

**SEMINOLE COUNTY PORT AUTHORITY
MINUTES OF THE REGULAR BOARD MEETING
FEBRUARY 18, 2015**

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 February 18, 2015.

Chairman Matthew T. Brown called the meeting to order at 4:00 p.m. with the following Directors constituting a quorum: Matthew T. Brown, Chairman; Michael McLean, Vice-Chairman; Michael Caraway, Treasurer; Cliff Miller, Secretary; William H. Poe, Member; Dana McBroom, Member; and Carlton Henley, BCC Member.

Directors absent: Kyle Kilger, Member; and Thomas Kuhn, Member.

Staff present: Andrew Van Gaale, Administrator; and Jennifer Sykes, Administrative Assistant.

Others present: Stephen H. Coover, SCOPA Attorney; and Allison Huss, Seminole High School Student Intern.

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 January 21, 2015, Board Meeting.

MOTION WAS MADE BY WILLIAM POE, SECONDED BY MICHAEL MCLEAN TO APPROVE THE MINUTES OF THE JANUARY 21, 2015, BOARD MEETING AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

The Balance Sheet and Budget Statement for the month of January 2015 and year-to-date were presented to the Board. The Administrator referred to the revenue and expenditure charts explaining that revenues for the month were over budget by \$2,842 and over budget by \$11,275 for the year to date. The Administrator explained that due to the timing on some of the planned projects, expenditures for the month were under budget by \$79,508 and under budget by \$209,463 for the year thus far. The year to date profit is \$354,234, which equates to 58.5%. Occupancy for the month of January was 91.6%.

The Outstanding Bills and Aged Receivables were presented to the Board for discussion and approval. The Administrator asked the Board Members to review the list of outstanding bills. He explained that item #13, the \$17,100.00 payment to McKee Construction, represents the first draw on Project #169. Item #18, the \$9,840.00 payment to Seminole Site Services, represents repairs to Kastner Place retention ponds and the adjoining spill way. Item #19, the \$2,280.00 payment to General Maintenance & Contracting, Inc., represents repairs to units between tenants. Item #20, the \$3,635.00 payment to Florida Door Solutions, is for the replacement of two roll-up doors along with the repair of a third roll-up door. Item #25, the \$5,837.50 payment to Sanford Carpet, is for the

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materials to re-carpet the 4,000 square foot office building at 1511 Kastner Place. The Administrator explained he would be presenting a 3 year Lease for that office building at the next Board meeting. Finally, the Administrator reviewed the standard first of month checks and invited questions.

MOTION WAS MADE BY WILLIAM POE, SECONDED BY CARLTON HENLEY 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 the Acme Recycling outstanding balance would continue to be covered under the Attorney's report. Big Mike's Boats, LLC, made a payment today and is working on the balance. G&S Plant foods has a small balance due to the sales tax increase and the tenant has been notified. Johnny Lucky Inthachack Athakhanh has left the Port. The Administrator explained that although he did end up abandoning the unit, we had already proceeded with obtaining possession through legal means. Mr. Athakhanh left a \$4,055.78 balance and is still under Lease. We do have a deposit on the books that can be applied. Sanford Boat Storage brought in a large check yesterday and is working on their outstanding balance.

ATTORNEY'S REPORT

a) Acme Recycling Industries, LLC – Mr. Coover stated that there has not been any new developments in the Acme Recycling matter. He explained that it was basically in suspense while the claims period runs out. SCOPA has filed claims for the pre-petition and post-petition amounts owed. He stated that we should receive the post-petition administrative rent from the Trustee through the sale of assets the Trustee facilitated. Mr. Coover explained that the attorneys who represent LSREF3 Sapphire, LLC, the group which bought the paper note from BMO Harris, have started taking steps to garnish several banks in an attempt to get what is owed by the two principles. The attorneys also requested the Court to issue a Charging Lien against the principles' interest in ARI Electronics, LLC.

The Administrator explained that he spoke with a representative of the Tax Collector's office. They have a court date set and subsequently intend to liquidate the property the Tax Collector has tagged on site. The representative indicated that they were speaking to another auctioneer and may take the tagged items off-site for sale and liquidation at the auction facility.

ADMINISTRATOR'S REPORT

a) Projects 169 & 170 – The Administrator reported that the contractors were on site working on Project #169, the roof over of 1601 Dolgner Place, which is leased by Millennium Luxury Coaches. Project #170, the re-roof and resheeting of 1515 Kastner Place, will be scheduled thereafter. It will be coordinated with the long time tenant, Water Specialists, who is currently

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doing some work on their tanks and would like to complete the tank work prior to beginning the building rehab.

b) SCOPA parking lot and Kastner Place drainage repairs – The Administrator explained that he had obtained 3 quotes all under \$25,000.00 to raise and resurface the SCOPA office parking lot and replace the culverts along Kastner Place. He requested authorization to proceed with the work.

MOTION WAS MADE BY MICHAEL MCLEAN, SECONDED BY DANA MCBROOM TO PRECEDE WITH THE SCOPA PARKING LOT AND KASTNER PLACE CULVERT PREPAIRS, AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

c) Easement Issue – The Administrator explained that the Port owns a portion of property upon which Florida Power and Light (FP&L) has an Easement for their high tension power lines. A group of residents in the neighborhood to the west of the Port are claiming prescriptive easement rights over the private property abutting the Port's property on which the FP&L easement lies. Mr. Coover explained that SCOPA's property in question has received minimal stabilization for the purpose of County maintenance and FP&L service access to their high tension power lines. The residents involved are claiming two counts of prescriptive easement on the private property of the adjacent property owners which allows access to that FP&L Easement portion of SCOPA property. However, SCOPA was not a named party of the lawsuit. Mr. Coover requested direction from the Board on this matter.

The Administrator expressed the FP&L easement was not an improved roadway with wetlands and deep drainage ditches. He further stated that the Port provides two public roadway accesses to the Marina and restaurant, even though the restaurant is currently not operating. Therefore, allowing use of the easement was an unnecessary liability. Furthermore, the Administrator expressed concern that allowing public use of this easement through a wooded wetland area provides additional access for criminal activity in the area. Public access over the easement is not cooperative with the crime prevention measures that he has been working on with the Seminole County Sheriff's office.

After a brief discussion, it was the consensus of the Board for Mr. Coover to write a letter stating that SCOPA does not agree that the neighborhood has any prescriptive easement rights and SCOPA does not want vehicles and the general public utilizing the easement property in question.

OLD BUSINESS

There was no old business.

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NEW BUSINESS

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

1. New Lease – Global Controls Solutions, LLC; 1429 Dolgner Place; 1 year Lease; lease term of February 15, 2015 - February 14, 2016; at the rate of \$850/mo. (1,500 s.f. warehouse with office @ a rate of \$6.80/s.f./yr.). Personal Guarantee.
2. Lease Termination (in conjunction with above) – NSN Motorsports, LLC; 1429 Dolgner Place; 1 year Lease; lease term of July 1, 2014 – June 30, 2015; at the budgeted rate of \$760.00/mo. (1,500 s.f. warehouse with office @ a rate of \$6.08/s.f./yr.). Personal Guarantee.
3. Lease Renewal – Etched-In-Stone Designs, LLC; 1980 Dolgner Place, Suite 1028; 1 year Lease; lease term of March 1, 2015 – February 28, 2016; at the scheduled 5% rate increase to \$854.70/mo. (1,212 s.f. warehouse with 288 s.f. office @ a blended rate of \$6.84/s.f./yr.). Personal Guarantee.
4. Lease Renewal – Grace Missions, Inc., 1513 Dolgner Place; 1 year Lease; lease term of March 1, 2015 – February 28, 2016; with a 60 day termination clause; at the scheduled 5% rate increase to \$854.70/mo. (2,000 s.f. warehouse @ a rate of \$5.13/s.f./yr.). Personal Guarantee.
5. Lease Renewal – Petras Flooring, Inc. and S. Lee, LLC; 1966 Dolgner Place; 1 year Lease; lease term of March 1, 2015 – February 28, 2016; at the scheduled 5% rate increase to \$892.50/mo. (1,500s.f. warehouse with office @ a blended rate of \$7.14/s.f./yr.). Personal Guarantees.

The Administrator reviewed the list of Leases and requested approval of all the leases as presented.

MOTION WAS MADE BY MICHAEL MCLEAN, SECONDED BY CLIFF MILLER TO APPROVE THE LIST OF LEASES, AS DISCUSSED.

MOTION CARRIED UNANIMOUSLY.

b) SCOPA Work Session – Chairman Brown invited the Board of Directors to arrive at 3:00 pm prior to the March 18, 2015, board meeting for a work session on the SCOPA Five Year Plan. Mr. Brown explained he envisioned that the SCOPA Five Year Plan could be reviewed in forty-five minutes or so prior to the regularly scheduled board meeting. The Administrator agreed it would be beneficial to review the Five Year Plan prior to beginning next year's the budget.

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There being no further business, the meeting was adjourned at 4:42 p.m. by Chairman Brown.

Matthew T. Brown, Chairman

Cliff Miller, Secretary