

**MINUTES OF THE
LAKEFRONT MANAGEMENT AUTHORITY
BOARD MEETING
THURSDAY, NOVEMBER 19, 2020**

The regular monthly Board Meeting of the Lakefront Management Authority was held on Thursday, November 19, 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 Stanley Brien
Commissioner Esmond Carr (*left at approximately 7:30 PM)
Commissioner Stanley Cohn
Commissioner David Francis
Commissioner Eugene Green, Jr.
Commissioner Dawn Hebert
Commissioner Renee Lapeyrolerie
Commissioner Anthony Richard
Commissioner Howard Rodgers
Commissioner Bob Romero

ABSENT:

Commissioner Sean Bruno
Commissioner Pat Meadowcroft

STAFF:

Louis Capo – Executive Director
Madison Bonaventure – Assistant to the Executive Director/Board Secretary
Bruce Martin– Airport Director
Brad Vanhoose– Harbor Master
Margie Brown– Accountant 2
Chandra Chaffin– Grants Administrator
Cynthia “Cindy” Grace– Accountant Supervisor

ALSO PRESENT:

Gerard Metzger– LMA Legal Counsel
David Jefferson “Jeff” Dye– LMA Legal Counsel
Al Pappalardo– LMA Real Estate Consultant
Phalon Cornist– Lake Oaks Civic Association
Mohamed Chehab– Gulf Coast Aviation
Nick Francher– New Orleans Aerial Tours and Flight Training
Ankur Hukmani– New Orleans Aerial Tours and Flight Training
Krystal Hukmani– New Orleans Aerial Tours and Flight Training

Tanner Matthews– New Orleans Aerial Tours and Flight Training
Josh Faubert– Eriksen Krentel
Paul Dimitrios– RCL Architects, LLC
George Groh– Kutchins and Groh
Ashley Hamilton– Self

Chair Wilma Heaton called the meeting to order at 5:35 P.M. and Commissioner Richard led in the pledge of allegiance.

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

OPENING COMMENTS:

Chair Heaton announced that Representative Candace Newell would be hosting a holiday toy drive at the Airport Terminal on December 19, 2020.

She indicated that she gave the fellow commissioners a position paper on the New Orleans Lakefront Airport Floodwall Study for them to review.

She said that Daniel Hill, Director of Engineering and Operations, was unable to attend the meeting as he went home ill earlier that day.

MOTION TO ADOPT AGENDA:

A motion was offered by Commissioner Hebert and seconded by Commissioner Brien to defer New Business items No. 1, 2, and 3.

Commissioner Francis asked why the items were being deferred.

Commissioner Hebert responded that they were not vetted by the Marina Committee earlier that month.

Commissioner Fierke asked if it would delay the project's progress. Chair Heaton said it may.

Director Capo said the Change Orders for the Orleans Marina North and East Wall Slip Repair and Construction Project were due to project delays. He said extensions of time were needed due extenuating circumstances. He said that the Aims Group Proposed Third Amendment was a result of the lack of staging area for the piles that were to be driven into the marina.

Commissioner Cohn asked if there would be an increase in cost if the progress is further delayed. Director Capo said it should not increase the cost.

Commissioner Green asked what was being asked of the Board for New Business Item No. 1 because the date of October 31, 2020 had passed. Director Capo said that all of the piles were driven, and it was his understanding that it was the final amendment.

Director Capo indicated that Mr. Chris Fenner, of Stuart Consulting Group, Inc., was invited to present at the meeting to explain New Business items No. 1 – 3 as the Engineer of Record on the project. He said when he learned the items were going to be deferred earlier in the day, he told Mr. Fenner not to attend the meeting.

Commissioner Carr asked Legal Counsel what the ramifications would be if the Board did not approve the items. Gerard Metzger, Legal Counsel to the LMA, explained that the firms could sue the agency.

All were in favor to defer New Business items No. 1, 2, and 3.

A motion was offered by Commissioner Watters, seconded by Commissioner Richard, and was unanimously approved to adopt the agenda as amended.

ADOPTION OF THE MINUTES:

A motion was offered by Commissioner Francis, seconded by Commissioner Richard, and was unanimously approved, to adopt the minutes.

PUBLIC COMMENT:

Addie Fanguy, of Signature, introduced himself to the Board. Mr. Fanguy indicated that he manages the operations of Signature, a Fixed Base Operator (FBO) at the New Orleans Lakefront Airport. He said that the reduced Federal Aviation Administration (FAA) Air Traffic Control (ATC) Tower hours are harming business and creating safety issues after 4:00 PM. He said it was his understanding that after attending the stakeholder meeting with the FAA and the ATC Union that the Union does not want to return to work their legacy hours due to concerns about COVID-19. He said due to the shortened hours, customers continue to land and to store aircraft at Louis Armstrong International Airport (MSY) instead of the New Orleans Lakefront Airport. He said that he believed that the incident where a pilot mistakenly landed on a closed runway could have been avoided if the Tower had been staffed. He said other safety issues include planes taking off taxiways, landing on taxiways and planes cutting in front of each other.

Chair Heaton explained that Bruce Martin, Airport Director, organized a meeting with the FAA and other stakeholders to discuss the issues that the shortened hours were causing the Airport. She said he received a call yesterday that the Union was conceding and considering returning to legacy hours. She said Mr. Martin then received another communication by email that the Union was no longer considering the return to legacy hours. She said staff prepared a resolution to support the reopening with the expectation that the legacy hours would be restored after the results of the stakeholder meeting.

She said Ms. Barbara Beauchat, the General Manager of the ATC Tower, has written a letter of support for the restoration of legacy hours to the FAA, and Airport staff has received over 20 letters of support from significant stakeholders which have been submitted.

Chair Heaton said that Signature has over 200 FBOs around the world, so she thought their input and support of the restoration of the legacy hours would be significant. Mr. Fanguy said he has been a representative for the Airport for the Aircraft Owners and Pilots Association (AOPA) for several years, and he has reached out to contacts at the organization for assistance on the matter.

Mohamad Chehab introduced himself to the Board as a pilot and flight instructor with Gulf Coast Aviation. Mr. Chehab said he flies at the Airport on a near daily basis. Mr. Chehab explained that he has concerns about the ATC Tower closure due to the safety risks involved. He said that most of the incidents he has witnessed happen just after the ATC Tower closes at 4:00 PM. He said he has been in situations where multiple planes were attempting to land at once. He said that a pilot even attempted to land on a closed runway and crashed. He said he felt that if the Tower was staffed, then they could have communicated with the pilot, and the situation may have been avoided entirely.

Ankur Hukmani introduced himself as the owner and principal flight instructor for New Orleans Aerial Tours and Flight Training. Mr. Hukmani said he has had his business at the Airport for over 17 years as a subtenant of Signature. He said in the last few months with reduction of hours, he has witnessed conditions that warrant safety concerns. He said as a flight school they are obligated to fly with their students at night with a staffed Tower. He said that the conditions at the Airport force them to bring operations to MSY. He said that his operations at the Airport are increasing again. He said he was concerned because if there is no one in the Tower, there is no one to collect the increased traffic data.

Chair Heaton said that the Board supports Airport tenants and recently staff went to State Civil Service to restore the ARFF firemen to 24/7 service.

Tanner Matthews introduced himself to the Board as a pilot and flight instructor with New Orleans Aerial Tours and Flight Training. Mr. Matthews affirmed what the other speakers said about safety conditions when the Tower closes. He said he has been in situations where about 5 aircraft circle the Airport in attempts to land, and without a Tower available it is dangerous.

Vice Chair Watters said he learned to fly after Hurricane Katrina without a Tower. He said he can attest to how dangerous it is to land at a busy airport without a staffed Tower, especially in winter months when it gets dark sooner. He said it is hazardous, and the LMA should do what it can to urge the federal government to restore the Tower's legacy hours as quickly as possible.

Commissioner Romero asked what the LMA's options were if the Union did not want to restore its legacy hours.

Chair Heaton said the key to resolving the issue is advocacy and to collaborate with stakeholders for a result from the FAA.

DIRECTORS' REPORTS:

Chair Heaton said she passed out the report prepared by Mr. Hill regarding the damage sustained to the LMA's assets after Hurricane Zeta.

Director Capo showed photos of the damage:

- The National Guard Hangar's outer roof was significantly damaged and peeled back by high-speed winds.

- The McDermott Hangar's roof was damaged, and the hangar was experiencing water intrusion.
- The Lake Vista Community Center (LVCC) sustained roof damage and some areas of the façade had been compromised. Director Capo added that staff has will move forward with the design of the roof repairs for the LVCC with Mr. Alva See of New Orleans Design Group.
- Orleans Marina experienced high water. He added that a Notice to Proceed was issued by the Flood Protection Authority (FPA) to Kort Construction for the sinkhole and drainage repairs near the floodwall. He said that the FPA would not be asphaltting the area but would be addressed when they perform the bulkhead repair.
- 424 S. Roadway collected debris because of high water conditions. Director Capo added that a contract had been signed with APTIM for environmental assessment before the RFP is issued for the property.
- Lakeshore Drive had debris collected in its parkways and on the levees due to storm surge. Some recreation infrastructure such as benches and tables had been damaged by the storm surge.
- Shelter No. 1 was significantly damaged due to storm surge. It was flooded and portions of the façade had fallen off.
- He said a car floated and lodged itself onto the Roy Johnson, Jr. Memorial. He said a total of 3 cars washed up from the curb onto the levees and parkways.
- A number of piers were damaged near Seabrook Boat Launch. He said the damaged piers have been secured and 2 piers have been repaired. He said the Frank Davis fishing pier was significantly damaged and was mostly washed away.
- Temporary staff was hired to aid the LMA Maintenance Department with the clean-up of debris.
- Staff has received quotes from arborists to remedy tree damage in public parks.

Commissioner Francis asked if the Frank Davis Fishing Pier would be restored. He had concerns that if it was built to the same specifications that it may get damaged again. Commissioner Hebert said the Marina Committee could explore options and make a recommendation for improvements.

Vice Chair Watters asked if someone was going to be preparing a cost estimate for reconstruction for possible FEMA reimbursement. Director Capo advised that Stuart Consulting Group, Inc. would be preparing those assessments. Director Capo was if the reconstruction of the piers was FEMA reimbursable.

Director Capo said that a total of 3 assessments have been performed: one by Stuart Consulting Group, Inc. for cost assessment, an assessment by the insurance adjuster, and an additional visit with the insurance adjuster accompanied by the Flood Protection Authority's (FPA) CAO Derek Boese.

Director Capo said that Vice Chair Watters has suggested a Joint Insurance and Legal Committee meeting to discuss coverage, deductibles, and obligations between the LMA and the FPA since the FPA carries insurances for Orleans Levee District (OLD) properties.

Director Capo said that rents are stable, but the agency is experiencing a lean period due to reduced Airport fuel sales and the lack of incoming ad valorem tax (collected by the City of New Orleans and administered to the LMA via the Flood Protection Authority).

He said that the LMA has collected 26% of its budgeted revenues and has spent 28% of its budgeted expenditures. He said that the LMA has incurred costs due to the storms, but staff plans to apply to FEMA for some relief.

Bruce Martin, Airport Director, gave a report on behalf of the Airport Committee.

Mr. Martin explained that Hurricane Zeta caused significant damage around the Airport. Mr. Martin showed photos of the airfield after the hurricane. The photos showed the airfield almost entirely covered in debris from winds and storm surge. Mr. Martin indicated it was impossible for aircraft to land due the large amount of Foreign Object Debris (FOD).

Mr. Martin said that Airport staff worked sunrise to sundown to clear the debris. Mr. Martin said that he learned that it may be in the best interest of the Airport to contract with a company ahead of time to assist with clean-up in the future.

Mr. Martin said several fence lines were damaged because of various storm conditions. He explained that St. Bernard's Mosquito Control Department's plane lifted and crashed into the fence line. Mr. Martin said that LaDOTD was issuing a grant to the Airport for the cost of some of the fence line repairs.

Mr. Martin showed additional photos of the National Guard Hangar roof damage, including interior images which show water intrusion in Oschner's Medivac office. Mr. Martin said that staff has taken measures including the removal of carpet and use of dehumidifiers to prevent mold issues. He said the tenant has temporarily relocated to another site at the Airport.

Chair Heaton added that Oschner's Medivac, a subtenant of Signature, had already relocated from the Moffett Hangar to the National Guard Hangar due to roof leak issues.

Mr. Martin said the emergency demolition of the National Guard Hangar roof will allow for the sealing of the leaks and a path forward for roof reconstruction of about 6,000 square feet of the roof.

Mr. Martin said that the McDermott Hangar, while it did not appear to be as severe, may be a more complex repair and thus more costly. Mr. Martin said that tenants are not occupying the affected area of the McDermott Hangar.

Mr. Martin recounted the Warbird Expo and thanked staff for their assistance. He said about 5 aircraft were available for tours, and a food truck served guests. He said guests enjoyed the event.

Chair Heaton said the event set the precedent that the Airport can be the sponsor of other events, such as an air show, moving forward. She said she anticipated that staff may have wanted to cancel the event due to the extenuating circumstances caused by Hurricane Zeta, but they pushed on to make it happen. She looks forward to a larger event in the future.

Mr. Martin said that he met with the ATC Tower management, FAA representatives from the Houston, TX office who oversee the ATC Tower, ATC Union representatives, and Airport stakeholders to discuss the issues involving the abbreviated Tower hours. He said that ATC Tower management and their superiors in Houston, Airport stakeholders, and the agency all requested the hours be restored; however, the Union's position is that COVID-19 circumstances do not make it safe to restore the hours. Mr. Martin explained that Tower employees have access to tools and supplies that allow them to maintain social distance and to minimize contact with surfaces to perform their job duties.

Mr. Martin said that advocacy from the Board would be beneficial for resolving the issue. He said that the airport in Gulfport, MS, which is a similar size in operations to the New Orleans Lakefront Airport, already has their legacy hours restored.

Commissioner Lapeyrolerie suggested that the LMA contract with multiple vendors for potential storm debris clean up in the future. She said that she inquired about gently used streetsweeper equipment that LaDOTD may have that the LMA could invest in to have on site. David Jefferson "Jeff" Dye, Legal Counsel to the LMA, suggested that multiple vendors be contracted in the event that a contractor does not have the resources to mobilize at a given time of a disastrous event.

COMMITTEE REPORTS:

Director Capo introduced Margie Brown to the Board as the newest employee to the finance team.

He said Ms. Brown has a Bachelor's in Finance from Loyola University, additional credit hours from Southern University, and an MBA from the University of Phoenix. He said she had experience with grant accounting with City Park and had been working for the St. Peter Claver Church since January of 2016. He said Ms. Brown was recently hired by the LMA through State Civil Service to perform accounts receivable duties.

PRESENTATION:

1) Presentation by Eriksen Krentel on the Annual Audit - June 30, 2020.

Josh Faubert, of Eriksen Krentel, introduced himself to the Board as an auditor with the firm who reviewed the LMA's finances and documentation. He said his firm's opinion was an unmodified, clean opinion, and staff was very cooperative and helpful especially given the institutional knowledge that is required to understand the LMA's structure.

He said all business activities were related to the operations and management of the properties. He reported no audit findings or deficiencies with the LMA's finances and practices.

He said that the Single Audit, required if an agency receives a certain amount of federal funds, also yielded no findings or deficiencies.

Chair Heaton presented members of the Finance Committee with certificates of appreciation for their support of staff during the audit.

Commissioner Richard, Vice Chair of the Finance Committee, complimented staff for sharing information and answering questions.

Chair Heaton presented staff members Louis Capo, Cynthia Grace, Chandra Chaffin, Kasey Daigle, Shelly Raborn, and Madison Bonaventure with certificates of appreciation for their hard work on the audit.

NEW BUSINESS:

- 1) **Motion to approve a Third Amendment to the contract with AIMS Group, Inc. for vibration monitoring and inspection services for the Orleans Marina North and East Wall Slip Repair and Construction Project to extend the contract term until October 31, 2020 and to increase the contract price in an amount not-to-exceed \$13,839.56.**

The item was deferred until the next Board Meeting and after the Marina Committee could vet the item.

- 2) **Motion to approve an Amendment to Task Order No. 6 (2016) Stuart Consulting Group, Inc. for construction administration services for the Orleans Marina North and East Walls Slip Repair and Construction Project for the price and sum not-to-exceed \$11,792.00.**

The item was deferred until the next Board Meeting and after the Marina Committee could vet the item.

- 3) **Motion to approve Change Order No: 003 to TKTMJ, Inc., for the price and sum not-to-exceed \$16,769.00 for additional work and materials for the contract for the Orleans Marina North and East Walls Slip Repair and Construction Project.**

The item was deferred until the next Board Meeting and after the Marina Committee could vet the item.

- 4) **Motion to accept the Proposed Resolution to Resolve Disputes with the Succession of Roland von Kurnatowski by Settlement.**

A motion was offered by Commissioner Fierke and was seconded by Commissioner Cohn to discuss the motion to accept the Proposed Resolution to Resolve Disputes with the Succession of Roland von Kurnatowski by

Settlement.

Mr. Dye said the purpose of the motion was to authorize Director Capo to enter into a settlement related to the disposition of items left at the former leasehold sites of F & M Aviation, L.L.C. and Studio Network-Lakefront, L.L.C. which the Succession attorneys of Ronald von Kurnatowski claim belong to the Succession.

He explained that the Board ratified a settlement from F & M Aviation, L.L.C. in September, but there were items left behind such as vehicles, trailers, boats, and sports and music memorabilia.

Mr. Dye said that the Succession has proposed to split the proceeds from the sale of the items 50/50, or they would seek to litigate against the LMA for possession of the items. He said the matter was discussed at the Joint Legal-Commercial Real Estate Committee Meeting, and the Committee members expressed concern about the liability of the sale of the items. He said a hold harmless clause had been included.

Commissioner Green asked Mr. Dye to summarize the issues that the resolution covers. He said that the resolution also settles a \$25,000 debt for boat slip rental. He requested a summary of costs incurred and wondered why the LMA would be settling with them if they had been evicted.

Mr. Dye clarified that the lawsuit between F & M Aviation, L.L.C. and other entities was separate and apart from the Succession of Mr. von Kurnatowski, and the LMA did not have a lawsuit against the Succession of Mr. von Kurnatowski.

Commissioner Green said that he never heard of a situation where a tenant is evicted, the landlord takes responsibility, and shares proceeds with the tenant.

Mr. Dye said that the Succession of Mr. von Kurnatowski was not the evicted party from the leasehold, and the Succession of Mr. von Kurnatowski will litigate for possession of the items if they do not reach a settlement with the LMA.

Chair Heaton added that the Succession of Mr. von Kurantowski was opened by the creditors.

Mr. Dye said that the vessel has a lien by Hancock Whitney Bank, and they have preferred interest on it.

Commissioner Cohn said that the cost to litigate may exceed the proceeds, and so it was in the LMA's best interest to cut its losses and settle.

Commissioner Green said that the LMA is still owed the slip rent.

Gerry Metzger, Legal Counsel for the LMA, said that there is a preferred ship mortgage on the vessel, and the bank would be collecting proceeds from the sale.

Mr. Dye clarified that the outstanding slip rental balance was not to be written off in the settlement, and the resolution would authorize Director Capo to negotiate the settlement.

Commissioner Green asked if the LMA had a reported lien against the boat.

Mr. Dye said the LMA did not but could litigate.

Commissioner Francis asked if an analysis was conducted and inquired about how much the LMA may receive.

Mr. Dye said the various vehicles and trailers would yield about \$7,000, and the other items were more than likely worth less than \$10,000. He recommended that the LMA settle to generate positive cash flow.

Vice Chair Watters said that if the Board does not resolve the issue, then the LMA would be responsible for storing the items which would take away available real estate and make it liable for the items during litigation.

Mr. Dye said it was his understanding that the boat was not in good shape, and the bank had a prospective buyer, so the bank was motivated to settle its debt with the LMA.

Commissioner Romero asked if the rent money owed would come from the proceeds from the sale, and if they would fulfill the entire amount owed. Mr. Dye confirmed they may fulfill less than what was owed, but if Director Capo is given the authority to negotiate, he can do so.

Commissioner Green said he did not believe that the Succession of Mr. von Kurnatowski was broke, and he was voting against the motion because there was too much in the resolution. He said it was important to understand that a \$25,000 balance was due for slip rentals.

Commissioner Lapeyrolerie wanted to clarification because she thought the resolution meant that the LMA would receive the entire slip rental amount owed plus the split of the proceeds of the other belongings. She also wanted clarification if the boat was associated with the Studio Network-Lakefront, L.L.C.

Chair Heaton said that it was her understanding that the Mary Grace was

owned by Mr. von Kurnatowski personally, and the mooring of the boat was not associated with Studio Network-Lakefront, L.L.C.

Mr. Dye said that the items left on the F & M Aviation, L.L.C. site were claimed by the von Kurnatowski Succession, and no other parties have laid claim to the items. He said he has been communicating with the attorneys for the Succession since June and has attempted to keep the LMA out of litigation with the Succession.

Vice Chair Watters said that the items and Mary Grace vessel issues were separate.

Commissioner Green said the Succession was attempting to sell the boat for revenue, and the LMA was entitled to half of the sale. He declared that he wished to defer the motion.

A motion was offered by Commissioner Green and seconded by Commissioner Richard to defer the motion to accept the Proposed Resolution to Resolve Disputes with the Succession of Roland von Kurnatowski by Settlement. Commissioner Cohn said that if the motion were deferred, it would destroy the settlement opportunity, and the LMA would end up incurring court costs. He said that as Chair of the Legal Committee he and other members vetted the issue. Commissioners Green, Hebert, Richard, Rodgers and Lapeyrolerie voted to defer. All other Commissioners voted not to defer. The motion failed.

Commissioner Fierke confirmed that Commissioner Green requested that the hold harmless clause be added.

Commissioner Green said he felt like other changes were made other than the hold harmless clause.

Mr. Dye said that any details included in the resolution were a result of the suggestions from the Committee.

Commissioner Francis said that perhaps the split of miscellaneous item proceeds and the Mary Grace yacht sale issue be separated to keep the issue moving forward.

Commissioner Romero wondered if there were instruments of value left behind.

Chair Heaton said that items that had value were no longer on the premises. She urged the Board to defeat the motion to defer so the issue could be settled.

Commissioner Lapeyrolerie confirmed that the Board would be authorizing Director Capo to enter the settlement for the miscellaneous items only.

Mr. Dye said that the two issues were both presented at the Joint Legal-Commercial Real Estate Committee Meeting, and he lumped the two issues into one resolution for efficiency because they involve the same parties. He said the intention was not to circumvent any due diligence by the Committees.

Commissioner Cohn asked if this would jeopardize the settlement, and Mr. Dye said it should not.

Commissioner Romero confirmed what the new resolution would allow Director Capo to negotiate for. Chair Heaton said it would deal with the other items claimed by the Succession other than the Mary Grace yacht.

Commissioner Lapeyrolerie asked if the old vehicles and other items were stored on LMA property because of Mr. von Kurnatowski's access to the property due to his businesses' leaseholds. Chair Heaton confirmed that was the case, and the Succession of Mr. von Kurnatowski has since laid claim to the items.

The Board agreed they would handle the Mary Grace yacht issue separately at a later meeting.

A substitute motion was offered by Commissioner Francis to delete any mention of the Mary Grace yacht from the resolution. The motion was seconded by Commissioner Richard. All were in favor.

MOTION: 04-111920
RESOLUTION: 04-111920
BY: Commissioner Francis
SECONDED BY: Commissioner Richard

November 19, 2020

4) Motion to accept the Proposed Resolution to Resolve Disputes with the Succession of Roland Von Kurnatowski by Settlement

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 Management Authority approved Resolution 03-062520 to authorize the institution of legal proceedings against Studio Network Lakefront, L.L.C. from its leased premises and the resulting legal proceedings resulted in the possession

of the property being returned to the Management Authority;

WHEREAS, the Management Authority approved Resolution 02-062520 to authorize the institution of legal proceedings against F&M Aviation, L.L.C. from its leased premises, and Management Authority and F&M Aviation entered into a settlement agreement on July 29, 2020 that the Management Authority Board ratified with Resolution 2-090320;

WHEREAS, the former tenants and occupants of the premises leased to Studio Network Lakefront, L.L.C. and to F&M Aviation, L.L.C., including the former Bally's Casino site and the old Mosquito and Termite Control Board warehouse, and additionally Building 104 have all relinquished their possession of the respective properties;

WHEREAS, the former tenants and occupants of the properties did leave behind numerous vehicles, trailers, boats, furniture, office fixtures, sports memorabilia, musical instruments, and music memorabilia and the Management Authority has assumed ownership of these items by virtue of abandonment;

WHEREAS, the Representative for the Succession of Roland Von Kurnatowski and counsel for the creditors of the Succession of Roland Von Kurnatowski have contacted the Management Authority's counsel and opined that many of the items abandoned by the former tenants and occupants rightfully belong to the Succession of Roland Von Kurnatowski;

WHEREAS, despite the passage of several months, no other party, other than the Management Authority and the Succession of Roland Von Kurnatowski, has made a claim to own any of the vehicles, trailers, boats, furniture, office fixtures, sports memorabilia, musical instruments, and music memorabilia;

WHEREAS, the Management Authority and the Succession of Roland Von

Kurnatowski are in a dispute and would, in the absence of a mutual settlement, have to initiate a court proceeding to resolve the disputed ownership of the vehicles, trailers, boats, furniture, office fixtures, sports memorabilia, musical instruments, and music memorabilia;

WHEREAS, the counsel for the creditors of the Succession of Roland Von Kurnatowski and the Succession Representative have proposed that the disputed items be sold and that the proceeds be split evenly between the Management Authority and the Succession of Roland Von Kurnatowski;

WHEREAS, the cost of litigating the disputed ownership of the vehicles, trailers, boats, furniture, office fixtures, sports memorabilia, musical instruments, and music memorabilia would in all probability exceed the total value of these items;

WHEREAS, the best interests of the Management Authority are served by settling the disputed ownership claims with the Succession of Roland Von Kurnatowski by selling the items for which ownership is disputed and splitting the proceeds on a 50/50 basis subject to a hold harmless provision in favor of the Management Authority;

WHEREAS, the best interests of the Management Authority are served by authorizing the Executive Director to enter into a settlement agreement with the Succession of Roland Von Kurnatowski concerning the disputed ownership of the items remaining in the premises described herein;

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Executive Director is hereby authorized to enter into a settlement agreement with the Succession of Roland Von Kurnatowski that provides for the sale of the vehicles, trailers, boats, furniture, office fixtures, sports memorabilia, musical instruments, music memorabilia, and any other

items for which ownership is disputed provided that the sale proceeds are split on a 50/50 basis with the Management Authority and subject to a hold harmless provision.

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, Brien, Carr, Cohn, Francis, Green, Hebert,
Lapeyrolerie, Richard, Rodgers, Romero

NAYS: None

ABSTAIN: None

ABSENT: Bruno, Meadowcroft

RESOLUTION ADOPTED: YES

- 5) **Motion to approve a contract with Roof-Tech, Inc. to remove failing roofing and to make repairs to the roof of the former National Guard Hangar at the New Orleans Lakefront Airport for the price and sum of \$44,584.00.**

Commissioner Fierke said he was requesting this item be added because it was an emergency repair. Chair Heaton indicated that Commissioners had received information about quotes for the job, but the agenda had been circulated before all quotes had been received.

A call for public comment was made. No comments were submitted.

All voted in favor to add the motion to approve a contract with Roof-Tech, Inc. to remove failing roofing and to make repairs to the roof of the former National Guard Hangar at the New Orleans Lakefront Airport for the price and sum of \$44,584.00.

A motion was offered by Commissioner Fierke and was seconded by Commissioner Lapeyrolerie to add the motion to approve a contract with Roof-Tech, Inc. to remove failing roofing and to make repairs to the roof of the former National Guard Hangar at the New Orleans Lakefront Airport for the price and sum of \$44,584.00.

Paul Dimitrios, of RCL Architects, L.L.C., introduced himself to the Board as the consulting architect for the roof repairs following Hurricane Zeta. He said the demolition of the roof was critical because of the level of damage and its location on the airfield. He said adding the item to the agenda was responsible so they could get permitting to complete the demolition and get a contractor in as soon as possible.

MOTION: 05-111920
RESOLUTION: 05-111920
BY: COMMISSIONER FIERKE
SECONDED BY: COMMISSIONER LAPEYROLERIE

November 19, 2020

5) Motion to approve a contract with Roof-Tech, Inc. to remove failing roofing and to make repairs to the roof of the former National Guard Hangar at the New Orleans Lakefront Airport for the price and sum of \$44,584.00.

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, the Management Authority manages the New Orleans Lakefront Airport which is located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana (the “Airport”);

WHEREAS, the roof of the former National Guard Hangar (the “hangar”) was damaged by high winds during Hurricane Zeta, which made landfall in southeast Louisiana on October 29, 2020, and the removal of the failing roofing and temporary repairs on the roof of the hangar are needed to avoid possible additional damage at the hangar (the “Project”);

WHEREAS, the Staff of the Management Authority solicited and received the following quotes for the work needed on the roof of the hangar:

Roof-Tech, Inc.	\$44,584.00
Roof Concepts, LLC	\$49,000.00
CITI Approved Enterprise	\$55,000.00

WHEREAS, the Staff of the Management Authority and consulting architect for the Project recommended that the Management Authority accept the proposal submitted by Roof-Tech, Inc. for the Project;

WHEREAS, the Management Authority resolved that it was in the best interest of the Management Authority and Orleans Levee District to enter into a contract with Roof-Tech, Inc., for the price and sum of \$44,584.00, for the scope of work at the hangar set forth in the written Proposal submitted by Roof-Tech, Inc., dated on November 10, 2020, a copy of which is attach to this Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority approves a contract with Roof-Tech, Inc., for the price and sum of \$44,584.00, for the scope of work on the roof of the former National Guard Hangar, set forth on the written Proposal submitted by Roof-Tech, Inc., dated on November 10, 2020, a copy of which is attach to this Resolution.

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

This resolution was declared adopted this 19th day of November 2020.
.....

6) **Motion to support the restoration of Air Traffic Control (ATC) hours at the New Orleans Lakefront Airport.**

Chair Heaton asked Commissioners to distribute the resolution to their contacts to garner more support as the Airport needed the hours restored.

MOTION: 06-111920
RESOLUTION 06-111920

BY: COMMISSIONER FIERKE
SECONDED: COMMISSIONER WATTERS

November 19, 2020

6) Motion to support restoration of Air Traffic Control (ATC) hours at the New Orleans Lakefront Airport.

RESOLUTION

WHEREAS, the Lakefront Management Authority, formerly the Non-Flood Protection Asset 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 Management Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the Orleans Levee District, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, (the "Airport");

WHEREAS, the Region 1 Medical Institution Evacuation Plan (MIEP) developed after Hurricanes Katrina and Rita for the evacuation of hospitalized patients includes only three facilities: New Orleans Lakefront Airport, NAS JRB New Orleans in Belle Chasse and Armstrong International Airport; and

WHEREAS the Airport is the only one of the three airports located within the City of New Orleans and nearest the downtown medical district;

WHEREAS, the Airport's air traffic is monitored by the Air Traffic Control (ATC) Tower ("Tower") under the Federal Aviation Administration ("FAA") and maintained operational hours of 0700(L)-2100(L) (7:00 AM – 9:00 PM CST);

WHEREAS, in response to the Covid-19 Public Health Emergency, the FAA reduced the Tower's personnel hours to 0800(L)-1600(L) (8:00 AM – 4:00 PM CST) due to reduced air traffic at the Airport;

WHEREAS, the Management Authority requested that the FAA restore the legacy hours due to an increase in Airport traffic;

WHEREAS, Corporate aircraft, which require the Tower's services, have returned to the Airport after relocation during the construction outage of the Main Runway;

WHEREAS, insurance policies for some General Aviation businesses restrict airfield operations without a staffed Tower;

WHEREAS, multiple written requests were submitted to the Air Traffic Manager of the Tower as early as August 26, 2020 from the Aviation Community imploring that the legacy hours of the Tower be restored to accommodate the congestion of air traffic in the evenings and to provide additional opportunities for aviation services which require the Tower's services, especially after the reopening of Runway 18R/36L ("Main Runway") and the economic losses sustained from the Covid-19 Public Health Emergency;

WHEREAS, the reduced hours are creating an increased workload for the approach controllers, and multiple frequency congestion has increased as numerous aircraft request IFR clearances, releases, and cancellations;

WHEREAS, Military aircraft will not engage in pattern work without a staffed Tower;

WHEREAS, the Tower provides training opportunities to Direct Hires and Academy Graduates of the FAA, and the Air Traffic Manager of the Tower has expressed an overwhelming need to train personnel during nighttime conditions;

WHEREAS, the reduced hours restrict opportunities to collect traffic count data; and

THEREFORE, BE IT HEREBY RESOLVED, the Management Authority resolved that it is in the best interest of the Airport for the FAA to restore the legacy hours of the Tower to 0700 (L) – 2100(L) (7:00 AM to 9:00 PM CST) for the safety of the Aviation Community and the viability of commerce at the Airport.

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

YEAS: Heaton, Watters, Fierke, Brien, Carr, Cohn, Francis, Green, Hebert, Lapeyrolerie, Richard, Rodgers, Romero

NAYS: None

ABSTAIN: None

ABSENT: Bruno, Meadowcroft

RESOLUTION ADOPTED: YES

7) **Discussion regarding the reopening of Messina’s Runway Café in the Airport Terminal.**

Chair Heaton said that Messina’s lease requires them to keep the restaurant open 6 days a week. She explained that the Board passed a resolution on September 9, 2020 to allow them to close the restaurant for up to 90 days beginning on August 9, 2020. She said that Mr. Messina was still able to do

catering out of the Terminal's kitchen and was hosting events that were possible under the COVID-19 restrictions. She said that the public had expressed interest in returning to the restaurant, and staff began receiving inquiries about its reopening, but the restaurant had yet to open its doors.

She said after the 90 days expired, staff did not hear from Mr. George Messina, the proprietor of the restaurant, so Mr. Martin wrote a letter inquiring about the reopening of the restaurant.

She said that Mr. Messina has since asked for an extension to close the restaurant until January 5, 2021.

She said that she invited members from Messina's to attend the Board Meeting, but members were not present at the meeting.

Vice Chair Watters said that it is very important for the Terminal to have a restaurant.

Commissioner Rodgers asked if he was paying rent. Director Capo said that they were paying only the base rent.

Commissioner Richard said he would be supportive since he is paying rent.

Chair Heaton confirmed that there were some several events taking place in the Terminal. She said that the Airport Committee could recommend next steps. She said the discussion item served the purpose to provide information to Commissioners.

Mr. Metzger said that a 30-day notice in writing via certified mail would be required to properly default them if the Board chose to. Mr. Metzger reminded the Board that this was simply a discussion item.

Commissioner Cohn said that the city may roll back its restrictions based on the increasing COVID-19 cases, and he thought the issue should be resolved by the next round of Committee meetings.

Chair Heaton said she heard that they did not reopen, but they were prepping about 500 meals per day for an electrical company.

Commissioner Watters suggested that the Terminal is operating like a prep kitchen.

Chair Heaton indicated that when negotiating the original lease with Messina's, they requested catering services be provided in their lease, and they did not want the restaurant.

Commissioner Watters felt that the traffic at the FBOs more than justified the

complement of the Terminal.

8) Motion to approve Task Order No. 7 to RCL Architects, L.L.C. for architectural services for roof repairs at the Airport in a total amount not-to-exceed \$71,234.68.

A motion was offered by Commissioner Richard, seconded by Commissioner Francis, and unanimously adopted, to approve Task Order No. 7 to RCL Architects, L.L.C. for architectural services for roof repairs at the Airport in a total amount not-to-exceed \$71,234.68.

MOTION: 08-111920
RESOLUTION: 08-111920
BY: COMMISSIONER RICHARD
SECONDED BY: COMMISSIONER FRANCIS

November 19, 2020

8) Motion to approve Task Order No. 7 to RCL Architects, L.L.C. for architectural services for roof repairs at the Airport in a total amount not-to-exceed \$71,234.68.

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;

WHEREAS, the Management Authority manages the New Orleans Lakefront Airport which is located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana (the “Airport”);

WHEREAS, the Management Authority has a need for professional engineering services for the assets of the District managed by the Management Authority, including the Airport;

WHEREAS, the Management Authority entered into a ID/IQ contract with RCL Architecture, LLC (the “Architect”), dated on July 27, 2018, for professional services on and as needed basis and with services provided by Task Orders issued by the Management Authority;

WHEREAS, the roofs and windows of the McDermott Hangar, National Guard Hangar and of other hangars at the Airport were damaged by high winds during Hurricane Zeta, which made landfall in southeast Louisiana on October 29, 2020;

WHEREAS, the Management Authority is in need of architectural and construction administration services for the repair and replacement of the roofs and windows of these hangars at the Airport damaged during Hurricane Zeta;

WHEREAS, the Architect has submitted a proposal to provide these professional services for a total not-to-exceed fee of \$71,234.68;

WHEREAS, the Staff of the Management Authority recommended that the Management Authority accept the proposal of the Architect for these professional services for the not-to-exceed fee proposed of \$71,234.68 and issue a Task Order for these services, Task Order No. 7, a copy of which is attached to this Resolution;

WHEREAS, the Airport Committee of the Management Authority considered the requested Task Order for these professional services at its meeting held on November 12, 2020 and voted to recommend that the Management Authority approve the issuance of Task Order No. 7 to the Architect; and,

WHEREAS, the Management Authority after considering the recommendation of Staff and the Airport Committee resolved that it was in the best interest of the District to approve Task Order No. 7 for professional services for the project with the Architect, a copy of which is attached to this Resolution.

THEREFORE BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby approves Task Order No. 7 with RCL Architecture, LLC for professional services at the New Orleans Lakefront Airport, a copy of which is attached to this Resolution, for a not-to-exceed fee of \$71,234.68.

BE IT FURTHER RESOLVED that the Lakefront 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, Brien, Carr, Cohn, Francis, Green, Hebert,

Lapeyrolerie, Richard, Rodgers, Romero
NAYS: None
ABSTAIN: None
ABSENT: Bruno, Meadowcroft
RESOLUTION ADOPTED: YES

9) **Motion to approve submission of the Master Plan for the New Orleans Lakefront Airport to the Federal Aviation Administration.**

A motion was offered by Commissioner Watters, seconded by Commissioner Fierke, and was unanimously adopted, to approve submission of the Master Plan for the New Orleans Lakefront Airport to the Federal Aviation Administration.

Commissioner Carr left the meeting.

Mr. Martin said that the Airport Master Plan must be approved by the Board before it is submitted to the FAA for approval. He said that the plan includes the decommissioning of Runway 9-27 to convert it into a taxiway. He said that it will eliminate “hotspots” (accident prone areas) and create rentable ramp space.

He said that the proposed floodwall for the Airport was included in the Master Plan.

Commissioner Lapeyrolerie asked if the FAA could comment on the Master Plan. He said staff and consultants have been in frequent communication with the FAA, and the FAA would comment.

MOTION: 09-111920
RESOLUTION: 09-111920
BY: COMMISSIONER WATTERS
SECONDED BY: COMMISSIONER FIERKE

November 19, 2020

9) Motion to approve submission of the Master Plan for the New Orleans Lakefront Airport to the Federal Aviation Administration

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 Management Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the Orleans Levee District, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of

Louisiana, (“Airport”);

WHEREAS, the Management Authority and the District have been recognized jointly as airport sponsors of Lakefront Airport by the Federal Aviation Administration (“FAA”) for grants provided by Federal and State agencies, including Federal Airport Improvement Program Grants;

WHEREAS, master plans for airports funded by the FAA include an airport sponsor’s objectives for the airport, an inventory of airport facilities, the socioeconomic growth in the surrounding area, a description of the aviation use of the airport, an airport layout plan, an airport aviation demand forecast and a summary/recommendation for improvements of the airport;

WHEREAS, after the FAA grant was issued for the master plan for the Airport, the Management Authority on its behalf and on behalf of the District as the public sponsors for the Airport selected Kutchins & Groh, LLC to prepare an Airport Master Plan Update and Airport Layout Plan for the Airport and Kutchins & Groh, LLC began work on the Master Plan in 2018 (the “Master Plan”);

WHEREAS, the preparation of the Master Plan by Kutchins & Groh, LLC was done in cooperation with the United States Department of Transportation, FAA, Federal Highway Administration, and the Louisiana Department of Transportation and Development;

WHEREAS, the FAA requires the public sponsor of an airport to have an up-to-date master plan and airport layout plan;

WHEREAS, representatives of Kutchins & Groh, LLC made a presentation on the Master Plan at the June 16, 2020 meeting of the Airport Committee of the Management Authority; and,

WHEREAS, the Airport Committee of the Management Authority considered the Master Plan prepared by Kutchins & Groh, LLC at its meeting held on November 12, 2020 and voted to recommend that the Management Authority approve the submission of the Master Plan prepared by Kutchins & Groh, LLC to the United States Department of Transportation, Federal

Aviation Administration; and,

WHEREAS, the Management Authority after considering the Master Plan prepared by Kutchins & Groh, LLC and recommendation of the Airport Committee resolved that it was in the best interest of the Management Authority and District to approve the submission of the Master Plan prepared by Kutchins & Groh, LLC to the United States Department of Transportation, Federal Aviation Administration.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority authorizes the Executive Director of the Management Authority to submit the Master Plan for the New Orleans Lakefront Airport prepared by Kutchins & Groh, LLC to the United States Department of Transportation, Federal Aviation Administration.

BE IT HEREBY FURTHER RESOLVED, that the Chairman or Executive Director be and is authorized to take any action and to sign any and all documents necessary to carry out the above.

YEAS: Heaton, Watters, Fierke, Brien, Carr, Cohn, Francis, Green, Hebert, Lapeyrolerie, Richard, Rodgers, Romero

NAYS: None

ABSTAIN: None

ABSENT: Bruno, Meadowcroft

RESOLUTION ADOPTED: YES

10) Update on the Lake Oaks alleyways.

Chair Heaton said that the LMA had a 2014 legal opinion that the alleyways were to be maintained by the homeowners.

She provided a map of the alleyways to Commissioners.

She explained that before Hurricane Katrina, there were over 30 Orleans Levee District (OLD) maintenance personnel assigned to the neighborhood, and they cleaned the alleyways.

She said indicated that the alleyways could be a safety hazard. She said she consulted with Mr. Metzger about a legal solution to remedy the alleyways.

She said the solution they arrived at was to synthesize a Cooperative Endeavor Agreement (CEA) between the Lake Oaks Civic Association, Entergy, and the LMA.

She said the Vice President of Lake Oaks, Mr. Van Robichaux, said he could assist in this process.

She said the contribution the Lake Oaks Civic Association could offer was the administration of the contract, and the actual cost could be shared between the LMA and Entergy.

She said she needed to confer with Entergy to learn if they would want to participate.

Mr. Metzger confirmed that the LMA had no legal obligation to maintain the alleyways because they serve the dominate estate according to the civil code. He said that a CEA was possible, and the Board could approve it if it found it to be acceptable.

Commissioner Green asked if the alleyways could be given to the homeowners instead since the LMA has no obligation to maintain it. Mr. Metzger said that he could investigate before answering the question.

Commissioner Green suggested that the LMA could lease the alleyways to the homeowners for a dollar per year.

Chair Heaton said that they needed to think of a legal solution.

Commissioner Romero thought the servitudes were the same as the alleyways.

Commissioner Fierke said there is a legal distinction between the Lake Vista servitudes versus the Lake Oaks alleyways.

Chair Heaton said she promised Commissioner Carr the update, and she would deliver more concrete information.

ANNOUNCEMENT OF THE NEXT MEETING:

- 1) December 17, 2020

MOTION TO ADJOURN:

A motion was offered by Commissioner Green, seconded by Commissioner Watters, and unanimously approved, to adjourn the meeting. The meeting was adjourned at 7:45 PM.