

**MINUTES OF
LAKEFRONT MANAGEMENT AUTHORITY
REGULAR MEETING OF THE LEGAL COMMITTEE
HELD ON THURSDAY, AUGUST 19, 2021**

PRESENT: Chair Stanley Cohn
Vice Chair David Francis
Commissioner Wilma Heaton
Commissioner Howard Rodgers

STAFF: Louis Capo – Executive Director
Madison Bonaventure – Assistant to the Executive Director
David Martin– Director of Engineering and Operations

ALSO

PRESENT: David Jefferson Dye – Legal Counsel 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, August 19, 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 2:35 P.M. and led in the pledge of allegiance. Director Capo called the roll, and a quorum was present.

Opening Comments:

Chair Cohn explained that Executive Session would take up most of the meeting time.

Motion to Adopt Agenda:

A motion was offered by Commissioner Rodgers, seconded by Commissioner Heaton, and was unanimously approved to adopt the agenda.

Motion to Approve the Minutes:

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and was unanimously adopted to approve the minutes of July 15, 2021.

Public Comments:

Ray Landeche introduced himself to the Committee. He explained that the Old Robert E. Lee Theater was being redeveloped, and developers were seeking seven zoning variances. He said they were trying to construct a second-floor venue for viewing of football games. He thought that the LMA had to approve all construction in that vicinity and wanted to notify them. Chair Heaton said that before some building permits were issued that the Authority had to issue a Letter of No Objection after reviewing the plans, but the Authority had no ability to provide building permits. He represented that the neighborhood would not be supportive of the second-floor outdoor venue.

He also indicated that a series of fencing structures have been erected around dumpsters and said that was not allowed. Chair Heaton indicated that the City of New Orleans directed the businesses to erect the structures pursuant to the City Zoning Ordinance (CZO).

Legal Counsel's Update:

Gerard Metzger, Legal Counsel to the LMA, advised that the notice for removal of the crane for 404 S. Roadway site had been issued. The Supreme Court of Louisiana still had not responded to the supervisory writ offered by the LMA's counsel for the case against J & J Partners, and an oral argument was scheduled for September 9, 2021. He advised that legal counsel had been busy with commercial transactions including but not limited to a new lease for Mr. Lyndon Saia for his boathouse, an amendment to Sailboat Bay Apartments' lease, and a new lease for Crescent City Marine Group, LLC.

Commissioner Heaton suggested that the Committee move into New Business before entering Executive Session since there were representatives in attendance for the New Business items. A motion was offered by Commissioner Francis and was seconded by Commissioner Rodgers to amend the agenda to move into New Business before Executive Session. All were in favor. The motion carried.

New Business:

1) Motion to recommend ratification and approval of the closure of Messina's Runway Cafe in the Terminal at the New Orleans Lakefront Airport between January 6, 2021 and April 6, 2021 and the reduction of hours of operation to 11 a.m. until 3 p.m. between April 6, 2021 and December 31, 2021, and to recommend approval of the amendments of Messina's Restaurant and Special Events Lease in the Terminal on the minimum hours of operations, requirements for compliance with FAA Grant Assurance Agreements, including covenants for operations of Charter and Passenger Aviation Services in the Terminal at the Airport, and procedures for obtaining security for Special Events at the Terminal.

A motion was offered by Commissioner Francis, was seconded by Commissioner Rodgers, and was unanimously adopted to recommend ratification and approval of the closure of Messina's Runway Cafe in the Terminal at the New Orleans Lakefront Airport between January 6, 2021 and April 6, 2021 and the reduction of hours of operation to 11 a.m. until 3 p.m. between April 6, 2021 and December 31, 2021, and to recommend approval of the amendments of Messina's Restaurant and Special Events Lease in the Terminal on the minimum hours of operations, requirements for compliance with FAA Grant Assurance Agreements, including covenants for operations of Charter and Passenger Aviation Services in the Terminal at the Airport, and procedures for obtaining security for Special Events at the Terminal.

Commissioner Heaton advised that the item was fully vetted at the Airport Committee, and the item had been voted unanimously for recommendation; however, she and the Chair Cohn thought it wise to also discuss the issue at the Legal Committee. She reminded the Committee that there had been ongoing negotiations for some months.

Mr. Metzger advised that most of the terms included in the proposed resolutions were resultant of suggestions came from the Committee level. He advised that the financial information Director Capo had requested was submitted and accepted, and reports regarding the lease's DBE provisions was in process.

2) Motion to recommend approval of a settlement of the amount of rent owed on Suite 121 in the New Orleans Lakefront Airport Terminal between December 2019 and August 2021 in the amount of \$16,250.00 and a one-year lease commencing on September 1, 2021 for Suite 121 for an annual rental of \$26,025.48 with Messina Lakefront Airport, LLC.

A motion was offered by Commissioner Francis, was seconded by Commissioner Rodgers, and was unanimously adopted to recommend approval of a settlement of the amount of rent owed on Suite 121 in the New Orleans Lakefront Airport Terminal between December 2019 and August 2021 in the amount of \$16,250.00 and a one-year lease commencing on September 1, 2021 for Suite 121 for an annual rental of \$26,025.48 with Messina Lakefront Airport, LLC.

Mr. Metzger said that the motion would recommend acceptance of a settlement from the lessee for half of the rent they would have paid for the space based on the rental rate they paid on their front office suite and would authorize an additional lease for the use of Suite 121, and the item was recommended by the Airport Committee.

Executive Session:

1) Discussion of joining in pending litigation involving the enforcement of the Lake Vista Building Restrictions after formal written demand.

Chair Cohn explained that the item was eligible for discussion in Executive Session due to formal written demand.

A motion was offered by Commissioner Francis, was seconded by Commissioner Rodgers, and was unanimously adopted to enter Executive Session.

The Committee reconvened the meeting. No action was taken in Executive Session.

Announcement of next Legal Committee Meeting:

1) Thursday, September 16, 2021– 2:30 P.M.

Adjourn:

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and unanimously adopted, to adjourn. The meeting was adjourned at 4:00 PM.