

**MINUTES OF
LAKEFRONT MANAGEMENT AUTHORITY
REGULAR MEETING OF THE LEGAL COMMITTEE
HELD ON THURSDAY, FEBRUARY 11, 2021**

PRESENT: Chair Stanley Cohn
Vice Chair Robert Watters
Commissioner David Francis
Commissioner Wilma Heaton

ABSENT: Commissioner Howard Rodgers

STAFF: Louis Capo – Executive Director
Madison Bonaventure – Assistant to the Executive Director
Daniel Hill– Director of Engineering and Operations
Bruce Martin – Airport Director

ALSO

PRESENT: David Jefferson Dye – Legal Counsel to the LMA
Al Pappalardo – P.C.I., Real Estate Consultant to the LMA
Gerard G. Metzger – Legal Counsel to the LMA

The Regular Meeting of the Legal Committee of the Lakefront Management Authority met on Thursday, February 11, 2021 virtually via Zoom. The Committee met after notice was posted and sent to the public and media. The meeting was livestreamed via the Lakefront Management Authority’s YouTube channel. All comments were accepted in writing up until the meeting start time pursuant to the agenda.

Chair Cohn called the meeting to order at 2:31 P.M. and led in the pledge of allegiance. Director Capo called the roll, and a quorum was present.

Opening Comments:

Chair Cohn announced that service was made on the LMA earlier that day.

Motion to Adopt Agenda:

A motion was offered by Vice Chair Watters, seconded by Commissioner Francis, and was unanimously adopted, to adopt the agenda.

Motion to Approve the Minutes:

A motion was offered by Vice Chair Watters, seconded by Commissioner Francis, and was unanimously adopted, to approve the minutes of December 10, 2020.

Public Comments:

None

Legal Counsel's Update

David Jefferson Dye, Legal Counsel to the LMA, said there were no recent developments with exception to a settlement offer to be discussed in executive session and some details on the J & J Partners litigation.

Chair Cohn said the litigation filed against the LMA relating to the plane crash involving Mr. Glen Boyd and Mrs. Nancy Parker, filed by the widower of Mrs. Parker, has been dormant but said the case had been removed from Federal Civil Court and was referred to Civil District Court.

Chair Cohn said the litigation against the Latham Company was dormant. Director Capo said there was a misunderstanding between the LMA and BCI, a roof and window inspector, but the firm was scheduled to come to the Airport to inspect the roof and windows so a report could be prepared, and a settlement could be reached with the Latham Company.

Executive Session:

Chair Cohn said all claims listed under the Executive Session section of the agenda were eligible for executive session because all items would require discussion of pending litigation, trial tactics, settlement offers, etc.

Chair Cohn proposed that the committee enter Executive Session pursuant to LA Rev. Stat. § 42:16 to discuss the legal issues regarding each item under the section. He read each item aloud:

- 1) **Lakefront Management Authority v. J & J Partners, L.L.C., No. 2020-8075, Division "F-14", Civil District Court for the Parish of Orleans, State of Louisiana.**
- 2) **Lakefront Management Authority v. West End Resources, Inc., Mississippi River Bank, Tresmonet Luxury Yachts, LLC, Tresmonet, LLC and Tresmonet Products, Inc., No: 19-10700, Div. "C, Civil District Court for the Parish of Orleans.**
- 3) **Mississippi River Bank v. M.G. Mayer Yacht Services, Inc., No. 2021-00163, Div. "B", Civil District Court for Orleans Parish.**
- 4) **Sam B. Haynes, Jr. v. Orleans Levee District, Division of Non-Flood Protection Assets, et. al. No. 2020-07856. Division "B-05", Civil District Court for the Parish of Orleans, State of Louisiana.**
- 5) **Richard L. Rubin, MD v. Non-Flood Protection Asset Management Authority, et. al., No: 16-7582, Civil District Court for the Parish of Orleans, Div. E-16. Rubin, et. al. v. Non-Flood Protection Asset Mgmt. Authority, et. al., USDC, Eastern District of Louisiana, C/A No. 2:18-cv-6555-JCZ-JCW.**
- 6) **Eviction of Matthew Vargas (Boathouse N-29).**

- 7) **Jonathan Landes Subrogation Claim and Settlement – December 31, 2017 Grounding of Vessel at South Shore Harbor Marina.**
- 8) **Iron Triangle Development, LLC v. Non-Flood Protection Asset Management Authority, No: 2018-12702, CDC, Orleans Parish, Div. G-11.**
- 9) **Boh Bros. Construction Co., L.L.C. v. Orleans Levee District and the Non-Flood Protection Asset Management Authority, No: 2019-10953, Div. L-6, Civil District Court for the Parish of Orleans**
- 10) **Flightline Ground, Inc. v. Orleans Levee District, Division of Non-Flood Assets and the Non-Flood Protection Asset Management Authority, No: 14-5419, CDC, Division "H."**
- 11) **Claims against AECOM in connection to the 18R/36L Runway Mill Overlay and Rehabilitation Project.**

A motion was offered by Commissioner Francis, seconded by Vice Chair Watters, and was unanimously adopted, to enter executive session to discuss Executive Session items No. 1 through No. 11.

A motion was offered by Commissioner Francis, seconded by Vice Chair Watters, and was unanimously approved, to reconvene the meeting.

Chair Cohn announced that no action had been taken during Executive Session.

New Business:

1) **Update on Messina's at the Terminal and the Runway Café.**

Director Capo explained that he and staff had met with Mr. George Messina to discuss the reopening of the Runway Café. He said Mr. Messina said it was not feasible for him to reopen the café yet because of the Coronavirus Pandemic restrictions including reduced seating capacity for restaurants.

He said that staff did request that Mr. Messina devise a plan since restrictions are expected to loosen after the Mardi Gras (February 16) holiday. He added that Mr. Messina did not offer a prospective reopening date.

Vice Chair Watters offered that the Board could ask if Mr. Messina's company has received the second draw of Paycheck Protection Plan (PPP) relief. He said landlords across the city are asking their tenants that question. He added that there was an unresolved issue regarding the language of the lease pertaining to gross sales as part of the percentage rent. He said it may be an opportune time to resolve those issues.

Chair Cohn offered that staff meet with Mr. Messina again after the loosening of restrictions, and the Committee could revisit the issue.

Commissioner Heaton said it was best to keep the entire Board apprised of the situation.

Announcement of next Legal Committee Meeting:

- 1) **Thursday, March 18, 2021– 2:30 P.M.**

Adjourn:

A motion was offered by Vice Chair Watters, seconded by Commissioner Francis, and unanimously adopted, to adjourn. The meeting was adjourned at 3:50 PM.