

**SEMINOLE COUNTY PORT AUTHORITY  
MINUTES OF THE REGULAR BOARD MEETING  
JANUARY 20, 2010**

*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 January 20, 2010.*

*Vice Chairman Thomas Kuhn called the meeting to order at 4:01 p.m. with the following directors constituting a quorum: Thomas Kuhn, Vice Chairman; Kyle Kilger, Treasurer; Michael Bowdoin, Member; Damon Chase, Member; and Dick Van Der Weide, BCC Member.*

*Directors Absent: Jeffrey Triplett, Chairman; Matthew T. Brown, Secretary; Cliff Miller, Member; and Elizabeth Dorworth, Member.*

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

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

*The pledge to the Flag was recited, followed by the invocation given by Thomas Kuhn.*

*The Administrator introduced and welcomed the new Board Member, Damon Chase.*

*The Chairman asked for corrections or additions to the minutes of the December 16, 2009 Board Meeting.*

**MOTION WAS MADE BY COMMISSIONER VAN DER WEIDE, SECONDED BY MICHAEL BOWDOIN TO APPROVE THE MINUTES OF THE DECEMBER 16, 2009 BOARD MEETING, AS PRESENTED.**

**MOTION CARRIED UNANIMOUSLY.**

*The Balance Sheet and Budget Statement for the month of December, 2009 were presented to the Board for discussion and approval. The Administrator referred to the revenues and expenditures charts explaining that revenues for the month were under projections by \$10,822, and over for the year by \$448. Expenditures were under projections for the month by \$61,769, and under for the year by \$5,651. Profit totals \$82,311 or 17.29%, and occupancy decreased slightly to 95.2%. Mr. Van Gaale stated that we have had a lot of interest in the new year, and he will be presenting four new Leases totaling 6,000 sq. ft. later in the meeting.*

**MOTION WAS MADE BY COMMISSIONER VAN DER WEIDE, SECONDED BY KYLE KILGER TO APPROVE THE BALANCE SHEET AND BUDGET STATEMENT FOR THE MONTH OF DECEMBER, 2009, AS PRESENTED.**

**MOTION CARRIED UNANIMOUSLY.**

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*The Outstanding Bills and Aged Receivables lists were presented to the Board for discussion and approval. The Administrator reviewed the list of bills explaining that the payment to McLane Excavating Co. in the amount of \$4,350.00 is for ditch work and brush clearing around the Port. He stated that we've been using this company for the past couple years by piggybacking on the County's contract, and they do a great job.*

**MOTION WAS MADE BY MICHAEL BOWDOIN, SECONDED BY COMMISSIONER VAN DER WEIDE 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 Americ Design's Lease expires the end of this month, and he will then operate on a month-to-month basis until his account is current. He has indicated that he is finishing a job and will be able to pay his rent on Friday or Monday. If this does not occur, we will issue a Three Day Notice on Monday. He stated that Cyril International, LLC owes the balance of his Note, and he spoke with him a week ago, but he feels this may be a write-off situation. We received payment from Dirk's Motorworks in the amount of \$918.25 which is not considered on the list. Florida Extruders indicated that they mailed December's rent along with the past due late charges yesterday. We received \$919.50 today from Logoworks Embroidering & Printing, Inc. which is not considered on the list. We issued a Three Day Notice to Ken's Tuff Trux last Friday and received most of his rent today, so we rescinded the Notice. Ocean State Productions Services, Inc. has indicated that they would like to renew their Lease and will have full payment to us on Friday. We received payment from Ryan & Reed, Inc. in the amount of \$4,192.33 today which is not considered on the list.*

*The Administrator explained that Suite Upgrades, LLC has a unit full of used hotel armoires. He has been working with the principle who lives in Tennessee, and is going to try to get him to abandon the property so that we can re-lease the unit. We can then have a public sale and the proceeds will be applied to the outstanding balance along with the security deposit. Mr. Van Gaale stated that he will work with Mr. Coover to put a letter together to that affect. The tenant's Lease has expired, so he is currently operating on a month to month basis.*

*The Administrator explained that Carlos Saiz rented a unit for a couple months and paid cash. Subsequently, he returned the key with a note saying the unit is cleaned out and they had to leave town, and we have since received bankruptcy papers. Therefore, we have re-leased the unit. He stated that the good news is that we have a security deposit that we applied toward their rent. Mr. Chase asked whether he wrote him a letter stating that we are going to use his deposit, or is it stated in his Lease. Mr. Coover replied that he is not going to render an opinion until he reviews the paperwork, but what Mr. Chase is saying is if we take the money within 90 days prior to the filing of the bankruptcy, it could be considered a preference. Mr. Chase stated that as long as the Trustee doesn't contact us, it's a non issue. If the Trustee does call*

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*requesting the deposit, he feels we should just give it to him. He stated that he thinks in the future, if someone vacates and we intend on keeping their deposit, we should write them a letter telling them so.*

*The Administrator stated that we received Featherlite's January rent payment, but they still owe a late charge and two Note payments. He informed the Board that their balloon payment is due next month in the amount of approximately \$75,000.00, and their Controller has indicated that they are hoping to pay it off early.*

ATTORNEY'S REPORT

*a) Ido David v. SCOPA - Mr. Coover reported that, as requested by the Board last month, he sent a letter to Mr. Jay Fisher, the Plaintiff's Attorney, asking him to pay the outstanding invoices for copying charges.*

ADMINISTRATOR'S REPORT

*a) South Seminole Sertoma Club - The Administrator requested that the Board participate in the Sertoma Club golf tournament fund raiser. He stated that we did this last year and we have money for it in the budget under public relations, and the cost is \$450.00. We get advertisement and exposure for the Authority, and we are very lean on our frills, so he feels it's a worthy expenditure. Commissioner Van Der Weide stated that he has a lot of friends who are members of the Sertoma Club, and Tom Kuhn being one of them, but he wouldn't be able to support it. Mr. Van Gaale suggested a lesser sponsorship of \$100, and he'd be happy to participate personally. Commissioner Van Der Weide explained that everyone is cutting back including the County, but he's only one vote. Mr. Chase stated that he loves Sertoma and he was a member up until this year. He supports what they do, and it's a great charity. The people involved in it are sincere and the money gets to where it needs to go, but he's conservative and doesn't like government spending money.*

*Mr. Coover asked for a copy of the Authority's legislation. He read that at least five members must approve any action to be taken by the Authority. He stated that on a day when you only have a minimum quorum, it takes the full majority to approve.*

**MOTION WAS MADE BY MICHAEL BOWDOIN, SECONDED BY DAMON CHASE TO REMOVE ITEM 25 FROM THE OUTSTANDING BILLS LIST, SOUTH SEMINOLE SERTOMA CLUB IN THE AMOUNT OF \$450.00, PREVIOUSLY APPROVED.**

**MOTION CARRIED UNANIMOUSLY.**

*b) Resolution - The Administrator asked for approval of a resolution for Dana McBroom for her service on the Board of Directors.*

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**MOTION WAS MADE BY COMMISSIONER VAN DER WEIDE, SECONDED BY MICHAEL BOWDOIN, TO APPROVE A RESOLUTION FOR DANA MCBROOM FOR HER SERVICE ON THE BOARD OF DIRECTORS FROM JANUARY 1, 2006 TO JANUARY 1, 2010.**

**MOTION CARRIED UNANIMOUSLY.**

c) *State of the County Luncheon - The Administrator invited the Board to attend the State of the County Luncheon with him on February 12<sup>th</sup> at noon at the new Westin Hotel, and to let him know in the next couple days if they would like to go.*

d) *Legislation - The Administrator reported that our House Bill 423 is moving along fine. We've supplied ownership information requested by the Department of Environmental Protection, so that they have a clear picture of how the Port was acquired.*

e) *Seminole County Capital Improvement Plan - The Administrator reported that the County is doing a project called the Elder Road Loop to up-size the water and sewer infrastructure, of which part goes through the Port of Sanford and down Orange Blvd. He was just informed that by installing a new 12" water main, it affects the fire system at 1451 Kastner Place which is currently tied into the existing 4" water main. According to the County's engineers, they are only providing the stub-out, putting the burden on us to provide a new double check fire suppression riser and flow system into the building, which they want done within 30 days prior to turning the water system on.*

*Mr. Van Gaale stated that he spoke with Mr. Coover and Commissioner Van Der Weide briefly about it. Commissioner Van Der Weide asked him to send him the details as soon as possible, because he's going to be out here tomorrow. Mr. Van Gaale explained that the Port did not do the upgrade and is fine with the current system. He feels it may have been an oversight on the engineers part and was not included in their plan, however, it may be prudent to get it done. He stated he may have to do an emergency expenditure and the project representatives have told him to expect anywhere from \$5,000 - \$10,000. If we cannot get the County's capital improvement project to handle it, we may have to do it; we cannot have the building without fire suppression because it's full of foam and that's the reason the building has a sprinkler system. He stated that Wiginton Fire Systems monitors the building, so he will probably get a proposal from them since they know that system and it will have to be taken down and reconnected by them.*

*Mr. Coover stated that the Board should be aware that Mr. Van Gaale may have to spend some money on this project because it's time sensitive, and we may not have another meeting before he has to get it done. The letter just arrived today, and we don't know hardly anything about what our responsibility is. He said that it seems to him that if it's in the easement area, they would be responsible to fix it, but it's all the way up to the building. He thinks it would be good to authorize the Administrator to investigate it, and if after consultation, it appears that we have no choice but to go ahead and do the expenditure, to find the cheapest methodology to get*

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*it accomplished and bring it back to the Board at the next meeting. Discussion ensued.*

***MOTION WAS MADE BY KYLE KILGER, SECONDED BY COMMISSIONER VAN DER WEIDE TO AUTHORIZE THE ADMINISTRATOR TO INVESTIGATE THE ISSUE, AND EXPEND UP TO \$15,000.00 ON AN EMERGENCY BASIS, IF NECESSARY.***

***MOTION CARRIED UNANIMOUSLY.***

*OLD BUSINESS*

*There was no old business.*

*NEW BUSINESS*

*a) Leases - The following list of Leases was presented for approval:*

- a) New Lease - Art of Glass, LLC, 1417 Dolgner Place, beginning February 1, 2010 through January 31, 2011, at the monthly rate of \$825.00 (1,204 s.f. warehouse, 192 s.f. office @ a blended rate of \$7.10/s.f.). Tenant requests 60 day termination clause. Personal guarantee.
- b) New Lease - Michael Rider, 1980 Dolgner Place, Suite 1036, beginning February 1, 2010 through January 31, 2011, at the monthly rate of \$756.00 (1,500 s.f. warehouse @ \$6.05/s.f.).
- c) New Lease - Southern Aquatic Management, Inc., 1980 Dolgner Place, Suite 1048, beginning February 1, 2010 through January 31, 2011, at the monthly rate of \$825.00 (1,212 s.f. warehouse, 288 s.f. office @ a blended rate of \$6.60/s.f.). Personal guarantee.
- d) Lease Termination - Carlos Saiz, 1962 Dolgner Place, November 1, 2009 through October 31, 2010, at the monthly rate of \$800.00, effective January 31, 2010. Vacated and filed bankruptcy.
- e) New Lease - Riesbeck Enterprises, Inc. d/b/a The Gameroom Gallery, 1962 Dolgner Place, beginning February 1, 2010 through January 31, 2011, at the monthly rate of \$800.00 (1,500 s.f. warehouse @ \$6.40/s.f.). Personal guarantee.
- f) Lease Renewal - Michael James Blackburn d/b/a Advanced Recovery Florida, 1539 Dolgner Place, beginning February 1, 2010 through January 31, 2011, at the current monthly rate of \$775.00 (2,000 s.f. warehouse @ \$4.65/s.f.).

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- g) Lease Renewal - Advanced Technology Manufacturing, Inc., 1470 Kastner Place, Suites 124-132, beginning February 1, 2010 through January 31, 2011, at the current monthly rate of \$1,962.00 (4,500 s.f. warehouse @ \$5.23/s.f.). Tenant requests that a 60 day termination clause be added. Personal guarantee.
- h) Lease Renewal - CoverAll Aluminum, Inc., 1980 Dolgner Place, Suite 1068, beginning February 1, 2010 through January 31, 2011, at the monthly rate of \$1,444.00 (3,000 s.f. warehouse @ \$5.78/s.f.), a 5% increase. Personal guarantee. Tenant requests that the rate remain the same at \$1,375.00, and that a 60 day termination clause be added.
- i) Lease Renewal - D & E Electrical Systems Incorporated, 1980 Dolgner Place, Suite 1024, beginning February 1, 2010 through January 31, 2011, at the current monthly rate of \$1,000.00 (1,212 s.f. warehouse, 288 s.f. office @ a blended rate of \$8.00/s.f.). Personal guarantee. Tenant requests that a 60 day termination clause be added.
- j) Lease Renewal - Dynamic Aspects, Inc., 1936 Dolgner Place, beginning February 1, 2010 through January 31, 2011, at the current monthly rate of \$672.00 (1,500 s.f. warehouse @ \$5.38/s.f.). Personal guarantee.
- k) Lease Renewal - Lentec Machining, Inc., 1563 Dolgner Place, beginning February 1, 2010 through January 31, 2011, at the current monthly rate of \$657.00 (2,000 s.f. warehouse @ \$3.94/s.f.). Personal guarantee.
- l) Lease Renewal - Maitropolis, LLC, 1421-1429 Dolgner Place, beginning February 1, 2010 through January 31, 2011, at the monthly rate of \$2,217.00 (3,956 s.f. warehouse, 544 s.f. office @ a blended rate of \$5.63/s.f.), a 5% increase. Personal guarantee.
- m) Lease Renewal - Mid-Continent Energy Co., Inc., 1510 Kastner Place, Suite 2, beginning February 1, 2010 through January 31, 2011, at the current monthly rate of \$374.00 (234 s.f. office @ \$19.18/s.f.). Personal guarantee.
- n) Lease Renewal - Ocean State Productions Services, Inc., 1461 Kastner Place, Suites 101-113, beginning February 1, 2010 through January 31, 2011, at the current monthly rate of \$2,605.00 (8,000 s.f. warehouse @ \$3.91/s.f.). Personal guarantee.
- o) Lease Renewal - Paul S. Penczek d/b/a P.S.P. Custom Woodworking, 1521 Dolgner Place, beginning February 1, 2010 through January 31, 2011, at the monthly rate \$730.00 (2,000 s.f. warehouse @ \$4.38/s.f.), a 5% increase.
- p) Land Lease Renewal - Roger Pinkerton, 4419 Schilke Way (.40 acre m.o.l.), beginning February 1, 2010 through January 31, 2011, at the current monthly rate \$250.00 (\$7,500/acre/yr.).
- q) Lease Renewal - R. C. Cabinets, Inc., 4421 Schilke Way, Suite 108, beginning February

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1, 2010 through January 31, 2011, at the monthly rate \$849.00 (1,928 s.f. warehouse, 72 s.f. office @ a blended rate of \$5.09/s.f.), a 5% increase. Personal guarantee.

- r) Lease Renewal - Airport Service Systems, Inc. d/b/a The Health and Candle Fair, 1980 Dolgner Place, Suite 1032, beginning February 1, 2010 through January 31, 2011, at the current monthly rate \$756.00 (1,500 s.f. warehouse @ \$6.05/s.f.). Personal guarantee.

The Administrator explained that item 1, is a new Lease with Art of Glass, LLC who imports glassware and vases from Poland. Item 2, Michael Rider, has a wood and hobby shop. Item 3, Southern Aquatic Management, Inc., maintains retention ponds and ditches. Item 4, Lease termination for Carlos Saiz was discussed earlier; and item 5, Riesbeck Enterprises, Inc. d/b/a The Gameroom Gallery, is a new Lease for that space.

Mr. Van Gaale explained that CoverAll Aluminum, Inc., Item 8, has asked the Board several times over the years not to increase his rate. He referred the Board to his letter requesting no increase and asking for a 60 day termination clause. Mr. Van Gaale stated that he has not had an increase in four years. He has signed his Lease renewal which includes a 5% increase and we've added a 60 day termination clause. Mr. Van Gaale asked the Board to review his letter, but he recommends approval of the Lease as is.

Mr. Van Gaale reviewed items 9 through 18, of which three have 5% rate increases.

**MOTION WAS MADE BY DAMON CHASE, SECONDED BY MICHAEL BOWDOIN TO APPROVE ITEMS 1-18 WITH THE EXCEPTION OF ITEM 8, AS PRESENTED.**

**MOTION CARRIED UNANIMOUSLY.**

Discussion ensued regarding CoverAll Aluminum, Inc. Mr. Chase questioned what the business does, how long they've been here, and if their payments were timely. Mr. Van Gaale replied that they make custom windows and storm shutters, they've been here a long time and they've always paid on time. He stated that typically, our tenants get a 5% increase every other year. Last year the Board approved no increases due to the economy, and again this year for those tenants who did not take advantage of it last year. CoverAll has not had an increase for this unit in four years.

**MOTION WAS MADE BY COMMISSIONER VAN DER WEIDE, SECONDED BY MICHAEL BOWDOIN TO APPROVE THE LEASE RENEWAL WITH COVERALL ALUMINUM, INC. WITH THE 5% RATE INCREASE.**

**MOTION CARRIED UNANIMOUSLY.**

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There being no further business, the meeting was adjourned at 4:50 p.m. by Vice Chairman Kuhn.

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Thomas Kuhn, Vice Chairman

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Matthew Brown, Secretary