

**MINUTES OF THE
LAKEFRONT MANAGEMENT AUTHORITY
BOARD MEETING
THURSDAY, SEPTEMBER 24, 2020**

The regular monthly Board Meeting of the Lakefront Management Authority was held on Thursday, September 24, 2020 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.

PRESENT:

Chair Wilma Heaton
Vice Chair Robert Watters
Secretary Thomas Fierke
Commissioner Sean Bruno
Commissioner Esmond Carr
Commissioner David Francis
Commissioner Eugene Green, Jr.
Commissioner Dawn Hebert (*left at approximately 6:45PM)
Commissioner Renee Lapeyrolerie
Commissioner Pat Meadowcroft
Commissioner Anthony Richard
Commissioner Howard Rodgers
Commissioner Bob Romero

ABSENT:

Commissioner Stanley Brien
Commissioner Stanley Cohn

STAFF:

Louis Capo – Executive Director
Madison Bonaventure – Assistant to the Executive Director/Board Secretary
Chris Henderson– Airport Manager
Daniel Hill– Director of Engineering and Operations
Brad Vanhoose– Harbor Master

ALSO PRESENT:

Gerard Metzger – LMA Legal Counsel
David Jefferson Dye– LMA Legal Counsel
Al Pappalardo– LMA Real Estate Consultant
Paul Dimitrios– RCL Architects, LLC
Ryan Foster– Engineering Manager at the FPA
George Groh– Kutchins and Groh
Greg Groh– Kutchins and Groh
Steven Massicot– Oceana USA, LLC
Melanie Thompson– Kingswood Improvement District

Chair Wilma Heaton called the meeting to order at 5:43 P.M., and Commissioner Rodgers led in the pledge of allegiance.

Executive Director Louis Capo called the roll, and a quorum was present.

OPENING COMMENTS:

None

MOTION TO ADOPT AGENDA:

Chair Heaton recommended that the Board hear Presentation item No. 3 first in the Presentation section since Item 1 under Presentation may require additional time. Commissioner Watters made a motion to amend the agenda as such, and Commissioner Bruno seconded the motion. All were in favor to adopt the amendment.

Commissioner Hebert asked to defer the Briefing by the Flood Protection Authority East (FPA) on Lakeshore Drive (L-05 to Shelter 1) Traffic Study and Roadway Configuration until other delegates could be briefed on the project.

Chair Heaton explained that the FPA controls Lakeshore Drive, and they took notice to the dangers posed by pedestrians as they crossed the street from the parking lot to the restaurants in the West End area of Lakeshore Drive. She said that the FPA decided to initiate the project. She clarified that this presentation was heard at the last Recreation/Subdivision Committee Meeting dated August 18, 2020 for which Commissioner Hebert was present. She said that the Board would be receiving the same presentation. She said that the LMA Board was comprised of community leaders and could get information out to other leaders and the public if there were concerns.

She said that she spoke to Senator Harris' office. She said that the LMA Board was not taking any action, and the FPA is planning on moving forward with the project. She said the FPA did reach out to some community leaders regarding the project, and she said the project's status does not mean that the LMA cannot include other delegates or community leaders on the plans.

Commissioner Hebert felt like the restriping on the West End of Lakeshore Drive would negatively affect citizens residing in other areas.

Commissioner Meadowcroft asked if it the FPA was going to move forward with the project. Ryan Foster, Engineering Manager, confirmed that the job would be going out to bid and anticipated that the project would start around the end of the year.

Commissioner Bruno said he wanted to hear the information.

Commissioner Romero said that the presentation before them was the same as the presentation heard at the last Recreation/Subdivision Committee Meeting. He said the purpose of their presentation at the Board Meeting was to engage the LMA Board, and if concerns arose Commissioners could then forward those concerns to their community leaders and legislators.

Commissioner Hebert made a substitute motion to defer Presentation Item No. 2, Briefing by the Flood Protection Authority East (FPA) on Lakeshore Drive (L-05 to Shelter 1) Traffic Study and Roadway Configuration, until the next meeting. The motion was seconded by Commissioner Richard.

Commissioner Lapeyrolerie clarified that the FPA was going to proceed with their project whether the LMA Board heard the presentation or not, and she suggested that Commissioner Hebert could request another presentation with other stakeholders.

Commissioner Hebert said that in 2014 the LMA Board voted to open Lakeshore Drive east to west, so she was confused as to why the FPA has assumed control.

Commissioner Romero responded that ultimately the FPA owns the road.

Chair Heaton clarified that a recent Memorandum of Understanding gives the FPA control over the roadway, and the FPA receives dedicated tax revenue for its maintenance.

She produced an email from former Commissioner Stack and the passed resolution from 2014 requesting the opening of Lakeshore Drive east to west.

She said she was concerned about the conflation of issues regarding the closure of Lakeshore Drive versus the proposed roadway reconfiguration to enhance safety near the retail area of West End.

Commissioner Meadowcroft added that she was interested in hearing the presentation.

Commissioners Hebert, Green and Richard voted yea to defer Presentation Item No. 2, Briefing by the Flood Protection Authority East (FPA) on Lakeshore Drive (L-05 to Shelter 1) Traffic Study and Roadway Configuration. All other Commissioners voted nay. The motion failed.

Commissioner Green made a motion to adopt the agenda as amended, was seconded by Commissioner Bruno, and was unanimously approved, to adopt to agenda as amended.

ADOPTION OF THE MINUTES:

Commissioner Francis made the motion to include “Commissioner David Francis” and “Commissioner Lapeyrolerie” to the “PRESENT” field on the first page of the minutes from September 3, 2020. All were in favor of the amendment.

Commissioner Romero made a motion to approve the minutes as amended, was seconded by Chair Heaton and unanimously approved, to adopt the minutes as amended.

Chair Heaton suggested that Directors’ Reports and Committee Reports be moved after New Business items to prevent the loss of a quorum on items requiring a vote. Commissioner Richard made a motion to amend the agenda to place the Directors’ Reports and Committee Reports after New Business items. The motion was seconded by Vice Chair Watters and was unanimously approved to amend the agenda.

PRESENTATION:

1)Presentation by the Spears Group – Festival along Lakeshore Drive near Shelter 3

Cleveland Spears, CEO of the Spears Group, introduced himself to the Board. Mr. Spears said his firm offers public relations services, marketing services and production of large events.

He said he and his team have developed a concept for a large-scale event on the lakefront on Memorial Day weekend in 2021. Mr. Spears said the concept is currently in the ideation phase.

He said that following the economic devastation of the COVID-19 pandemic in New Orleans, he believed the potential 2-day event would be a great boost to local businesses, the seafood industry and would showcase Lake Pontchartrain.

He said his team is expecting around 30,000 guests to attend over the weekend and about 100,000 pounds of seafood would be consumed.

He said that the footprint of the festival will be approximately 40,000 square feet. He said the area his team is requesting is on Lakeshore Drive behind the UNO Arena and adjacent to Franklin Avenue. He said his team is already in talks with arena staff about use of their lots and a parking plan. He said he would also be interested in using the teardrop-shaped area near Seabrook Bridge for ample parking.

He said he plans on creating a security plan that would entail a “human barricade” of security guards along the lakefront as not to obstruct the view of the lake with fencing.

Mr. Spears demonstrated his experience with large-scale events by presenting event products he owns and operates. He said that in 2017 his firm organized and hosted an event on Lakeshore Drive which entailed a dinner party of over 5,000 guests. Chair Heaton added that the event’s execution and clean up were very successful.

Mr. Spears added that he also hosts the National Fried Chicken Festival which boasts musical acts from across the country and was attended by Governor Edwards.

He said in total his firm has hosted over 5 million guests and has raised over \$150,000 for local charities in the Greater New Orleans area.

He said that his firm carries sufficient insurance and could indemnify the LMA. He said his team will also develop a security and safety plan including the use of OLDPD, EMS services, NOFD and private security. He said his firm will also ensure there is proper sanitation and bathroom facilities for its guests.

He said his desire would be to engage in the process of obtaining a permit and/or contract to use the space. He said the event is also contingent on COVID-19 restrictions and thus would be announced accordingly.

Chair Heaton said that she felt an event of this magnitude should necessitate engagement from the Board before staff moved further with a location agreement.

Commissioner Carr asked if the festival was going to be free to the public. He said that the event would be ticketed at \$15 for advance tickets, free for children under 12 and \$20 at the door for adults.

Commissioner Carr expressed concern that the festival would interrupt the public's normal use of the lakefront during that holiday weekend as it is a tradition for many families.

Mr. Spears believed that the price-point of the festival is accessible for members of the public. He said that he wants the festival to be attended by families.

Commissioner Rodgers complimented Mr. Spears for his reputation and professionalism. He asked Mr. Spears if his date was flexible. Mr. Spears confirmed it was.

Chair Heaton said that the LMA wants to host the public along Lakeshore Drive under the proper conditions, and Mr. Spears' concept sounded like a good opportunity to do so.

Commissioner Francis asked about the hours of the festival and how long he thought that area of Lakeshore Drive would need to be closed to set up and tear down the event. Mr. Spears said that the event would take place from 11 AM – 8 PM on a Saturday and Sunday. He said that he foresaw that the set up would not impede the public's use until the day before and for part of the following Monday morning.

Commissioner Meadowcroft said she thought it was a great idea to bring people to the lakefront. She expressed some concern about bringing additional crowds during an already populated weekend. Commissioner Carr concurred. Commissioner Meadowcroft said that weekends on the lakefront can be packed. She felt the festival would be successful with better timing on a less-populated weekend, and she asked him to consider how the public uses the lakefront during their normal lives.

The Board thanked Mr. Spears for his presentation.

2) Briefing by the Flood Protection Authority East (FPA) on Lakeshore Drive (L-05 to Shelter 1) Traffic Study and Roadway Configuration

Ryan Foster, Managing Engineer at the FPA, introduced himself to the Board. He said he has been with the FPA for about five years and has been involved with multiple projects involving Lakeshore Drive since then.

He said that the traffic safety study originated from complaints from business owners, residents and OLDPD about speeding and pedestrians crossing 4 lanes of traffic at night in that area. He said that the FPA has been taking on other safety projects such as the lighting along Lakeshore Drive. He said bulbs have been replaced and electrical issues have been resolved at a cost of \$1.4 million.

He said the FPA was already considering a mill and overlay project for that area, and the project provided opportunities to make safety reforms. He said the subsequent roadway reconfiguration would aim to reduce risks of crashes, reckless driving and accidents involving bikers and pedestrians. He said it is also their goal to enhance crosswalks to encourage use of them since the existing ones are faded and are not being utilized as much as they should.

He added that the last time the roadway had been milled and overlaid was in 1992 after its construction, so the overall project will be its first maintenance project since then.

He said the traffic study was conducted during different times of day and on weekends with

traffic counters and speed devices. He said the study also analyzed the behavior of pedestrians.

He said the study included consultation with adjacent stakeholders and the police department about their concerns.

He said the traffic study findings concluded that excessive speeding was a problem. He said 1,700 speeding tickets were issued last year in that immediate area by OLDPD.

He said that for the volume of traffic, four lanes were deemed excessive for vehicles and did not discourage speeding.

He said the data revealed behaviors such as illegal left-hand turns, illegal U-turns, and minimal use of crosswalks.

The conclusion from the data was that the crosswalks could be improved, and the roadway in that area needed to be modified to calm traffic.

He said that 2 lanes of traffic going in both directions would be reduced to 1 lane going in both directions. He said that the additional room would be utilized for additional safety features such as a left-hand turn lane for access to restaurants, pedestrian areas in the roadway, and a dedicated, protected bike path. He said with the City of New Orleans' near completion of Canal Boulevard, the FPA wanted to include a bike path that could potentially be tied in with what the city installs.

He said the FPA has been in contact with the New Orleans Regional Planning Commission and the Department of Public Works regarding the project.

Commissioner Lapeyrolerie inquired about the MOU the LMA had with the FPA and if a traffic study was conducted in 2014. Chair Heaton clarified that there had been several MOUs over the years. She said that a preliminary study may have been done in 2013, but she would need to confirm. She also clarified that the FPA gets a dedicated tax millage to maintain the roadway. Mr. Foster confirmed that no traffic study had been done during his tenure with the FPA.

Commissioner Carr asked if the LMA had the authority to close Lakeshore Drive for an event such as the one Mr. Spears' proposed. Chair Heaton said that LMA staff collaborates with the FPA for those efforts. Mr. Foster confirmed that the FPA does have its own event permit department and procedures.

Commissioner Hebert inquired about the time frame of the study. Mr. Foster said it started in early 2019 and ended in June 2019. She said her personal experience was that she has not seen people speeding or crashing on Lakeshore Drive, and she thinks the police force would deter speeding.

She asked Mr. Foster if they will continue the reconfiguration down the entire length of Lakeshore Drive. He said that the FPA would consider applying the principles if they receive complaints pertaining to safety, particularly in areas visited by groups of pedestrians such as near a fountain or shelter.

She asked who the FPA consulted with when the project was conceived. He said the FPA Board authorized the study and the project. He said during the study phase they collaborated with the City of New Orleans and the New Orleans Regional Planning Commission, along with virtual calls with Councilman Giarrusso's office and Representative Hilferty's office.

Chair Heaton said she believed that the study caused some concern for other stakeholders. She said when she was made aware of the study, she requested that it be presented to the Recreation/Subdivision Committee and subsequently the LMA Board. She said she asked FPA staff to prepare reports to deliver to additional stakeholders such as other City Council members, State Senators, State Representatives, and U.S. Congressional members.

Chair Heaton said there was a broader spectrum of the community that the FPA could engage with. She thanked Commissioner Hebert for her diligence on the subject as she had been a member of the study committee in 2014 when the LMA Board wanted to see Lakeshore Drive reopened and not yet a board member, and she apologized that there was miscommunication regarding the study. She said she can deeply appreciate the sensitivity and lack of trust regarding the subject due to the history of Lakeshore Drive. She also added that the COVID-19 closure of Lakeshore Drive has also prompted some discontent as well.

She said she spoke directly with Corinne Villavaso of Senator Harris' office regarding the study and its purpose. She said she looks forward to enhanced communication with other stakeholders.

Director Capo added that in 2013 traffic and pedestrian issues on the west end of Lakeshore Drive were brought to the LMA Board's attention at the time.

Chair Heaton confirmed with Mr. Foster that there were no designs for the remainder of Lakeshore Drive. He answered it was true that there were no designs other than the L-5 through Shelter 1 area. She encouraged Mr. Foster to keep the LMA Board apprised of any developments.

3)Update by the FPA on the Orleans Marina Seepage Repair

Chair Heaton said the FPA has been analyzing and addressing seepage issues at Orleans Marina including a sinkhole issue and bulkhead.

Mr. Foster said that the project will have 2 phases: Phase 1 would plug and abandon the existing drainage pipe, and Phase 2 will construct a new drainage pipe.

He said that water is going through the bulkhead and undermining the drainage of the parking lot which causes the transport of silt and shell into the drainage pipe. He said that the pipe is failing. He said that the new pipe will be constructed 5 feet below ground as opposed to 13 feet below

ground. He said its new position will abate the problems the current pipe is experiencing. He said that the drainage pipe comes out through the floodwall. He said addressing these issues would aid in addressing sinkhole issues.

He said they were currently issuing contracts for the repairs now. He said the bid winner was Kort's Construction who happens to be the same construction company working successfully on the seawall construction.

He said that the FPA has hired Linfield, Hunter and Junius to conduct a bulkhead replacement study. He said addressing the issues of the bulkhead may also prevent sinkholes. Chair Heaton added that she filed a Capital Outlay Request for the same bulkhead in 1998.

Commissioner Meadowcroft inquired about the length of the project. Mr. Foster said Phase 1 will last 30 days followed by a 30-day observation period. He said that Phase 2 will last about 60 days.

Commissioner Hebert asked when the project would start. He said it would start in about 2-4 weeks.

Mr. Foster encouraged the Board to reach out to him with any questions.

Commissioner Hebert left the meeting.

EXECUTIVE SESSION:

1)Discussion of issues involving the extension of the Lease with J & J Partners, L.L.C. for the property located at Municipal Address 7412 Lakeshore Drive.

A motion was offered by Commissioner Fierke, seconded by Commissioner Lapeyrolerie, and was unanimously approved, to enter Executive Session to discuss legal issues involving the extension of the Lease with J & J Partners, L.L.C. for the property located at Municipal Address 7412 Lakeshore Drive.

Gerard Metzger, Legal Counsel to the LMA, said that the matter was appropriate for Executive Session because the LMA has received a written demand and will need to discuss its litigation strategy.

2)Legal Response to Runway Damages

A motion was offered by Commissioner Francis, seconded by Commissioner Fierke, and was unanimously approved, to enter Executive Session to discuss a Legal Response to Runway Damages.

David Jefferson "Jeff" Dye, Legal Counsel to the LMA, said that the matter was a pending legal issue and discussion in the public forum would be detrimental to its litigation position.

The meeting resumed. No action was taken during Executive Session.

NEW BUSINESS:

Commissioner Fierke made a motion to amend the agenda to include the motion to authorize the institution of legal proceedings to evict J & J Partners, LLC from the property located at Municipal Address 7412 Lakeshore Drive, New Orleans, LA 70124 and to institute any other legal action necessary to obtain possession of the property and enforce any other rights or actions of the Lakefront Management Authority under New Business. The motion was seconded by Commissioner Rodgers.

Before the amendment was voted on, a call for public comment was made. No one approached the Board to make a comment.

The amendment to the agenda was unanimously adopted, and the motion was added.

Commissioner Fierke made a motion to amend the agenda to include the motion to authorize the institution of legal proceedings against AECOM and, if necessary, other entities in connection to the Lakefront Airport Mill and Overlay Runway Project for Runway 18R/36L and to institute any other legal actions necessary to enforce any other rights of the Lakefront Management Authority under New Business. The motion was seconded by Commissioner Richard. The amendment to the agenda was unanimously adopted, and the motion was added.

- 1) **Motion to authorize the institution of legal proceedings to evict J & J Partners, LLC from the property located at Municipal Address 7412 Lakeshore Drive, New Orleans, LA 70124 and to institute any other legal action necessary to obtain possession of the property and enforce any other rights or actions of the Lakefront Management Authority**

A motion was offered by Vice Chair Watters and seconded by Commissioner Fierke to authorize the institution of legal proceedings to evict J & J Partners, LLC from the property located at Municipal Address 7412 Lakeshore Drive, New Orleans, LA 70124 and to institute any other legal action necessary to obtain possession of the property and enforce any other rights or actions of the Lakefront Management Authority.

Before the motion was voted on, another call for public comment was made. No one approached the board to make a comment.

The motion was unanimously approved.

MOTION: 01-092420
RESOLUTION: 01-092420
BY: COMMISSIONER WATTERS
SECONDED BY: COMMISSIONER FIERKE

September 24, 2020

- 1) **Motion to authorize the institution of legal proceedings to evict J & J Partners, LLC from the property located at Municipal Address 7412 Lakeshore Drive, New Orleans, LA 70124 and to institute any other legal**

action necessary to obtain possession of the property and enforce any other rights or actions of the Lakefront Management Authority.

RESOLUTION

WHEREAS, the Lakefront Management Authority is a political subdivision of the State of Louisiana, a successor of the former Board of Commissioners of the Orleans Levee District and the governing authority of the non-flood protection assets of the Orleans Levee District (“Management Authority”);

WHEREAS, J & J Partners, LLC (“J & J Partners” or “Lessee”) entered into a written ground lease agreement (the “Lease”) dated November 4, 1994 with the former Board of Commissioners of the Orleans Levee District for the property located at Municipal Number 7412 Lakeshore Drive, New Orleans, LA 70124, (the “Property”).

WHEREAS, the Property is a non-flood protection asset owned by the Orleans Levee District under the management and control of the Management Authority;

WHEREAS, the Lease was for a primary term of twenty-five (25) years, beginning on August 1, 1994 and ending on July 31, 2019;

WHEREAS, Article 2 of the Lease provided that should the Lessee spend the sum of \$500,000.00 for permanent improvements located on the property that the term of the Lease shall be extended by an additional 25 years from July 31, 2019;

WHEREAS, Article 9 of the Lease required that all improvements to be constructed under the Lease first be approved by the Chief Engineer of the Board and prohibited the Lessee from undertaking construction and major repairs without first obtaining a permit from the Lessor for such work;

WHEREAS, in November of 2018, the Lessee contacted the Lessor’s Executive Director with a request to re-lease the property upon the July 31, 2019 expiration of the

Lease;

WHEREAS, in January of 2019, the Lessee provided the Management Authority with a notice claiming that Lessee had expended over \$500,000.00 on permanent improvements on the Property and claiming that Lessee was entitled to the 25-year lease extension under Article 2 of the Lease;

WHEREAS, upon receipt of Lessee's notice, the Management Authority requested proof of the claimed expenditure of \$500,000.00 on permanent improvements to the Property and the permits that authorized the construction of the purported improvements;

WHEREAS, the Lessee subsequently provided documentation that purported to substantiate the claimed expenditure of \$500,000.00 on permanent improvements; however, the Lessee did not provide, and has not since provided, any permits or written documentation in any form that authorized the Lessee's purported permanent improvements and the construction thereof;

WHEREAS, the Management Authority retained the services of RCL Architecture, LLC to review the documentation provided by Lessee (the "architect") in support of the claimed expenditure of \$500,000.00 on permanent improvements;

WHEREAS, in early 2019, the architect began his review of the documentation provided by Lessee and made several requests for additional documentation from Lessee;

WHEREAS, after review of the documentation provided by Lessee, an inspection of the property and discussions with the Lessee, the architect concluded that the Lessee had provided proof of the expenditure of funds on permanent improvements

only in the amount of approximately \$88,000.00;

WHEREAS, since early 2019, the Management Authority, Lessee and the respective representatives of the Management Authority and Lessee have had multiple meetings and negotiations; however, despite extensive discussions and negotiations, the parties have never reached an agreement on any proposal to present for approval by the Management Authority Board of Commissioners;

WHEREAS, this matter came before the Legal Committee of the Management Authority at its meeting held on September 24, 2020, and the Committee voted to recommend that the Management Authority authorize legal counsel for the Management Authority to institute legal proceedings to evict the Lessee from the Property and obtain possession of the Property and to enforce any other rights and actions of the Management Authority; and

WHEREAS, the Management Authority concluded that it was in the best interest of the Management Authority and Orleans Levee District to authorize legal counsel to institute legal proceedings to evict the Lessee from the Property and to institute any other legal proceedings to obtain possession of the Property and to enforce any other rights and actions of the Management Authority.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority authorizes legal counsel for the Lakefront Management Authority to institute legal proceedings to evict J & J Partners, LLC from the property located at Municipal Address 7412 Lakeshore Drive, New Orleans, LA 70124 and to institute any other legal proceedings to obtain possession of the property and to enforce any other rights and actions of the Lakefront Management Authority.

BE IT HEREBY FURTHER RESOLVED, that the 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: Heaton, Watters, Fierke, Bruno, Carr, Francis, Green, Lapeyrolerie, Meadowcroft, Richard, Rodgers, Romero

NAYS: None

ABSTAIN: None

ABSENT: Brien, Cohn, Hebert

RESOLUTION ADOPTED: YES

This resolution was declared adopted this 24th day of September 2020.
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- 2) **Motion to authorize the institution of legal proceedings against AECOM and, if necessary, other entities in connection to the Lakefront Airport Mill and Overlay Runway Project for Runway 18R/36L and to institute any other legal actions necessary to enforce any other rights of the Lakefront Management Authority.**

A motion was offered by Commissioner Watters, seconded by Commissioner Fierke, and unanimously adopted, to authorize the institution of legal proceedings against AECOM and, if necessary, other entities in connection to the Lakefront Airport Mill and Overlay Runway Project for Runway 18R/36L and to institute any other legal actions necessary to enforce any other rights of the Lakefront Management Authority.

MOTION: 02-092420
RESOLUTION: 02-092420
BY: COMMISSIONER WATTERS
SECONDED BY: COMMISSIONER FIERKE

September 24, 2020

- 2) **Motion to authorize the institution of legal proceedings against AECOM and, if necessary, other entities in connection to the Lakefront Airport Mill and Overlay Runway Project for Runway 18R/36L and to institute any other legal actions necessary to enforce any other rights of the Lakefront Management Authority**

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 New Orleans Lakefront Airport is one of the non-flood protection assets of the District under the management and control of the Management Authority (the “Airport”);

WHEREAS, the Management Authority and District are co-public sponsors of the Airport for federal and state grant funding and submitted a Project Application to the United States Department of Transportation and Development, Federal Aviation Administration (“FAA”) for a grant of federal funds for a project at the Airport identified as the “Lakefront Airport Mill and Overlay Runway Project for Runway 18R/36L” (“Runway Repaving Project”);

WHEREAS, in anticipation of the Runway Repaving Project, the Management Authority issued a work order to engineering consultants AECOM for the investigation of the existing runway conditions and preparation of the November 2018 engineering report titled “Runway 18R/36L Base Failure Analysis and Design for Repair Lakefront Airport” (“Report”);

WHEREAS, the Report documents that the existing geotechnical data for Runway 18R/36L did not meet the minimum guidance for runway subsurface investigations specified in Federal Aviation Administration Advisory Circular 150/5320-6F, which required soil borings to be completed at 200-foot intervals for the length of the runway;

WHEREAS, AECOM, acting as engineer of record, did not recommend nor seek approval to conduct additional subsurface investigations of the Runway 18R/36L and proceeded with the design of the Runway Repaving Project;

WHEREAS, AECOM, acting as engineer of record, oversaw the development of

the bid specifications and the bidding process for the Runway Repaving Project;

WHEREAS, Boh Bros. Construction Co., L.L.C., an unsuccessful bidder on the Runway Repaving Project, filed suit against the Management Authority and District in connection to the bidding process and bid award for the Runway Repaving Project;

WHEREAS, AECOM, pursuant to contractual agreements with the Management Authority, is obligated to reimburse the Management Authority for the attorney fees and expenses and to hold the Management Authority harmless from damages arising from AECOM's negligence as shown in the lawsuit brought by Boh Bros. Construction Co., L.L.C.;

WHEREAS, evidence indicates that AECOM, acting as engineer of record, has committed errors and omissions on the Runway Repaving Project that have caused damages and delays to the operations of the Lakefront Airport, including but not limited to: failure to conduct geo-technical investigations in accordance with FAA standards, failure to properly design and to oversee the installation of stop logs used to prevent the backflow of water into the runway drainage system, failure to properly design erosion control measures, and failure to properly design and to oversee the installation of the cross-runway drains;

WHEREAS, AECOM's errors and omissions contributed to, or were the sole cause, of the depression that formed on Runway 18R/36L on or about June 29, 2020 that resulted in the closure of the runway, which has resulted in substantial losses and inconvenience for the Management Authority and the Lakefront Airport tenants;

WHEREAS, subsequent investigation and discovery may reveal that other entities, in addition to AECOM, have liability in connection to the conditions that resulted

in the closure of Runway 18R/36L and the damages arising therefrom;

WHEREAS, this matter came before the Legal Committee of the Management Authority at its meeting held on September 24, 2020, and the Committee voted to recommend that the Management Authority authorize legal counsel for the Management Authority to institute legal proceedings against AECOM and, if necessary, other entities in connection to the Lakefront Airport Mill and Overlay Runway Project for Runway 18R/36L and to institute any other legal actions necessary to enforce any other rights of the Management Authority; and

WHEREAS, the Management Authority concluded that it was in the best interest of the Management Authority and Orleans Levee District to authorize legal counsel to institute legal proceedings against AECOM and, if necessary, other entities in connection to the Lakefront Airport Mill and Overlay Runway Project for Runway 18R/36L and to institute any other legal actions necessary to enforce any other rights of the Management Authority.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority authorizes legal counsel for the Lakefront Management Authority to institute legal proceedings against AECOM and, if necessary, other entities in connection to the Lakefront Airport Mill and Overlay Runway Project for Runway 18R/36L and to institute any other legal actions necessary to enforce any other rights of the Management Authority.

BE IT HEREBY FURTHER RESOLVED, that the 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: Heaton, Watters, Fierke, Bruno, Carr, Francis, Green, Lapeyrolerie,
Meadowcroft, Richard, Rodgers, Romero**

NAYS: None

ABSTAIN: None

ABSENT: Brien, Cohn, Hebert

RESOLUTION ADOPTED: YES

This resolution was declared adopted this 24th day of September 2020.

**3) Motion to approve the Lakefront Management Authority's (LMA)
Capital Outlay Request for 2021-2022.**

A motion was offered by Commissioner Francis, seconded by Commissioner Richard, and unanimously adopted, to approve the Lakefront Management Authority's (LMA) Capital Outlay Request for 2021-2022.

Chair Heaton said the Capital Outlay request was the same as last year with one change. She said the plan, design, and replacement of the Williams Taylor Hangar roof at the New Orleans Lakefront Airport had been added. She said that due to the falling concrete from the roof, \$26,000 in netting was installed to prevent damage to aircraft below. She said that Flightline First, the tenant in the Williams Taylor Hangar, needed this repair for a permanent fix.

Commissioner Richard added that the Capital Outlay Request is submitted each year. Chair Heaton clarified that the resolution grants permission for the filing of the application.

MOTION: 03-092420
RESOLUTION: 03-092420
BY: COMMISSIONER FRANCIS
SECONDED: COMMISSIONER RICHARD

**3) Motion to approve the Lakefront Management Authority's (LMA) Capital
Outlay Request for 2021-2022**

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 ("District"), including the New Orleans Lakefront Airport, Orleans Marina and South Shore Harbor Marina;

WHEREAS, the Management Authority has projects that require funding from the Louisiana Capital Outlay Program ("COP") and will submit an application as the local

sponsor in order to initiate design and/or construction phases of said projects;

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority authorizes the submittal of applications to the State of Louisiana COP to fund the following projects in the amounts shown for Fiscal Year 2021-2022:

1. **Plan, design, and replacement of the Williams Taylor Hangar roof at the New Orleans Lakefront Airport – \$1,300,000**
2. **Planning, Design and Construction of Phase 4 for Drainage North of Taxiway H of the New Orleans Lakefront Airport - \$1,455,002**
3. **Orleans Marina – Bulkhead and Promenade rehabilitation - \$2,750,000**
4. **Homeland Security and ARFF Safety and Security Facility – New Orleans Lakefront Airport - \$3,000,000**
5. **Seabrook Public Boat Launch Rehabilitation - \$2,000,000**
6. **Silt removal – New Basin Canal and Orleans Marina - \$2,500,000**
7. **Repair of lighting and efficiency enhancements to lighting system, New Orleans Lakefront Airport, Stars and Stripes Blvd. and Hayne Blvd. Flyover - \$275,000.00**
8. **Planning, designing and constructing public use pavilions inclusive of benches and tables along 5.2 miles of public parks and greenspace along New Orleans Lakeshore Drive – \$225,000**
9. **Plan, design and construct improvements and added safety features to the Lake Vista Community Center for early voting location - \$300,000**
10. **South Shore Harbor – North Peninsula Stabilization and Utility Construction - \$5,000,000**
11. **Silt removal – South Shore Harbor Marina - \$500,000**

BE IT FURTHER RESOLVED, that the Management Authority does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.

2. All local options for funding for this Capital Outlay request through taxation special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER HEREBY RESOLVED, that the Management Authority is committed to providing a local project match to the extent it is economically able for the amounts required/recommended and necessary by the State.

BE IT 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: Heaton, Watters, Fierke, Bruno, Carr, Francis, Green, Lapeyrolerie, Meadowcroft, Richard, Rodgers, Romero
NAYS: None
ABSTAIN: None
ABSENT: Brien, Cohn, Hebert
RESOLUTION ADOPTED: YES

This resolution was declared adopted this 24th day of September 2020.

4) Motion to approve the Capital Improvement Plan for Lakefront Airport for 2021-2026.

A motion was offered by Commissioner Bruno, seconded by Commissioner Watters, and unanimously adopted, to approve the Capital Improvement Plan for the Lakefront Airport for 2021-2026.

Chair Heaton said that the Capital Improvement Plan was recommended by staff.

MOTION: 04-092420
RESOLUTION: 04-092420
BY: COMMISSIONER BRUNO
SECONDED: COMMISSIONER WATTERS

September 24, 2020

4) Motion to approve the Capital Improvement Plan for Lakefront Airport for 2021-2026

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, New Orleans Lakefront Airport (“Airport”) is one of the non-flood assets of the District under the management and control of the Authority;

WHEREAS, the State of Louisiana, Department of Transportation and Development, Division of Aviation (formerly the LA DOTD-OAPT) is charged by Title 2 of the Louisiana Revised Statutes with the responsibility for the development of aviation facilities within the State to foster air commerce and to safeguard the interests of those engaged in all phases of the aviation industry and of the general public;

WHEREAS, the Lakefront Management Authority (“Management Authority”), hereinafter referred to as “Sponsor”, has completed an FAA and DOTD approved Master Plan, Action Plan, and/or Airport Layout Plan which outlines the specific future development of New Orleans Lakefront Airport; and, the Sponsor is desirous of implementing a portion of the approved Plan recommendations which provide for the critically needed improvements as stated below to substantially improve the safety and usability of the Airport, but does not have sufficient funds of its own required for completing the needed improvements; and,

WHEREAS, the LA DOTD, Division of Aviation also is authorized by Title 2 to expend funds for the construction or enlargement of airports for the safety and advancement of aeronautics;

NOW, THEREFORE, BE IT RESOLVED:

SECTION I

That the Sponsor does hereby formally request that the LA DOTD, Division of Aviation provide funds required to complete the airport improvements at New Orleans Lakefront Airport specifically as described in the Capital Improvement Program Application for State Financial Assistance dated October 1, 2020.

SECTION II

That the said LA DOTD, Division of Aviation be and is hereby assured that all necessary servitudes, rights-of-way, rights of ingress and egress and means thereof will be furnished by the Sponsor and the titles thereto will be valid and indefeasible, and that the Sponsor will assume ownership, financial reporting, and complete responsibility for the maintenance and

upkeep of the airport after completion of said improvement.

SECTION III

That the Sponsor will save and hold the said LA DOTD, Division of Aviation, its officers, agents, and employees harmless from any liability or claim for damages arising out of the project, including death or injuries to third parties including, but not limited to, liability or claim for damages out of the negligence of said LA DOTD, Division of Aviation, its officers, agents, or employees, and expressly agrees to defend any suit of any nature brought against the LA DOTD, Division of Aviation as a result of this project.

SECTION IV

That the Executive Director or the Chairman of the Sponsor be and is hereby authorized and directed to evidence this agreement by affixing her signature at the place provided therefore on this resolution and on subsequent related documents/agreements as required by the rules and regulations of the Federal Aviation Administration and the State of Louisiana and the Clerk is hereby authorized to attest said execution.

SECTION V

That this resolution shall be in full force and effect from and after its adoption.

The Lakefront Management Authority Board as managing entity for the Orleans Levee District, New Orleans Lakefront Airport, for the Sponsor in the Parish of Orleans met in regular session on this date. The aforesaid resolution was offered by Chair Wilma Heaton and seconded by Commissioner Watters.

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

YEAS: Heaton, Watters, Fierke, Bruno, Carr, Francis, Green, Lapeyrolerie, Meadowcroft, Richard, Rodgers, Romero

NAYS: None

ABSTAIN: None

ABSENT: Brien, Cohn, Hebert

RESOLUTION ADOPTED: YES

This resolution was declared adopted this 24th day of September 2020



5) Motion to approve a Contract with Barriere Construction Co., L.L.C. for asphalt patching on Runway 18R/36L for a price and sum not-to-exceed \$34,600.00.

A motion was offered by Commissioner Richard, seconded by Commissioner Bruno, and unanimously adopted, to approve a Contract with Barriere Construction Co., L.L.C. for asphalt patching on Runway 18R/36L for a price and sum not-to-exceed \$34,600.00.

MOTION: 05-092420
RESOLUTION: 05-092420
BY: COMMISSIONER RICHARD
SECONDED BY: COMMISSIONER BRUNO

September 24, 2020

5) Motion to approve a Contract with Barriere Construction Co., L.L.C. for asphalt patching on Runway 18R/36L for a price and sum not-to-exceed \$34,600.00.

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, on or about June 30, 2020, the Management Authority was forced to close Runway 18R/36L due to depressions in the runway surface that formed in the vicinity of station 161+00;

WHEREAS, the Management Authority has conducted investigations and developed specifications for the repair of the depressions on Runway 18R/36L in the vicinity of station 161+00;

WHEREAS, the Management Authority on August 25, 2020 solicited quotes for the repair of Runway 18R/36L and fill the voids under the runway; and,

WHEREAS, the next step in the process of repairing the voids under the runway is to provide an asphaltic patch to seal the openings during the void repairs, and the Management Authority resolved that it is in the best interest of the Management

Authority to enter into a contract with Barriere Construction Co., L.L.C. in the amount of \$34,600 to repair the depressions on Runway 18R/36L in the vicinity of station 161+00.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Lakefront Management Authority approves a contract with Barriere Construction, Co., L.L.C., in the amount of \$34,600.00 to provide Superpave Asphaltic Concrete in the depressions on Runway 18R/36L in the vicinity of station 161+00.

BE IT FURTHER HEREBY RESOLVED that the 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: Heaton, Watters, Fierke, Bruno, Carr, Francis, Green, Lapeyrolerie, Meadowcroft, Richard, Rodgers, Romero

NAYS: None

ABSTAIN: None

ABSENT: Brien, Cohn, Hebert

RESOLUTION ADOPTED: YES

This resolution was declared adopted this 24th day of September 2020.

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6) Motion to approve the recognition of the staff of the Lakefront Management Authority with observance of “State Employee Recognition Week 2020”.

A motion was offered by Commissioner Fierke, seconded by Commissioner Watters, and unanimously adopted, to approve the recognition of the staff of the Lakefront Management Authority with observance of “State Employee Recognition Week 2020”.

Chair Heaton explained that the following week was proclaimed “State Employee Recognition Week 2020” by State Civil Service. She read the resolution into the record and presented a commemorative copy to Director Capó. She thanked staff for their hard work and dedication.

Chair Heaton said that the LMA would be having a small event to honor staff and invited commissioners.

MOTION: 06-092420
RESOLUTION: 06-092420
BY: COMMISSIONER FIERKE
SECONDED: COMMISSIONER WATTERS

September 24, 2020

**A RESOLUTION EXPRESSING THE LAKEFRONT MANAGEMENT AUTHORITY'S
DEEPEST GRATITUDE AND APPRECIATION TO ALL OF ITS EMPLOYEES FOR
THEIR DEDICATION, HARD WORK AND PUBLIC SERVICE**

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"); and

WHEREAS, the Lakefront Management Authority manages, operates and maintains the New Orleans Lakefront Airport, South Shore Harbor, Orleans Marina, Lake Vista Community Center, New Basin Canal properties, and significant parkland along Lakeshore Drive and within the lakefront subdivisions for the benefit and enjoyment of the public; and

WHEREAS, the State of Louisiana will observe September 27 to October 3, 2020 as State Employee Recognition Week to honor all employees of the State for their contributions in moving the Louisiana forward; and

WHEREAS, the employees of the Lakefront Management Authority have strived to accomplish the Authority's mission, sometimes with minimal resources, and provide safe, quality facilities to benefit and serve the public; and

WHEREAS, the Lakefront Management Authority wishes to take this opportunity to recognize and honor all of its employees for their dedication, contributions and hard work in the management, operation and maintenance of the non-flood protection assets, their service to the public, and their commitment to making the Lakefront Management Authority a success;

THEREFORE, BE IT RESOLVED, that the Lakefront Management Authority hereby expresses its deepest gratitude and appreciation to its employees for their contributions, hard work and commitment in managing, operating and maintaining the non-flood protection assets of the Orleans Levee District, their dedication to public service, and for making the Lakefront Management Authority a success.

BE IT FURTHER RESOLVED, that the Lakefront Management Authority hereby joins the State of Louisiana in recognizing and celebrating September 27 to October 3, 2020 as State Employee Recognition Week.

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

YEAS: Heaton, Watters, Fierke, Bruno, Carr, Francis, Green, Lapeyrolerie, Meadowcroft, Richard, Rodgers, Romero
NAYS: None
ABSTAIN: None
ABSENT: Brien, Cohn, Hebert
RESOLUTION ADOPTED: YES

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COMMITTEE REPORTS:

Commissioner Bruno reported on behalf of the Finance Committee that staff continues to work through the audit successfully, and most audit deadlines have been extended due to the COVID-19 pandemic.

Vice Chair Watters said that the work product of the Legal Committee Meeting had been executed in the Board Meeting. The Commercial Real Estate Committee report was deferred. Chair Heaton said that Commercial Real Estate Committee would be busy next month with the assemblage of RFPs for the former Bally’s site and former West End Resources site.

Brad Vanhoose, Harbor Master, gave a report on behalf of the Marina Committee. He said the South Shore Harbor Entrance Dredging Project continues to advance. He said that staff is pressure washing to prepare for painting and other repairs. He said 16 additional dock boxes have been purchased for South Shore Harbor Marina.

Chair Heaton said that she has received multiple compliments about Mr. Vanhoose and his staff

from marina tenants.

Commissioner Romero said that at the last Recreation/Subdivision Committee Meeting, the Committee reviewed the issue regarding the servitude located adjacent to 1744 Lakeshore Drive. He said that relinquishing the servitude may be an option. He said that relinquishing the public's use of the servitude may be a separate process. He said Ms. Benoit has not yet returned with a proposal.

Chair Heaton suggested that the Legal Committee could explore the issue.

DIRECTOR'S REPORT:

Director Capo said that staff continues with the audit, and the auditors have not begun Single Audit Act procedures yet.

He said that there are still some late paying tenants at the marinas; however, the issue has improved as the marina staff has grown. He said that marina staff has moved into the Harbor Master Office at South Shore Harbor Marina.

He said that the former Bally's site is currently insured by the LMA's general liability policy, and he toured the area with the LMA's insurance brokers.

He said that issues which impact the Airport's finances the most is the runway closure and the absence of events and restaurant sales. He said that when the main runway, 18R/36L, was fully operational the Airport sold approximately 195,000 gallons of fuel in the month of September 2019. He said that in September 2020, the Airport only sold 52,000 gallons. He said that Messina's inability to host events and lack of restaurant sales has halted the flow of overages to the LMA. He said that the LMA would receive 8% of event sales and overages from restaurant sales as well, but due to the circumstances of the COVID-19 pandemic that has been disrupted. He said that the repair of the 18R/36L runway should positively impact fuel sales moving forward.

He said that longer FAA tower hours were needed and would improve service to the Airport as they had been reduced amid the COVID-19 pandemic.

He said that the ARFF team is now staffed 24/7 as opposed to 14-hour shifts. He said this will improve the Airport's standing to become eligible for Part 139 Airworthiness accreditation in the future.

Commissioner Romero asked who makes the decisions regarding the FAA tower's schedule. Director Capo responded that the FAA does.

Director Capo said that a plane recently crashed into the runway closure marking. He said that if the FAA was monitoring the airspace from the Airport's tower as opposed to MSY Airport's tower, then they could have had greater visibility and could have warned him about the closure marking. He said that when the FAA observes an increase in traffic, they will expand their hours again.

Vice Chair Watters added that after Hurricane Katrina, the Airport was without a tower for several months.

Director Capo said that the LMA Maintenance Department was down by two workers. He said one position has been filled, and the other position was currently being advertised.

Daniel Hill, the Director of Engineering and Operations, said that both positions are Civil Service Helper positions. Mr. Hill explained that these positions are difficult to sustain due to the rate of pay. Mr. Hill said he was working with Human Resources to find a way to make the jobs more competitive.

Chris Henderson, Airport Manager, updated the Board on behalf of Bruce Martin, Airport Director. He said that a film production company wrapped up their operations for the Amazon Prime program *Leverage*, and it yielded \$40,000 in revenue.

Chair Heaton reported that staff was working on security staffing reforms. She said that the marinas and Airport needed enhanced nighttime coverage, and the Finance Committee asked staff to maximize coverage with its current budget, and a staff recommendation would be provided to the Finance Committee.

Mr. Henderson indicated that east winds from Hurricane Sally caused parts of the airfield to flood. Commissioner Watters asked about the condition of the lighting after the storms. Mr. Henderson said that PAPI lighting was removed during the storm and was not damaged.

Mr. Henderson said that the ARFF team is now staffed 24/7.

Chair Heaton said that ARCADIS was going to present the final recommendations on the Airport floodwall to the FPA Board for flood protection at the Airport on October 15, 2020.

Daniel Hill, Director of Engineering & Operations, said that storm events have disrupted the day-to-day maintenance activities. He said the maintenance team rented a skid steer to clean the Seabrook Boat Launch area. He said staff was able to clean the area with great success.

Bruno asked about abandoned jet ski located near the Seabrook Boat Launch. He said it had been removed.

ANNOUNCEMENT OF THE NEXT MEETING:

- 1) October 22, 2020

MOTION TO ADJOURN:

A motion was offered by Commissioner Romero, seconded by Commissioner Francis, and unanimously approved, to adjourn the meeting.