

*Bonnet Creek Resort Community  
Development District*

*Agenda*

*October 6, 2022*

# AGENDA

# *Bonnet Creek Resort*

## *Community Development District*

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219 East Livingston Street, Orlando, FL 32801  
Phone: 407-841-5524 – Fax: 407-839-1526

September 29, 2022

Board of Supervisors  
**Bonnet Creek Resort**  
Community Development District

Dear Board Members:

The Board of Supervisors of the Bonnet Creek Resort Community Development District will meet **Thursday, October 6, 2022 at 1:30 p.m. at the Signia by Hilton Bonnet Creek, 14100 Bonnet Creek Resort Lane, Orlando, FL 32821.** Following is the advance agenda for the meeting:

- I. Roll Call
- II. Public Comment Period
- III. Approval of Minutes of the September 1, 2022 Meeting
- IV. Consideration of Resolution 2023-01 Amending the Fiscal Year 2022 Budget
- V. Sign Construction Update
  - A. Engineer Update on Sign Construction
  - B. Status of Remedial Activities
  - C. Review of Letter to Don Bell Signs, LLC
- VI. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. District Manager's Report
    - i. Consideration of Check Register
    - ii. Balance Sheet and Income Statement
    - iii. Approval of moving December 1<sup>st</sup>, 2022 Meeting to Wyndham
  - D. Field Manager's Report
- VII. Supervisor's Requests
- VIII. Other Business
- IX. Adjournment

The second order of business is the Public Comment Period where the public has an opportunity to be heard on propositions coming before the Board as reflected on the agenda, and any other items.

The third order of business is the approval of the minutes of the September 1, 2022 Board of Supervisors meeting. The minutes are enclosed for your review.

The fourth order of business is the consideration of resolution 2023-01 amending the Fiscal Year 2023 budget. A copy of the resolution is enclosed for review.

The fifth order of business is the discussion on the status of sign construction.

The sixth order of business is Staff Reports. Section C is the District Manager's Report. Section 1 includes the check registers with invoices for approval. Section 2 includes the balance sheet and income statement for your review. Section 3 is the approval of changing the location of the December 1, 2022 meeting to the Wyndham Bonnet Creek Resort.

The balance of the agenda will be discussed at the meeting. In the meantime, if you have any questions, please contact me.

Sincerely,

**George Flint**

George S. Flint  
District Manager

Cc: Jan Carpenter, District Counsel  
James Nugent, District Engineer  
Darrin Mossing, GMS

# MINUTES

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, September 1, 2022 at 2:00 p.m. at the JW Marriot Orlando Bonnet Creek Resort, 14900 Chelonia Parkway, Orlando, Florida.

Present and constituting a quorum were:

Randall Greene	Chairman
Fred Sawyers <i>by telephone</i>	Secretary
Herb Von Kluge	Assistant Secretary
Becky Frasier	Assistant Secretary
Richard Scinta	Assistant Secretary

Also present were:

George Flint	District Manager
Jan Carpenter	District Counsel
Jim Nugent	District Engineer
Clayton Smith	Field Manager
Bob Gaul	

*The following is a summary of the discussions and actions taken at the September 1, 2022 meeting. An audio 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**

No members of the public were present.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Acceptance of Bob Gaul's Resignation**

On MOTION by Mr. Greene seconded by Ms. Frasier with all in favor Mr. Gaul’s resignation was accepted.

**B. Appointment of Individual to Fill the Unexpired Term of Office**

On MOTION by Mr. Greene seconded by Mr. Van Kluge with all in favor Richard Scinta was appointed to fill the unexpired term of office.

Mr. Flint gave an overview of the documents to be filled out.

**C. Administration of Oath of Office to Newly Appointed Supervisor**

Mr. Flint being a notary public of the State of Florida administered the oath of office to Mr. Scinta.

**D. Consideration of Resolution 2022-06 Electing Officers**

On MOTION by Mr. Greene seconded by Mr. Von Kluge with all in favor Resolution 2022-06 was approved reflecting the following: Randall Greene Chairman, Herb Von Kluge Vice Chairman, Fred Sawyers Secretary, Becky Frasier, Richard Scinta and George Flint Assistant Secretaries and Jill Burns Treasurer.

**FIFTH ORDER OF BUSINESS**

**Approval of the Minutes of the June 2, 2022 Meeting**

On MOTION by Mr. Greene seconded by Mr. Von Kluge with all in favor the minutes of the June 2, 2022 meeting were approved as presented.

**SIXTH ORDER OF BUSINESS**

**Public Hearing**

Mr. Flint stated you did direct us to incorporate an increase in the annual assessments by 10% and we included the revenue generated by that increase into the transfer out to capital reserve. The discussion was the repaving of Chelonia Parkway, possibly the stacking lane and other projects coming up and to do those projects you talked about increasing the capital reserve. We did a notice to the property owners within the District 30-days in advance of today’s meeting

and we also ran notices in the newspaper that are required by statute. We didn't get any responses to the mailed notice and there are no members of the public here to provide comment or testimony for the public hearing so we will bring it back to the Board for discussion of Resolution 2022-04 and the attached budget.

**A. Consideration of Resolution 2022-04 Adopting the Fiscal Year 2023 Budget and Relating to the Annual Appropriations**

On MOTION by Mr. Greene seconded by Mr. Von Kluge with all in favor Resolution 2022-04 Adopting the Fiscal Year 2023 Budget and Relating to the Annual Appropriations was approved.

**B. Consideration of Resolution 2022-05 Imposing Special Assessments and Certifying an Assessment Roll**

Mr. Flint stated there are no members of the public here to provide comment or testimony.

On MOTION by Mr. Greene seconded by Mr. Von Kluge with all in favor Resolution 2022-05 Imposing Special Assessments and Certifying an Assessment Roll was approved.

Mr. Flint closed the public hearing.

**SEVENTH ORDER OF BUSINESS                      Sign Construction Update**

**A. Engineer Update on Sign Construction**

**B. Status of Remedial Activities**

Mr. Nugent stated the South Florida permit for the wetland impacts was issued at the end of July and copies were provided to Reedy Creek Improvement District and Breedlove Dennis & Associates, our environmental consultant has forwarded that to the Army Corps of Engineers. Dr. Dennis at BDA has been following up with the Corps on their review and issuance of a permit for the unintended impacts but to date they have not responded with comments, it is still being reviewed at a higher level.

Once we got the South Florida permit issued, we were able to get Reedy Creek Improvement District to restart review of the modified landscape and irrigation plans they



requested. We sent that to Kate in early August and the landscape architect has had several discussions with RCID about changes in the plans they wanted to see based on their review and wrapped that up last week. The revisions were made and resubmitted to RCID for review on the 26<sup>th</sup>. I touched based with the sign contractor this morning and he hasn't heard anything yet but will follow-up to see if there are any further comments so we can get the permit issued and we can resume work.

### **C. Consideration of Change Order**

Earlier this year Reedy Creek stormwater inspectors came out and wanted additional erosion control measures put in place because of the amount of rain we have had; there was some erosion that occurred from the bare earth that migrated into the wetland that had to be manually removed and additional erosion control measures put in place. Along with that there is a change order request from the contractor for the costs associated with installing and maintaining the erosion control measures.

Mr. Flint stated change order no. 4 is comprised of six items totaling \$41,808. It also includes switching out the acrylic panels on the center monument that are unrelated to the erosion issue, but was incorporated, \$4,586 and that is not attributable to the encroachment issue and we will ask them to break that out for a separate change order. We put this on here because they submitted it to us and we wanted to have Board discussion but we do think there needs to be an offset to this change order associated with the portion of the impacts that we believe are the contractor's responsibility. The issue is some of the encroachments are outside the work area and there was an impact on the wetlands outside the identified work area. The Don Bell subcontractor encroached into the wetlands and that is the area we believe they directly have responsibility for. The area inside the work area we don't feel they have responsibility for those impacts because those permits were not identified and they weren't told to stay out of those areas.

Ms. Carpenter stated from a process standpoint I agree to pull the one out that is not related and going forward we can get with them and say we are making a demand that this percentage related to the improper work.

On MOTION by Mr. Greene seconded by Mr. Von Kluge with all in favor change order no. 4 less the amount for the acrylic panels was approved subject to the offset attributable to the contractor and staff and the Chair were authorized to approve the final amount.

On MOTION by Mr. Greene seconded by Mr. von Kluge with all in favor change order no. 5 in the amount of \$4,586 for the acrylic panels was approved.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being none, the next item followed.

**B. Engineer**

Mr. Nugent stated in the Signia expansion project there have been discussions to add an event lawn for outdoor functions and it looks like it is going forward based on initial discussions with the county fire marshal for access and egress for the patrons. The CDD is responsible for the operation and maintenance of the stormwater pond. There are currently two temporary construction bridges in place to facilitate the Signia expansion. If the event lawn goes forward those bridges will likely remain in place.

**C. Manager**

**i. Consideration of Check Register**

On MOTION by Mr. Greene seconded by Mr. Scinta 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. Approval of Fiscal Year 2023 Meeting Schedule**

On MOTION by Mr. Sawyers seconded by Ms. Frasier with all in favor the Fiscal Year 2023 meeting schedule was approved as amended with a change in the meeting time to 1:30 p.m.

**D. Field Manger’s Report**

Mr. Smith reviewed the field manager’s report, copy of which was included in the agenda package.

**i. Consideration of Proposal from Tech Services for Lift Station Generator Maintenance**

On MOTION by Mr. Greene seconded by Mr. Von Kluge with all in favor the proposal from Tech Services Specialties, Inc. in the amount of \$1,943.63 was approved.

**ii. Consideration of Proposal for Entry Grasses and Site Plant Replacements**

On MOTION by Mr. Von Kluge seconded by Mr. Greene with all in favor the proposal from Yellowstone in the amount of \$4,180 was approved.

**NINTH ORDER OF BUSINESS**

**Supervisor’s Requests**

Mr. Greene asked where are we with the wayfinding signs?

Mr. Nugent stated I talked to Kate at RCID and she said let’s get through the monument signage first.

**TENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Greene seconded by Mr. Von Kluge with all in favor the meeting adjourned at 2:45 p.m.

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chairman/Vice Chairman

# SECTION IV

**RESOLUTION 2023-01**

**A RESOLUTION AMENDING THE BONNET CREEK  
RESORT COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET FOR FISCAL YEAR 2022**

WHEREAS, the Board of Supervisors, hereinafter referred to as the “Board”, of the Bonnet Creek Resort Community Development District, hereinafter referred to as the “District”, adopted a General Fund Budget for the Fiscal Year 2022, and

WHEREAS, the Board desires to amend the budgeted revenues and expenditures approved for Fiscal Year 2022.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD  
OF SUPERVISORS OF THE BONNET CREEK RESORT  
COMMUNITY DEVELOPMENT DISTRICT THE  
FOLLOWING;**

1. The General Fund Budget for Fiscal Year 2022 is hereby amended in accordance with Exhibit “A” attached.
2. This resolution shall become effective this 6<sup>th</sup> day of October, 2022 and be reflected in the monthly and Fiscal Year End 9/30/2022 Financial Statements and Audit Report of the District.

Adopted this 6<sup>th</sup> day of October, 2022.

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Chairman/Vice Chairman

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Secretary/Assistant Secretary









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# SECTION V

# SECTION C



LATHAM, LUNA,  
EDEN & BEAUDINE, <sup>LLP</sup>

ATTORNEYS AT LAW

MICHAEL J. BEAUDINE  
JAN ALBANESE CARPENTER  
DANIEL H. COULTOFF  
JENNIFER S. EDEN  
DOROTHY F. GREEN  
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DIRECT: (407) 481-5872

September 27, 2022

**Via Federal Express & Electronic Mail**

Don Bell Signs LLC  
365 Oak Place  
Port Orange, Florida 32127  
Attention: Mr. Jim Wetherell

**Re: Bonnet Creek Resort Community Development District  
Follow-up to Notice of Trespass and Improper Clearing**

Dear Mr. Wetherell:

Please be advised that we represent the Bonnet Creek Resort Community Development District (the "District"). This letter is written as a follow up to our correspondence to you dated January 27, 2022 concerning the clearing of lands that were jurisdictional wetlands and not owned by the District. You have been updated on the issues undertaken by the District related to the District's continuing efforts with the SFWMD and the ACOE to obtain after-the-fact permit issuance for the impacts from the clearing, and with RCID for a number of related issues. We appreciate your assistance and cooperation to date in aiding in the District's compliance with RCID interim requirements while we are awaiting permits and final remediation and landscape plans.

The District received your Change Order No. 5 in the amount of \$37,222.00 for the costs of installing erosion control to prevent run-off and further degradation of the site, as require by RCID. We have calculated that 11.7% of the work that was performed by Don Bell Signs was attributable to the improper clearing by you or your agents. The District therefore will reduce Change Order No. 5 by \$4,354.97 for a new total due of \$32,867.03 which shall be promptly paid by the District, in accordance with this letter. A worksheet that shows the calculation of the area that was due to Don Bell Signs' actions is attached.

**LATHAM, LUNA, EDEN & BEAUDINE, LLP**

**Page Two**

**September 27, 2022**

Please contact us within seven (7) business day of your receipt of this letter if you have any objection. The District will issue a check to you in the adjusted amount to serve as full payment of Change Order No. 5, if we do not hear from you in that time. Again, we appreciate your efforts and cooperation to date and hope we can continue to amicably resolve the issues related to this matter.

Sincerely,



Jan A. Carpenter, Esq.

JAC

Enclosure

cc: George Flint (District Manager), Governmental Management Services, Central Florida, LLC  
Jim Nugent (District Engineer), Donald W. McIntosh Associates, Inc.

**Bonnet Creek Resort Community Development District**  
**CONTRACT CHANGE ORDER**

Change Order No. 5

Project: Bonnet Creek Resort Project  
Entry Signage Package

Date 9/14/2022

Engineer: Donald W. McIntosh Associates, Inc.

ITEM NO.	WORK TO BE PERFORMED	DESCRIPTION OF CHANGE	AMOUNT +/-
106	Labor and Materials Per Email to set up Erosion Control Per RCID (March)	Add	\$ 9,060.00
106	Labor and Materials Per Email to set up Erosion Control Per RCID (April)	Add	\$ 10,329.00
106	Labor Per Email to set up Erosion Control Per RCID (May)	Add	\$ 5,334.00
106	Labor Per Email to set up Erosion Control Per RCID (June)	Add	\$ 7,041.00
106	Labor Per Email to set up Erosion Control Per RCID (July)	Add	\$ 5,458.00

Net Change Order Amount \$ 37,222.00

Contract Amount Prior to Change Order \$ 836,513.00

Revised Contract Amount \$ 873,735.00

**COMMENTS:**

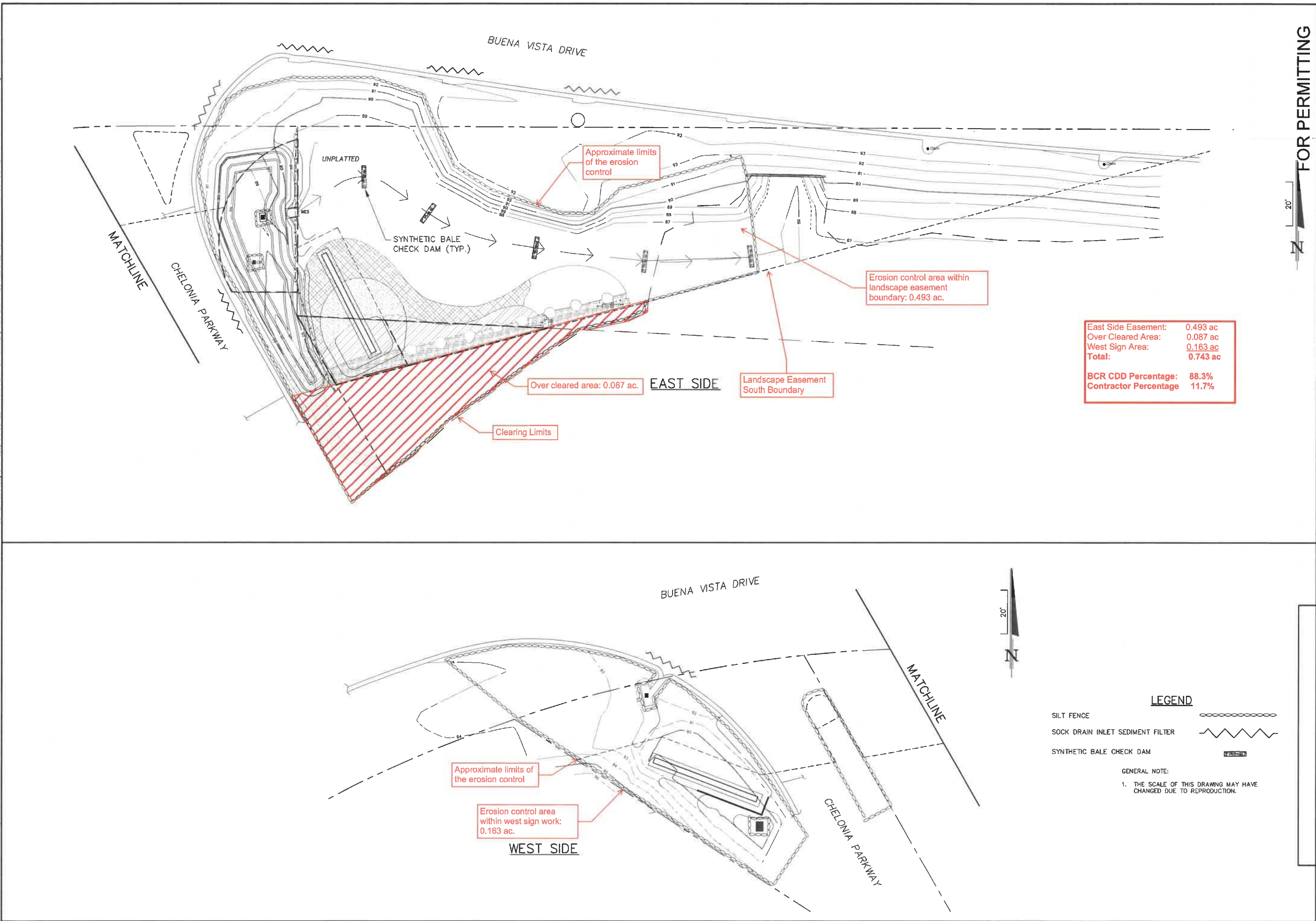
**Change Order for the Erosion Control and Maintenance from March-July.**

District Engineer \_\_\_\_\_ Date: \_\_\_\_\_  
 James C. Nugent, P.E. District Engineer

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Don Bell Signs

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Robert Gaul, Chairman, Board of Supervisors

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East Side Easement:	0.493 ac
Over Cleared Area:	0.087 ac
West Sign Area:	0.163 ac
<b>Total:</b>	<b>0.743 ac</b>
<b>BCR CDD Percentage:</b>	<b>88.3%</b>
<b>Contractor Percentage</b>	<b>11.7%</b>

**LEGEND**

SILT FENCE

SOCK DRAIN INLET SEDIMENT FILTER

SYNTHETIC BALE CHECK DAM

**GENERAL NOTE:**

1. THE SCALE OF THIS DRAWING MAY HAVE CHANGED DUE TO REPRODUCTION.

<b>FOR PERMITTING</b>									
<p><b>DONALD W. MCINTOSH ASSOCIATES, INC.</b>                  2800 PARK AVENUE NORTH, WINTER PARK, FL 32789 407.644.4068</p> <p>ENGINEERS PLANNERS SURVEYORS</p> <p>DESIGNED/DRAWN BY: STB / STB                  CHECKED BY: JCN                  DATE: 6/27/22                  SCALE: 1"=20'</p>	<p><b>BONNET CREEK RESORTS                  RESORT ENTRY AREA &amp;                  MONUMENT SIGNS</b>                  ORANGE COUNTY, FLORIDA                  EROSION AND SEDIMENTATION                  CONTROL PLAN</p> <p>SHEET <b>C101</b> 2 OF 4</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> <th>CHK.</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	REVISIONS	CHK.				
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