

**SEMINOLE COUNTY PORT AUTHORITY
MINUTES OF THE REGULAR BOARD MEETING
APRIL 17, 2024**

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 April 17, 2024.

The Vice-Chair called the meeting to order at 4:00 p.m. with the following Directors constituting a quorum: Dana McBroom, Vice-Chair; Bill Spivey, Secretary; Michael Caraway, Treasurer; Cliff Miller, Member; Amy Guilfoyle, Member; and Andria Herr, BCC Member.

Members Absent: Matthew Criswell, Chairman; Steve Powell, Member; and Harry Ellis, Member.

Staff present: Andrew Van Gaale, Administrator; and Jennifer Sykes, Business Office Manager.

Also present: Darren Elkind, SCOPA Attorney; Joey Pozo, President of Boat Tree Marina; Jessica Davis, COO of Boat Tree Marina; and Bobby Von Herbulis, President of McKee Construction.

An invocation was given by Cliff Miller followed by the pledge to the Flag.

The Vice-Chair welcomed the guests and asked if there were any objections to starting with agenda item 8b, the Boat Tree Marina Update. Hearing none the Administrator explained that late last year there were code enforcement actions related to some issues at the Marina. In February of this year, Port staff were notified of electrical and structural deficiencies on the docks. A meeting was scheduled with county and fire officials, along with SCOPA staff, Mr. Elkind, and representatives from the marina. Subsequently Seminole County Fire posted notice that some of the docks had to be vacated. The Administrator stated that the marina representatives are present to explain the proposed temporary plan, a copy of which was forwarded via email for prereview, to remedy the situation and answer any questions. The Administrator then turned the floor over to SCOPA counsel Darren Elkind.

Mr. Elkind expounded upon the situation explaining that in addition to the vacate order from the County, SCOPA has received two personal injury claims, and the docks are in bad shape. He explained that the Authority had not received notice of violations until, as the property owner, the Port Authority received a notice of code violation and notice of hearing. At that point, a meeting was scheduled with the Fire Marshal, County staff, and Authority staff to come up with a plan after which everyone walked the docks. Boat Tree Marina obtained a structural engineer to review the docks whose report stated that the docks were structurally deficient. The Fire Marshal reached out to the engineer asking if

there was anything that could be done on a temporary basis to shore the docks up and he told her no. Subsequently, the Fire Marshal then posted docks C, D and E as unsafe with its use and occupancy prohibited. A conference call was had with Boat Tree Marina and their attorney who reported that everyone was removed from docks C and D with the exception of three individuals that they asked for assistance with removing them. They stated that they had a safety engineer that was going to sign off on a temporary plan to shore up dock E. Mr. Elkind explained that the plan presented was to remove the finger piers, shore up the gangway, and the tenant asked for the Administrator to sign off on a Notice of Commencement as the property owner for a demolition permit. Mr. Elkind stated that he advised the Administrator that he did not have the authority to execute a demolition permit of major components of the Port without board approval. Therefore, staff asked Boat Tree staff for a plan that the board could review. Staff did not receive an engineered plan, just the plan which was forwarded to the board. He pointed out that the plan presented indicates that the boats will be tied to the gangway stern to with people boarding over the transom of the boat which not all boats are designed to be boarded in that fashion. Mr. Elkind summarized for the board that the docks are not in compliance with the terms of the lease which states they must be maintained in good working condition. He informed the board that in late March staff was informed by a Seminole County Detective that a death due to natural causes had occurred on a boat, but that emergency services had to difficulty using a gurney to remove the body due to the condition of the docks. That indicates that this is a life safety issue should someone have a health emergency on one of the boats. Therefore, the docks are not in compliance with the terms of the lease, which must be fixed. He stated that if Boat Tree can do something temporary that will satisfy the building officials and fire marshal for an engineering perspective it has to make sense to the board, as the landlord, and be an industry standard remedy with a specific timeline as to when the docks would be replaced. Mr. Elkind then turned the floor over to Boat Tree Marina to present their plan.

Bobby Von Herbulis, the President of McKee Construction introduced himself stating he would be speaking on the condition of the docks and the temporary repairs that the building department, whom the Fire Marshal has turned the matter over to, has issued a demolition permit for that work. Referring to an aerial photograph, he explained that dock E in the engineer's report stated that the main gangway of dock E was acceptable. The owners have installed a lot of diamond plate over the rotten wood to spread out the weight and the County building official agreed that is temporarily acceptable, but cannot be permanent. He explained that the plan included removing all the finger docks off dock E gangway except for the last three which are newer at approximately twenty to twenty-five years old. Where the fingers are removed a two-foot, by two-foot, by four-foot floating apparatus, like what is currently holding up the docks, will be installed to prevent the dock from tipping. Mr. Von Herbulis stated that fifty of these floats were already purchased and ready for installation. He explained that a railing would be built and installed where the finger docks were removed as a safety measure to deter the habitual use patterns. Then the diamond plates already installed on the main gangway is going to be acid washed, primed and a non-slip, cool deck type coating applied. He explained that

this would be applied to any place that diamond plate had been installed on docks C and D in addition to the dock E gangway. Mr. Von Herbulis stated that they also added a barricade along the concrete gangway called the bridge to prevent foot traffic on the deteriorated wooden section adjacent to it. He stated that this work is what the permit obtained is for and which is why the Notice of Commencement signed by the property owner is required. Mr. Von Herbulis clarified that boats would remain on the dock and all boats would have to be entered from the gangway. He stated that the boats docked there would be those built to be accessed from the bow or stern. Mr. Elkind pointed out that at the last meeting on site there were many boats docked there that did not have a cockpit and were not set up for access over the transom. He asked if they had been removed from E dock. Jessica Davis with Boat Tree Marina confirmed that all boats not built with transom boarding capabilities would be relocated. Mr. Elkind requested a list of the boats that Boat Tree would like to be permitted to remain on dock E with transom boarding capabilities. Mr. Elkind asked if the boats were documented with the Coast Guard. Mr. Pozo stated that they were all registered but not all documented. He stated that they call Florida Wildlife Commission out once a year to walk the docks and check for registrations. Mr. Spivey asked for clarification on the Seminole County permits that Boat Tree had obtained because he could only find a pending demolition permit online. Mr. Von Herbulis stated that a demolition permit which includes the work he has presented was issued and is pending the Port Authority's signature on the Notice of Commencement. Cliff Miller asked for clarification on the boats still remaining that Boat Tree needed assistance removing. Mr. Pozo stated that only one liveaboard remained on the C & D docks, the rest of the boats on those docks are recreationally used. Mr. Elkind stated that the Authority was contacted by the County, and it was clarified that the people had to leave the docks. Therefore, the Port Authority would need something very clear in writing from the County that stated upon approval of the plan presented by Boat Tree that the County would be removing their order to vacate the docks. Until sign off by the County, the Fire Marshal, and Building Official is received, the Authority's understanding is that the vacate order is in place and that no one should be on the docks. Mr. Elkind also specified that the Authority was still awaiting the plan from the safety engineer as promised. He specified that the Authority needs something from a design professional signing off and approving the plan Boat Tree has presented along with the list of stern boarding boats that will remain on dock E. Mr. Von Herbulis stated he would obtain the specified requirements for the Authority. Commissioner Herr asked Mr. Von Herbulis what the timing was on phase one and phase two of Boat Tree's plans. Mr. Von Herbulis stated that phase one would be started immediately and it should take three weeks to complete.

Dana McBroom stated that the Authority has been speaking with Marinas, LLC, for over a year about getting the docks repaired, which is why the diamond plate was installed. She asked for clarification on what would be included in the second phase after the temporary fix. Mr. Pozo stated that while the temporary fix is taking place, Boat Tree would continue getting a phase two plan together with multiple contractors, scheduling, and costs, or they would be selling it. He stated that funding would be a big factor and assured the

board that if a sale occurred, the estimated cost to replace the docks plus 20% would be placed in escrow.

Mr. Elkind summarized for the board that at this point in time the docks are in deplorable condition. Marinas, LLC is in default on a couple of provisions of their lease. The lease provides that the Authority give notice of default and then the lessee will have forty-five days to cure the default. He asked the board for approval to issue the default notice.

The Vice-Chair informed the board that there were two separate items before the board. The first being approval of the demolition permit and the second being the default notice. The Administrator emphasized that the Authority is currently in violation of the Seminole County Fire Marshal's order to remove people from the docks. Also, to ensure the board was well informed he reminded them that the decisions made would potentially affect the variable rents received from Marinas, LLC as a portion of their rental agreement. Mr. Pozo stated that if docks C, D and E were demolished it would result in approximately \$20,000 per year in lost revenue to the Authority.

MOTION WAS MADE BY CLIFF MILLER, SECONDED BY COMMISSIONER HERR TO APPROVE THE NOTICE OF DEFAULT TO MARINAS, LLC.

MOTION CARRIED UNANIMOUSLY.

After additional discussion on the scheduling of a special meeting to approve the Boat Tree's temporary phase one plan. Mr. Elkind reiterated that Boat Tree needed to obtain a plan from a safety engineer, Seminole County approval, and a list of boats that would remain on the docks. Mr. Von Herbulis stated that he thought he could obtain the required information by Friday, April 26th. Commissioner Herr stated that County staff should be present at the discussion and that Seminole County Fire should sign off on the plan. It was decided that the board would hold a duly advertised special meeting on April 29th, 2024, at 4:30pm. The Administrator asked the Boat Tree representatives if there was any way to rehome the individuals on the docks into hotels or something to eliminate the hazard while the solution is worked out. Mr. Pozo said no. Mrs. McBroom asked why the boat owners could not move their boats to another location and was informed that many of the boats in question are not navigable.

The Chair opened the floor for corrections or additions to the minutes of the last meeting held on March 20, 2024. None were presented.

MOTION WAS MADE BY CLIFF MILLER, SECONDED BY COMMISSIONER HERR TO APPROVE THE MINUTES OF THE FEBRUARY 21, 2024, BOARD MEETING.

MOTION CARRIED UNANIMOUSLY.

The Administrator presented the financial charts along with the budget statement and balance sheet for the month of March 2024. He reported that revenues for the month of March 2024 were over budget in the amount of \$21,693 and over budget for the year to date in the amount of \$147,740. He reported that expenses for the month of March 2024 were under budget by \$14,113 and over budget by \$4,664 for the year to date. He reported occupancy at 99% pointing out that a new lease for the vacancy is being presented for approval today. The Administrator pointed out the monthly financial statements along with the investment account statements for March.

The Administrator then presented the Outstanding Bills. He pointed out item # 13, the \$26,560.00 payment to Public Risk Management, represents the Authority's quarterly insurance premium. Item #20, the \$84,879.10 payment to Cathcart Construction Company, represents the final retainage payment on the 1500 Dolgner Place redevelopment contract. Item #22, the \$2,550.00 payment to Copier Connection, represents the cost for a new office copier. The Administrator then pointed out the standard first of the month bills for May. There were no questions on the bills.

MOTION WAS MADE BY CLIFF MILLER, SECONDED BY COMMISSIONER HERR, TO APPROVE THE APRIL 17TH AND MAY 1ST BILLS AS PRESENTED. THE LIST OF BILLS APPROVED TO BE PAID IS ATTACHED AND MADE A PART OF THESE MINUTES.

MOTION CARRIED UNANIMOUSLY.

Leases – The Administrator presented the following seven leases for approval:

1. New Lease – Summit Exhibit, LLC; 1980 Dolgner Place, Suite 1044; 1,500 sq. ft.; 1-year Lease; term May 1, 2024 – Apr. 30, 2025; at the market rate of \$1,500.00/mo. (\$12.00/sq. ft./yr.). Personal guarantee.
2. Lease – Air One of Central Florida, LLC; 1980 Dolgner Place, Suite 1016; 1,500 sq. ft.; 1-year Lease; term May 1, 2024 – Apr. 30, 2025; at the current rate of \$1,050.00/mo. (\$8.40/sq. ft./yr.) with an Oct. 1, 2024, increase to \$1,175.00/mo. (\$9.40/sq. ft./yr.). Personal guarantee.
3. Lease – Central Florida Window & Door, LLC; 1413 Dolgner Place; 1,396 sq. ft.; 1-year Lease; term May 1, 2024 – Apr. 30, 2025; at the current rate of \$1,050.00/mo. (\$9.03/sq. ft./yr.) with an Oct. 1, 2024, increase to \$1,108.22/mo. (\$9.53/sq. ft./yr.). Personal guarantee.
4. Lease – Fiberglass Plus Supplies and Restoration Corp.; 1543 & 1547 Dolgner Place; 4,000 sq. ft.; 1-year Lease; term May 1, 2024 – Apr. 30, 2025; at the current rate of \$1,620.68/mo. (\$4.86/sq. ft./yr.) with an Oct. 1, 2024, increase to \$2,006.67/mo. (\$6.02/sq. ft./yr.). Personal guarantee.

5. Lease Assignment- Back Country Customs, LLC; 4417 Schilke Way; assigning 1-year land lease to Artik Enterprises, LLC; lease term Feb. 1, 2024-Jan. 31, 2025; 0.4553 acres more or less, at a rate of \$413.27/mo. (\$10,892/ac./yr.) Same principal and guarantor for both companies.
6. Lease Assignment- Back Country Customs, LLC; 4421 Schilke Way, Suites 124 and 128; assigning 1-year land lease to Artik Enterprises, LLC; lease term Feb. 1, 2024-Jan. 31, 2025; 4,000 sq. ft. warehouse, at a rate of \$1,779.86/mo. (\$5.34/sq. ft./yr.) Same principal and guarantor for both companies.
7. Lease Addendum – Marinas, LLC; 1690 Fitzpatrick Point; 20,000 sq. ft. dock warehouse; 3-year lease addendum; term Apr. 1, 2024 – Mar. 31, 2027; with a 3% increase for the first two years to \$6,739.55/month (\$4.04/sq. ft./yr.) and another 3% rate increase at the beginning of the third year to \$6,941.73/mo. (\$4.16/sq. ft./yr.) Personal guarantee.

MOTION WAS MADE BY COMMISSIONER HERR, SECONDED BY CLIFF MILLER TO APPROVE THE LEASES, AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

The Administrator presented the Aged Receivables list to the Board for review. He reported that he was working with Seminole Fleet to obtain the VIN numbers for the two vehicles left by F4W Strike Team. He reported that G&C Welding Specialists and Ricardo Zayas have promised payment by the end of the week. He explained that Trident Weaponry renewed last month at a higher rate, and they mistakenly paid their old rate. There were no questions on the aged receivables.

ATTORNEY'S REPORT

Mr. Elkind had nothing additional to report.

ADMINISTRATOR'S REPORT

The Administrator updated the board that attended the public meeting on the rezoning of the property across Orange Boulevard. The rezone was approved for the LaMesa parking lot. The public hearing is scheduled for April 23rd. He explained that he has contacted LaMesa's legal counsel trying to negotiate another one-year lease under the same escalation plan being offered to the other tenants. The Administrator asked the board to complete and return his annual performance review to Mr. Elkind's office. Finally, he stated that staff was working on the draft fiscal year 2024-2025 budget and noted that it should anticipate declined revenue from the Marina.

The Administrator explained that Bill Spivey, who assisted staff with the market rate evaluation plan, has been looking further at our revenues and has come up with a plan where we can move additional funds into the investment accounts. Bill Spivey explained that by moving the funds the Authority could earn an additional ten to fifteen thousand dollars in interest which would assist with the 1601 Dolgner Place reroof project. He clarified that the move would not exceed the limits of the investment policy and that the money remains liquid.

MOTION WAS MADE BY BILL SPIVEY, SECONDED BY CLIFF MILLER TO AUTHORIZE THE ADMINISTRATOR TO MOVE \$250,000 EACH, FOR A TOTAL ADDITIONAL INVESTMENT OF \$500,000, FROM THE SEACOAST MONEY MARKET ACCOUNT INTO THE AUTHORITY'S FLORIDA PRIME AND FL SAFE ACCOUNTS.

MOTION CARRIED UNANIMOUSLY.

There being no further business, the meeting was adjourned at 5:48 p.m. by Vice-Chair McBroom.

Dana McBroom, Vice-Chair

Bill Spivey, Secretary

**SEMINOLE COUNTY PORT AUTHORITY
MINUTES OF THE SPECIAL BOARD MEETING
APRIL 29, 2024**

A Special Board Meeting of the Seminole County Port Authority was held in the Board Room of the Administration Building at the Port of Sanford on April 29, 2024.

The Chair called the meeting to order at 4:31 p.m. with the following Directors constituting a quorum: Matthew Criswell, Chairman; Dana McBroom, Vice-Chair; Bill Spivey, Secretary; Michael Caraway, Treasurer; Cliff Miller, Member; Amy Guilfoyle, Member; Steve Powell, Member; Harry Ellis, Member; and Andria Herr, BCC Member.

Staff present: Andrew Van Gaale, Administrator; and Jennifer Sykes, Business Office Manager.

Also present: Darren Elkind, SCOPA Attorney; Seminole County Deputy Manager, Tricia Johnson; Assistant Seminole County Attorney Andrew Lanius; Seminole County Fire Chief Matt Kinley; Seminole County Fire Marshal Christina Diaz; Seminole County Chief Building Inspector Randy Hatch; Seminole County Building Official Bob Pike; Joey Pozo, President of Marinas, LLC; Jessica Davis, COO of Marinas, LLC; and Bobby Von Herbulis, President of McKee Construction.

An invocation was given by Matthew Criswell followed by the pledge to the Flag.

The Chair welcomed the guests and asked them to introduce themselves.

The Administrator explained that the meeting was a continuation from the regular monthly board meeting where the board requested additional information from the operators of Marinas, LLC regarding their request for approval of a dock demolition plan. He pointed out the report received on April 26, 2024, from Thompson Engineering. The Chairman asked if there was anyone present representing Thompson Engineering, none was present. The Administrator reminded those present that the docks are currently under a vacate order by County Fire and Building officials due to safety concerns.

SCOPA Attorney Darren Elkind summarized that at the April 17, 2024, the board voted and requested four items, which was sent in writing on April 18, 2024, for plans depicting the work to be performed, a letter or document from an engineer, a list of boat that are boardable from the stern, and County approval of said plan. Also, needed are the specifications on the floats where and how they will be attached. Mr. Elkind stated that only the engineer's letter was received.

Chairman Criswell pointed out that the original Thompson Engineering report that Marinas, LLC provided states that the docks are structurally inadequate. He stated that the Fire Inspector also noted that the docks do not meet code requirements. He asked

how can Thompson Engineering issue a report now stating that the docks can be repaired. Mr. Von Herbulis stated that no one is disputing that the docks need to be replaced. He clarified that the plan being presented is a temporary plan to provide Boat Tree Marina time to get dock designed, fabricated, and start replacing docks C, D, and E. He explained again for the board and those present the temporary railings and floats that would be installed during the demolition of the hazardous finger piers.

Chairman Criswell pointed out that Boat Tree is asking a board of eight volunteers to approve a demolition permit and temporary repair without plans. Seminole County Building Official Bob Pike commented that engineering details would be part of the inspection process. Mr. Elkind reminded those present that the Port Authority, as the landlord, has a non-delegable duty to ensure that the docks are in safe condition. He reminded the Boat Tree representatives that the board requested additional information including a drawing or plan for review. Mr. Elkind asked if there was going to be any sort of a drawing depicting the floats installed under the docks to which Bobby Von Herbulis replied, no. Bob Pike clarified that the board is asking for a depiction of where the buoys will be located at and how they will be properly attached per an engineer's detail. Matthew Criswell agreed asking for something like the Florida Product Approval Code specification. Dana McBroom reiterated that the board requested an engineer letter stating that these proposed repairs would deem the docks safe. She stated that while the letter provided approved the corrective action it did not specify that these repairs would resolve the current safety concerns. Bobby Von Herbulis clarified that the engineer letter gives the corrective action plan six months.

Chairman Criswell pointed out that the letter states the contractor has a maximum timeframe of six months to complete all work activities in both Phase I & Phase II. He asked if they are proposing a temporary and final fix. Joey Pozo stated yes. Bob Pike clarified that a separate permit would be required for the new dock installation. Bobby Von Herbulis stated that the phase I, temporary repairs included with the demolition permit, would take approximately two weeks to complete. He then explained that phase II would consist of completely removing docks C, D, and E and replacing them with new aluminum docks.

Joey Pozo informed the board that the docks would be entirely replaced with new, fully encapsulated floats meeting the NFPA standards. He stated that his attorney would be present at the next board meeting with their plans on funding. He stated that eventually all the liveboards will have to go because at some point the power and utilities will have to be cut for the new dock installation. Matthew Criswell asked if Boat Tree was proposing tying the boats up to the pylons during hurricane season. Bobby Von Herbulis stated that the boats are currently tied off to the pylons. He stated that during the repair work they will be pulled out away from the dock gangway. He clarified that the phase II replacement includes replacement of the entire dock system, with all new fingers, all new electrical, all new plumbing, and all new fire suppression system.

Commissioner Herr clarified that the board is being asked to approve a permit to demolish and a temporary fix for what is being removed. She stated that what the board does not have for review is a plan for reconstruction. She reminded the board that at the last meeting it was established that the tenant does not have the capital to complete the reconstruction. She asked Joey Pozo if there was any update on their efforts to raise the needed capital. Joey Pozo stated that he has executed a brokerage agreement, and the memorandum of offer will be complete by the end of the week. Commissioner Herr asked for clarification if that was the brokerage agreement to sell the lease. Mr. Pozo affirmed that it was to assign the lease with the funds required to replace the docks being placed in escrow. Commissioner Herr stated that absent of knowing that the funding is in place to reconstruct docks, why the board should approve demolition. She also stated that the board needs to understand what permitting requirements will be necessary with clarification on whether that process is different when reconstructing docks that no longer exist rather than replacement of existing docks.

Bob Pike stated that the permit under discussion is a demolition permit, and a separate permit would be required to replace the docks. Commissioner Herr asked Mr. Pike if Seminole County was the singular agency that would be involved in permitting the replacement docks. He stated that they were not. Approval from the Army Corp of Engineers might also be required due to it being a navigable waterway. Matthew Criswell asked if St. Johns Water Management District permit approval would be required, and Mr. Pike stated that he would defer to them. Lengthy discussion ensued.

Tricia Johnson clarified that reinspection of the electrical is a key issue and asked Fire Marshal Diaz to comment. Marshal Diaz stated that the two main hazards were structural and electrical. She received the structural engineering report which started the vacate process. She never received the electrical engineering report and did not further pursue it due to the vacate order. However, she clarified that if the occupants are staying on the docks the electrical report must be reviewed to ensure all hazards have been eliminated. That would require a permit, work performed, and inspected. Further discussion was had.

Commissioner Herr clarified that there were multiple issues at hand. The additional information requested, and clarified in the letter sent, has not been received. She stated that the SCOPA attorney and County attorney need to draft a memo with directions of the requirements to move forward. She stated that if we do agree to the demolition what is happening with the boats lodging there while it has been deemed unsafe. Additionally, the board needs information on if we demolish something could that put us in a situation that may not allow us to replace it because the County cannot speak on behalf of other agencies.

SCOPA Attorney Darren Elkind summarized that the Authority has sent a default notice to Marinas, LLC, there is also an order to vacate to which they have not complied. He stated

that this is not an apartment situation under landlord statutes. If they do not comply, they are in breach of the lease and the Authority can file a case in court to make them comply.

Dana McBroom asked Bobby Von Herbulis how quickly he could get what the board had requested. Mr. Von Herbulis stated he could hopefully have the drawings by the end of the week, that he has the float details, the electrical report and permit is going to take weeks. He stated he did not know how long it would take to get the information from St. Johns Water Management District or the Army Corp of Engineers. Bob Pike explained that part of the electrical is bringing it up to current codes which could be addressed with the new dock installation. Mrs. McBroom asked if the marina operator how many people were currently living on boats and could they be moved to the docks without the vacate order. Mr. Pozo stated that there were forty-two families living at the marina and that many were too large to move to the other docks.

MOTION WAS MADE BY HARRY ELLIS, SECONDED BY CLIFF MILLER, THAT IF TENANT DOES NOT VACATE OCCUPANTS OFF THE DOCKS DEEMED UNSAFE BY COUNTY OFFICIALS BY MAY 16, 2024, TO AUTHORIZE SCOPA ATTORNEY TO FILE AN ACTION IN CIVIL COURT TO HAVE THE SHERIFF ENFORCE THE VACATE ORDER.

MOTION PASSED WITH MATTHEW CRISWELL OPPOSED.

Mr. Elkind asked everyone present if it was clear what additional items the board is requesting for review prior to voting on the demolition permit. The consensus of all those present was that the board's requirements were understood. Dana McBroom clarified that the electrical portion required included the safety issues only which prohibit people from inhabiting the docks. The rest of the electrical could be included in the phase II dock replacement. The drawing does not have to be a certified engineer's drawing, just something that shows the board a picture clearly specifying what is being done. The building department and fire marshal need to have signed off that if these items are completed the vacate orders will be removed. Darren Elkind stated that an agreement also needs to be in place providing the board with assurances that the work will be performed in the six months specified in the plan.

MOTION WAS MADE BY COMMISSIONER HERR, SECONDED BY STEVE POWELL, THAT THE AGREEMENT WITH MARINAS, LLC, WOULD COME BACK TO THE BOARD BY MAY 15, 2024.

MOTION CARRIED UNANIMOUSLY.

Commissioner Herr made a request to the County team present and the contractor that all officials be copied at the same time to include Fire Marshal Christina Diaz and Building Official Bob Pike. Tricia Johnson agreed that she would email all the contacts.

Chairman Criswell asked if there was any other business to be brought before the board.

SCOPA Attorney Darren Elkind brought the April 28, 2024, shooting incident at Cabana Live before the board. He informed the board that the Cabana Live which was supposed to be a restaurant with a bar that gets more than fifty percent of their revenue from food sales is having promoted events. He stated that he requested the call log from the Sheriff's office. He explained what is happening is the restaurant is acting as a party venue with traffic and parking overflowing the leasehold. Mr. Elkind stated that he is asking the board to authorize another letter of default to Marinas, LLC.

Mr. Pozo welcomed the default. He stated that the restaurant operator informed him that they have cancelled all future events and promoters that had been hired. Mr. Pozo stated that he takes the matter seriously and is in complete agreement with the board that these events are bringing in an element they do not want at the marina. Bill Spivey questioned the parties still being advertised on the restaurant's website. Joey Pozo stated that they would still be having themed parties, holiday parties, and things like musical bingo but would no longer be having promoter events. Mr. Elkind stated that stopping the events was only a portion of the issue that the restaurant needed to shut down at a reasonable hour as well. Joey Pozo agreed stating that he thought the closing hour was specified in their lease.

Darren Elkind stated that he and the Administrator did an inspection. He asked the marina representatives if they could also clean up the old boats and stuff along the south side E dock. Joey Pozo said he would and that he wants to sell the marina. He assured the board that whoever acquired the marina would have a standard. He stated that once the docks were replaced the slip rental rates would also increase.

Bill Spivey asked if an event permit required by Seminole County. Darren Elkind answered that the County does have an event permit process. However, the Port is an industrial park with a marina and events should not be occurring. Tricia Johnson stated that the County has already received about sixteen media calls on the subject. She stated that the sublessee has not ever applied for a special event permit. She stated that she would send the special event permit thresholds, but basically it deals with outside of normal operating hours and larger than permitted occupancy. Mr. Elkind asked Mr. Pozo to forward a copy of the Marinas, LLC, lease with Cabana Live and he agreed to do so. Matthew Criswell reminded the marina representatives that the operators of Cabana Live presented a family friendly sport bar model to the board which is very different from what occurred this past weekend.

MOTION WAS MADE BY HARRY ELLIS, SECONDED BY COMMISSIONER HERR, TO AUTHORIZE THE NOTICE OF DEFAULT BE SENT TO MARINAS, LLC, AS PRESENTED.

MOTION CARRIED UNANIMOUSLY

Chairman Criswell asked Mr. Pozo what the Port Authority board could do to assist him in resolving the issues at hand. Joey Pozo thanked the board for working with them. He stated that the default letter will help him with the tenant and apologized for not having all the requested information on the dock repairs. The Administrator asked the marina representatives if Cabana Live's insurance is up to date. Mr. Pozo said that he had already verified that it was. Mr. Pozo stated that the marina has many revenue streams but that the docks represent the bulk of the revenue. He also wants to provide residents with time to relocate and make the marina as attractive as possible for sale. He stated that while waiting for a purchase offer, he was moving forward with design and permitting of the new docks and is also continuing to pay for the fire watch. He reiterated that once a sale occurred the funds to replace the docks would be placed in escrow.

There being no further business, the meeting was adjourned at 6:47 p.m. by Chairman Criswell.

Matthew Criswell, Chairman

Bill Spivey, Secretary