

**SEMINOLE COUNTY PORT AUTHORITY  
MINUTES OF THE REGULAR BOARD MEETING  
JUNE 19, 2013**

*The regular Board Meeting of the Seminole County Port Authority was held in the Board Room of the Administration Building at the Port of Sanford on June 19, 2013.*

*Chairman Damon Chase called the meeting to order at 4:02 p.m. with the following Directors constituting a quorum: Damon Chase, Chairman; William H. Poe, Secretary; Cliff Miller, Treasurer; Thomas Kuhn, Member; Kyle Kilger, Member; Brenda Carey, BCC Member; and Taylor Pancake, Vice Chairman (arriving late).*

*Directors Absent: Matthew T. Brown, Member; and Dana McBroom, Member.*

*Staff present: Andrew Van Gaale, Administrator; and Irene Dolgner, Administrative Assistant.*

*Other present: Stephen H. Coover, SCOPA Attorney.*

*The invocation was given by Mr. Poe followed by the pledge to the Flag.*

*The Chairman asked for corrections or additions to the minutes of the May 15, 2013 Board Meeting.*

***MOTION WAS MADE BY CLIFF MILLER, SECONDED BY TOM KUHN TO APPROVE THE MINUTES OF THE MAY 15, 2013 BOARD MEETING, AS PRESENTED.***

*Under discussion, Commissioner Carey referred to page 2 where it states that McKee Construction informed the Administrator that their suppliers haven't furnished them with a "notice to owners" for several years. Mr. Coover replied that is because of their relationship, and Mr. Van Gaale further replied that we still have the "Notice of Commencement" for the permits. Commissioner Carey stated that she just wants to make sure that document is out there in case someone wants to notify us.*

***MOTION CARRIED UNANIMOUSLY.***

*The Balance Sheet and Budget Statement for the month of May, 2013 were presented to the Board. The Administrator referred to the revenues and expenditures charts explaining that revenues for the month were over budget by \$12,708, and \$33,116 for the year. Expenditures for the month were under budget by \$8,148, and \$185,588 for the year. Profit totals \$638,005 (54%), and occupancy increased to 89%.*

*The Outstanding Bills and Aged Receivables lists were presented to the Board for discussion and approval. The Administrator explained that the payments to Wharton-Smith, Inc. in the amount of \$1,696.00 and to Feature Presentations, Inc. in the amount of \$795.00 are deposit refunds to*

SEMINOLE COUNTY PORT AUTHORITY  
MINUTES OF THE REGULAR BOARD MEETING  
JUNE 19, 2013

tenants who have vacated their leasehold. The payment to McKee Construction Co. in the amount of \$22,560.00 is the final draw on Project #164. The payment to Network Electrical Systems in the amount of \$458.11 is a tenant we use for electrical repairs.

The Administrator referred to the payment to Maryanne Morse, Clerk of the Court in the amount of \$306.11 explaining that this is the filing fees in Small Claims Court for William J. Leon, a tenant who vacated several months ago. He stated that he is not sure whether he can file the Judgment on the homestead. Chairman Chase responded that he can put a lien against the homestead so that when they sell it, they have to pay you the money plus interest. Mr. Coover stated that you record the Judgment in every county where the defendant has property and that creates the lien and it's up to them to get out from under it. If you attempt to pursue a lien against a homestead the owner must bring up his defense, through a process, that it's his constitutional homestead. If they do not, they waive that right, and you can continue.

**MOTION WAS MADE BY TOM KUHN, SECONDED BY BILL POE TO APPROVE THE BILLS FOR PAYMENT, AS PRESENTED. THE LIST OF BILLS APPROVED TO BE PAID IS ATTACHED AND MADE A PART OF THESE MINUTES.**

**MOTION CARRIED UNANIMOUSLY.**

The Administrator referred to the Aged Receivables list explaining that Acme Recycling Industries, LLC paid what they owed for April yesterday, and the balance of \$33,707.81 is due this month, according to their payment agreement. Wayne Edwards indicated he will bring us a payment today or tomorrow; and after discussions with Odd Rodz, LLC, he expects a payment from them this week. Mr. Van Gaale informed the Board that we received the February payment of \$500.00 from Ryan & Reed, Inc. after Mr. Coover's letter to them, but nothing more. Mr. Coover questioned whether they are renting in Volusia County or did they buy the building they occupy, and Mr. Van Gaale replied that he does not know. Mr. Coover stated that if the Board would like, he will work with the Administrator to see if they own the building or are renting, and if they own, we will go get a Judgment against them. Commissioner Carey questioned whether we contact the tenants who only owe the current month's rent, and Mr. Van Gaale assured her that we start calling them on the 10<sup>th</sup> of the month when it becomes past due.

ATTORNEY'S REPORT

a) Administrator's Employment Agreement/Severance Pay - Mr. Coover reported that we had a pending request from the Attorney General to interpret whether or not the Administrator's Employment Agreement needed to be amended to reduce the severance pay from six months to five months, and the Attorney General said that there is nothing in the statute to suggest the unit of government shouldn't be broadly applied in its normal fashion. We are a unit of government, so therefore it applies. He asked for Board approval of the Amended and Restated Employment Agreement.

SEMINOLE COUNTY PORT AUTHORITY  
MINUTES OF THE REGULAR BOARD MEETING  
JUNE 19, 2013

*Commissioner Carey stated that she is not going to support the motion just like she didn't last time because the County's top managers don't have those kind of severance packages, and she didn't support it for them either.*

**MOTION WAS MADE BY TOM KUHN, SECONDED BY CLIFF MILLER TO APPROVE THE AMENDED AND RESTATED EMPLOYMENT AGREEMENT FOR ANDREW VAN GAALE CHANGING HIS SEVERANCE PAY FROM SIX MONTHS TO FIVE MONTHS, AS REQUIRED.**

**MOTION CARRIED, WITH COMMISSIONER CAREY OPPOSING.**

ADMINISTRATOR'S REPORT

*a) Project #163-Re-Roofing/Roof-Over 4,000 s.f. Metal Roof-Update, and  
b) Project #165-Re-Roofing/Roof-Over 16,000 s.f. Metal Roof-Update - The Administrator reported that McKee Construction is now going through permitting for Project #165 and should begin next week. Project #163 will follow.*

*Mr. Pancake joined the meeting.*

*c) Small Claims Court-update - The Administrator reported that he got the Judgment for Default in the amount of \$2,091.87 against Kenneth Gogue and Cup-A-Coffee, and he will record the Judgment and file the liens, accordingly, in the next couple of days.*

*d) Tank Farm-Phase 2 - The Administrator reported that we completed Phase 1 and are waiting for the "no further action" letter from DEP. He stated that he has a proposal to finish Phase 2, which will have to go out for bids. CPH Engineers, Inc. has proposed engineering services in the amount of \$7,600.00, which includes the construction documents, bidding, surveying, and certification to make sure we compact the soil right so that when we build on it we don't have a sinking infrastructure. CPH was our continuing engineering service here and it's under the threshold of \$25,000.00. He recommended that we contract with them to get this project completed.*

*Commissioner Carey asked if CPH has a continuing contract with us, and Mr. Van Gaale replied that they initially did which expired, then Spolski Construction did that expired, and then we came back to CPH a couple years ago to do some other work such as the tank farm which were under the \$25,000.00 threshold. Commissioner Carey questioned why we wouldn't just put out an RFP and go ahead and get one or two engineering firms under an agreement for miscellaneous small projects so that there is not ever any question, like we did in the past. Mr. Coover replied that the reason we don't have one now is because we thought we were built out. The Chairman asked the Administrator to move forward with the current contract, and to proceed with Commissioner Carey's RFP suggestion.*

SEMINOLE COUNTY PORT AUTHORITY  
MINUTES OF THE REGULAR BOARD MEETING  
JUNE 19, 2013

**MOTION WAS MADE BY BILL POE, SECONDED BY TOM KUHN TO APPROVE THE CONTRACT WITH CPH ENGINEERS, INC. IN THE AMOUNT OF \$7,600.00 FOR THE TANK FARM-PHASE 2 PROJECT.**

*Under discussion, Commissioner Carey asked for clarification on the project, and Mr. Van Gaale replied that CPH will do the engineering, bid out the project, qualify the contractors and oversee the construction. Commissioner Carey stated that they are basically going to act as our owner's representative, and Mr. Van Gaale agreed. She asked for a breakdown of costs, and Mr. Van Gaale replied construction documents/bidding is \$5,600.00 and the certification is \$2,000.00.*

**MOTION CARRIED UNANIMOUSLY.**

*Mr. Coover stated that just for the record, you want him to move forward with bidding the project, and the Board agreed.*

*e) La Mesa RV-Temporary Parking Agreement - The Administrator reported that La Mesa RV, who is located across the street from the Port, bought the corner property on the north side of Orange Boulevard and east of Kastner Place. They have development plans to improve the parking area and landscape the property. They asked us if they could do some temporary parking for their employees in the parking lot at 1490 Kastner Place (currently unused). He and Mr. Coover put together a temporary parking agreement which was approved and signed by Chairman Chase and La Mesa; therefore, he would like ratification of that agreement.*

*Mr. Coover summarized the document saying that it is a license, like an easement, only it's short term and revocable. So basically, it's saying you can park here as long as we let you, and it has full indemnity and insurance.*

**MOTION WAS MADE BY TAYLOR PANCAKE, SECONDED BY CLIFF MILLER TO APPROVE THE REVOCABLE LICENSE FOR PARKING, INGRESS AND EGRESS AGREEMENT WITH LA MESA RV CENTER, INC., AS PRESENTED.**

**MOTION CARRIED UNANIMOUSLY.**

*f) Financial Disclosure Forms - The Administrator reminded the Board that their Financial Disclosures are due on or before July 1<sup>st</sup> to the Supervisor of Elections office.*

*g) Acme Recycling Industries, LLC - The Administrator reported that he received notification yesterday that Acme has a piece of equipment at the 1500 Dolgner Place location that needs additional power. They've been talking with FP&L about increasing their capacity to 480 volts, which they are willing to do; however, they would need a standard 10' easement from the western fence line into their site. He stated that this will be done at Acme's cost. Mr. Coover questioned if*

SEMINOLE COUNTY PORT AUTHORITY  
MINUTES OF THE REGULAR BOARD MEETING  
JUNE 19, 2013

*this was on Acme's leasehold, and Mr. Van Gaale replied that it is. He further asked Mr. Van Gaale to see if he can get FP&L to agree to an easement simply for the power lines, and Mr. Van Gaale replied by reading from the request which states "This simply grants FP&L the permanent right to gain access to the buried line and their transformers should they find it necessary to perform any trouble shooting". It was the consensus of the Board to grant permission to FP&L.*

OLD BUSINESS

*a) Policy Review Committee Report - Commissioner Carey, Chairman of the Committee, reported that she believes today was their last meeting. Mr. Coover will send out a draft copy of the Leasing Policy to the Committee Members with the minor changes, and after their approval, it will be put on the agenda for the next Board meeting.*

NEW BUSINESS

*a) Leases - The following Leases were presented for approval:*

- 1. Lease Renewal - Stiffey's Auction, Inc., 1481 Kastner Place, Suite 113, beginning July 1, 2013 through June 30, 2014, at the budgeted monthly rate of \$2,500.00 (7,500 s.f. warehouse @ \$4.00/s.f.). Personal guarantee.*
- 2. Lease Renewal - The Bounce House Factory, LLC, 1450 Kastner Place, Suite 120, beginning July 1, 2013 through June 30, 2014, at the budgeted monthly rate of \$893.00 (1,212 s.f. warehouse, 288 s.f. office @ a blended rate of \$7.14/s.f.). Personal guarantee.*
- 2. New Lease - JDM Speedway, Inc., 1471 Kastner Place, Suite 105, beginning August 1, 2013 through July 31, 2014 at the monthly rate of \$800.00 (2,000 s.f. warehouse @ 4.80/s.f.). Personal guarantees.*

*The Administrator reviewed the list of Leases. Mr. Miller asked what JDM Speedway, Inc. does, and Mr. Van Gaale replied that they pressure wash various vehicles.*

**MOTION WAS MADE BY CLIFF MILLER, SECONDED BY BILL POE TO APPROVE THE LIST OF LEASES, AS PRESENTED.**

**MOTION CARRIED UNANIMOUSLY.**

*There being no further business, the meeting was adjourned at 4:31 p.m. by Chairman Chase.*

---

*Damon Chase, Chairman*

*William H. Poe, Secretary*