

**MINUTES OF THE
LAKEFRONT MANAGEMENT AUTHORITY
REGULAR BOARD MEETING MINUTES
THURSDAY, JULY 28, 2022**

PRESENT:

Chair Anthony Richard
Vice-Chair Esmond Carr
Commissioner Stanley Brien
Commissioner Stanley Cohn
Commissioner Brian Egana
Secretary Thomas Fierke
Commissioner Wilma Heaton
Commissioner Dawn Hebert (Arrived at 6:10 PM)
Commissioner Renee Lapeyrolerie
Commissioner Pat Meadowcroft
Commissioner Howard Rodgers
Commissioner Bob Romero

ABSENT:

Commissioner Sean Bruno
Commissioner Monika Gerhart

STAFF:

Louis Capo – Executive Director
Vanessa McKee – Assistant to the Executive Director/Board Secretary
Bruce Martin – Airport Director
Adam Gulino– Director of Engineering and Operations
Eli Ivory – LMA IT

ALSO PRESENT:

Gerard G. Metzger – Legal Counsel to the LMA
David Jefferson “Jeff” Dye – Legal Counsel to the LMA
Al Pappalardo – Real Estate Consultant to the LMA
Ray Landeche – Optimum Solutions
Ashley Haspel – on file
Anne Duffy – Lake Oaks Resident
Sage Michael – Lincoln Beach Advocate
Abraham Knkolf -Krewe of Vaporwave

The regular monthly Board Meeting of the Lakefront Management Authority was held on Thursday, July 28, 2022, at the Lakefront Airport Terminal Building, 2nd Floor Conference Center, 6001 Stars and Stripes Blvd., New Orleans, Louisiana 70126, after due legal notice of the meeting was sent to each Board member and the news media and posted.

I. **Call to Order**

Chair Richard called the meeting to order at 5:33 P.M.

II. **Pledge of Allegiance**

Commissioner Fierke led in the Pledge of Allegiance.

III. **Roll Call**

Executive Director Louis Capo called the roll, eleven board members were present and a quorum was established.

IV. **Opening Comments – Chair Richard**

Chair Richard announced that a few items are on the agenda to amend. Our Secretary, Commissioner Fierke will be coming off of the board effective August 15, 2022. By law and the bylaws, we should not operate without a secretary in place. We do not have the luxury of time to wait for the next board meeting to elect an interim secretary. E asked that the agenda be amended tonight to have an election to name an interim secretary from August 16th to December 31, 2022.

Attorney Gerry Metzger asked to be recognized to clarify that this would be a motion to add an item to the agenda. He recommended adding an item to the agenda, that the board would first have to adopt the agenda in its original form, and then if someone wanted to make a motion to add an item to the agenda they must do it after the original agenda has been adopted.

Chair Richard thanked Attorney Metzger for the clarification. He then asked Commissioner Heaton to hold her motion to the appropriate time to follow the proper process.

V. **Motion to Adopt the Agenda**

Chair Richard called to adopt the Agenda.

A motion was made by Commissioner Cohn and second by Commissioner Heaton.

Chair Richard opened the floor for discussion, objections, and abstentions, hearing none the motion passes unanimously.

Chair Richard called for a motion to amend the agenda.

VI. **Motion to Amend the Agenda:**

Commissioner Heaton motioned to amend the agenda to add an item for the election of an interim secretary effective August 16, 2022, to December 31, 2022.

The motion was seconded by Commissioner Meadowcroft.

Chair Richard opened the floor for discussion, questions, or comments.

Commissioner Lapeyrolerie stated that our term ends on August 15th, and asked for clarification on whether Commissioner Fierke would be resigning immediately?

Commissioner Fierke replied No. He would remain as Board Secretary until his term

Date of August 15th. However, the issue begins on August 16th. Without this election, there would be no Board Secretary until the next full board meeting.

After several minutes of discussion regarding the need for this vote, Chair Richard further reiterated that Commissioner Fierke will continue to serve as secretary until August 15th. The new person will begin his duty as secretary on August 16th. Not having a secretary will become an issue on August 16th. We can not wait until the next regular board meeting to elect a secretary. Rather than calling a special board meeting; we decided to address this at tonight's board meeting.

Commissioner Laperolerie pointed out that there will be new board members at the committee meetings who may want to vote to elect a secretary and asked what are the duties of a secretary?

Attorney Metzger replied the board secretary's main duty is to sign resolutions. He also instructs Chair Richard to call for public comment before asking to take a vote on the motion on the floor.

Commissioner Egana asked for clarification on Chair Richard's statement that the board cannot operate without a secretary. I serve on several boards that

Attorney Metzger stated for clarity, quoting Statute 38 section 3330.12 or .12.1 states that the officers of a board are a Chair, a Vice-Chair, and a Secretary. The secretary, under our bylaws, is the person who certifies resolutions. When they said we cannot operate without a secretary, that's the main function of a secretary and the answer to your question.

Commissioner Egana then stated, for clarity, that we can but if we had action items it Just would not be certified if there is no secretary.

Attorney Metzger stated that was correct. The chair nor the vice-chair have the authority to sign resolutions.

Chair Richard called for public comments concerning the motion. Hearing none called for a vote. All were in favor with one abstention by Commissioner Lapeyrolerie.

Attorney Metzger advised that the vote must be unanimous to amend the agenda. Commissioner Lapeyrolerie's abstention is neither a yay nor a nay thus the vote is not unanimous. After further discussion and clarification, Commissioner Lapeyrolerie withdrew her abstention and voted yes. The motion is now unanimous and the motion to have the election is added to the end of the action items.

Commissioner Fierke asked to add another item to the agenda. It appears that a number of members are rolling off of the board therefore it is unfair or inappropriate that these two big leases that are pending before the board be approved with the current regulatory the format we've established.

Commissioner Fierke's motion would be for Any lease of more than 5 million dollars of investment or potential income over the term of the lease be returned to the board before it is executed by staff.

Chair Richard called for a second.

Vice Chair Carr seconded the motion.

Commissioner Heaton asked if you could make a motion that is retroactive.

Attorney Metzger stated that you can make a motion to amend something previously adopted. However, Commissioner Fierke's statement did not indicate that you were moving to amend a particular resolution that was previously adopted.

Commissioner Fierke stated his position was that he doesn't have to go back and amend things that have not been executed yet. My motion is forward-looking; taking away the authority of staff to execute anything in the future. Speaking of Parcel-L and Ponchartrain Beach. He thought it was important for the new board should have a right to review both leases.

Chair Richard called for discussion and public comment.

Mike Ricci, Corporate Real Estate Attorney for the Ponchartrain Beach Foundation (PBF) appeared before the board on behalf of the PBF to beseech the board not to delay the negotiations to bring back the beach. Mr. Ricci stated that his job was to facilitate a middle ground lease proposal that gives LMA authority to help oversee the PBF project. The issue with the motion before us today is that this is a process that has been going on for over eight months. Specifically, the PBF has put time, money, and great effort into getting a lease proposal to this board. To state that we are now going to go to another board to seek approval to negotiate would be starting the process over again. Time kills deals. We are trying to provide something that is for the community itself. If you have reviewed the lease we've provided in the last thirty-six hours, it should be clear that PBF is leaving the project's oversight with the LMA.

Vice-Chair Carr interjected, with a question to staff if any of the board had seen the lease that Mr. Ricci said he provided to the board in the last thirty-six hours.

Mr. Ricci (attorney) stated that he provided the lease to Executive Director Capo and can provide the full board with copies if necessary.

Louis Capo stated that he sent the lease to be vetted by the LMA staff attorneys; Gerry Metzger, Al Pappalardo, Jeff Dye, and Chair Richard.

Gerry Metzger stated that the board is voting on a motion to add an item to the agenda not to go into the merits of the PBF lease.

Vice-Chair Carr stated that he interjected because Mr. Ricci assumed that the board is aware of the lease.

Mr. Ricci assured the board that he wanted to follow procedure and asked for clarity on what he heard prior to his speaking on this topic, as a motion to prohibit any form of determination on PBF's ability to negotiate, in good faith, on a lease with this board that has been dealing with it for the past eight months. Upon clarification of the motion on the table, Mr. Ricci withdrew his statement until the appropriate time.

Gerry Metzger clarified that the motion on the table is to add the item to the agenda to be voted on. He also advised the board that there must be a unanimous vote to add this motion to the agenda.

Chair Richard called for a vote to add Commissioner Fierke's motion to the agenda. Commissioner Heaton and Commissioner Cohn both objected. **The motion failed.**

Commissioner Egana asked for clarification and wanted to make sure that nothing prohibits the seven new board members from undoing what we have done here today.

Chair Richard agreed and further stated that we are addressing the motion on the table which has failed.

VII. Motion to Approve Minutes

Chair Richard ordered the agenda meeting minutes dates to be corrected on the agenda.

1. **SPECIAL Board Meeting Minutes June 22, 2022,**
Motion to approve minutes by Commissioner Rodgers and Commissioner Carr. Commissioner Fierke and Commissioner Romero objected. **The motion passed.**
2. **Regular Board Meeting Minutes June 23, 2022**
Motion to approve minutes by Commissioner Cohn and Commissioner Heaton. Commissioner Romero objected. **The motion passed.**

VIII. Director's Report:

Louis Capo, Executive Director of Lakefront Management Authority, addressed the chairman and board members with his reports on the following:

- Annual Audit which ended June 30th is well underway. Provided the auditors with the preliminary information. The auditors will be onsite to conduct their fieldwork. We are expecting the audit to be completed by the September 1st deadline.
- Electrical Line Failure behind the Widell Hangar. Entergy came out and identified that the line was ours and we needed to pull 3 lines. A total of 1200

feet of line needed to be pulled and replaced. The properties at the Air traffic control tower, the firehouse, and all the airfield lighting were on generator power. Air traffic Control notified us that their time on generator power was limited and would have to divert flights to MSY if it was not repaired by Friday.

Bruce Martin and Aam Gulino worked tirelessly to keep the tenants notified and locate the material for replacement. Entergy supplied the replacement wire, it was paid for and delivered on Wednesday. We were able to repair and restore the power to all the areas on the airfield on Friday night averting a serious situation of shutting down the tower and diverting to MSY.

- New South Shore Harbor Gate. The new gate at SSH has been installed. Some time back, someone hit the gate with their car and bent it back. This is a more substantial gate. However, Adam is working with the gate controllers on another line that has failed and is overnighting a wifi part to repair the gate.
- The Old Mosquito Control Warehouse. Several weeks back some of the Commissioners took a tour with some of the covered boathouse tenants and were concerned with the old Mosquito Control warehouse on airport property. The main concern was people possibly going in there. To address the concern, we contracted with Superior Construction who sealed three doors that were damaged by H. Ida.
- Orleans Marina Bulkhead Replacement. They are 16-18” thick of concrete. Close to pier 2. They are progressing and looking at completion sometime in mid-October.
- Col Cain has been meeting with NOFD to come out and familiarize the different platoons with the locations at the marinas, fire suppression systems, and training where of points of contact for the fire connections. They came out last week and will be back out again with three different platoons.

Bruce Martin Director of Aviation for Lakefront Airport addressed the chairman and board members with his reports on the following:

- Hotspot Removal Project. It is currently out for bid were expected to open the bids next Tuesday.
- Marking In-House. We sent our maintenance master to get FAA certified on markings. He is now upgrading the markings on the airport which will save the agency money on outsourcing the job.
- Survey Work Over the last two weeks we have been working on a state project to test the runway safety areas ensuring they obtain the data needed from our airport.

- Data Numbers. In FY2022 we had over 80,173 operations. I compared the numbers to FY2019 which were 68,017 operations (construction in FY2020 and Covid in FY2021).
- Military OPS were down 24%.
- Fuel Sales. Is up 131% on the budget this year for a total of 817,000.00. Compared pre-Katrina numbers of \$,739,000.00.

IX. Committee Reports

1. Airport – Chair Lapeyrolerie

The Airport Committee met on Tuesday, June 14th. We brought forth to this meeting a recommendation for a task order for the McDermott Hangar and also a recommendation to accept an FAA grant.

2. Finance – Chair Bruno

Chair Richard stated that the Finance Committee did not meet. However, Mr. Capo updated the board on the ongoing Annual Audit.

3. Legal – Chair Cohn

It has been his pleasure to serve on the LMA Commission over the last three years. Having been appointed by the Lake Area neighborhood Association. It has been rewarding to promote the mission of the LMA. We have done a lot of good things over the last three years and there are a lot of good things left to do. He takes great pleasure in seeing the community enjoying the Lakefront area. He commended ArcNOLA for a great job of keeping the Lakefront Clean. He reminded the board and public that we inherited old buildings from the Flood Authority with many maintenance issues that the board and staff have worked on and will continue to together to resolve. The people here at LMA are honest and have y hard-working public servants with integrity.

He went on to state that he's be remised if he didn't mention the bad. There was a lot of street gang mentality that took over the March 24th meeting with misinformation, dishonesty, and outright lies. Never let that kind of culture take over in meetings. We could not finish the agenda that night. The remaining agenda had to be recessed to March 28th. He heard allegations of malphesence going on where LMA funds were going into a 501c3. As chair of legal, he felt obligated to look into it. Those types of falsehoods are not good for anybody.

He stated that his term officially ends on August 15t. He thanked the two chairs he has served under; Wilma Heaton for whom LMA is a labor of love. It has also been a pleasure and an honor to serve under the current Chair Richard. He also thanked the

LMA attorneys; Gerry Metzger and Jeff Dye for their dedicated service to LMA. He thanked Louis Capo for his dedication and knowledge of FEMA regulations. All of the people he just thanked all have two things in common, they are honest and have integrity which is needed to serve this board and be diligent public servants.

He concluded by imploring the neighborhood presidents to appoint two new commissioners to the board under the new statute authored by Representative Stephanie Hilferty. Act 342 indicated the neighborhoods should appoint commissioners with preference given to the neighborhoods with the least number appointed from the authority.

4. Commercial Real Estate – Chair Rodgers

Reported that there were no action items and no meeting.

5. Marina – Chair Hebert,

We had an informational meeting with updates on ongoing work being done at South Shore Harbor and Orleans Marina. There were no action items.

6. Recreation/Subdivision – Chair Carr

We had two items on the committee agenda for consideration for recommendation to the full board. Item number five on tonight’s agenda is recommended for approval. The other item was the Ponchartrain Beach proposal was received late Friday and was not discussed. The public had great input. We look forward to the outcome of it this evening.

7. Insurance - Commissioner Fierke

Reported that at the meeting where the slate of insurance was approved, there were several low estimates where the coverage and the resolution were not adequate. Had an insurance meeting with the executive director and the board chair and elected to ratify the existing general liability insurance for the 2022-2023 policies.

Chair Richard agreed with Commissioner Fierke and added that he received advice from legal counsel. It was a matter of risking not having insurance if action was not taken.

X. Public Comments

Chair Richard called for public comments.

- Ashley Haspel spoke as a private citizen and submitted backup documentation with her comments as follows.

- At Tuesday’s meeting the question was asked “where will the oversight be for Ponchartrain Beach.” Commissioner Heaton stated, “there will be things in place to be sure the funds are spent properly”.
- Ms. Haspel referred to an article in the New Orleans Magazine on February 2020, which stated the Fountains of the Four Winds, owned by the Orleans Levee District, will undergo restoration thanks to a \$180,000 post-Katrina grant from FEMA and \$90,000 raised by Friends of Lakefront Airport. Heading the project is Wilma Heaton, Chair of LMA. Ms. Heaton stated the project should be completed by spring. Ms. Haspel pointed out that nothing has been done since H. Ida and where is the money now.
- She also pointed out that “Friends of Lakefront Airport” changed its name to “Lakefront Airport Friends” in 2019 and is not in good standing for filing an annual report. Louis Capo is the registered agent. The members are Wilma Heaton and Michael Liebert of the Ponchartrain Beach foundation.
- Wilma Heaton responded to Ms. Haspel’s comments
- **Jeff Dye** also responded to Ms. Haspel’s allegations made on public record stating that the allegations brought forth tonight have been thoroughly investigated by investigative reporter, David Hammer, and others. He also stated that he has spent a great sum of money and time in the past dealing with these allegations. There was is no merit found to any of the allegations that were anonymously brought to Mr. Hammer’s attention. Mr. Dye concluded by stating he is happy to do additional investigation to resolve any remaining false streams but just because something is on the internet does not make it true.
- **Louis Capo** extended an invitation to any board member to come into the office at any time to sit with him and staff to go over the lamp account activity. The allegations that you’ve been hearing since January are baseless.
- **Anne Duffy** stated her concerns with the lack of conversation regarding a security plan at Ponchartrain Beach. City Park has its own City Park Police. They also have hired a professional planner to plan out activities.
- **Sage Michael** spoke as a key advocate for the redevelopment of Lincoln Beach. Mr. Micheal stated he is also an advocate for clarity and transparency for the project. He attended the meeting of the Ponchartrain Beach Project and has a few comments.
- The Ponchartrain Beach project and the Lincoln Beach project are separate projects. Let the record reflect that LMA has no jurisdiction over Lincoln

Beach since the City acquired Lincoln Beach from the Orleans Levee District.

- Mr. Michael requested that any adopted proposals do not contain images not within this body's authority, citing the inappropriate use of a photograph of a little black boy on a closed Lincoln Beach. He also stated that The PBF inappropriately mentioned the Lincoln Beach Project in conjunction with the Ponchartrain Beach project. Mr. Michael closed by stating that Lincoln Beach does not need collaboration. Lincoln Beach has secured funding to begin phase one. What lacks is an efficient project manager. To support the Lincoln Beach project, contact the project manager Sharon Rose to put shovels on the ground to begin cleaning up the beach and copy me at sagemicheal@healthygulf.org.
- **Attorney Dye** requested that the speaker provide his notes to the board for informational purposes.

XI. OLD BUSINESS

Adam Gulino reported on Lake Vista's Cut Throughs. He has familiarized himself with the cut-throughs in Lake Vista and has reached out to contractors for quotes to remove the vegetation.

Mr. Capo added that there will also be legal work required down the road.

Commissioner Fierke this was also his farewell speech which comes in two parts.

He stated that he has been pained by the cut-throughs for the length of his term on the LMA board (eight years). He rides his bike and takes the cut-throughs. One resident put in rock borders and planted two citrus trees which he suggested was not proper and NFPA owns the property. It's disappointing that the cut-throughs have not been a priority. Adam is the new professional engineer and probably never knew what a cut-through was until a week ago. The previous engineers never were able to address the issue but I am impressed with Adam and hope the cut-throughs will receive the attention needed.

Commissioner Fierke passed a handout on Robert and his Rules which was about the man and how he created the rules of order. I have enjoyed my 8 years on the board.

XII. NEW BUSINESS

Chair Richard called for new business and requested the attorneys to advise on how to proceed. This item was not changed on the old agenda. We are not voting on a lease but we need to correct the motion.

Attorney Metzger explained this is a motion that is on the agenda but you have a substitute motion you would like to introduce. This motion should be read. If you get a second to your substitute motion it can be discussed. You can then make your motion to add the substitute motion on this item which will also need a second and a vote. Then it can be considered for approval or denial by the board. The motion should first be read as is.

1. Motion to approve a lease with Lake Ponchartrain Beach Foundation for the development of the former Ponchartrain Beach Site.

The motion was offered Commissioner Rodgers and cond by Commissioner Heaton.

Attorney Metzger advised the chair that his substitute motion should now be read into the record by Mr. Capo.

Substitute Motion:

Motion to authorize the negotiation and preparation of a ground lease for Ponchartrain beach site including the conveyance of the improvements thereupon with the Ponchartrain Beach Foundation subject to committee review and approval by the Lakefront Authority Board of Commissioners.

The motion was offered by Chair Richard and second by Commissioner Meadowcroft.

Chair Richard called for discussion.

Commissioner Fierke stated that he needed additional clarification of the substitute motion.

Chair Richard clarified that the intent of his motion is that there will not be a vote tonight to approve a lease. Instead, there will be a motion to approve the negotiation of a lease.

Commissioner Heaton asked for clarification for herself and the public. Is it your intent with this motion that we would be specifically selecting Ponchartrain Beach Foundation to negotiate with? The distinction is that it comes back to the committee(s) and board.

Commissioner Romero asked if we had decided this two nights ago.

Chair Richard stated that t ther night was a discussion.

Mr. Capo read the therefor clause into the record for clarity “be it further resolved that the Lakefront Authority hereby directs the Executive Director after negotiations and preparations to present the proposed lease for review to the Recreation and Subdivision, Commercial Real Estate and Legal committees and then present the proposed lease to the full board for final review and approval.

Chair Richard called for a vote. After further discussion and clarification amongst the board

Mr. Capo read the full substitute motion into the record.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby authorizes the Executive Director, Real Estate Consultant, and Legal Counselors for the Management Authority to negotiate and to prepare a ground lease for Pontchartrain Beach, and to convey any improvements thereupon, to the Pontchartrain Beach Foundation by the general terms and conditions for long- term ground leases approved by the Management Authority, BE IT FURTHER RESOLVED, that the Lakefront Management Authority hereby directs the Executive Director, after the negotiation and preparation of the lease with the Pontchartrain Beach Foundation, to present the proposed lease for review during the meetings of the Recreation & Subdivision, Commercial Real Estate, and Legal Committees and then present the proposed lease for review and approval by the Board of Commissioners of the Lakefront Management Authority.

Chair Richard called for Discussion.

Commissioner Lapeyrolerie apologized for missing the Special Meeting on Tuesday. Will the Foundation apply for the 15 million dollar infrastructure foundation?

Commissioner Heaton also added that it was discussed at the Special meeting The Foundation will also have to provide the match.

Commissioner Heaton provided further clarity on the grant process and LMA’s priority list that was sent to the city. The window is closing for Ponchartrain Beach but they cannot apply until they have a lease.

Commissioner Lapeyrolerie stated that she understood. Does anyone know if they would need a non-federal sponsor such as this board?

Commissioner Heaton said she was 99% sure they would for that particular pot of money.

Vice-Chair Carr said after hearing this substitute motion read several times, the lease negotiation goes before three committees and the full board which allows four additional

public comment opportunities for the community to weigh in and work with the board. He thinks it speaks volumes as to how this administration has heard concerns and is willing to work with the community.

Chair Richard called for any other comments. Hearing none, called for a vote. All were in favor with no abstentions. The Motion passed unanimously.

2. Motion to Accept FAA AIP Grant #03-22-0038-037-2022 for the Project identified as the “Airfield Pavement Hot Spot Removal Project” (FAA 90% - LADOTD 10%).

A motion was made by Commissioner Heaton; second by Commissioner Fierke

Chair Richard called for discussion and questions. Hearing none, called for a vote. All were in favor with no abstentions. The Motion passed unanimously.

3. Motion to approve a Change Order to increase the amount of Task Order No. 7 with RCL Architecture, LLC in the amount of \$13,890.64 for additional design and engineering services for the McDermott Hangar Roof Repair and National Guard Roof and Interior Repair Projects at the New Orleans Lakefront Airport

A motion was made by Commissioner Fierke; second by Commissioner Layperlerie

Chair Richard called for discussion and questions. Hearing none, called for a vote. All were in favor with no abstentions. The Motion passed unanimously.

4. Motion to Ratify and Approve Procurement of General Liability Insurance, Excess General Liability Insurance, Marina Liability Insurance, and Excess Marina Liability Insurance Policies for 2022-2023.

A motion was made by Commissioner Fierke; second by Commissioner Rodgers

Chair Richard called for discussion and questions. Hearing none, called for a vote. All were in favor with no abstentions. The Motion passed unanimously.

5. Motion to approve the installation of the Krewe of Vaporwave Plaque at the Mardi Gras Fountain

A motion was made by Commissioner Heaton; second by Commissioner Carr.

Chair Richard called for discussion and questions.

Abraham Kinkolf, founder of the Krewe of Vaporwave On parade environment. Mr. Kinkolf read a very witty letter of thanks to all who guided them through the proper process to have their krewe’s plaque installed at the Mardi Gras Fountain. At

the end of his speech, he presented the LMA Board with a check for his full restitution payment of \$943.52.

Commissioner Fierke jokingly asked how can a virtual krewe have a tangible plaque.

Chair Richard called for a vote. All were in favor with one abstention by Commissioner Fierke. The Motion passed.

6. Motion to elect the Secretary of the Lakefront Management Authority to serve a term commencing on August 2, 2022, and expiring on December 31, 2022.

Chair Richard turned the meeting over to Commissioner Cohn to conduct the election of Secretary of the Board.

Commissioner Cohn opens the floor to accept nominations for Secretary of the LMA.

Commissioner Heaton nominated Commissioner Howard Rodgers for Secretary of the Board for the term of August 16, 2022, to December 31, 2022.

Commissioner Fierke suggests that the nominee accept the position.

Commissioner Rodgers accepted the position of Secretary of the Board.

Commissioner Cohn turned the meeting over to Chair Richard.

Chair Richard stated that no vote was needed due to one person being nominated and congratulated Commissioner Rodgers on being nominated as Secretary of the Board.

XIII. Announcement of Next Board Meeting
Thursday, August 25, 2022

XIV. Adjourn at 7:17 PM

Motion to adjourn by Commissioner Fierke; second by Commissioner Heaton

MOTION: XIII 01-07262022

RESOLUTION: XIII 01-07282022

BY: COMMISSIONER RODGERS

SECONDED BY: HEATON

COMMISSIONER

July 28, 2022

1) Motion to authorize the negotiation and preparation of a ground lease for the Pontchartrain Beach Site, including the conveyance of the improvements thereupon, with the Pontchartrain Beach Foundation subject to Lakefront Management Authority Committee review and the review and approval by the Board of Commissioners of the Lakefront Management Authority.

RESOLUTI **ON**

WHEREAS, the Lakefront 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 property known as Pontchartrain Beach, consisting of approximately fifteen (15) acres located on the south shore of Lake Pontchartrain in the City of New Orleans, is a non-flood protection asset owned by the Orleans Levee District and managed and controlled by the Management Authority (“Pontchartrain Beach”);

WHEREAS, the Management Authority adopted a resolution to authorize the issuance of a Request for Proposals and Qualifications for the lease and development of Pontchartrain Beach (the “RFP/Q”);

WHEREAS, the Pontchartrain Beach Foundation, a Louisiana non-profit corporation, timely submitted the only response to the RFP/Q on July 15, 2022 (“Foundation”);

WHEREAS, the Recreation and Subdivision Committee of the Management Authority at its meeting held on July 19, 2022 considered the Foundation’s proposal and took no action;

WHEREAS, the Management Authority’s Board of Commissioners held a Special Meeting on July 26, 2022 to consider the Foundation’s proposal and to receive public comments on the prospective leasing and development of Pontchartrain Beach;

WHEREAS, the Management Authority, after considering the Foundation’s proposal and public comments, resolved that it was in the best interest of the Orleans Levee District to authorize the Executive Director, the Real Estate Consultant, and Legal Counselors for the Management Authority to negotiate and to prepare a lease with the Foundation;

WHEREAS, the Management Authority, after considering the prospect of a lease with the Foundation and the Foundation’s intent to utilize and/or to develop the existing improvements on the Pontchartrain

Beach, resolved that it was in the best interest of the District to authorize the Executive Director to convey all existing improvements on the Pontchartrain Beach to the Foundation as part of the negotiation and preparation of a lease;

WHEREAS, the Management Authority further resolved that, after the negotiation and preparation of the lease, the Executive Director shall present the proposed lease for review during the Recreation & Subdivision, Commercial Real Estate, and Legal Committee meetings at which time additional public comments can be heard and considered by the committees and then present the proposed lease for review and approval by the Board of Commissioners of the Lakefront Management Authority;

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby authorizes the Executive Director, Real Estate Consultant, and Legal Counselors for the Management Authority to negotiate and to prepare a ground lease for Pontchartrain Beach, and to convey any improvements thereupon, to the Pontchartrain Beach Foundation in accordance with the general terms and conditions for long-term ground leases approved by the Management Authority,

BE IT FURTHER RESOLVED, that the Lakefront Management

Authority hereby directs the Executive Director, after the negotiation and preparation of the lease with the Pontchartrain Beach Foundation, to present the proposed lease for review during the meetings of the Recreation & Subdivision, Commercial Real Estate, and Legal Committees and then present the proposed lease for review and approval by the Board of Commissioners of the Lakefront Management Authority.

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

YEAS: RICHARD, CARR, FIERKE, BRIEN, COHN, EGANA, HEATON, LAPEYROLERIE, MEADOWCRFT, RODGERS, ROMERO

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRUNO, GERHART, HEBERT

RESOLUTION PASSED: UNANIMOUSLY

MOTION: XIII 02-07282022

RESOLUTION: XIII 02-07282022

BY: COMMISSIONER HEATON

SECONDED: COMMISSIONER FIERKE

July 23, 2028

2) Motion to Accept FAA AIP Grant #03-22-0038-037-2022 for the Project identified as the “Airfield Pavement Hot Spot Removal Project” (FAA 90% - LADOTD 10%).

RESOLUTION

WHEREAS, the Lakefront 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 Management Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the Orleans Levee District, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, (“Airport”);

WHEREAS, the Management Authority and the Orleans Levee District are the Public Sponsors of the Airport for Louisiana Department of Transportation and Development, Aviation Division (“LADOTD”) and U.S. Department of Transportation, Federal Aviation Administration (“FAA”) grant funding;

WHEREAS, the LADOTD and the FAA provide grant funding, either jointly or separately, for the purpose of effecting capital improvements to

airports, and these grants are awarded in response to formal applications submitted by the public sponsors of airports;

WHEREAS, the Management Authority and the District submitted a Project Application to the FAA, for a grant of Federal funds for a project at the Airport identified as the “Airfield Pavement Hot Spot Removal Project” (the “Project”);

WHEREAS, the FAA will provide up to 90% of the necessary funding and the LADOTD will provide up to 10% of the necessary funding for this Project;

WHEREAS, the FAA approved this Project for the Airport and issued a Grant Offer for the Project, identified as Airport Improvement Program (AIP) Project No. 03-22-0038-037-2022, (the “Grant Offer” and “Grant Agreement”);

WHEREAS, the Management Authority must adopt a resolution to accept the Grant Offer, and provide a signed Certificate of the Sponsor’s Attorney, under the conditions of the Grant Offer, for the Grant to be valid and in order to properly enter into this Grant Agreement with the FAA,;

WHEREAS, the Airport Committee of the Management Authority considered this matter at its regularly scheduled monthly meeting on July 19,

2022 and voted to recommend that the Management Authority accept the Grant Offer for the Project; and,

WHEREAS, the Management Authority after considering the recommendation of the Airport Committee resolved that it was in the best interest of the Airport to accept the Grant Offer for the Project.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority, on its behalf and on behalf of the Orleans Levee District, as the Public Sponsors of the Airport, accepts the Grant Offer for the Project, identified as Airport Improvement Program (AIP) Project No. 03-22-0038-037-2022, and hereby further ratifies and adopts all assurances, statements, representations, warranties, covenants, and agreements in the Project Application and incorporated in the Grant Offer and hereby agrees to comply with all terms and conditions in the Grant Offer and Project Application.

BE IT FURTHER HEREBY RESOLVED that the Management Authority Chairman or Executive Director be and is hereby authorized to accept and sign the Grant Offer for the Project identified as Airport Improvement Program (AIP) Project No. 03-22-0038-037-2022 and to sign any other documents necessary to carry out the above.

BE IT HEREBY FURTHER RESOLVED that the Lakefront Management Authority's Legal Counsel be and is hereby authorized to sign the Certificate of Sponsor's Attorney required to be signed under the terms and conditions of the Grant Offer.

YEAS: RICHARD, CARR, FIERKE, BRIEN, COHN, EGANA, HEATON, LAPEROLERIE, MEADOWCROFT, RODGERS, ROMERO

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRUNO, GERHART, HEBERT

RESOLUTION PASSED: UNANIMOUSLY

MOTION: XIII 03-07282022

RESOLUTION: XIII 03-07282022

BY: COMMISSIONER FIERKE

SECONDED: COMMISSIONER LAPEYROERIE

July 28, 2022

3) Motion to approve a Change Order to increase the amount of Task Order No. 7 with RCL Architecture, LLC in the amount of \$13,944.60 for additional design and engineering services for the McDermott Hangar Roof Repair and National Guard Roof and Interior Repair Projects at the New Orleans Lakefront Airport.

RESOLUTION

WHEREAS, the Lakefront 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 Management Authority manages and operates the New Orleans Lakefront Airport located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, which is one of the non-flood protection assets owned by the District (the “Airport”);

WHEREAS, the roof of the McDermott Hangar, the roof and interior of the National Guard Hangar and other roofs and windows of other buildings on the Airport were damaged by high winds and rain during Hurricane Zeta which struck southeast Louisiana on October 29, 2020;

WHEREAS, in July of 2018 the Management Authority had entered into an Indefinite Delivery and Indefinite Quantity (ID/IQ) Contract, for a term of three years with a budget of \$300,000.00, for design and engineering services with RCL Architecture, LLC (the “Consultant”);

WHEREAS, the Management Authority issued Task Order No. 7 to the Consultant with an estimated budget of \$36,706.06 for design and engineering services to replace the roof of the McDermott Hangar, with an estimated budget of \$19,474.06 for design and engineering services for the

repair of the roof and interior of the National Guard Hangar and with an estimated budget of \$15,000.00 for miscellaneous design and engineering services for the roofs and windows of other buildings on the Airport;

WHEREAS, the actual hours billed by the Consultant totaled \$42,812.22 for engineering and construction management services on the McDermott Hangar because of additional work required on the roof of the McDermott Hangar related to damage caused by Hurricane Ida which struck southeast Louisiana in late September of 2022;

WHEREAS, the actual hours billed by the Consultant totaled \$20,925.00 for design services on the National Guard Hangar because of additional work required to repair rusted and deteriorating roof panels on the south side of the hangar over the maintenance area;

WHEREAS, the actual hours billed by the Consultant for miscellaneous design and engineering services totaled \$21,387.50 because of additional work required to complete mold remediation and interior repairs on the National Guard Hangar caused by Hurricane Zeta which struck southeast Louisiana in late October of 2020;

WHEREAS, the cost for the additional engineering services provided by the Consultant described above pursuant to Task Order No. 7 totaled \$13,944.60, resulting in a total owed for engineering services provided by

the Consultant pursuant to Task Order No. 7 of \$85,124.72;

WHEREAS, the Airport Committee at its monthly meeting held on July 19, 2022 after considering the request by the Consultant and recommendation of the Staff of the Management Authority for approval of a Change Order to increase the amount of Task Order No. 7 with RCL Architecture, LLC, in the amount of \$13,944.60, for additional design and engineering services, voted to recommend approval of the requested Change Order;

WHEREAS, the Management Authority after considering the recommendation of the Airport Committee and Staff resolved that it was in the best interest of the Management Authority to approve a Change Order to Task Order No. 7 with RCL Architecture, LLC, in the amount of \$13,944.60, for the additional design and engineering services described above to replace the roof of the McDermott Hangar, for the repair of the roof and interior of the National Guard Hangar and for additional work required to complete mold remediation and interior repairs on the National Guard Hangar at the Airport.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby approves a Change Order to Task Order No. 7 with RCL Architecture, LLC, in the amount of \$13,944.60, for the additional

design and engineering services described above to replace the roof of the McDermott Hangar, for the repair of the roof and interior of the National Guard Hangar and for additional work required to complete mold remediation and interior repairs on the National Guard Hangar at the New Orleans Lakefront Airport.

BE IT FURTHER HEREBY RESOLVED that the Chairman or Executive Director be and is hereby authorized to sign all documents necessary to carry out the above.

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

YEAS: RICHARD, CARR, FIERKE, BRIEN, COHN, EGANA, HEATON, LAPEYROLERIE, MEADOWCROFT, RODGERS, ROMERO

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRUNO, GERHART, HEBERT

RESOLUTION ADOPTED: UNANIMOUSLY

MOTION: XIII 04 07-28-2022

RESOLUTION: XI 04 07-28-2022

BY: COMMISSIONER FIERKE

SECONDED BY: COMMISSIONER RODGERS

July 28, 2022

4) Motion to Ratify and Approve Procurement of General Liability Insurance, Excess General Liability Insurance, Marina Liability Insurance and Excess Marina Liability Insurance Policies for 2022-2023.

RESOLUTION

WHEREAS, the Lakefront 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 property and liability insurance policies procured annually by the Management Authority expire on June 30th of each year and prior to the expiration of these policies the agent of record for the Management Authority shops the market for these coverages and provides estimates of the premiums that will be charged for these insurance policies;

WHEREAS, in late June of 2022, the agent of record for the Management Authority provided the following estimates of the premiums for the following insurance coverages to the Executive Director of the

Management Authority: \$84,162.00 for General Liability Insurance; \$44,504.00 for Excess General Liability Insurance; \$35,500.00 for Marina Liability Insurance and \$ 10,517.00 for Excess Marina Liability Insurance;

WHEREAS, the Management Authority at its regularly scheduled Board meeting held on June 23, 2022 adopted a resolution authorizing procurement of the insurance coverages set forth above for premiums not to exceed the premium estimates for these insurance coverages set forth above;

WHEREAS, after adoption of this resolution, the Management Authority's agent of record attempted to bind these coverages and was advised by the insurance carriers that the premiums for these coverages would exceed the estimates provided above, and that the actual premiums for these coverages would be in the following amounts: General Liability Insurance \$93,050.00; Excess General Liability Insurance \$60,956.00; Marina Liability Insurance \$21,000.00, per marina; and, Excess Marina Liability Insurance \$12,700.00;

WHEREAS, after receiving notice from the agent of record of the amounts of the premiums that would be charged for these coverages on June 30, 2022, the Executive Director of the Management Authority consulted with the Chairman of the Board, Chairman of the Insurance

Committee and Legal Consul of the Management Authority regarding procurement of these policies for premiums that exceeded the premium amounts authorized under the resolution adopted by the Management Authority;

WHEREAS, in order to avoid a lapse in the insurance coverages provided by these policies, the Chairman of the Board, Chairman of the Insurance Committee, Executive Director and Legal Counsel concurred that the policies should be procured for the actual premiums that would be charged by the insurance carriers and that the procurement of these policies be presented for ratification and approval by the Management Authority at its regularly scheduled meeting in July 2022;

WHEREAS, the Management Authority after considering this matter resolved that it was in the best interest of the Management Authority to ratify and approve the procurement of the insurance policies for the coverages and for the premiums set forth above.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Lakefront Management Authority ratifies and approves the procurement of General Liability Insurance coverage from Hallmark Specialty for a total annual premium of \$ 93,050.00; Excess General Liability Insurance coverage from

AIG for a total annual premium of \$60,956.00; Marina Liability Insurance coverage from Atlantic Specialty Insurance Company for a total annual premium of \$21,000.00, per marina; and, Excess Marina Liability Insurance from Markel American insurance Company for a total annual premium of \$12,700.00.

BE IT FURTHER HEREBY RESOLVED that the Lakefront 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: RICHARD, CARR, FIERKE, BRIEN, COHN, RGANA, HEATON, LAPEYROLERIE, MEADOWCROFT, RODGERS, ROMERO

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRUNO, GERHART, HEBERT

MOTION: XIII 05 07-28-2022

RESOLUTION: XIII 05 07-28-2022

BY: COMMISSIONER HEATON

SECONDED BY: COMMISSIONER CARR

July 28, 2022

**5) Motion to approve the installation of the Krewe of Vaporwave
Plaque at the Mardi Gras Fountain**

RESOLUTION

WHEREAS, the Lakefront 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 Mardi Gras Fountain on Lakeshore Drive in New Orleans is one of the non-flood protection assets owned by the District under the management and control of the Management Authority;

WHEREAS, the Mardi Gras krewes that parade during the Mardi Gras season in the City of New Orleans and surrounding parishes have over the years installed plaques commemorating their parade krewes around the Mardi Gras Fountain;

WHEREAS, the Krewe of Vaporwave desires to install a Krewe of Vaporwave Plaque at the Mardi Gras Fountain;

WHEREAS, the Krewe of Vaporwave agreed to adhere to the guidelines established by the Management Authority for tile placement for installation of krewe plaques at the Mardi Gras Fountain, agreed to comply with the requirements for obtaining a permit of ingress and egress for access to the property for the installation of the plaque from the Management Authority and agreed to reimburse the Management Authority for all costs it incurred in connection with the installation of the plaque;

WHEREAS, the Recreation/Subdivision Committee of the Management Authority at its monthly meeting held on July 19, 2022 considered the request by the Krewe of Vaporwave to install a krewe plaque at the Mardi Gras Fountain, and voted to recommend that the Management Authority approve the request, conditioned on and subject to compliance with the guidelines regarding tile placement for plaques placed around the Mardi

Gras Fountain, compliance with the requirements for obtaining a permit of ingress and egress from the Management Authority for access to the property for the installation of the plaque and reimbursement of all costs incurred by the Management Authority, in the amount of \$943.52, in connection with the installation of the plaque; and,

WHEREAS, the Management Authority after considering the recommendation of the Recreation/Subdivision Committee resolved to approve the requests for the installation of the Krewe of Vaporwave Plaque at the Mardi Gras Fountain, subject to the terms and conditions set forth in this Resolution.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority approves the installation of a Krewe of Vaporwave Plaque at the Mardi Gras Fountain, conditioned on and subject to compliance with the guidelines established by the Management Authority for tile placement for Mardi Gras Krewe plaques placed at the Mardi Gras Fountain, compliance with the requirements for obtaining a permit of ingress and egress for access to the property for the installation of the plaque from the Management Authority and reimbursement of the costs incurred by the Management Authority, in the amount of \$943.52, in connection with the installation of the plaque.

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:

**YAYS: RICHARD, CARR, FIERKE, BRIEN, COHN, EGANA, HEATON,
LAPEYRLERIE, MEADOWCROFT, RODGERS, ROMERO**

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRUNO, GERHART, HEBERT

RESOLUTION ADOPTED: UNANIMOUSLY

MOTION: XIII 06-07282022

RESOLUTION: XIII 06-07282022

BY: COMMISSIONER HEATON

SECONDED BY: COMMISSIONER MEADOWCROFT

July 28, 2022

6) Motion to elect the Secretary of the Lakefront Management Authority to serve a term commencing on August 2, 2022 and expiring on December 31, 2022.

RESOLUTION

WHEREAS, the Lakefront 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;

WHEREAS, Article IV, Section 2 of the By-Laws of the Management Authority provides that officers are to be elected from among the Management Authority’s members each year, for a term of one year, commencing on January 1st of each year, at the regularly scheduled December meeting of the Management Authority;

WHEREAS, in accordance with the By-Laws, the Management Authority elected a Chairman, Vice-Chairman and Secretary as officers at the December 2021 meeting of the Management Authority to serve a one-

year term, commencing on January 1, 2022 and expiring on December 31, 2022;

WHEREAS, Thomas G. Fierke was elected as Secretary at the December 2021 meeting of the Management Authority and has given notice that he will resign as a member of the Management Authority effective August 1, 2022;

WHEREAS, Article IV, Section 3 of the By-Laws provides that in the event a vacancy among the officers of the Management Authority occurs as a result of the resignation of an officer as a member of the Management Authority that an election to fill the vacant office shall be held at a regular or special meeting of the Management Authority within thirty (30) days from the date of the vacancy; and,

WHEREAS, after receiving nominations for the office of Secretary of the Management Authority, discussion and motion made and duly seconded, the members of the Management Authority elected Commissioner Howard Rodgers, III as Secretary, to serve the remainder of the term of the Secretary of the Management Authority, Thomas G. Fierke, commencing on August 2, 2022 and expiring on December 31, 2022.

NOW THEREFORE, BE IT HEREBY RESOLVED, that Howard Rodgers, III be and is hereby elected to serve as Secretary of the Lakefront

Management Authority for a term commencing on August 2, 2022 and expiring on December 31, 2022.

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: RICHARD, CARR, FIERKE, BRIEN, COHN, EGANA, HEATON, HEBERT, LAPEYROLERIE, MEADOWCROFT, ROMERO

NAYS: NONE

ABSTAIN: RODGERS

ABSENT: NONE

RESOLUTION ADOPTED: UNANIMOUSLY