

BOARD MEETING MINUTES
Non-Flood Protection Asset Management Authority

The regular monthly Board Meeting of the Non-Flood Protection Asset Management Authority was held on Thursday February 21, 2019 at the Lakefront Airport Terminal Building, 2nd floor conference center, 6001 Stars and Stripes Blvd., New Orleans, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted. Chair Heaton called the meeting to order at 5:42 P.M. and the roll was called which constituted a quorum.

PRESENT

Chair Wilma Heaton
Vice Chair Eugene Green
Commissioner Roy Arrigo
Commissioner Stanley Brien
Commissioner Leila Eames
Commissioner Tom Fierke
Commissioner Dawn Hebert (arrived at 6:23 p.m.)
Commissioner Carla Major
Commissioner Pat Meadowcroft
Commissioner Chris Morvant
Commissioner Anthony Richard
Commissioner Robert Romero
Commissioner Robert Watters

ABSENT

Commissioner Sean Bruno
Commissioner William Settoon
Commissioner Rodger Wheaton

Opening Comments – Chair Heaton quickly introduced current and new staff members to the board.

Staff present were Bruce Martin, Chris Henderson, Tevin Matthews, Jorge Sisson, Cynthia Grace, Marc Lucas, Helaine Millner, Lien Pham, Tony Collins.

Also present were: Addie Fanguy, Al Pappardo, Austin Wood, Ashley Haspel, Monte Shalett, Wayne Breaux, Terry Clausino, Doug Webb, David Capo, and many other CAF Big Easy Wing members.

Long agenda and executive session

Asked Tom to introduce CAF team (David Capo) Unit leader for CAF of Big Easy Wing saying thank you, one year ago membership of less than 10 members, renovated hangar, excited news at end of March, fastest growing unit in U.S. bringing in lead airplane from D-Day invasion.

Expanding second floor to build out, enclose it and triple size of it, adding small museum and conference room

CAF Open house, inviting NFPAMA board end of March

*Really good news regarding closing out PW (project worksheets) from FEMA, preliminary appeal at BBSA, waiver for Bastian Mitchell and James Weddell hangar

Announced that Lakeshore Landing is up to date with rent, compliant with lease and provisions

Board of Building Standards and Appeals

Commissioner Fierke made a motion to amend the agenda, changing the order of the items (due to losing the quorum)

I. Motion to adopt Agenda

Only asking to change the order of the agenda, Tom asked to move order of agenda, moved public comments down to before announcement of next meeting, moving Executive Session before New Business.

Fierke, Watters, all in favor

Green introduced substitute motion to move Committee Reports down to after New Business

Green, Major, all in favor

Old Business

- 1) There were no old business items on the agenda.

New Business

- 1) Motion to authorize the Executive Director to request that the City Planning Commission study the incorporation of the Lakefront Subdivision restrictions into the City of New Orleans Comprehensive Zoning Ordinance

Cleared by Recreation, motion to authorize Director

Green, Meadowcroft for discussion

Public Comment: Monte Shalett – CZO isn't very straightforward, would like to have input on how to approach as a group including Lake Vista

Minor discrepancies between CZO and four Lakefront restrictions line items

All in favor

MOTION: 01-022119
RESOLUTION: 01-022119
BY: COMMISSIONER GREEN
SECONDED BY: COMMISSIONER MEADOWCROFT

February 21, 2019

- 1) Motion to authorize the Executive Director of the Lakefront Management Authority to request that the New Orleans City Council study the incorporation of the Lakefront Subdivision Building Restrictions into the City of New Orleans Comprehensive Zoning Ordinance.

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, as part of the development of the Lakefront on Lake Pontchartrain in the City of New Orleans, the former Board of Commissioners of the Orleans Levee District (the “Board”) developed the Lake Vista, Lakeshore, Lake Terrace and Lake Oaks subdivisions (“Lakefront Subdivisions”);

WHEREAS, the Board also established Building Restrictions to govern use of the subdivision properties according to the general plans of development for the Lakefront Subdivisions;

WHEREAS, the Recreation and Subdivision Committee of the Management Authority considered at the Committee’s meeting held on February 12, 2019 a recommendation by members of the Lake Vista Property Owners Association to have the New Orleans City Council consider incorporating the Building Restrictions of the Lakefront Subdivisions into the City of New Orleans Comprehensive Zoning Ordinance (“CZO”);

WHEREAS, the incorporation of the Building Restrictions of the Lakefront Subdivisions into the City of New Orleans CZO would allow interested persons to view the Lakefront Building Restrictions and provisions of the CZO in one place streamlining the process for applying for permits for among other things construction projects in the Lakefront Subdivisions;

WHEREAS, the Recreation and Subdivision Committee after considering this recommendation voted to recommend that the Management Authority authorize the Executive Director to request that the New Orleans City Council study the incorporation of the Lakefront Subdivision Building Restrictions into the City of New Orleans Comprehensive Zoning Ordinance; and,

WHEREAS, on motion duly made and seconded, the Management Authority resolved that it was in the best interest of the Management Authority to authorize the Executive Director to request that the New Orleans City Council study the incorporation of the Lakefront Subdivision Building Restrictions into the City of New Orleans Comprehensive Zoning Ordinance.

THEREFORE, BE IT HEREBY RESOLVED, that the Non-Flood Protection Asset Management Authority hereby authorizes the Executive Director to request that the New Orleans City Council study the incorporation of the Lakefront Subdivision Building Restrictions into the City of New Orleans Comprehensive Zoning Ordinance.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign any and all documents and take any actions necessary to carry out the foregoing.

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

YEAS: Arrigo, Brien, Eames, Fierke, Green, Heaton, Hebert, Major, Meadowcroft, Morvant, Richard, Romero, Watters
NAYS: None
ABSTAIN: None
ABSENT: Bruno, Settoon, Wheaton
RESOLUTION PASSED: Yes

- 2) Motion to approve a Task Order with RCL to prepare bid documents, advertise bids (through NFPAMA) and recommend award for the Lakefront Terminal Building Service Elevator (total not to exceed \$50,000.00)

Green, Major, all in favor

Asking board for approval for bids on the service elevator, Watters asked how does that fit into capital budget, Heaton wants to see what bids will come in at first, Watters asked to consider tearing down current elevator and explore brand new one, maintain existing elevator and add a new service elevator

MOTION: 02-022119
RESOLUTION: 02-022119
BY: Commissioner Green
SECONDED: Commissioner Major

February 21, 2019

- 2) Motion to approve a Task Order with RCL to prepare bid documents, advertise bids (through NFPAMA) and recommend award for the Lakefront Terminal Building Service Elevator (total not to exceed \$50,000.00)

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 South Shore Harbor Marina in the City of New Orleans is one of the non-flood protection assets of the District;

WHEREAS, the Management Authority and RCL Architecture, L.L.C. (“RCL”) entered into an Agreement on July 27, 2018 to provide ID/IQ professional engineering and design services with a Not-To-Exceed fee of \$300,000,

WHEREAS, the Airport Committee considered the preliminary engineering report and the Task Order proposal at its meeting on January 15, 2018 and recommended that the Authority proceed with issuing a task order to RCL to prepare

the bid documents, advertise for bid through NFPAMA and recommend award for the Lakefront Terminal Building Service Elevator (the "Project") in accordance with option 2 of the preliminary engineering report;

WHEREAS, the Management Authority resolved that it was in the best interest of the District to authorize professional engineering services for the design phase and the bidding phase of the Project with RCL with services not to exceed \$50,000.00.

THEREFORE, BE IT HEREBY RESOLVED that the Non-Flood Protection Asset Management Authority authorizes professional engineering services for the design phase and the bidding phase of the Project with RCL with services not to exceed \$50,000.00.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority Chair or Executive Director be and is hereby authorized to take any action and execute any and all documents necessary to carry out the above.

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

YEAS: Arrigo, Brien, Eames, Fierke, Green, Heaton, Hebert, Major, Meadowcroft, Morvant, Richard, Romero, Watters
NAYS: None
ABSTAIN: None
ABSENT: Bruno, Settoon, Wheaton
RESOLUTION PASSED: Yes

3) Discussion regarding space for maintenance department in Moffett Hangar

Defer to Item 4 regarding discussion for maintenance department, stated that maintenance was working out of their automobiles, no inventory place for parts,

Moffet hangar maintenance area buildout

- Desk area and possible lockers and shower

Addie Fanguy, approval of buildout space

4) Motion to authorize the Executive Director to consult with the Director of Engineering to build out space in Moffett Hangar not to exceed \$149,000.00

They will maintain hangar space, but maintenance will take up a small area (incl shop area)

^Green, Richard, all in favor

5) Motion to approve a rent abatement for Lakeview Creative Arts for the months of August and September 2018

Motion came from Legal and Commercial Real Estate committees

Watters, Green

Discussion: two separate events water damage from another suite into LCA, prohibited from doing business due to water damage, will give rent abatement (2 months of rent), lease provides right of tenant to have rent abatement, authorized under lease, fully vetted

All in favor

MOTION: 05-022119
RESOLUTION: 05-022219
BY: COMMISSIONER GREEN
SECONDED BY: COMMISSIONER WATTERS

February 21, 2019

5) Motion to approve a rent abatement for the rent owed by Lakeview Creative Arts Center, L.L.C. d/b/a Lakeview Creative Arts Studio for the months of August and September of 2018

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 Lake Vista Community Center ("LVCC") is one of the non-flood protection_assets owned by the Orleans Levee District under the management and control of the Management Authority;

WHEREAS, Lakeview Creative Arts Center, L.L.C. d/b/a Lakeview Creative Arts Studio ("Lakeview Creative Arts") leases from the Management Authority, pursuant to the terms of the written lease, Suites 6512 and 6514 Spanish Fort Blvd. in the LVCC, for a school offering lessons in creative arts and offices for the school, which lease is for a term of two years that commenced on September 15, 2017, with one 2-year option to renew, for a rental rate of \$16.00 per square foot, totaling \$35,840.00 per annum, payable in monthly installments of \$2,986.67, with the annual rent during the option term to be set at the fair market value annual rental rate for locations in LVCC upon the commencement of the option term;

WHEREAS, the Management Authority leases Suite 6510 in the LVCC adjacent to Suites 6512 and 6514 to La Maison de Beaute', L.L.C. for the operation of a beauty salon, pursuant to the terms of a written lease agreement;

WHEREAS, in July of 2018 Suites 6512 and 6514 sustained damages to the walls and floors in the Suites caused by an overflow of water that originated in Suite 6510;

WHEREAS, subsequently Suites 6512 and 6514 sustained additional water damage as the result of leaks from pipes located in Suite 6510;

WHEREAS, Lakeview Creative Arts as a result of the extensive water damage to the Suites it leases had to make extensive repairs and also had to close its school and offices for approximately two months;

WHEREAS, Lakeview Creative Arts requested a rent abatement for the rent owed during the months of August and September of 2018 and has agreed, in consideration of the requested rent abatement, to waive any and all claims it may have against the Management Authority for the damages sustained and has also agreed to assign and subrogate the Management Authority to any claims it may have against any responsible person to the extent of the amount of the rent abatement granted by the Management Authority;

WHEREAS, article 21 of the Lease provides that if the leased premises are damaged and rendered wholly unfit for occupancy through no fault of the lessee that the lessee shall be entitled to a rent reduction or remission as shall be just and proportionate;

WHEREAS, the Commercial Real Estate Committee of the Management Authority at its meeting held on February 14, 2019 considered the request by Lakeview Creative Arts for a rent abatement and voted to recommend that the Management Authority approve a rent abatement for the rent owed for the months of August and September of 2018 under the terms and conditions set forth above; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the Management Authority and Orleans Levee District to approve a rent abatement for the rent owed for the months of August and September of 2018 by Lakeview Creative Arts for the lease of Suites 6512 and 6514 in the LVCC under the terms and conditions set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Non-Flood Protection Asset Management Authority approves a rent abatement for the rent owed for the months of August and September of 2018 by Lakeview Creative Arts Center, L.L.C. d/b/a Lakeview Creative Arts Studio for the lease of Suites 6512 and 6514 in the Lake Vista Community Center, conditioned on Lakeview Creative Arts Center, L.L.C. waiving any and all claims it may have against the Non-Flood Protection Asset Management Authority for any damages sustained by Lakeview Creative Arts Center, L.L.C. as a result of the incidents described above and assigning and subrogating the Non-Flood Protection Asset Management Authority to any claims it may have against any responsible person for any damages sustained to the extent of the amount of the rent abatement granted by the Management Authority.

BE IT FURTHER HEREBY RESOLVED, that the Chairman or Executive Director of the Non-Flood Protection Asset Management Authority be and is hereby authorized to sign any and all documents necessary to carry out the foregoing. The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Arrigo, Brien, Eames, Fierke, Green, Heaton, Hebert, Major, Meadowcroft, Morvant, Richard, Romero, Watters

NAYS: None

ABSTAIN: None

ABSENT: Bruno, Settoon, Wheaton

RESOLUTION PASSED: Yes

6) Discussion regarding records retention policies and issues

CRE requested due to properties development and old plans, FPA has records and plans, making arrangements to have original records in NFPAMA hangar space

Need records retention policy

Asking HR and legal committee review records retention policies next month

Chair suggesting commissioners review FPA's records retention policies and issues

7) Motion to grant Management Authority authorization regarding institution of civil proceedings against Mrs. Evelyn B. Benoit to enforce servitude rights provided under the Lake Terrace Building Restrictions on the property located at 1744 Lakeshore Drive New Orleans, LA 70122

Discussed/vetted at Recreation/Subdivision and Legal committees

Arrigo, Major for discussion

Gerry: violate servitude rights and issues, made a demand in December regarding negotiation, and will proceed with civil proceedings against Mrs. Benoit, trying to create walkway for pedestrians and for electrical to get to utility companies (substation)

Ashley Haspel- would like NFPAMA to take action regarding, want servitude back open again to residents

All in favor, aye

MOTION: 07-022119

RESOLUTION: 07-022119

BY: COMMISSIONER ARRIGO

SECONDED BY: COMMISSIONER MAJOR

February 21, 2019

7) Motion to authorize institution of civil proceedings against Mrs. Evelyn B. Benoit to enforce servitude rights provided under the Lake Terrace Building Restrictions on the property located at Municipal Address 1744 Lakeshore Drive, New Orleans, Louisiana 70122

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, Lake Terrace is a subdivision developed by the former Board of Commissioners of the Orleans Levee District (the "Board");

WHEREAS, the Board also established building restrictions to govern use of the subdivision property according to the general plan of development;

WHEREAS, Section IX of the Lake Terrace Building Restrictions provides that servitudes of passage at the designated locations on the map are granted in favor of utilities for the purpose of maintaining electrical transformers and public walkway, including in Square 33 in the Lake Terrace Subdivision;

WHEREAS, the property located at Municipal Address 1744 Lakeshore Drive, New Orleans, Louisiana 70122 is in Square 33 in the Lake Terrace Subdivision, and a part of the property on the west side is subject to a servitude of passage established under Section IX of the Building Restrictions;

WHEREAS, the owner of the property located at Municipal Address 1744 Lakeshore Drive, Mrs. Evelyn B. Benoit, has installed gates on the servitude that impede the use of the servitude by the utilities and as a public walkway;

WHEREAS, under Louisiana law, the owner of property subject to a servitude is required to abstain from doing anything to interfere with the use of a servitude;

WHEREAS, despite amicable demand, Mrs. Benoit has failed or refused to remove the gates and open the servitude for its intended use in accordance with the terms of the Building Restrictions;

WHEREAS, on motion duly made and seconded, the Management Authority resolved that it was in the best interest of the Management Authority to authorize institution of civil proceedings against Mrs. Evelyn B. Benoit to enforce servitude rights provided under the Lake Terrace building restrictions on the property located at Municipal Address 1744 Lakeshore Drive, New Orleans, Louisiana 70122; and,

WHEREAS, the Recreation and Subdivision Committee and the Legal Committee of the Management Authority reviewed this matter at the Committee's meetings in February and voted to recommend that the Management Authority authorize Legal Counsel to institute proceedings to enforce the servitude on the property located at Municipal Address 1744 Lakeshore Drive, New Orleans, Louisiana 70122.

THEREFORE, BE IT HEREBY RESOLVED, that the Non-Flood Protection Asset Management Authority hereby authorizes Legal Counsel to institute civil proceedings against Mrs. Evelyn B. Benoit to enforce the servitude rights provided under the Lake Terrace Building Restrictions on the property located at Municipal Address 1744 Lakeshore Drive, New Orleans, Louisiana 70122.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority Chairman, Secretary or Executive Director be and is hereby authorized to sign any and all documents necessary to carry out the foregoing.

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

YEAS: Arrigo, Brien, Eames, Fierke, Green, Heaton, Hebert, Major, Meadowcroft, Morvant, Richard, Romero, Watters
NAYS: None
ABSTAIN: None
ABSENT: Bruno, Settoon, Wheaton

II. Executive Session

Motion to go into executive session: litigation and legal strategy

Green, Fierke

Green – opposed because misunderstood motion

- 1) Don J. Robertson, Jr. vs. Non-Flood Protection Asset Management Authority (Docket No. S-18500), Appeal of Termination

III. Committee Reports

Director's Report
Airport – Chair Heaton
Finance – Chair Richard
Legal – Chair Watters
Commercial Real Estate – Chair Green
Marina – Chair Arrigo
Recreation/Subdivision – Chair Wheaton

IV. Public Comments

V. Announcement of next Regular Board Meeting

- 1) Thursday, March 28, 2019 – 5:30 P.M.

VI. Adjourn : Major, Arrigo
7:20 PM