

**MINUTES OF  
LAKEFRONT MANAGEMENT AUTHORITY  
REGULAR MEETING OF THE LEGAL COMMITTEE  
HELD ON THURSDAY, APRIL 15, 2021**

PRESENT: Chair Stanley Cohn  
Vice Chair Robert Watters  
Commissioner David Francis  
Commissioner Wilma Heaton (\*entered at 3:19 during Executive Session)  
Commissioner Howard Rodgers

ABSENT:

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  
Ginger Lacour – Lake Vista Property Owners Association  
Sue Spilsbury – Lake Vista Resident

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The Regular Meeting of the Legal Committee of the Lakefront Management Authority met on Thursday, April 15, 2021 at the New Orleans Lakefront Airport at 6001 Stars and Stripes Blvd., New Orleans, LA 70126.

Chair Cohn called the meeting to order at 2:34 P.M. and led in the pledge of allegiance. Director Capo called the roll, and a quorum was present.

**Opening Comments:** None

**Motion to Adopt Agenda:**

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and was unanimously approved, to move Old Business item No. 1 under Executive Session due to the nature of the discussion of the item involving pending litigation, and no

A motion was offered by Vice Chair Watters, seconded by Commissioner Rodgers, 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 February 11, 2021.

### **Public Comments:**

Public comment was received during its respective item.

### **Legal Counsel's Update**

Gerard Metzger, Legal Counsel to the LMA, advised that there was no development on the Rubin case. He said that a brief was prepared for the appeal of the J & J Partners' case decision. He reported that the Iron Triangle case was dormant. He advised that the case with the Latham Company was ongoing, and experts had been obtained to evaluate the New Orleans Lakefront Airport Terminal roof and windows.

Director Capo advised that the LMA notified the representatives of Mississippi River Bank that they took no issue with them removing the crane from 404 S. Roadway.

Mr. Metzger advised that an exception was to be heard regarding the Sam Haynes vs. Lakefront Management Authority case.

Chair Cohn advised the Committee that it was legal counsel's recommendation to move Old Business item "Update regarding AFFF litigation" to Executive Session as the matter discusses pending litigation. Commissioner Francis made a motion to move "Update regarding AFFF litigation" to Executive Session. The motion was seconded by Commissioner Rodgers. A call for public comment was made. No comments were made. All voted in favor, and the motion carried.

### **Executive Session:**

- 1) **Discussion regarding lease compliance issues and strategy on prospective litigation after formal written demand relating to the lease with Messina's Lakefront Airport, LLC.**
- 2) **Update regarding AFFF litigation.**

Chair Cohn said all items 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.

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and was unanimously adopted, to enter executive session to discuss Executive Session items No. 1 and No. 2.

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 in Executive Session.

**New Business:**

**1) Discussion regarding drainage pattern issues in Lakefront Subdivisions.**

Sue Spilsbury, of 21 Crane Street in Lake Vista, introduced herself to the Committee. She informed the Committee that her home had repeatedly flooded after a new construction was erected at 17 Crane Street. She explained that the new construction home had been built upon a high grade, and the grade was impacting the drainage pattern. She presented photographs to the Committee of water swale that had collected on her property during a recent storm event.

Commissioner Cohn asked Ms. Spilsbury if she had made a demand on her neighbor to remediate the problem. She explained that she had hired a lawyer to negotiate a settlement with her neighbor, but her neighbor was not receptive. He confirmed if her neighbor had not made any remedial measures. She confirmed he had not.

The Committee asked for the name of her neighbor. She said his name was Thomas Milliken.

Vice Chair Watters offered that the LMA's engineer inspect the area and make a recommendation on a solution or make a recommendation on who to consult with to find a solution. Daniel Hill, Director of Engineering and Operations, confirmed that he had walked the property and had also noted that there was a section of sidewalk that was buckling due to an Entergy structure that may be exacerbating the issue.

Vice Chair Watters asked Mr. Pappalardo what type of professional he would recommend be hired to evaluate the situation. Mr. Pappalardo offered that he would think to call a landscape architect.

Mr. Hill reminded the Committee that the sidewalk is the responsibility of the adjacent homeowner unless it is neglected.

Commissioner Cohn offered that the issue may be caused by improper grading on her neighbor's part. She said she had the opportunity to visit the site, and the neighboring home at 17 Crane had been built up significantly. Commissioner Cohn expressed that he thought the appropriateness of the grade was under the purview of the City of New Orleans Department of Safety and Permits. Commissioner Heaton expressed concern because she believed that the neighbor could have encroached onto the right-of-way, Orleans Levee District property.

Commissioner Watters thanked Ms. Spilsbury and informed her that staff and consultants would be looking into the matter.

**Announcement of next Legal Committee Meeting:**

**1) Thursday, May 20, 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 3:40 PM.