

**MINUTES OF
LAKEFRONT MANAGEMENT AUTHORITY
MARINA COMMITTEE MEETING
HELD ON TUESDAY, OCTOBER 19, 2021**

PRESENT: Vice Chair Renee Lapeyrolierie
Commissioner Esmond Carr
Commissioner Howard Rodgers

ABSENT: Chair Stanley Brien
Commissioner Thomas Fierke

STAFF: Louis Capo – Executive Director
David Martin– Director of Engineering & Operations
Thomas “Bruce” Cain, USA Ret. – Harbor Master
Madison Bonaventure – Assistant to the Executive Director/Board Secretary
Cynthia Grace – Finance Supervisor

PUBLIC: Gerry Metzger– Legal Counsel to the LMA
Wilma Heaton– LMA Chair
Karl Hudson– Orleans Marina Tenant
Tom Long – Orleans Marina Tenant
Shonda Quintell – South Shore Harbor Marina Tenant

The Marina Committee of the Lakefront Management Authority met on August 17, 2021 at the New Orleans Lakefront Terminal Conference Center located at 6001 Stars and Stripes Blvd., New Orleans, Louisiana, 70126.

Vice Chair Lapeyrolierie called the meeting to order at 3:34 P.M. and led in the pledge of allegiance. Executive Director Louis Capo called the roll, and a quorum was present.

Opening Comments:

Vice Chair Lapeyrolierie stated that she would be chairing the meeting in the absence of Chair Brien.

Motion to Adopt Agenda:

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

Motion to Approve Minutes:

A motion was offered by Commissioner Rodgers, seconded by Commissioner Carr, and was unanimously adopted to approve the minutes of August 17, 2021.

Director's Report:

Director Capo informed the Committee about lighting issues at the marinas. He noted that the LMA's maintenance staff has repaired a considerable amount of the marinas' lighting. He indicated that maintenance staff was focusing on lighting issues at South Shore Harbor Marina (SSH), and lights on the promenades were in working order.

He showed photographs of safety striping and other various maintenance items.

He said that bathrooms had been power washed and deep cleaned.

He reported that the Orleans Marina (OM) Harbor Master Building had mold issues following Hurricane Ida due to a roof leak caused by the storm's impacts, a category 4 hurricane. Staff had been relocated from that office, and all marina staffers were at the SSH Harbor Master Building for the time being. Mold analysis had been conducted at the OM Harbor Master Building and mold remediation is necessary. Quotes were being received for gutting of the interior of the building and quotes were being collected for mold remediation.

Commissioner Rodgers asked about the portable restrooms. Director Capo said that staff's attention has been diverted to other items, and no purchases have been made yet.

Vice Chair Lapeyrolerie inquired about a strategic plan for the marinas. Director Capo informed the Committee that after discussions at the last meeting staff had searched for copies of the strategic plan that was developed pro bono by the Counselors on Real Estate. It contained recommendations for development of the marinas and was completed approximately a decade ago.

Vice Chair Lapeyrolerie asked about the prioritization of repairs and renovations. Director Capo said that safety items were most important. He reminded the Committee that every March a Capital Improvement Budget is discussed and passed by the Board. The goal is to move forward with projects in the budget. He cited the South Shore Boat Slip Roof Replacement Project and the South Shore Harbor Silt Removal Project as two recent examples of projects that had been budgeted within the Capital Improvement Budget and had been completed within projected years. Director Capo reminded the Committee that operational items are funded by rents.

Director Capo said that the tenant occupancy has dropped at South Shore Harbor Marina. Municipal Yacht Harbor, a similar institution, despite its reopening was about 80 percent full. Director Capo said that it was anticipated that South Shore Harbor Marina would lose tenants once the new Municipal Yacht Harbor marina reopened after its renovation following Hurricane Katrina. He believed getting development out by South Shore Harbor Marina attracted more tenants, and a commercial tenant would also add more cashflow.

Public Comments:

Glenn Ansardi introduced himself to the Committee as a tenant of South Shore Harbor Marina and said he was working with Mike Gillen to reactivate the South Shore Harbor Marina Tenant Association. He said that he had spoken to the Chair about New Business Item No. 2 and wished to reserve his remarks.

Karl Hudson identified himself as the President of the Orleans Marina Tenant Association to the Committee. He used profanity to describe his dissatisfaction with the management of the marinas because he believed that due to the lack of enforcement of mooring standards, he almost lost his boat during Hurricane Ida. He described an instance of a boat coming loose from its lines following Hurricane Ida. Mr. Hudson suggested that the LMA hire Mr. Kyle Smith again to perform a report of mooring violations so the Harbor Master could cite offenders accordingly. He did not believe that some tenants had proper lines for the storm event. Mr. Hudson made suggestions about what lines to use. He claimed that no enforcement was done. He said that Harbor Master Bruce Cain worked hard to try to secure as many boats as possible before the storm. He said two boats came loose in the marina and that employees notifying tenants in writing about substandard lines was not enough because some tenants were “deadbeats”. Mr. Hudson asked for a response from the Committee.

Vice Chair Lapeyrolerie asked about the age of the report. Director Capo said it was about three years old. Vice Chair Lapeyrolerie asked if there was any language in the lease that addressed the issue. Director Capo confirmed there was, and it was the tenant’s responsibility to have the lines properly tied. Vice Chair Lapeyrolerie thought it would be simple to prove if a vessel was moored properly and asked Mr. Cain for his opinion on the two boats that became unsecured.

Mr. Cain said that he had spoken to Mr. Hudson about the issue. He has sent out multiple communications – individual and mass email – to address the issue. He said many tenants had responded appropriately and remedied deficiencies.

Commissioner Carr asked if tenants could be placed in default and evicted for not having proper lines. He asked why tenants were not placed in default when the last report came out. Director Capo responded that the organization was not in the position to do that at the time. Commissioner Carr thought it wise to place tenants in default for improper lines. Director Capo questioned the relevance of the three-year-old report. Commissioner Carr stated that he was not in favor in purchasing professional services without enforcement immediately. Director Capo questioned if there was anyone on staff who was qualified to inspect all the lines properly and thoroughly for immediate action.

Commissioner Fierke asked for confirmation of the language included in the command media (lease). Mr. Hudson said that the lease required tenants to have certain mooring standards as determined by the Authority. Mr. Hudson did not believe Mr. Cain had all the knowledge necessary to do a full audit of the mooring issues. He suggested again that the LMA hire Mr. Kyle Smith to do a report, and it would only cost a couple thousand dollars.

Commissioner Carr asked how the LMA should respond to such a complaint. Director Capo indicated that if mooring deficiencies apparent, then marina staff sends a communication(s) to the tenant(s). Mr. Cain explained that marina staff conducts pier checks and identifies those issues when apparent.

Mr. Cain expressed concern about placing every tenant in violation in default because of the large amounts of tenants the marinas may lose as a result and the high volume placed on limited staff for the lengthy administrative process.

Commissioner Fierke asked Mr. Metzger about the timeline for the eviction process. Commissioner Fierke did not see how the eviction process could assist when a hurricane was approaching and questioned what immediate actions could to be taken.

Mr. Hudson affirmed that Mr. Cain was doing a good job with resources available. Mr. Hudson thought the rumor of evicting tenants for improper lines would be helpful. He suggested hiring Mr. Smith. Vice Chair Lapeyrolerie offered that sending the entire marina tenant population a map of offenders could be helpful. Mr. Cain said that using the data provided by GoPark may be helpful as well.

Commissioner Rodgers asked if an addendum could be issued that would call for a fine if the boat's mooring was not properly done. Mr. Metzger said that the leases are renewed annually, and a new term could be added if tenants are properly noticed.

Director Capo said that most boaters have everyday lines and hurricane lines to avoid stretching of the stronger hurricane lines. Mr. Hudson said that the report needed to be done and followed up on to see if people switched their lines.

Commissioner Fierke asked if the LMA had authority to board the tenant's vessel to remedy mooring issues and bill the owner for the services. Commissioner Fierke said that an annual report would not be sufficient because it only captures a moment in time, and the tenant could change lines the next day if they wanted to. Mr. Metzger said it would open the LMA to some exposure of liability.

Commissioner Fierke asked if the Orleans Marina Tenant Association met, and if they could aid in the effort to ensure mooring standards were being executed by fellow tenants. Mr. Hudson asserted that the OMTA had no authority but could aid if someone asked.

Director Capo asked Mr. Hudson about how often the OMTA met as executive and marina staff had once been invited to the meetings and would attend. Mr. Hudson responded that the OMTA does not meet often anymore but would be open to inviting the marina staff and others. Director Capo said that former OMTA Michael Liebert brought the issue up in the past and hosted classes to enhance awareness about proper mooring standards.

Commissioner Carr felt they should enforce the terms of the lease and place tenants in default. Director Capo said that staff assists as much as they can when a storm is approaching.

Shonda Quintell introduced herself to the Committee. She discussed boats that she believed had been in slips undisturbed for three to four years. Mr. Hudson said that there are tenants who pay their rent, but they do not maintain their boats. Ms. Quintell believed those boats may be the potential culprits.

Vice Chair Lapeyrolerie asked what action was being taken about derelict boats. Director Capo said that staff had just received quotations to remove sunken boats, and he understood that the lowest bid was about \$90,000.00.

Vice Chair Lapeyrolerie asked about GoPark's role. Director Capo said that GoPark collects the rents and provides reports to LMA marina staff for them to act on.

Mr. Metzger said that letters that went out in the past were authored with consideration of the Boatyard Storage Act, and the letters could be improved for streamlining for the Office of Debt Recovery (ODR) procedures for the LMA's participation in their program. Mr. Metzger reminded the Committee that the letters associated with debt recovery efforts are not congruent with the authority to remove vessels. He advised that staff would be moving forward with the legal procedure to remove abandoned boats. He advised that the process was cumbersome and expensive. Vice Chair Lapeyrolerie asked for a how-to for the legal processes on the removal of vessels. She offered that there may be nuisance boats that may have rent paid on automatic payments.

Commissioner Fierke suggested that the Committee make recommendations to modify the lease at the appropriate time to include language to further address the mooring issue. Vice Chair Lapeyrolerie concurred. Commissioner Fierke offered that staff solicit the tenant associations for improvements for the lease. Mr. Hudson did not think the lease needed to be changed and offered that the LMA hire Mr. Smith and send out violation letters.

Mr. Ansardi offered that the eviction process is the only recourse with the current lease. Mr. Hudson offered that the LMA could pay Mr. Smith more to answer phone calls for questions. Ms. Quintell offered that sending informative links could be satisfactory.

Vice Chair Lapeyrolerie offered that maybe the tenant should be required to meet staff at their slip annually. Ms. Quintell said that it may be a challenge.

Ms. Quintell advised of some safety items on Pier 8 including damaged finger piers and loose pilings. She expressed concern. Director Capo advised that the finger piers were lifted during Hurricane Barry, and the area in question was roped off. He advised that in the Capital Improvement Budget included \$150,000 to correct the finger pier issue.

He said that the piling issue occurred as a result of Hurricane Ida. David Martin, Director of Engineering and Operations, advised that he had been conferring with DEI, an engineering firm in which the LMA had an IDIQ contract with, to assess vertical movement issues of piers as a result of Hurricane Ida. He was concerned about deterioration of structural elements as well. He has solicited a proposal from DEI, a qualified firm, to complete a structural analysis for staff to act on to perhaps obtain quotes for repair if necessary.

Ms. Quintell said that one of the cleats was missing on her pier causing her to modify the way she ties up her boat. Mr. Cain said that he was aware and aggregating a list of items for repair for the maintenance department to address. He thanked Ms. Quintell for her patience.

Old Business:

1) Update on marina issues.

The item was sufficiently covered during the Director's Report and Public Comment sections.

New Business:

1) Discussion regarding Capital Outlay Requests for 2022-2023.

Vice Chair Lapeyrolerie said that they had been supplied a resolution for passage of the list of Capital Outlay Requests. Commissioner Fierke advised that almost all the items were marina related.

Director Capo explained that the previous year the Board passed a resolution to authorize applications for eleven projects, and staff was recommending seven projects with most focusing on marina issues.

Commissioner Carr asked for clarification on the Capital Outlay and compared it to the Authority's capital expenditure budget. Commissioner Fierke advised that Commissioner Carr read the resolution where it defines Capital Outlay because it was not the same understanding as the private sector, and most of the funding came from the state. Director Capo explained that the Capital Outlay list was not the same as the Authority's Capital Improvement Budget.

Commissioner Rodgers asked about the total amount of the Capital Outlay Requests. Director Capo said it was about \$8 million. Commissioner Rodgers understood that the list would need to be approved by the entire Board so the applications could be filed. Director Capo confirmed that was the case.

Mr. David Martin supplied the Committee with a pending list of major projects.

2) Discussion regarding the marina budgets, maintenance fees, and capital projects.

Director Capo explained that in 2016 the Board passed a resolution to add a ten percent surcharge for the purpose of major maintenance and capital improvements for the marinas. He provided a current overview report for funds collected and what had been expended to the Committee.

He advised that from June 2016 to June 2021 the Authority had collected approximately \$330,000 in fees at South Shore Harbor Marina. Director Capo explained that one large project that had been completed in recent memory was the South Shore Harbor Marina Covered Boat Slip Roof Replacement Project had been completed with those funds in addition to major dredging at South Shore Harbor Marina in response to tenant complaints.

Commissioner Carr questioned if the silt removal was done because it appeared on the Capital Outlay Request list. Director Capo advised that silt removal had been completed, and the Authority had paid for all the work. Commissioner Carr did not agree that the silt removal should have counted towards the amount spent in relation to the surcharge. Director Capo advised that the resolution said the fee revenue should be used for major maintenance and capital improvements. He believed the silt removal was a major maintenance project. Director Capo had discussed passing a new resolution with Chair Brien to modify the policy the Board had in place to include operational maintenance.

Commissioner Carr asserted that the addition of long-life gutters to the roof replacement on the covered boat slips was not wise. He said that he was told he had to spend the money allocated anyway. Director Capo said that the entire funding did not come from the ten percent maintenance

fee as it did not cover it. Additional funds had been allocated to the project. He said the Board could have voted to take a different direction.

Commissioner Fierke asserted that the moneys had not been misspent; however, the accounting of those funds has not been discussed. Commissioner Fierke asked for a more detailed report. He felt there was documentation to support that more funds had been expended than collected in accordance with the 2016 resolution. He suggested that staff prepare a more in-depth reporting of the information to show what expenditures were made for items which fall within the definition of the resolution.

The Committee heard Mr. Ansardi's comments during the item. He advised that the Capital Outlay Requests may never be fulfilled due to limited bonding capacity. He said he was in attendance to assist Mr. Gillen in reactivating the South Shore Harbor Marina Tenant Association. He advised that Chair Heaton had offered the Conference Center for their meetings. At their last meeting about 30 boat owners attended back in July or August where they met Mr. Cain. Mr. Ansardi said that Mr. Gillen had requested a list of tenants and contact information. He said that they believed engaging the tenant base could assist with the issue of modifying the resolution (which addressed the ten percent surcharge) as tenants had been consulted when the resolution was passed in 2016. Commissioner Carr thought the language should be changed, too.

Mr. Ansardi requested additional financial information and contact information and a meeting in November with Director Capo and Mr. Gillen. Chair Heaton advised that the last time the Authority supplied the tenant association with contact information, the office was inundated with disgruntled tenants who did not want their personal information distributed. She said that staff should ponder how to fulfill the request while respecting those who may not want to be contacted by the tenant's association.

Commissioner Carr asked if it was public record. Mr. Ansardi believed it was. Mr. Metzger said that the lease was.

Vice Chair Lapeyrolerie brought up some formatting issues with the reporting of tenant lists. She asked about the long-term tenants. Director Capo said that there were twelve prepaid tenants who had been in the marina since the 1980s. She asked if they were anonymous. Mr. Metzger said that the Authority had leases with all those parties, and they were not anonymous. Director Capo said he would look into the formatting issue.

Director Capo addressed Mr. Ansardi. He said that in the past the Authority had positive relationships with the tenant associations at both marinas. He believed there was a lack of communication. He advised that an anonymous complaint had been lodged at the State Inspector General's office regarding the allocation of the ten percent major maintenance and capital improvement project fee. He said that he spoke to them and supplied proper information. It was his understanding that the matter was resolved, and no further action was needed. He said that he would like to have more dialogue with tenant association for prioritization of projects.

Vice Chair Lapeyrolerie said while the name may be public record, maybe staff could assist with asking tenants to opt-in for information. Commissioner Carr disagreed and said the list was public record.

Announcement of next Marina Committee Meeting:

1) Tuesday, November 9, 2021 – 3:30 P.M.

Adjourn:

A motion was offered by Commissioner Rodgers, seconded by Commissioner Carr, and was unanimously adopted, to adjourn. The meeting was adjourned at 4:46 PM.