

**LAKEFRONT MANAGEMENT AUTHORITY
SPECIAL MARINA COMMITTEE MINUTES
Tuesday, September 20, 2022 – 5:30 P.M.**

Lakefront Airport Terminal Building, 2nd Floor Conference Center
6001 Stars and Stripes Blvd., New Orleans, LA 70126

PRESENT: Commissioner Dawn Hebert – Chair
Commissioner Stan Brien
Commissioner Esmond Carr
Commissioner Michele White

ABSENT: Commissioner Renee Lapeyrolerie- Vice Chair

**OTHER
COMMISSIONERS**

PRESENT: Commissioner Wilma Heaton
Commissioner Anthony Richard

STAFF: Louis Capo – Executive Director
Vanessa McKee – Assistant to the ED
Adam Gulino – Director of Ops and Engineering

**ALSO
PRESENT:** Ray Blancher - SSH Tenant
Bo Paida - SSH Tenant
Karl Hudson- OMTA
Mary Vega - SSH Tenant
Michael Fenasci - Representative of CBS Lease

Holder

Buck Taylor - SSH Tenant #21
Sheri Raj - Tenant Slip #11
Anil Raj - Tenant Slip # 11
William Schnika - Tenant Slip #22
David F. Bienvenue - Simon Peragine(Mary Vega)

F. Evans Schmidt, Koch & Schmidt
Steve Green
Nathan Junius - LHJ
Ronnie Vinson
Ray Landeche - LSPOA
Jenn Mortz - Mortz Trucking
Holly Radtke - Tenant
Marc Rea - Tenant
Rachel Linker - Tenant
Phalon Cornist - Tenant

The Special Marina Committee of the Lakefront Management Authority on Tuesday, September 20, 2023, at 5:30 PM at 6001 Stars and Stripes Blvd., New Orleans, LA 70126.

- I. **Called to Order by Chair Hebert at 5:30 P.M.**
- II. **Pledge of Allegiance was led by Chair Hebert.**
- III. **Roll Called by Mr. Capo. (4) members were present for a quorum.**

Commissioner Heaton and Chair Richard were also present at the meeting

IV. **Opening Comments**

Chair Hebert read a letter of apology to the SSHCBS tenants. She requested a timeline from staff to address the cease-and-desist order.

Mr. Capo requested an opportunity to address Chair Hebert's letter.

Mr. Metzger informed the committee that the agenda should be adopted and then Mr. Capo could respond.

V. **Motion to Adopt Agenda**

A motion was offered by Commissioner Carr; seconded by Commissioner White. With no questions, Chair Hebert called for a vote. All were in favor. The motion passed.

VI. Director's Report and Response to Chair Hebert's Letter

Mr. Capo addressed Chair Hebert's letter and provided a timeline of the events of the OFSM cease and desist order and its status to date.

- The issue of the sprinkler system came up in late November 2021. He stated that there was an email between the engineer and Coastal Sprinkler requesting an inspection.
- He also directed maintenance to sweep the slips for non-permitted lease items in January, and March the sheds were locked, and in June 2022 staff sent a notice to tenants to clean, or staff would do another sweep in which maintenance did remove flammables and other items. The tenants came to the June meeting and the committee stopped staff sweeps.

He said when the commissioners come between the tenants and the issue it causes problems. We stopped sweeps because there was no clear direction on how to proceed going forward.

- staff issued another notice which extended the July 5th deadline to September 6th.
- Conference call on September 8th to discuss how to proceed.
- On September 13th, we let the committee know the plan to clean up the non-permitted items in the Marina committee meeting.
- On Tuesday, there was an anonymous complaint was made to NOFD, they investigated and could not find an issue
- On Thursday, the OFSM came out, to investigate and took pictures of the alleged violations.
 - o They wanted tenants out that day
 - o Staff met with OFSM to discuss and come up with a plan to move forward and allow the tenants back into the building.
 - o The plan was approved by the state at 11:00 PM on Friday.
 - o Saturday Morning staff moved to implement the plan to schedule (2) separate fire watch dates to allow tenants access to their belongings.

Mr. Capo explained that this was not an eviction. The OFSM said they would not remove the meters and allowed the boats to remain docked in place. The plan in place was to unlock the sheds, clean, and remove the remaining non-permitted items to have OFSM reinspect the property to request a temporary occupancy.

Commissioner Carr and Mr. Capo discussed several questions regarding whether there was an inspection done in 2020 and whose responsibility it is to actively manage the agency's property. He felt that there should be a better plan of procedures in place to conduct LMA property inspections in a timelier manner.

Mr. Capo explained that there was no inspection done in 2020. The harbormaster would be responsible for the annual sprinkler inspections. Mr. Capo disagreed that LMA was in default of actively managing its property.

VII. Public Comments

Jenn Mortz, SSHCBS live-aboard tenant commented that this was a sad, stressful, and unfortunate situation to be put in. She was not aware of the non-permitted flammables, but they did address and remove the items on the list. They have moved over to Pier 8 slip 6-w. She hopes that LMA finds a way to keep this from happening again.

Holly Radtke SSHCBS tenant, commented that she received permission, from whoever was in charge at the time, for her added items to their space. She has asked for a performance standard and minimized as best they could. They are willing to do what is necessary to get back to their peaceful life. She also asked when the tenants would see the new lease that was proposed.

Mr. Dye stated that the new proposed lease has not been drafted. That draft will depend on the OFSM input which is still ongoing.

Commissioner Carr asked if there was a contract to install the emergency lighting and fire extinguisher inspections and marking the exits cited in the OFSM report.

Mr. Cain said that the emergency lighting has not been addressed but the fire extinguishers have been inspected and the doors are marked.

Steve Green SSHCBS#4 tenant, commented on his experience during this catastrophe. He pays his rent every quarter. He felt no one seems to have

plans for this building and it was unfair for anyone including the OFSM to make judgments that penalize and displace tenants.

Bo Paidá expressed his discontent with the way SSH is managed and the lack of amenities.

Raj Anil, SSHCBS commented that the best path forward for the LMA and the tenants is safety. He said he went through the OFSM appeal process and also brought the report to his marine engineering and architecture firm and found the citations to be generic. He asked if Mr. Capo and the staff were planning to appeal the OFSM's findings.

Mr. Capo stated that he would have to consult with his legal advisors.

Mr. Anil informed Mr. Capo that the opportunity to appeal expires tomorrow. He has prepared an appeal which the tenants will submit. However, he would like the support of the LMA as well. Mr. Anil gave several examples where his research led him to believe that the OFSM has cited the incorrect violation codes for the structure.

Commissioner Carr asked why haven't we filed an appeal.

Mr. Dye stated that they had not considered an appeal at this point due to our focus has been on gaining temporary access and re-occupancy as a whole.

There are immediate concerns that could be addressed without an appeal. He would like to look at the appeal that Mr. Raj plans to file to perhaps join that process as he pointed out.

Commissioner Carr concluded that if we haven't appealed that we are admitting to the noted deficiencies and have not moved on taking corrective actions.

Mr. Dye disagreed with Commissioner Carr's conclusion. Not filing an appeal does not acquiesce with the OFSM's citations. He said the staff met with the OFSM on Friday and has established a good rapport and ongoing dialogue. LHJ has an architect who has been working on this since January.

Mr. Dye felt the real issue was that the committee had not allowed staff to properly enforce the lease. He also felt that the appeal would not resolve the fact that the sprinkler system needs to be repaired or replaced. We are now faced with either going through the appeal process for posterity's sake or solving problems. Staff chose to focus on the latter not casting blame.

Ray Blancher, SSHCBS tenant slip#20, commented that he felt it was the responsibility of upper management to ensure that his staff is accountable for their duties.

David F. Bienvenue - Simon Peragine(Mary Vega slip #16) commented that the tenants want to get back to their slips as soon as possible. He feels the tenants have been evicted as it stands. Is there a reasonable estimated timeframe that they will be allowed to go back to their slips?

Evan Smith, representing William Schinker slip#22, commented on his understanding that the impetus for the cease and desist was the flammable materials and solvent found on the grounds. Once identified and properly stored, contained, or discarded, has the OFSM made any indication that it would be sufficient for tenants to return to their property?

Mr. Dye said OFSM has not. However, we anticipate addressing and resolving the immediate issues and calling OFSM for a re-inspection and request for temporary occupancy.

Chair Richard thanked Chair Hebert for holding this meeting. He hopes to work with with the full board to resolve the issues. He suggested that legal counsel consider joining the tenants in the appeal process if it would help. He empathized with the tenants who have been displaced from their slips. He felt it was prudent to pose the questions heard tonight directly to the OFSM for a real timeline.

Commissioner Heaton asked legal counsel if would it be possible for communication to be jointly signed by the marina chair, the board chair, and whomever they deemed to be their representative, with Mr. Raj having the technical research, to point out items in question to the OFSM. She felt it could be helpful to draft communication to point out the issues in question.

Commissioner Carr asked if there was an option for a full-time fire watch for immediate occupancy.

Mr. Dye replied that this option was not made available at this time.

Mr. Don Cheramie SSHCBS slip #26, commented that their vessels are in danger due to their size should we experience a weather emergency. He also expressed that his experience has been expensive and stressful.

Rick Renfro, SSHCBS slip #5, commented about his bar on the deck which is stocked and used for socials. He discussed the issue of 'flammables and combustibles',
The sprinkler system was the biggest issue which the tenants do not want due to the damage the rusty water would cause to their boats. He read a line from his lease which talked about leasee improvements to say that the lease shall not make any additions or alterations to the premises without the written permission of the lessor. He is going through the application process to have his bar included in the new plans. He felt it was a good idea for LMA to join the appeal process. He also asked the engineer for a timeline to install the 26 exit lights.

Mr. Dye said he would join the tenants to file the appeal. He thanked Mr. Raj for his input.

Chair Hebert read a letter from Tenant Des Crain who could not be at the meeting.

Adam Gulino, the new LMA Director of Engineering and Operations, apologized for the circumstances that have brought us here tonight. Discussed the plan for the sprinkler system moving forward. LHJ is the architect of record for the sprinkler system and they have been talking with OFSM. He read the handout which outlined the plan for the committee and public. He said the approximate timeline for field work and submittal of equivalency was 20 days to measure and survey the property, create a plan and submit; 4-6 weeks for OFSM review, 2 weeks for equivalency requests; and 4-6 weeks for OFSM equivalency review.

Commissioner Carr asked if there was a way that this committee could authorize a sum of money for the work needed.

Mr. Metzger advised the committee that the executive director has the authority to sign up to the amount of the public bid law which is \$250,000.

The public and the committee discussed the timeline for the review process to be 14-17 weeks.

Mr. Dye clarified that there is 1 long-term approach which Mr. Gulino explained.

There are also two short-term approaches by which we

- a. File the joint appeal with the tenants and
- b. clean and remove the non-permitted items to have OFSM re-inspect the premises to request temporary access

Holly Radtke commented that they have asked for written performance standards to go by.

Mr. Dye referred to the notices that were sent out on June 27th as performance standards.

Mr. Blancher commented that due to the lengthy timeline described by Mr. Gulino, could the OFSM make a concession for tenants to get back to their boats in the event of a weather emergency.

Mr. Metzger stated that by law you cannot deny safe harbor.

Evan Smith asked if there will be rent relief for tenants until such time when these issues are fully resolved.

Mr. Metzger stated that the staff has started the process for rent abatement which would ultimately be subject to board approval.

Evan Smith asked if it would be possible for tenants to be present at the next meeting with OFSM.

Chair Hebert and the staff had no problem with the request.

Mr. Capo stated that Mr. Raj's expertise would be welcomed at meetings with OFSM. He also asked the tenants what would be the best days to set up the next fire watch for tenants to access their property.

It was decided that next Saturday and Sunday would be best for the tenants.

VIII. Old Business – NONE

IX. New Business

1. Discussion on the South Shore Harbor Covered Boat Slips

This topic was addressed during the earlier items on the agenda

Chair Hebert announced the next meeting and coaled for adjournment.

X. Announcement of next Marina Committee Meeting

1) Tuesday, October 18, 2022 – 3:30 P.M.

XI. Adjourn at 7:50 P.M.

A motion to adjourn was offered by Commissioner Brien; seconded by Commissioner White. The meeting adjourned at 7:50 P.M.