

**NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
BOARD MEETING MINUTES
THURSDAY APRIL 27, 2017 – 5:30 P.M.**

The regular meeting of the Full Board of the Non-Flood Protection Asset Management Authority was held on Thursday, April 27, 2017 at 5:30 p.m., in the 2nd floor meeting room in the 2nd Floor Conference Center – Lakefront Airport Terminal Building, located at 6001 Stars & Stripes 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 Heaton called the meeting to order at 5:38 p.m. and led in the Pledge of Allegiance. The roll was called which constituted a quorum.

PRESENT:

Chair Wilma Heaton
Vice Chair Eugene Green
Secretary Thomas Fierke
Comm. Rodger Wheaton
Comm. Anthony Richard
Comm. William Settoon
Comm. Greg Ernst
Comm. Roy Arrigo
Comm. Dawn Hebert
Comm. Chris Morvant
Comm. Pat Meadowcroft

ABSENT:

Comm. Stan Brien
Comm. Leila Eames
Comm. Carla Major
Comm. Cedric Grant
Comm. Sean Bruno
Comm. Charles Henry

STAFF:

Jesse D. Noel, P.E. – Executive Director
Ngoc Ford – Deputy Director
Sharon Martiny – Administrative Assistant

ALSO PRESENT:

Gerard Metzger – Legal Counsel
Al Pappalardo – Real Estate Consultant
Tom Gibbs – National WWII Museum
Ray Landeche – Lakeshore Resident
Tim Avegno – Eagan Insurance Agency
Charles Kennedy, Jr. – Kennedy Insurance
Monte Shalett – LVPOA
William Sizeler – Sizeler Thompson Brown Architects
Stewart Juneau – le Triomphe Property Group
Lazem Alikhani – ECM
Michael Moffett – LVPOA
Claire Byrn – Gentilly Messenger
Chris Fenner – Stuart Consulting Group

ADOPT AGENDA

Comm. Richard moved to adopt the Agenda, second by Comm. Wheaton. Motion passed.

APPROVE MINUTES

Comm. Ernst noted one amendment to the minutes of February 23, 2017 (Ernst opposed approval of January 26, 2017 minutes). Comm. Ernst offered a motion to amend the minutes, second by Comm. Fierke. Comm. Richard offered a motion to approve the February 23, 2017 minutes as amended, second by Comm. Ernst.

Comm. Settoon offered a motion to approve the March 30, 2017 Board meeting minutes, second by Comm. Hebert. Motions passed.

OPENING COMMENTS

None.

PUBLIC COMMENTS

None.

PRESENTATION

WWII Air, Sea & Land Festival – Tom Gibbs

Mr. Gibbs advised that the event is scheduled for the last week of October, 2017. This year the event will be rebranded as the WWII Air, Sea & Land Festival to recognize the PT boat's new location. There will be several STEM activities located in the boathouse. There will be a variety of good food and live entertainment to drive out a more expanded crowd. Over the last three years approximately 10,000 students, ages 12 and under, have been admitted free of charge. There will be a dedicated Kid Zone for children under the age of 12 with an inflatable area and obstacle course along with WWII vehicles. The Victory Belles will give a performance and there will be 15 acres full of activities. Messina's will contract food trucks and expanded amenities will be provided for VIPs. A Victory Parade will parade daily with approximately 20 military vehicles and marching bands. Media for the event will be expanded for 2017 and will highlight the many different activities at the event. Air space will be shut down for two hours to accommodate a two hour aircraft show from 1:30 p.m. to 3:30 p.m. Each FBO has been advised and understands the intention for the air space shut down, which air space will be returned at 3:30 p.m. Attendance this year is expected to be approximately 20,000 people. Single day VIP passes are available.

COMMITTEE REPORTS:

Airport – Chair Heaton advised that the arbitration lasted three days. The Authority got a fair hearing and on the fourth day it was agreed that the Authority would file a Supplemental Brief which is due May 2, 2017. FEMA has thirty (30) days to answer and the Authority has an additional seven (7) days to respond. A ruling is anticipated in August. The basic transcripts are available for review. E.D. Noel added that the bids for the Airport Lighting Vault are due on Monday May 1, 2017. The project for Rehabilitation of Runway 36R/18L was advertised.

Marina – Comm. Morvant reported that the Marina Committee did not address issues at the April meeting due to lack of quorum. Mr. Noel advised that repairs to the Pennick Dock are 95% complete, with electric and plumbing work remaining. The Boathouse Demolition and Pier Repairs are still in the submittal phase. Permitting issues have been addressed and resolved. All lease terminations have been submitted to the Assessor's office. Three bids were received for the bulkhead repairs at Orleans Marina with PADS submitting the lowest bid at \$23,000.

Commercial Real Estate – Comm. Green advised that the next CRE meeting is scheduled for Thursday May 4, 2017. The Committee will discuss possibilities for leasing the Naval Reserve Facility training site. I would like to thank the sub-committee for evaluating the proposals for the development of Parcel K. A report will follow at the meeting Thursday. Three proposals were received for development of the N. Peninsula, and Legal Counsel determined that only one proposal was responsive. Mr. Noel advised that the lease for Suite 6508 in the LVCC (The Bird's Nest) has been executed and will commence on May 1, 2017. Metro Studio has requested an expansion of their lease and will take over Suite 2013 in the LVCC. A meeting has been scheduled with the City Planning Commission to address the Text Amendment and the Naval Reserve Facility.

Stewart Juneau (le Triomphe – N. Peninsula RFQ) noted that the Lakefront is underutilized in that the Authority has not taken advantage of the draw the water provides. Development of the N. Peninsula will enhance the Marina and draw people to development near South Shore Harbor and the PT boat. A conceptual proposal was submitted, but it is more effective if all stakeholders are involved in discussions before anything is written in stone. Ideas must be driven by the market and included in the

conceptual plan. The concept is a hotel/condo/boathouse concept along with a Marina specifically for the development. The idea is to bring life to the waterfront.

Chair Heaton noted that the Authority will work in compliance with the local state and federal partners and with the developer of the N. Peninsula. The concept must be approved by the Board prior to a lease being negotiated and signed for that parcel of land. The Authority will follow all laws, but are open to explore what can and cannot be done at the N. Peninsula. The Authority is committed to doing what is right for the community. Part of the due diligence that must be performed includes a punch list of questions that must be addressed and answered.

Recreation/Subdivision – Chair Wheaton reported that the Text Amendment relating to Shelter Nos. 1 and 2 was limited to the immediate oval area of Shelters 1 and 2. The Authority has not yet formally accepted Shelter No. 3, which is slated to be opened by Memorial Day. Al Pappalardo, Real Estate Consultant, advised that the potential lessee for Shelter No. 2 is still very interested in moving forward with plans for Shelter No. 2 once the Text Amendment is passed.

Legal – Legal Counsel Gerry Metzger advised that a status report on a litigation the Authority is involved in was given at the Legal Committee meeting. Also, staff discussed the importance of enforcement procedures on contracts and leases. Additionally, there is a motion on the Agenda to approve the Gordon, Arata contract.

Finance – Comm. Richard advised that the Finance Committee did not meet due to lack of quorum. There was discussion regarding budget to actuals and contracts that are up for renewal. Mr. Noel reported that the Marina software is fully populated for Orleans Marina, and is operational. Tenants have been fully invoiced at Orleans Marina and payments are being processed for current billings. South Shore Harbor Marina is underway. Arrears are being processed for tenants who are late and should be current by June 30, 2017. Chair Heaton requested a Joint Finance/Insurance Committee meeting to address insurance renewals for 2017-2018. The Authority must have a decision regarding insurance policies by June.

Human Resources – Mr. Noel reported that the Human Resources Committee discussed an updated Organizational Chart, and a number of policies noting that the staff must consider how to present the proposed policies going forward.

DIRECTOR'S REPORT

E.D. Jesse Noel reported that the Asset Management Plan is underway and will give a detailed history of the O.L.D., the background and an accurate portrayal of how the Non-Flood Authority was created, and where we came from. The AMP will also include detailed listings of deferred maintenance jobs for all Non-Flood asset properties. Board members are required by Civil Service to complete documentation as a commissioner is considered an unclassified employee. Chair Heaton noted that the Tier 2 Disclosure is due by May 15, 2017. Commissioners who do not file or file late are assessed a fine.

OLD BUSINESS

None.

NEW BUSINESS

01-042717 - Motion to renew for one year the Professional Services Contract with Pappalardo Consultants, Inc., as real estate consultant, commencing on July 1, 2017.

Comm. Green noted that the Authority is undertaking many new leases including development for Parcel K, development of the N. Peninsula and several other leases. The Authority is able to do many of these projects with the assistance of Mr. Pappalardo, his expertise and the institutional knowledge he provides.

Comm. Green offered a motion to extend the Professional Services Contract with Pappalardo Consultants, Inc., as Real Estate Consultant, commencing on July 1, 2017 and ending on June 30, 2018, second by Comm. Settoon. The Resolution was adopted to wit:

MOTION: 01-042717
RESOLUTION: 01-042717
OFFERED: COMMISSIONER GREEN
SECOND: COMMISSIONER SETTOON

April 27, 2017

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("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 ("District");

WHEREAS, effective the 1st day of July 2015, the Management Authority entered into a written Professional Services Contract with Pappalardo Consultants, Inc. for Real Estate Consulting Services (the "Contract");

WHEREAS, the Contract was for a primary term of one year, commencing on July 1, 2015 and ending on June 30, 2016, with one 1-year option to renew, at an hourly rate of \$150.00 for the real estate consultant, with the total of all sums payable under this contract, including fees and reimbursement of out-of-pocket expenses, not to exceed \$82,000.00;

WHEREAS, the Management Authority at its March, 2016 Board Meeting approved exercising the 1-year option to renew the Contract for a term of one year, commencing on July 1, 2016 and ending on June 30, 2017;

WHEREAS, the Commercial Real Estate Committee of the Management Authority at its meeting held on March 17, 2017 unanimously adopted a motion to recommend that the Management Authority extend the Contract for one (1) additional 1-year term, commencing on July 1, 2017 and ending on June 30, 2018; and,

WHEREAS, the Management Authority resolved that it is in the best interest of the District and Management Authority to extend the Professional Services Contract with Pappalardo Consultants, Inc. under the terms and conditions set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves an extension of the Professional Services Contract with Pappalardo Consultants, Inc. for a term of one year, commencing on July 1, 2017 and ending on June 30, 2018, at an hourly rate of \$150.00, with the total of all sums payable, including fees and reimbursement of out-of-pocket expenses, not to exceed \$82,000.00.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority Chairman or Executive Director 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: HEATON, GREEN, FIERKE, WHEATON, RICHARD, SETTOON, ERNST, ARRIGO, HEBERT, MORVANT, MEADOWCROFT

NAYS:

ABSTAIN:

ABSENT: BRIEN, EAMES, MAJOR, GRANT, BRUNO, HENRY

RESOLUTION PASSED: YES

02-042717 - Motion to renew the Professional Services Contract for Gordon Arata McCollam, Duplantis & Eagan, L.L.C., commencing on July 1, 2017 and ending on June 30, 2018 or at the conclusion of the Lathan case, whichever occurs first.

Chair Heaton advised that Gordon, Arata (Michael Botnick) was brought on for the Lathan case, which is near concluded. Comm. Ernst noted that the Resolution stated the contract will expire at the conclusion of the Lathan case. Mr. Botnick was retained for other cases. Various firms responded to the Request for Qualifications, and a decision was made at that time to engage with Gordon, Arata due to conflict of interest concerns. The Authority should have a back-up counsel at all times. Mr. Noel reported that there were nine cases allotted to Gordon, Arata, several have been transferred back to Mr. Metzger. The remaining cases were closed.

Chair Heaton suggested the item be referred back to Legal and deferred. Comm. Fierke moved to refer the item back to the Legal Committee, second by Comm. Green. Motion Passed

03-042717 - Motion to approve issuance of a Request for Proposals for Security Guard Services at Orleans and South Shore Harbor Marinas

E.D. Noel noted that security services would be modified to include the Shelters along Lakeshore Dr. Chair Heaton noted that an RFP would be advertised for security services, which RFP will include expectations/accountability for the security guards, required uniforms and established protocols for incident reports. The hours for security guards are 7:00 p.m. to 7:00 a.m., which hours can be supplemented by staff. E.D. Noel noted that the RFQ would be modified to include a vehicle, have security surveil from Orleans Marina to Shelter No. 2 and from SSH to Shelter No. 3 on a regular basis to prevent vandalism. Any reference to pay rate would be taken out of the RFQ.

Comm. Fierke moved to amend the Resolution to remove reference to Orleans Marina and South Shore Harbor Marina, second by Comm. Arrigo. Comm. Fierke moved to adopt the Resolution as amended, second by Comm. Arrigo. The Resolution was adopted to wit:

MOTION: 03-042717
RESOLUTION: 02-042717
OFFERED BY: COMMISSIONER FIERKE
SECONDED BY: COMMISSIONER ARRIGO

April 27, 2017

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("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 ("District");

WHEREAS, the District has a continuous need for unarmed security guard services to assist the Management Authority in providing security services;

WHEREAS, at the March 7, 2017 Marina Committee meeting, the Committee unanimously voted to recommend that the Management Authority issue an RFQ for unarmed security guard services; and,

WHEREAS, after considering the recommendation of the Marina Committee, the Management Authority resolved that it was in the best interest of the District to issue an RFQ for unarmed security guard services.

THEREFORE, BE IT HEREBY RESOLVED that the Management Authority approves the issuance of a Request for Qualifications for unarmed security guard services.

BE IT HEREBY FURTHER RESOLVED that the Management Authority hereby authorizes the Chairman or Executive Director 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: HEATON, GREEN, FIERKE, WHEATON, RICHARD, SETTOON, ERNST, ARRIGO, HEBERT, MORVANT, MEADOWCROFT

NAYS:

ABSTAIN:

ABSENT: BRIEN, EAMES, MAJOR, GRANT, BRUNO, HENRY,

RESOLUTION PASSED: YES

04-042717 - Motion to ratify Text Amendment filed with the City Planning Commission by the Executive Director regarding permitted use of Shelter Nos. 1 and 2

E.D. Noel stated that the first text amendment was passed in February. The revised Text Amendment, which benefitted the Authority was submitted as follows:

"permitted uses at only shelters 1 and 2 in their existing locations."

The amended resolution specifically stated "conditional use", but was cleaned up with the ratification of what was amended.

Comm. Wheaton offered a motion to ratify the Text Amendment filed with the City Planning Commission by the Executive Director regarding permitted use of Shelter Nos. 1 and 2, second by Comm. Fierke. Comm. Green abstained. The Resolution was adopted to wit:

MOTION: 04-042717
RESOLUTION: 03-042717
OFFERED: COMMISSIONER WHEATON
SECOND: COMMISSIONER FIERKE

April 27, 2017

RESOLUTION

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

WHEREAS, Shelter House No. 1 located on Lakeshore Drive in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District managed and controlled by the Management Authority;

WHEREAS, on December 15, 2016 the Board adopted a resolution approving a lease with Bernadotte Ventures, L.L.C. for Shelter House #1 and the adjacent parking lot and land (the “Leased Premises”) to operate a restaurant, as defined as a standard restaurant in the Comprehensive Zoning Ordinance of the City of New Orleans;

WHEREAS, under the terms of the Lease the Lessee is obligated to pursue, request and secure the regulatory approvals and permits necessary to operate a restaurant on the Leased Premises;

WHEREAS, the Leased Premises are located on the west side of Lakeshore Park between West End and Bayou St. John and is zoned S-LP or Suburban Lake Area Neighborhood Park, which zoning does not permit the use of Shelter House No. 1 as a restaurant;

WHEREAS, the Management Authority at its February meeting authorized staff and the Chairman of the Board to approach the New Orleans City Planning Commission to explore the creation of restaurants in the area zoned S-LP subject to conditional use and the number of restaurants within that S-LP zoned district be limited to two in number, and that they shall be located in the existing locations of shelters 1 & 2.

WHEREAS, the Management Authority at its February meeting authorized the Chairman or Executive Director to sign any other documents necessary to return Shelters 1 and 2 to service as public concessions and restaurants, including an agreement to allow the zoning to remain “as is”, with a proviso that Shelters 1 and 2 be grandfathered as existing shelters that have been used as public concessions and restaurants since 1936.

WHEREAS, pursuant to the authority granted under the February Resolution and the recommendation of the City Planning Commission, the Executive Director on April 12, 2017 submitted a Land-Use Requests Application for a Text Amendment to amend the text of the S-LP Section of Table 14-1 of the Comprehensive Zoning Ordinance of the City of New Orleans to include a Public Market, Standard Restaurant, Live Entertainment and Retail Goods Establishment as permitted uses with each containing a footnote that the permitted uses are restricted to the existing Shelter 1 and Shelter 2 facilities at their original constructed locations in Lakeshore Park;

WHEREAS, the Executive Director has requested that the Board ratify the Land-Use Requests Application submitted to the City Planning Commission which requests a text amendment for permitted uses en lieu of conditional uses, a copy of which is attached to this Resolution; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the District and Management Authority to ratify and affirm the Land-Use Requests Application submitted by the Executive Director to the City Planning Commission, a copy of which is attached to this Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority ratifies and affirms the Land-Use Requests Application submitted by the Executive Director to the City Planning Commission of the City of New Orleans dated on April 12, 2017, a copy of which is attached to this Resolution.

BE IT FURTHER HEREBY RESOLVED, that the Management Authority Chairman or Executive Director be and is hereby authorized to take any and all actions and 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: HEATON, FIERKE, WHEATON, RICHARD, SETTOON, ERNST, ARRIGO, HEBERT, MORVANT, MEADOWCROFT

NAYS:

ABSTAIN: GREEN

ABSENT: BRIEN, EAMES, MAJOR, GRANT, BRUNO, HENRY

RESOLUTION PASSED: YES

This resolution was declared adopted this 27th day of April, 2017.

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ANNOUNCE NEXT MEETING

Chair Heaton announced the next full Board meeting will be held on Thursday May 25, 2017 at 5:30 p.m.

ADJOURNMENT

Comm. Wheaton offered a motion to adjourn, seconded by Comm. Fierke. Motion passed. The meeting adjourned at 6:43 p.m.