significant environmental liability and that is what we are trying to protect against.

EIGHTH ORDER OF BUSINESS

Ratification of Custom Pump System Agreement with Watertronics, LLC

**This item was taken out of order*

Mr. Flint stated what you have in the agenda is ratification of the agreement with Watertronics so that they can start manufacturing the pump system. There is a deposit requirement and they submitted an invoice for funding of that.

Mr. Nugent asked are we set legally?

Mr. d'Adesky stated no. We got comments back from Parc, we prepared all the legal responses to them, they asked us for insurance that is beyond the amount we can insure under Florida law, so we corrected that. Also, the one change and it is significant is that we originally contemplated releasing our old easement but due to existing equipment that needs to remain in place we cannot release our old easement.

Mr. Nugent stated the backup well needs to remain and there is a control circuit. We are going to try to relocate a portion of that control circuit. The well will hopefully be done by radio to the new control panel; we are working through that with Watertronics and the electrical engineer. There is a control circuit that we will have to run to the reclaim fill that currently is run by float down at the pump station. They are going to use the float controls in the new pump station wet well since it has to have one anyway and as of yesterday that will be hard wired into the control valve that comes off the Orange County Utility meter. The drawing is an update from what was previously circulated by Mr. Florio last quarter 2019. What is shown in blue is dimensioned to the tied down location of the pump station and the discharge routing and the electrical feed. There are minor adjustments to what was distributed to everybody in September or October, but it essentially preserves the offset dimensions from the underground features to the limits of the easement to allow construction and access and maintenance.

Mr. Winsor asked are you getting a sense that they are moving and making progress?

Mr. d'Adesky stated yes in January they got back to us pretty quickly.

Mr. Flint stated I don't know how they are going to respond on things like the insurance.

Mr. Winsor stated we are probably a couple months from getting this all signed up so you have decided to move forward with the purchase of the pump and get the permitting going on it.

Mr. Flint stated without the easement are we going to be able to start the permitting?

Mr. Nugent stated specifically not through the County. There are a couple levels of permitting and I can give the Board an update on that. Orange County, we talked last meeting that we are going to need an affidavit or at least a supporting letter and the signed easement agreement to obtain a building permit. There will be a companion electric permit necessary and that gets pulled at the contractor level rather than approval of the site plan and the remainder of the plan documents. There is going to be a modification to the existing South Florida Water Management District water use permit. Based on my discussions with District staff that should

be processed as a letter modification. We are not changing our withdrawal location, we are not changing our allocations but we are changing the position of the pump station and the capacity of the pumps is pretty much what is driving that. Dependent on what we hear from final input from the contractor about the installation of the intake flume there may or may not be a need for a water use permit for construction dewatering. We have a follow-up discussion scheduled for February 14th with one of the contractors to talk about the actual method they think they can best use to install the intake flume. The idea was to pull the lake level down temporarily, possibly cofferdam that north end of the lake in the corner to allow that to be dewatered, trenched in, open cut and then possibly run that pipe in the pond, get the cofferdam out, allow the pond to refill and then have interim dewatering with well points running along the pipe installation line to the wetwell.

We did get the geotechnical evaluation complete; I haven't seen the invoice come through yet. I did ask them to make a couple corrections in the report, one of which they addressed to Mr. Kacheris and since he is no longer here I will ask them to address it to Mr. Gaul. That is due to me this week.

We did confirm at the meeting Friday that the pump station is on the production schedule at Watertronics.

Mr. Patterson and Mr. Smith outlined the irrigation schedule for all the properties.

Ms. Perry joined the meeting by telephone.

Mr. Nugent stated a question came up in our meeting with the contractor on Friday, we know Watertronics is a sole source supplier. Is the actual sitework also a sole source contract? You and I spoke briefly about open cut on the median for the install to save the expense and headache. The contractor raised a second option as to turning Chelonia into one-way each way for a short period of time and using the crossover at the Hilton and back at the Wyndham to reroute traffic on a temporary basis. I didn't know if that was something to be considered.

Mr. Winsor stated be aware of the construction that might be going on here too.

Mr. Nugent stated that is in the back of my mind as well.

Mr. Flint stated the options we were talking about is we would have one lane closed on each side at some point and the other option is to close both lanes on one side. Is that what you are saying?

Mr. Nugent stated right, the first option I raised with you is we would stagger the open cut install into the outbound lane first, road plate it, come back in and do the inbound install and in some timeframe ideally at the off time do the patch with high early concrete and then put asphalt pavement back over the top of it.

Mr. Flint stated that is probably better than closing one side with the construction going on here.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2020-03 Approving Utility Easement and Delegating Authority to Partially Vacate and Modify Drainage Easement

Mr. d'Adesky pointed out on the sketch the location of the utility access ingress/egress easement to get to the lift station that needs to be granted to the District and stated the original drainage easement related to pond 9 is proposed to be modified and partially vacated and a new drainage easement to be granted to the District.

We are not going to require a replat we are just going to require Orange County to go through their process to vacate their emergency access easement. They have to vacate that in order for us to be able to vacate our easement and add the new drainage easement on the backend. We may do the utility easements first to get those in place to ensure access to that lift station tract and then do the partial vacation and add the drainage easement on the backend.

On MOTION by Mr. Gaul seconded by Mr. Winsor with all in favor Resolution 2020-03 Approving Utility Easement and Delegating Authority to Partially Vacate and Modify Drainage Easement, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2020-04 Designating a Primary Administrative Office

Mr. Flint stated our office in downtown Orlando moved and we need to designate our new address as the primary administrative office for the District versus our prior address.

On MOTION by Mr. Gaul seconded by Mr. Winsor with all in favor Resolution 2020-04 Delegating a Primary Administrative Office, was approved.

SIXTH ORDER OF BUSINESS**Consideration of Temporary and Conditional License Agreement with Allen E. Smith Ranch and Farming, Inc.**

Mr. Flint stated next is an item that District Counsel has been working with Mr. Von Kluge on regarding the temporary and conditional license agreement with Allen E. Smith Ranch.

Mr. d'Adesky stated it is pretty standard and keeps close to what we had last time; we just made some updates. It still contains indemnity and insurance provisions and other regulations that will protect the District from potential loss, it sets use of CIMMA, regulating what they can bring onto the site, who they can invite on the site, it also establishes that they should be directing any contact or correspondence with the neighbors through Allen E. Smith Ranch and goes through a lot of the other required provisions.

On MOTION by Mr. Greene seconded by Mr. Von Kluge with all in favor the Temporary and Conditional License Agreement with Allen E. Smith Ranch, Inc. was approved.

SEVENTH ORDER OF BUSINESS**Ratification of Change Order No. 3 with Canin Associates**

Mr. Flint stated this change order is in regard to the entrance monumentation, we needed to do a change order in order for them to be able to go back and do a redesign.

Mr. Nugent stated I have been working with Greg Witherspoon at Canin. This is a change order that covers every design that accommodates what Reedy Creek told us they want, and we are still waiting to get their comments on the revised version that was proffered the week before last. I spoke with Canin today by phone and there will be a follow-up change order associated with this for a redesign of the foundation structures related to the movement and it came to light during the original design and permitting process that the structural engineer originally engaged as a sub to Canin was less than responsive. John and I met with Canin at the end of the year to talk about doing the move and covering what Reedy Creek wants it was agreed that we probably needed to pursue it with another structural engineer that would be adopting that design, becoming the structural engineer of record and effectively putting a new plan set together. Greg sent me a proposal from Avcon Engineering to function as the structural engineer, they are a sub to Canin so Greg will send another follow-up change order that incorporates the fees for bringing Avcon in as the structural engineer.

On MOTION by Mr. Winsor seconded by Mr. Greene with all in favor Change Order no. 3 with Canin Associates for revised construction documents in the amount of \$6,000 was ratified.

Mr. Gaul stated at a previous meeting you said we were pretty well covered legally if this sign didn't go through or whatever the case, every bit of money that we put in we get back, including this change order we just approved?

Mr. d'Adesky responded that would be part of it; they have induced us to do this and we have a long trail of what they have been telling us to do and they have been working us through. This would just be adding to the stack at this point.

Mr. Flint asked do you want to explain to the Board the latest timeframe we are operating under?

Mr. d'Adesky stated the deadline was the first quarter that was implied by John Classe where he said there are funds available this first quarter, if not we would have to wait until next year. We are trying to move this as quickly as possible.

Mr. Nugent stated that has been floated to Kate and John Classe and John hasn't heard back. Jan weighed in about it and pretty much said we are running out of time. Keep in mind there is a secondary deadline we are working with as well; the building permit expires on April 5th.

EIGHTH ORDER OF BUSINESS

Ratification of Custom Pump System Agreement with Watertronics, LLC

Mr. Flint stated we discussed this earlier in the meeting, but we have the agreement with Watertronics that I needed to get executed to get that going and I'm asking the Board to ratify that action.

On MOTION by Mr. Gaul seconded by Mr. Greene with all in favor the Custom Pump System Agreement with Watertronics, LLC was ratified.

NINTH ORDER OF BUSINESS**Staff Reports****A. Attorney****Update on Auditing Requirements**

Mr. d'Adesky stated senate bill 7014, which was passed mostly relates to auditing and internal controls requirements. A lot of the things we are already doing such as GMS already keeps the audit on the website for two years. We already appoint committees including members of the Board, we name a member of the Board as the Chairman. One thing I want to make sure everybody is aware of if you are ever asked anything for the purpose of an audit, please provide that information, there are penalties if you don't provide the information to an auditor. It mainly would come up with contractors or somebody that they might be looking into that might prevent turning over information.

Mr. Gaul stated I got an email back that said do you know of any improprieties. Is this something I should absolutely answer?

Mr. d'Adesky stated yes.

Mr. Gaul stated since January 6th I have been on medical leave so my connectivity with Wyndham has been cut off. Is there anything else that would have come through on this because I'm getting calls saying my emails are getting bounced back.

Mr. d'Adesky stated if you knowingly knew of fraud or waste and held the information back that is the threshold.

Mr. Flint stated we are already doing everything in here for the most part, they are just documenting it in this bill. We don't really see anything in here that is something we are not already doing.

B. Engineer

Mr. Nugent stated I spoke briefly with Whiting-Turner about the taxi staging lane pricing. They are pursuing it; their site work contractor for the Waldorf has decline because of their schedule. Alfredo let me know he has somebody responding. We had an inquiry at the office from a supplier that wanted to know more about the project if there was a bidder's list. I believe it may be one of the site work contractors they are considering for the Hilton expansion. It is moving and Alfredo mentioned that they are expecting pricing coming in and as soon as I get something from him I will get it to George so he can route it on. Then we will have to tee up

permitting through Orange County again since that permit expired. If they approved it once and we get the same reviewers, hopefully, it will go through.

C. Manager

i. Consideration of Check Register

On MOTION by Mr. Gaul seconded by Mr. Greene with all in favor the check register was approved.

ii. Balance Sheet and Income Statement

A copy of the balance sheet and income statement were included in the agenda package.

iii. Field Manager's Report

Mr. Smith gave an overview of the field manager's report, copy of which was included in the agenda package and presented the following proposals for Board action.

On MOTION by Mr. Gaul seconded by Mr. Winsor with all in favor the proposal from UCC Group for bridge repairs was approved in an amount not to exceed \$11,000.

On MOTION by Mr. Gaul seconded by Mr. Winsor with all in favor the proposal from GMS for painting in the amount of \$2,817 and installation of bollards at four access gates in the amount of \$1,267 was approved.

On MOTION by Mr. Gaul seconded by Mr. Winsor with all in favor the proposal from Yellowstone for landscape enhancements in the amount of \$3,530 was approved.

TENTH ORDER OF BUSINESS

Supervisor's Requests

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS

Other Business

There being none,

On MOTION by Mr. Greene seconded by Mr. Winsor with all in favor the meeting adjourned at 3:20 p.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman