

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE COMMERCIAL REAL ESTATE COMMITTEE MEETING
THURSDAY MAY 8, 2014 – 2:30 P.M.

The regular monthly meeting of the Commercial Real Estate Committee of the Non-Flood Protection Asset Management Authority was held on Thursday, May 8, 2014 at 2:30 p.m., in the Lake Vista Community Center, 2nd 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.

Chairman Ernst called the meeting to order at 1:41 p.m. and led in the Pledge of Allegiance.

The roll was called which constituted a quorum.

PRESENT:

Commissioner John Trask
Vice Chair Robert E. Smith Lupo
Chairman Greg Ernst

ABSENT:

Commissioner Eugene Green

STAFF:

Louis Capo - Executive Director
Sharon Martiny - Non-Flood
Dawn Wagener – Non-Flood

ALSO PRESENT:

Gerard Metzger – Legal Counsel
Mariah Grant – La Maison de Beaute'

OPENING COMMENTS

Chairman Ernst advised the Committee of discussions regarding the parking situation, which has come to our attention. These are the parking lots across from the restaurants on Lakeshore Drive. We will offer a motion to amend the Agenda at the appropriate time.

Gerard Metzger, Legal Counsel, advised the Committee of litigation involving the assessment of taxes on Boathouse N-28 in Orleans Marina. Opposing counsel filed an Exception to Dismiss the lawsuit and the Authority countered the Exceptions. Judge Reese heard the Exception, which was dismissed and the Authority is now on the road to getting the issue resolved. Plaintiff argued that the Authority was required to pay taxes and go under the Refund Statute, but Judge Reese ruled that the Authority, a public body, was not required to do that. Opposing counsel will be contacted and advised that the matter could be resolved by Summary Judgment as a Motion for Summary Judgment has been used in the past in cases like this.

APPROVAL OF AGENDA

Commissioner Trask offered a Motion to Amend the Agenda, seconded by Commissioner Lupo and unanimously adopted.

Commissioner Trask offered a Motion to Adopt the Agenda, as amended, seconded by Commissioner Green and unanimously adopted.

APPROVAL OF PRIOR MINUTES

Commissioner Lupo offered a Motion to Approve the minutes of the March 6, 2014 Commercial Real Estate Committee meeting, seconded by Commissioner Trask and unanimously adopted.

NEW BUSINESS

1) Discussion and approval to lease Suite 6510 in the Lake Vista Community Center to La Maison de Beaute', LLC

Mariah Grant is requesting approval to lease Suite 6510 in the Lake Vista Community Center as Murray Yacht Sales will be vacating May 31. Suite 6510 is 1,125 square feet and leases for \$15.00 per square foot or \$16,800 per year (\$1,400 per month). Because salon requirements on water are slightly more than the typical office, a utility charge of \$30 per month is required. Ms. Grant has taken measurements and secured an electrician and plumber to determine what will be required. Staff and consultants recommend the Authority move this issue forward to the full Board.

The one year lease will start August 1, 2014 and will have two 1-year options. Ms. Grant will be allowed entrance on June 1, 2014. Ms. Grant must have insurances in place and any construction in Suite 6510 will be Ms. Grant's responsibility. The rent abatement is in lieu of Ms. Grant's improvements to the Suite.

Commissioner Lupo recommended approval of a lease for Suite 6510 upon the new terms subject details regarding water usage, seconded by Commissioner Trask and unanimously adopted.

2) Motion for approval to transfer Boathouse N-25 to Eliette Nelkin

Mr. Metzger advised that the Authority would not receive a transfer fee for sale of improvements to Boathouse N-25 for \$275,000. An amendment to the lease was enacted by the Board in 2000 and there was litigation over this lease in which the Authority did not prevail. There is an additional 15 years on the lease until 2037 and an \$8,000 fee was paid to the Authority for that extension. The transfer is from the Fourroux family to Eliette Nelkin. Boathouse N-25 is a very nice unit. The purchaser is responsible for the attorney's fees related to the transfer.

Commissioner Ernst offered a motion to recommend approval for the transfer of Boathouse N-25 to Eliette Nelkin along the terms just discussed, seconded by Commissioner Lupo and unanimously adopted.

Mr. Metzger advised that an item is being added to the Agenda addressing allowed uses of parking bays on West End from Lighthouse Harbor to Shelter No. 1 along the east side of Lakeshore Drive. Commissioner Lupo offered a motion add an item to the Agenda, seconded by Commissioner Trask and unanimously adopted.

Commissioner Lupo suggested restricting times so the parking bays look more open, but the entire day during weekends because people arrive in the parking lot at 11:00 a.m. Mr. Metzger advised that parking has not been reported as problematic by restaurateurs on the weekdays. Chairman Ernst agreed that this is a reasonable restriction as the two weekend days are primetime for the commercial establishments located near those parking bays. Mr. Capo noted that the Authority would reserve the right for any special events scheduled on Lakeshore Drive because races and charity events use Shelter No. 1 for the parking lot. Mr. Metzger stated that permissible allowable use would only be for the commercial establishments their patrons, the condominiums and their tenants. Chairman Ernst noted that these are commercial establishments that use the parking lots and any person who does not enter the establishment could be escorted out by the police.

Commissioner Trask suggested that restriction of the parking lots be full time to keep consistent. There is plenty other places to park along the 5.2 miles of Lakeshore Drive. The Authority is being considerate to business owners and the establishments that this Authority spent a lot of money developing. Mr. Metzger advised that he would prepare a resolution and circulate it and finalize the document.

Commissioner Trask recommended that the issue regarding parking lot restrictions be brought before the full Board, seconded by Commissioner Lupo and unanimously adopted.

ANNOUNCEMENT OF NEXT MEETING

Chairman Ernst announced the next scheduled Commercial Real Estate meeting is scheduled for Thursday, June 5, 2014 at 1:30 p.m.

ADJOURNMENT

Commissioner Ernst offered a motion to Adjourn, seconded by Commissioner Lupo and unanimously adopted.

The meeting adjourned at 2:04 p.m.