

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
MINUTES OF THE FULL BOARD MEETING  
THURSDAY OCTOBER 29, 2015 – 5:30 P.M.

The monthly meeting of the Board of the Non-Flood Protection Asset Management Authority of the Orleans Levee District was held on Thursday, October 29, 2015 at 5:30 p.m., in the Lake Vista Community Center, 2<sup>nd</sup> Floor, 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Chair Ernst called the meeting to order at 5:41 p.m. and led in the Pledge of Allegiance. The roll was called which constituted a quorum.

**PRESENT:**

Chairman Greg Ernst  
Secretary Thomas Fierke  
Comm. Michael Stack  
Comm. Stan Brien  
Comm. Eugene Green  
Comm. William Settoon  
Comm. Glenn Higgins  
Comm. Anthony Richard  
Comm. Roy Arrigo

**ABSENT:**

Vice Chairman Wilma Heaton  
Comm. Leila Eames

**STAFF:**

Cornelia Ullmann – Chief Operating Officer  
Sharon Martiny – Administrative Assistant  
Ben Morris – Airport Director  
Marlene Wilkerson - Accountant

**ALSO PRESENT:**

Al Pappalardo – Real Estate Consultant  
Gerard Metzger – Legal Counsel  
Steve Nelson – Stuart Consulting  
Jim Martin - DEI  
Becky Hammond – Carr, Riggs & Ingram, LLC  
Tom White – Fairview Realty  
Dawn Wagener – Retired Comptroller  
Nyka Scott – Flood Authority Legal Counsel

**OPENING COMMENTS**

Chair Ernst noted that the Agenda was not overly lengthy, but there are a few items and a few presentations.

**ADOPT AGENDA**

Comm. Fierke moved to adopt the Agenda, seconded by Comm. Settoon, motion passed.

**APPROVE MINUTES**

Comm. Higgins moved to approve the Board meeting minutes of September 3, 2015 and September 17, 2015, seconded by Comm. Fierke, motion passed.

**REPORT BY CHIEF OPERATING OFFICER**

Written report provided. Chair Ernst requested commissioners read the report so the meeting could proceed. Ben Morris, Interim Airport Director, advised that the Air Power Expo Show was outstanding Friday and Saturday, but did cancel Sunday due to bad weather. Approximately 7,000 were in attendance on Friday and Saturday. Chair Ernst thanked Mrs. Wagener, former Comptroller, for her work on behalf of the Orleans Levee District and wished her well in retirement. The Board presented Mrs. Wagener with a plaque in appreciation of her service over the years.

## **COMMITTEE REPORTS**

**Airport Committee –** Arbitration regarding requested flood protection is moving forward. The Chief Administrative Judge will soon set discovery dates a trial date. Customs buildout is proceeding forward, as is the buildout of the SLFPA-E offices. SLFPA-E expects to move into the Terminal Building the week of Thanksgiving.

**Marina Committee –** Comm. Settoon reported demolition of two boathouses is moving forward and repairs are underway for the slips on the east side of Orleans Marina. Grants will be prepared for silt removal in Orleans Marina and South Shore Harbor.

**Commercial Real Estate Committee –** Comm. Green reported that demolition of the police station is moving forward. The long-term lease relative to South Shore Harbor is expected to be executed very soon.

**Recreation/Subdivision Committee –** Chair Ernst reported the main discussion was capital outlay priorities.

**Finance Committee –** Comm. Stack advised that budgets are in good shape. Several cash flow issues are projected in the future for projects under way, including demolition of boathouses W19 and 20 and Shelter 3 replacement.

**Legal Committee –** Comm. Fierke reported that three By-Law changes have never been incorporated into the By-Laws. These multi documents will be consolidated and reviewed as there may be a better way to operate under the By-Laws. Going forward boathouse tenants may be held responsible if their boathouses are not kept up to standard. Legal action will be taken when deemed appropriate. Staff is researching to see if there is a statute of limitation for owners of fallen boathouses.

## **PRESENTATIONS**

### **1) Presentation of Audit Findings for Fiscal Year ending June 30, 2015**

#### **Jim Durbin, Manager, Carr, Riggs & Ingram, LLC.**

Becky Hammond, Carr, Riggs & Ingram, LLC, advised that this audit report was a combined report for the Flood and Non-Flood Authorities for the Orleans Levee District, and was issued to the Legislative Auditor. Specific statements regarding the Non-Flood Authority can be found on Page 19 (Statement H, Proprietary Funds). Also included in the audit are the Balance Sheet, Income Statement and Cash Flow report. This year's biggest change is implementation of GASB 68 and 71 (recording of net pension liability associated with the Non-Flood Authority's share of LASERS), which affect was approximately \$2.3 million.

There were no significant or unusual transactions and the audit findings reflect the normal course of operations for the Authority. There were no material adjustments to numbers that were not already contemplated. Adjustments may be made due to construction in progress. All documents are in the forefront and transparent for the Authority. The COO has signed the representation letter on behalf of the Non-Flood Assets. Both the report on controls and compliance is included in the bound copy of the report. The Authority passed the audit with a clean opinion. The Legislative Auditor is in the process of reviewing the audit, which will be available for public inspection on its website after it is released.

### **2) Update on FEMA funding for Walter Wedell alternate projects**

#### **Steve Nelson, Stuart Consulting.**

Chair Ernst reported that alternate funding from the Walter Wedell Hangar was overly optimistic. Steve Nelson, Stuart Consulting, advised of a PW in the amount of \$1.1 million. The Authority should have the funding by the end of 2015, with an additional \$350,000 next year by the second quarter. The \$350,000 depends on the outcome of the flood wall. A pre-arbitration hearing is scheduled in the near future, and must be resolved before FEMA finalizes those funds. The funds (flex funding) is not limited to a specific facility or purpose as this was money the Authority previously paid out on scope of work that FEMA deemed ineligible as part of an approved project.

The number previously discussed was \$2-\$4 million, which would be split between specific projects and flex funding. There are two primary reasons the \$2-\$4 million was reduced: insurance deductions and the \$650,000 project worksheet for the Peninsula

that cannot be used as an alternate project due to a difference in the scope. Mr. Nelson informed that the only major projects are the Peninsula PW and the Walter Wedell PWs.

**NEW BUSINESS**

**Motion 01-102916 – Motion to approve request by Jay Pittman and Cheryl Pittman to transfer Boathouse N-30 (320 S. Roadway St.) to Harry Barkerding.**

The COO advised that the sale is for \$110,000. Tenant assumes all obligations along with keeping up the improvements. The Authority receives an 8% transfer fee (\$8,800). Comm. Green moved to approve request by Jay Pittman and Cheryl Pittman to transfer Boathouse N-30, second by Comm. Settoon. Resolution adopted to wit:

**MOTION: 01-102915**  
**RESOLUTION: 01-102915**  
**BY: COMMISSIONER GREEN**  
**SECONDED: COMMISSIONER SETTOON**

October 29, 2015

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District;

**WHEREAS**, Orleans Marina located at West End in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District under the management and control of the Authority;

**WHEREAS**, the Authority is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided by La. R.S. 38:336(A); (B) (4);

**WHEREAS**, Orleans Marina Boathouse site N-30, 320 S. Roadway St., is currently leased to Jay and Cheryl Pittman pursuant to the term of a written Lease Agreement effective the 1st day of July, 2001, with the right of five (5) five (5) year renewal options, which Lease expires on June 30, 2031 if all options are exercised, and under other terms and conditions set forth in the Lease Agreement;

**WHEREAS**, Jay and Cheryl Pittman have requested approval to assign and transfer its rights to lease Boathouse N-30 to Harry Barkerding, who has agreed to the assignments and purchase of the improvements on the leasehold owned by the Lessee for the price and sum of One Hundred Ten Thousand and NO Cents (\$110,000.00) Dollar;

**WHEREAS**, under Article VII of the Lease Agreement the Lessor's consent is required for an assignment of the Lease and this Article also provides for payment to the Lessor of an eight (8%) percent transfer fee of the total amount of any consideration received by the Lessee;

**WHEREAS**, Jay and Cheryl Pittman have agreed to pay the eight (8%) percent transfer fee, totaling Eight Thousand Eight Hundred Dollars and NO cents (\$8,800.00), upon the assignment of the Lease and sale of the improvements, and Harry Barkerding has agreed to assume all of the obligations under the Lease;

**WHEREAS**, the Commercial Real Estate Committee heard the request for transfer and recommended that the transfer be approved;

**WHEREAS**, the Authority after considering this matter resolved that it was in the best interest of the Orleans Levee District to approve the assignment by Jay and Cheryl Pittman of its rights to lease Boathouse N-30 along with the sale of the improvements located thereon, to Harry Barkerding, conditioned upon payment of the 8% transfer fee of the consideration received by Jay and Cheryl Pittman, as required under the Lease Agreement, the assumption of all of the obligations under the Lease by Harry Barkerding; subject to the execution of the transfer of the lease, providing proof of insurance as required by the Lease, and payment of the 8% transfer fee within sixty (60) days of approval by the Authority and,

**THEREFORE, BE IT HEREBY RESOLVED**, that the Authority approves the assignment by Jay and Cheryl Pittman of their rights to lease Boathouse N-30, 320 S. Roadway, and sale of the improvements located thereon to Harry Barkerding, conditioned upon payment of the 8% transfer fee of the consideration received by Jay and Cheryl Pittman, totaling Eight Thousand Eight Hundred Dollars and NO cents (\$8,800.00), and subject to the execution of the transfer of the lease, providing proof of insurance as required by the Lease, and payment of the 8% transfer fee within sixty (60) days of approval by the Authority.

**BE IT HEREBY FURTHER RESOLVED**, that the Chairman or Chief Operating Officer of the Management Authority be and is hereby authorized to take any action and to sign any and all documents necessary to accomplish the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Ernst, Fierke, Stack, Brien, Green, Settoon, Higgins, Arrigo, Richard

NAYS: None

ABSENT: Eames, Heaton

This resolution was declared adopted this 29<sup>th</sup> day of October, 2015.

**Motion 02-102915 – Motion to accept LaDOTD grant for State project No. H.012210, rehabilitate PAPI-4 Systems RWI9 & 27, RWY 18R and 36R, up to \$110,000.**

Mr. Morris advised that the Authority received authorization from Allen Taylor to fully fund the PAPI lights. PAPI lights advise where the aircraft is on its approach to the airport. Comm. Fierke moved to accept LaDOTD grant for State project No. H.012210, (Rehabilitate PAPI-4 Systems), second by Comm. Settoon. Resolution adopted to wit:

**MOTION: 02-102915**  
**RESOLUTION: 02-102915**  
**BY: COMMISSIONER FIERKE**

**SECONDED: COMMISSIONER SETTOON**

**October 29, 2015**

**RESOLUTION**

A resolution authorizing the Chairman or Chief Operating Officer to execute an Agreement with the Louisiana Department of Transportation and Development (LA DOTD) for improvements at the New Orleans Lakefront Airport.

**Whereas**, the Non-Flood Protection Asset Management Authority is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District and specifically New Orleans Lakefront Airport;

**Whereas**, Act 451 of the 1989 Regular Session of the Louisiana Legislature authorized the financing of certain airport improvements from funds appropriated from the Transportation Trust Fund;

**Whereas**, the *Non Flood Protection Asset Management Authority* has requested funding assistance from the LA DOTD to rehabilitate the PAPI-4 systems for Runway 9 and 27, Runway 18R and Runway 36R; and

**Whereas**, the stated project has been approved by the Louisiana Legislature and the LA DOTD is agreeable to the implementation of this project and desires to cooperate with the *Non-Flood Protection Asset Management Authority* according to the terms and conditions identified in the attached Agreement; and

**Whereas**, the LA DOTD will provide the necessary funding for the rehabilitation of the PAPI-4 systems for Runway 9 and 27, Runway 18R and Runway 36R and reimburse the sponsor up to \$110,000 of project cost.

**BE IT RESOLVED** by the *Non-Flood Protection Asset Management Authority* that it does hereby authorize the *Chairman* or *Chief Operating Officer* to execute an Agreement for the project identified as SPN H.012210, more fully identified in the Agreement attached hereto, and to execute any subsequent related documents, including, but not limited to, amendments to said agreement.

This resolution shall be in full force and effect from and after its adoption.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Ernst, Fierke, Stack, Brien, Green, Settoon, Higgins, Richard, Arrigo

NAYS: None

ABSENT: Eames, Heaton

This resolution was declared adopted this 29<sup>th</sup> day of October, 2015.

**Motion 03-102915 - Motion to accept 50% matching funds provided by La. DOTD/Aviation to purchase GARD System for Lakefront Airport, State Project H.012253. \$1600 match, \$3200 total**

Mr. Morris informed that the GARD system count flights occurring after the Tower closes. The Airport now has sufficient data to extend the Tower hours until 10:00 p.m. Approximately 30% of the air traffic occurs after the Tower closes, which is a safety issue. Comm. Fierke moved to accept 50% matching funds provided by La. DOTD/Aviation to purchase GARD System for Lakefront Airport, second by Comm. Settoon. Resolution adopted to wit:

**MOTION: 03-102915**

**RESOLUTION: 03-102915**

**BY: COMMISSIONER FIERKE**

**SECONDED: COMMISSIONER RICHARD**

**October 29, 2015**

**RESOLUTION**

A resolution authorizing the Chairman or Chief Operating Officer to execute an Agreement with the Louisiana Department of Transportation and Development (LA DOTD) for improvements at the New Orleans Lakefront Airport.

**Whereas**, the Non-Flood Protection Asset Management Authority is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District and specifically New Orleans Lakefront Airport;

**Whereas**, Act 451 of the 1989 Regular Session of the Louisiana Legislature authorized the financing of certain airport improvements from funds appropriated from the Transportation Trust Fund;

**Whereas**, the *Non Flood Protection Asset Management Authority* has requested funding assistance from the LA DOTD for the purchase of Radio Traffic Recording System (GARD Unit) for recording radio traffic counts;

**Whereas**, the stated project has been approved by the Louisiana Legislature and the LA DOTD is agreeable to the implementation of this project and desires to cooperate with the *Non-Flood Protection Asset Management Authority* according to the terms and conditions identified in the attached Agreement;

**Whereas**, the LA DOTD will provide the necessary funding to **purchase a Radio Traffic Recording System (GARD Unit)** for recording radio traffic counts and reimburse the sponsor up to \$1600, which represents a total of 50% of the \$3200 of the project cost.

**BE IT RESOLVED** by the *Non-Flood Protection Asset Management Authority* does hereby authorize the *Chairman* or *Chief Operating Officer* to execute an Agreement for the project identified as SPN H.012253, more fully identified in the Agreement attached hereto, and to execute any subsequent related documents, including, but not limited to, amendments to said agreement.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Ernst, Fierke, Stack, Brien, Green, Settoon, Higgins, Richard, Arrigo

NAYS: None

ABSENT: Eames, Heaton

This resolution was declared adopted this 29<sup>th</sup> day of October, 2015.

**Motion 04-102915 - Motion to approve an Application to the State of Louisiana Capital Outlay Program to fund projects for Fiscal Year 2016-17**

Comm. Green moved to amend resolution Item No. 6 (Incident Command/Conference Center - Planning and Construction) to request \$200,000.00, second by Comm. Fierke. The motion to amend was passed with a unanimous roll call vote.

Comm. Green moved to change Item No. 11 (Lake Terrace Fountain Restoration) to \$900,000. Chair Ernst noted that \$900,000 is a high number for a non-revenue producing asset. Comm. Settoon suggested a new fountain be built in its place. Comm. Stack advised that he was not comfortable with the \$900,000 and requested the item be left at \$200,000. The Lake Terrace Fountain may have historic value as the Fountain was built in 1962, and is over 50 years old.

Comm. Stack offered a motion to approve the Application to the State of Louisiana Capital Outlay Program to fund projects for Fiscal Year 2016-17, second by Comm. Green. Resolution adopted to wit:

**MOTION: 04-102915**  
**RESOLUTION: 04-102915**  
**BY: COMMISSIONER STACK**  
**SECONDED: COMMISSIONER GREEN**

October 29, 2015

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District;

**WHEREAS**, the State of Louisiana Capital Outlay Program (COP) funding applications are required to be submitted by November 1, 2015, and the Authority is submitting the applications as the local sponsor;

**WHEREAS**, the Authority has projects that require funding from the COP in order to initiate design and/or construction phases of said projects.

**BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority by this Resolution formally authorizes the submittal of applications to the State of Louisiana COP to fund the following projects listed below for Fiscal Year 2016-2017 in the amounts shown:

1. **Lakeshore Drive and Stars and Stripes Boulevard Safety Striping and Pavement Markings, Planning and Construction - \$130,000.00.**
2. **Repair of lighting and conversion to alternate lighting system, New Orleans Lakefront Airport, Stars and Stripes Blvd. and Haynes Blvd. Flyover - \$275,000.00.**
3. **Interim Airport Flood Protection – New Orleans Lakefront Airport - \$900,000**
4. **Silt removal – New Basin Canal and Orleans Marina - \$475,000**
5. **South Shore Harbor – silt removal - \$475,000**
6. **Incident Command/Conference Center - Planning and Construction - \$200,000**
7. **Drainage repairs and berm design – New Orleans Lakefront Airport - \$350,000**
8. **Lake Vista Community Center Repairs, Site Paving and Fill - \$550,000**
9. **Replace ARFF fire truck – New Orleans Lakefront Airport - \$800,000**
10. **Replace ARFF Station – New Orleans Lakefront Airport - \$1,500,000**
11. **Lake Terrace Fountain Restoration - \$200,000**
12. **South Shore Harbor – restripe parking lot - \$150,000**
13. **North Peninsula at South Shore Harbor Marina – installation of utilities - \$15,000,000**
14. **North Peninsula at South Shore Harbor – Raise land level to 16’ - \$650,000**

**BE IT FURTHER RESOLVED**, that the Authority does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

**BE IT FURTHER RESOLVED**, that the Authority is committed to providing a local project match to the extent it is economically able to for the amounts required/recommended and necessary by the State.

**BE IT FURTHER RESOLVED**, that the Authority Chairman or the Chief Operating officer be and is hereby authorized to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Ernst, Fierke, Stack, Brien, Green, Settoon, Higgins, Arrigo, Richard  
NAYS: None  
ABSENT: Eames, Heaton

This resolution was declared adopted this 29<sup>th</sup> day of October, 2015.

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**5) Motion to engage Gerard G. Metzger, APLC for legal services to the Authority**

Comm. Fierke moved to amend the motion as follows: To delete the word “general” and replace it with the word “legal”. The Authority will have at least three legal counsels. Chair Ernst advised that there has been no general counsel since June. The Authority will move forward with three legal counsel, which will keep legal fees within check. Legal Counsel will include Gerard Metzger (Gerard G. Metzger APLC), Michael Botnick (Gordon, Arata) and Ernest Abbott (Baker Donelson) who is located in Washington, D.C. for the airport flood wall enhancement arbitration. The motion to amend was passed with a unanimous roll call vote.

Comm. Green stated that Mr. Metzger previously answered specific questions while sitting in on Committee/Board meetings. This was an efficient way to get issues solved immediately. Comm. Fierke advised that the issue would be determined in time noting Mr. Metzger’s legal and non-legal institutional knowledge. Comm. Settoon moved to engage Gerard G. Metzger, APLC for legal services to the Authority, second by Comm. Green. Resolution adopted to wit:

**MOTION:** 05-102915  
**RESOLUTION:** 05-102915  
**BY:** COMMISSIONER SETTOON  
**SECOND BY:** COMMISSIONER GREEN

October 29, 2015

**RESOLUTION**

**Whereas**, the Non-Flood Protection Asset Management Authority is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District;

**Whereas**, occasions arise when the Authority requires professional legal services for matters relating to the Authority’s long term leases and/or location agreements;

**Whereas**, the Authority desires to enter into a professional services contract with Gerard G. Metzger, APLC, 829 Baronne Street, New Orleans, LA 70113, attorneys Gerry Metzger and Charles Curtis, as legal counsel to the Authority; and,

**Whereas**, terms are effective October 29, 2015 and expire July 1, 2016 with a one year option to renew and rates not to exceed the attorney general’s rate sheet dated September 15, 2014 or as amended for legal services, plus expenses, under the terms and conditions to be specified in the Professional Legal Services Contract; and,

**Whereas**, in accordance with Louisiana law, the Professional Legal Services Contract is subject to approval by the Office of the Attorney General of the State of Louisiana; and,

**BE IT RESOLVED**, that the Authority approves a Professional Legal Services Contract on an as needed basis, at rates not to exceed the maximum rates listed below with:

Gerard G. Metzger, APLC

829 Baronne Street, New Orleans, LA 70113:

Gerard G. Metzger 10+ years \$225.00/hr.

Charles Curtis 10+ years \$225.00/hr.

under the terms and conditions to be specified in the Professional Legal Services Contract, subject to approval by the Office of the Attorney General of the State of Louisiana.

**BE IT FURTHER RESOLVED**, that the Authority Chairman or Chief Operating Officer be and is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: Ernst, Fierke, Stack, Brien, Green, Settoon, Higgins, Arrigo, Richard

NAYS: None

ABSENT: Eames, Heaton

This resolution was declared adopted this 29<sup>th</sup> day of October, 2015.

**PUBLIC COMMENTS**

**Thomas White – Fairview Realty**

Mr. White discussed issues regarding boathouses W-11, 12 and 13 located on W. Roadway just north of the two collapsed boathouses that are being demolished. Mr. White advised of concerns regarding the condition of existing piles and new piles that may collapse additional boathouses. Fairview Realty has the lease for another 20 years. The Board authorized Mrs. Davis to take the boathouses over. Other boathouses are in bad shape and if piles are driven to build a new boathouse he reasonably expects that other boathouses will come down.

Comm. Green noted that the Authority granted Mrs. Davis an option to build on W-11, 12 and 13, but she must provide architectural plans and those plans must be approved by the Authority’s architect by December 1, 2015. The Resolution allowed Mrs. Davis that period of time to provide plans and the Authority has an obligation.

Comm. Higgins suggested an engineer examine the boathouses and provide a report as to the condition. The COO advised that an RFQ was authorized last month for a

demolition and piling engineering firm. The RFQ is not yet complete. The Legal Committee will review and make a determination if former lessees would be responsible for those boathouses. Comm. Stack noted that there will be issues with pilings on a number of the boathouses due to their age and the age of the pilings. The question is: Who is responsible. There are legal questions as to who is responsible.

Mr. Pappalardo advised that boathouse W-1 (directly behind Sintes Boat Works) was formerly leased to Sintes. It is more of a small garage than a boathouse. W-7 (poor condition) reverted to the Authority, W-14 is owned and leased by Whitney Bank, W-15 reverted to the Authority but has a sizable tax lien, and W-16 reverted to the Authority because the tenants walked away from the lease. W-14 and 15 are under one roof, and W-16 stands alone. Mrs. Davis architect examined W-14, 15 and 16 and concluded the boathouses were in reasonable condition to be rehabilitated. Mrs. Davis has until December 1, 2015 to provide plans to the Authority's architects for approval and to obtain that approval to reconstruct boathouses W-11, 12 and 13. If Mrs. Davis withdraws from the matter the Resolution is null and void. Capt. White will have an obligation to rebuild the three boathouses, and raises a very important question: Who has authority to determine whether a boathouse can withstand pile driving/construction next to it. Once that issue is resolved, the Authority will require boathouse owners to provide engineering documentation that those pilings are in good condition. Capt. White is asking a reasonable question regarding neighboring boathouses and the issue of liability.

Jim Martin, DEI, stated that pilings can be encased to a certain extent, but it is a matter of money. If the entire length of the pilings can be reached, there are things that can do. Mr. White advised that encasing a piling to the base line costs approximately \$1,500 per piling. Jetting down beneath the water line is more costly. Comm. Fierke suggested that a survey be performed and Mr. Metzger give a brief analysis of existing leases, what is default and what the Authority's rights are when tenants stop paying rent. The Authority may be able to go back as far as ten years as the lease is a written contract and under Louisiana law the prescriptive period for a contract is 10 years. Mr. White clarified that the Authority feels it has an obligation to December 1, 2015, and inquired what will take place after that date. Mrs. Davis had an agreement to take the property over in July 2015, but that has not yet taken place. Comm. Green advised that Mrs. Davis has been invited to attend the next Commercial Real Estate Committee meeting.

Chair Ernst suggested a joint meeting of the Marina and Commercial Real Estate Committees on Tuesday, November 10, 2015 at which time all issues can be put on the Agenda and discussed in detail. After that meeting, the board will possibly have a decision.

Comm. Green noted for the record that Mrs. Davis inquired as to the availability of boathouses W-14, 15 and 16. Mrs. Davis was to get W-14 from Whitney and W-15 and 16 were made available. Given the uncertain nature of the tax lien on W15, the shared roof between W-14 (Whitney) and W-15 with the tax lien, In the interest of moving things forward the Authority requested Mrs. Davis continue her acquisition of W-11, 12 and 13. He personally feels an obligation to give Mrs. Davis that necessary time before a decision is made. Mr. White has vacant property that would ultimately have new boathouses which would stimulate development in that area. There are many issues to be discussed. Everything done will become a precedent.

### **NEXT BOARD MEETING**

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, October 15, 2015 at 5:30 p.m.

### **ADJOURNMENT**

Comm. Arrigo offered a motion to adjourn, seconded by Comm. Brien, motion passed. The meeting adjourned at 5:46 p.m.