

**SEMINOLE COUNTY PORT AUTHORITY  
MINUTES OF THE REGULAR BOARD MEETING  
DECEMBER 16, 2009**

*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 December 16, 2009.*

*Chairman Jeffrey Triplett called the meeting to order at 4:02 p.m. with the following directors constituting a quorum: Jeffrey Triplett, Chairman; Thomas Kuhn, Vice Chairman; Matthew T. Brown, Secretary; Dana McBroom, Member; Cliff Miller, Member; Michael Bowdoin, Member; and Elizabeth Dorworth, Member (arriving late).*

*Directors Absent: Kyle Kilger, Treasurer; and Dick Van Der Weide, BCC Member.*

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

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

*The invocation was given by Cliff Miller, followed by the pledge to the Flag.*

*The Chairman asked for corrections or additions to the minutes of the November 18, 2009 Board Meeting.*

***MOTION WAS MADE BY MATTHEW BROWN, SECONDED BY MICHAEL BOWDOIN TO APPROVE THE MINUTES OF THE NOVEMBER 18, 2009 BOARD MEETING, AS PRESENTED.***

*Under discussion, Mr. Coover stated that he had a couple changes for clarification purposes. He referred to page 5, under "Old Business", line 10. Strike out the words we knew and change no to any, so that the sentence reads as follows: For the record, when we were talking about Featherlite in the September meeting and the question was asked by Mrs. Dorworth whether there was any interest in the unit and whether we tried to market it, the minutes are wrong saying that he replied that we've had no interest.*

*He further referred to page 6, line 9 changing the word them to the minutes, so that the sentence reads as follows: Mrs. Dorworth stated that we need to amend the minutes, because they got her name from the minutes and called her.*

***MOTION WAS MADE BY MATTHEW BROWN, SECONDED BY THOMAS KUHN TO APPROVE THE MINUTES OF THE NOVEMBER 18, 2009 BOARD MEETING, AS AMENDED.***

***MOTION CARRIED UNANIMOUSLY.***

*The Balance Sheet and Budget Statement for the month of November, 2009 were*

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*presented to the Board for discussion and approval. The Administrator referred to the revenues and expenditures charts explaining that revenues for the month were over projections by \$25,651, and over for the year by \$11,270. Expenditures were under projections for the month by \$26,181, and over for the year by \$56,118. Profit totals \$22,327 or 6.8%, and occupancy increased to 95.8%.*

**MOTION WAS MADE BY DANA MCBROOM , SECONDED BY MICHAEL BOWDOIN TO APPROVE THE BALANCE SHEET AND BUDGET STATEMENT FOR THE MONTH OF NOVEMBER, 2009, AS PRESENTED.**

**MOTION CARRIED UNANIMOUSLY.**

*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 Greene, Dycus & Co., P.A. in the amount of \$12,850.00 is for our annual audit, and the payment to Conrad Construction, Inc. in the amount of \$38,632.22 is the final draw on Project #149. He further explained that the payment to Seminole County BCC in the amount of \$2,799.92 due January 1, 2010 is for health insurance. The County decided to self-fund the employee health insurance instead of paying it directly to BlueCross BlueShield, under the same plan. Mrs. Dolgner added that the employee coverage increased 10%, but the dependent coverage remained the same.*

**MOTION WAS MADE BY DANA MCBROOM, SECONDED BY MICHAEL BOWDOIN 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.**

*Under discussion, Mr. Coover referred to the final payment to Conrad Construction, Inc. and questioned the Administrator as to whether he routinely requires the contractor to give him a Final Contractor's Affidavit. Mr. Van Gaale replied that he does, along with all the Lien Releases and closeout Permits.*

**MOTION CARRIED UNANIMOUSLY.**

*Mrs. Dorworth joined the meeting.*

*The Administrator referred to the Aged Receivables list explaining that Americ Design has indicated that they should be able to pay their outstanding account within the next two weeks; Amick Custom Woodcraft & Design, Inc. has indicated that they will make a payment tomorrow; and after numerous calls to Cyril International, LLC, we still have not received the three Note payments that are past due, but we will continue to pursue them. EPSEC Corporation has indicated that they will bring their account current by next Friday. Florida Extruders paid their past due rent this week, but still owe a couple late charges. They have indicated that the balance due will be paid next week. Payments were received from R & R*

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*Sheet Metal in the amount of \$1,555.52, Ryan & Reed, Inc. in the amount of \$4,198.68, and Southeast Conveyor, LLC in the amount of \$1,799.08 that are not reflected on the list. Suite Upgrades, LLC has indicated that they mailed their payment for both months on Monday, and Featherlite Coaches, Inc. still owes a past due late charge along with the current month's rent. Mr. Van Gaale stated that he spoke with Mr. Wooley yesterday and he indicated that they are working on trying to get capital for the new year.*

*The Chairman asked about R. J. Arnold, LLC, and the Administrator replied that he is our tenant at 1500 Dolgner Place where we've had flooding problems in the past. He explained that his Lease expires in August, 2010 and that he's lost a major sub-tenant, ACF Environmental, who occupied half of his building. Mr. Arnold has hired a realtor to find someone to replace them, and we are in discussions with another tenant, Acme Recycling Industries, LLC, who may be interested in the unit. Mr. Arnold's other sub-tenant would like to stay and is also looking for an additional sub-tenant.*

**ATTORNEY'S REPORT**

*a) Acteon Networks FL, LLC - Mr. Coover wished everyone and their families a merry Christmas and happy new year. He reported that we have an Amended Final Judgment in the amount of \$5,392.57, and we have a balance of \$3,788.52 that we're carrying on the books, so the difference is attorney fees, etc. Mr. Coover stated that he has been asked by Staff if we can write-off the balance, which he referred to Mrs. McBroom, since she is a C.P.A. Mrs. McBroom replied that we should write-off the amount on the books since the legal fees will come out of expenses. Mr. Coover stated that the Board previously decided not to pursue this matter based on the information we have.*

***MOTION WAS MADE BY CLIFF MILLER, SECONDED BY MATTHEW BROWN TO WRITE-OFF THE OUTSTANDING BALANCE OF \$3,788.52 OWED BY ACTEON NETWORKS FL, LLC.***

***MOTION CARRIED UNANIMOUSLY.***

*b) Ido David Lawsuit - Mr. Coover reported that he recently received some correspondence on this case, which is the case where the gentleman fell through the skylight. Apparently, our insurer's attorney wrote an offer to Mr. David's attorney offering to pay \$100,000, which they believe is the sovereign immunity cap. The Plaintiff's attorney wrote back and disagreed with the cap and said that because Mrs. David has a loss of consortium claim (a loss of services claimed by a spouse), the cap should actually be \$200,000, and they want to know if the insurer will offer \$200,000 without binding them to accept it. Mr. Coover stated that we received a copy of a letter from our insurance carrier's attorney to our insurance company saying here's their opinion, please let me know if you'll offer another \$100,000; but we don't know at this point whether it's been approved or not.*

*The Chairman questioned the past due balance of \$215.70 owed by Jay M. Fisher, P.A.,*

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*Mr. David's attorney. Mr. Coover mentioned that Mr. Fisher has been replaced by another attorney in the same firm, but he would be happy to write a letter regarding the balance owed, or a letter to our insurance company's attorney asking him to tell them that any offer they make to settle this is conditioned on them paying this bill. He stated that he doesn't want to put time and effort into it and then before you know it, the Authority will owe him more than what Jay Fisher owes the Authority. He stated he'll do what he did last time and have our insurance company's attorney try and get that money for us.*

**ADMINISTRATOR'S REPORT**

*a) Project #149, Re-Sheeting Two (2) 16,000 s.f. Metal Buildings (1501-1529 Dolgner Place and 1535-1563 Dolgner Place)Update - The Administrator reported that the project is complete and they will do a walk through in the next couple days and get all the closing documents in order before final payment is released. He stated that the project turned out well; we got a good product with a good electrical upgrade system.*

*b) Roger Pinkerton - The Administrator asked that the Board consider a Christmas gift in the amount of \$250.00 to our maintenance man, Roger Pinkerton, as we've done in the past. Discussion ensued.*

**MOTION WAS MADE BY MATTHEW BROWN, SECONDED BY THOMAS KUHN TO APPROVE A CHRISTMAS GIFT OF \$250.00 TO ROGER PINKERTON.**

**MOTION CARRIED UNANIMOUSLY.**

**OLD BUSINESS**

*There was no old business.*

**NEW BUSINESS**

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

- a) Land Lease Renewal - Log Cabin Homes, Ltd. d/b/a Log Structures of the South, 1600 Dolgner Place (.866 acre), beginning December 22, 2009 through December 21, 2015 (6 years) at the current monthly rate of \$495.00 for the first year (\$6,859/acre/yr). Personal guarantee.
- b) Lease Renewal - Rust-Off, Inc., 1471 Kastner Place, Suite 101, beginning January 1, 2010 through December 31, 2010, at the monthly rate of \$793.00 (2,000 s.f. warehouse @ \$4.76/s.f.), a 5% increase. Personal guarantee.

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- c) Lease Termination - Above All Ministry, Inc., 1559 Dolgner Place, July 1, 2009 through June 30, 2010, at the monthly rate of \$656.00, effective December 31, 2009.
- d) New Lease - Lentec Machining, Inc., 1559 Dolgner Place, beginning January 1, 2010 through December 31, 2010, at the monthly rate of \$700.00 (2,000 s.f. warehouse @ \$4.20/s.f.). Personal guarantee.

The Administrator explained that Lentec Machining, Inc. (Item 4) is taking over the leasehold next door currently under Lease to Above All Ministry, Inc. (Item 3) to expand their space.

Mr. Coover mentioned that he had a request from Log Cabin Homes, Ltd. (Item 1) to assist them in putting a leasehold mortgage on their property here at the Port, which is a mortgage on their leasehold interest, not on the underlying fee simple that we own. That's working its way through as soon as the Lease is approved. Long term Leases have a value that a bank will loan money on.

**MOTION WAS MADE BY THOMAS KUHN, SECONDED BY CLIFF MILLER TO APPROVE ITEMS 1-4, AS PRESENTED.**

**MOTION CARRIED UNANIMOUSLY.**

There being no further business, the meeting was adjourned at 4:32 p.m. by Chairman Triplett.

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Jeffrey Triplett, Chairman

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Matthew Brown, Secretary