

**LAKEFRONT MANAGEMENT AUTHORITY
FULL BOARD MINUTES
THURSDAY, FEBRUARY 29, 2024 – 5:30 P.M
6001 Stars and Stripes Blvd.
New Orleans, LA 70126**

PRESENT: Commissioner Anthony Richard – Chair
Commissioner Carlos Williams - Vice Chair
Commissioner Howard Rodgers - Secretary
Commissioner Stanley Cohn
Commissioner Adonis Expose
Commissioner Monika Gerhart
Commissioner Wilma Heaton
Commissioner Dawn Hebert
Commissioner Jennifer Herbert

ABSENT: Commissioner Stan Brien
Commissioner Brad Brandt
Commissioner Esmond Carr
Commissioner Philip Clinton
Commissioner Robert Drouant
Commissioner Brian Egana
Commissioner Sandra Thomas

STAFF: Louis Capo – Executive Director
Vanessa McKee – Assistant to the Executive Director
Bruce Martin – Director of Aviation
Adam Gulino – Director of Operations and Engineering
Keljuane Brownfield -- LMA HR
Michael Sciavicco, Harbor Master
Helaine Millner, Harbor Manager

**ALSO
PRESENT:** Gerry Metzger – LMA Counsel
Al Pappalardo – Real Estate Consultant
Wendy Bell – Mgr. at Flightline
Rob Amos -- Mgr. at Flightline
Stephen Peychaud – Charbonnet & Associates

The regular monthly Marina Committee Meeting of the Lakefront Management Authority was held on Tuesday, February 29, 2024, at 5:30 PM, 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.

I. Called to Order at 5:32 PM.

II. Pledge of Allegiance led by Commissioner Richard.

III. Roll Called by Mr. Capo. (9) members were present for a quorum.

IV. Opening Comments – Chair Richard thanked all in attendance. He mentioned that this was his first meeting of the year due to illness in January. He thanked Vice-Chair Carlos Williams for serving as chair for the meeting in his absence.

Chair Richard said that this year he began attending the Neighborhood Association meetings with the intent to be proactive and build relationships with them.

V. Motion to Adopt Agenda

A motion was offered by **Commissioner Cohn** and seconded by **Commissioner Gerhart**.

With no questions or comments, All were in favor. The motion passed.

VI. Motion to Approve Minutes

1. Full Board Minutes – January 25, 2024

A motion was offered by **Commissioner Cohn** and seconded by **Commissioner Rodgers**.

With no questions or comments, Commissioner D. Herbert (not present) abstained. The motion passed.

VII. New Business

1) Motion to approve rescheduling the February Board Meeting of the Lakefront Management Authority from February 22, 2024, to February 29, 2024.

A motion was offered by **Commissioner Cohn** and seconded by **Commissioner Expose**.

With no questions or comments, Chair Richard called for a vote. All were in favor. The motion passed.

- 2) Motion to approve a lease with GCR, Inc. d/b/a Tadera of Suite 105 in the New Orleans Lakefront Airport Terminal for a term of one (1) year with three (3) 1-year options to renew for a rental rate of \$21,603.60 per annum, inclusive of a base rental of \$31.00 psf with a pass-through of \$11.36 psf.

A motion was offered by Commissioner Heaton and seconded by Commissioner J. Herbert.

Commissioner Heaton stated that the rate meets the fair market rate.

Mr. Metzger informed the board that the Airport Committee recommended this motion.

With no questions or comments, Chair Richard called for a vote. All were in favor. The motion passed.

- 3) Motion to approve and accept the settlement offer of all claims by Dr. Richard L. Rubin, et al, against the Lakefront Management Authority and Orleans Levee District for damages to Orleans Marina Boathouse No. W-18 in consideration of the dismissal of all claims asserted by the Lakefront Management Authority in those proceedings captioned and entitled Richard L. Rubin, MD, et al v. Non-Flood Protection Asset Management Authority, et al., No: 16-7582, Civil District Court for the Parish of Orleans Div. E-16.

A motion was offered by Commissioner Cohn and seconded by Commissioner J. Herbert.

Chair Richard asked for the history of the motion before opening the floor for questions and comments.

Mr. Metzger informed the board that the Legal Committee recommended this motion.

Mr. Metzger went into greater detail explaining that this case goes back to 2015 when the two boathouses (#19 and #20) adjacent to boathouse #18 were leaning and in danger of collapsing. The leases had expired and ownership came back under the possession of the Levee District. A report was made by Dr. Rubin but no action was taken at the time. The boathouses did collapse, ultimately leaning into Dr. Rubin's boathouse causing extensive damage. Dr. Rubin sued in 2016. LMA turned it over to the insurance company which will cover the funds to settle the case in full.

Mr. Metzger said they litigated and there was no question of liability. They negotiated a settlement figure which was close to the appraisal of the boathouse. The Appraisal was done by Jeffrey Lutz.

Mr. Metzger also explained that he brought this case back to the board because LMA counter-sued Dr. Rubin due to non-payment of his lease which will be used to offset the settlement amount. Colony Insurance Company will put up \$126,000, the demolition company's insurer is putting up \$63,000, and DEI, who was hired to oversee the demolition will put up \$10,000 for a total of \$200,000. No funds will come out of the LMA coffers.

Chair Richard called for questions or comments regarding the motion.

Commissioner Heaton commented that this case had gone on for a long time and commended the legal team and staff for their work on this settlement.

Commissioner Hebert asked when was the report made regarding the leaning boathouses.

Mr. Metzger explained that the report was initially made back in August 2015 by Dr. Rubin to the then Chief Operating Officer of the LMA.

With no questions or comments, Chair Richard called for a vote. All were in favor. The motion passed.

- 4) Motion to approve and accept the settlement offer of all claims by H. Darren Alcus against the Lakefront Management Authority and Orleans Levee District related to damages to the building and improvements located on Orleans Marina Boathouse Site No. W-17 and termination of the Lease of Orleans Marina Boathouse Site No. W-17.**

A motion was offered by Commissioner Expose and seconded by Commissioner Williams.

Mr. Metzger informed the board that the Alcus Boathouse W-17 was in excellent condition at the time of the collapse incident. However, the boathouses are tied together by the roofs and pilings. DEI and LHJ completed an analysis report after an inspection which came back that W-18 was a public hazard and was in danger of falling thus causing damage to W-17. LMA went through the bid process to demolish the property. However, there was no response. LMA received a \$235,000 offer from Mr. Alcus's attorney. We also obtained a \$185,000 appraisal on the property. We recommend the \$235,000 due to the contract claim against us. Both boathouses can be removed, and the LMA will have the land between W-11 and the flood wall, approximately 44,000 square feet for future development opportunities.

Commissioner Cohn commented that the Legal committee went over this case in great detail.

Commissioner Heaton commented that the Commercial Real Estate Committee also looked at the property as well.

Mr. Capo commented that Mr. Alcus is giving up 15 years on his lease.

With no further question or comment, Chair Richard called for a vote. All were in favor. The motion passed.

- 5) Motion to approve the transfer of the lease of Orleans Marina Boathouse N-23 by the succession of Alvin E. Swanner to Celso Eric Hernandez for \$30,000 conditioned on the payment of the transfer fee of 8%.**

A motion was offered by Commissioner Heaton and seconded by Commissioner Cohn.

Commissioner Rodgers informed the board that this motion came before the Commercial Real Estate Committee but there was no quorum. They discussed the motion with Counsel and Mr. Papalardo and recommended it to the full board.

Commissioner Heaton informed the board that Mr. Hernandez was present for questions.

With no further question or comment, Chair Richard called for a vote. All were in favor. The motion passed.

- 6) Motion to approve Change Order #1 for the Contract with Roof Tech, LLC in the amount of \$4,191.75 increasing the contract price to an amount not to exceed the sum of \$1,002,017.75.**

A motion was offered by Commissioner Heaton and seconded by Commissioner Cohn.

Commissioner Heaton informed the board that the motion was not able to go before the Airport committee in time for recommendation. It is; however, straightforward forward and the board approved the original bid for approximately \$960,000. As chair of the Airport Committee, she recommended the change order and said that Mr. Martin was available to answer questions.

Adam Gulino informed the board of the details for Change Order #1. He explained that it is to adjust the lighting on the exterior so that it will be within the warranty of the roof once complete. Also included in the \$4000 is to correct the roof drainage on the south tower which was a leaking matter.

With no further question or comment, Chair Richard called for a vote. All were in favor. The motion passed.

VIII. Directors' Reports

Mr. Capo reported the following:

- **Staff has completed the first round of the budget reviews during February committee week. The next and final round of budget reviews will be during the March committee week. The Fiscal Year 2024-2025 Operating Budget and the Capital Projects budget will go for approval at the March 28th Board meeting. The approved budget must be submitted to State Office in Baton Rouge by April 1, 2024.**

Commissioner Heaton informed the board that the Regular Legislative Session will begin on March 11, 2024. She reminded the board members of the importance of each of them speaking to their representatives about supporting our Capital Outlay projects.

- There will be a kickoff meeting on March 13th with Mr. Weykamp of Edgewater Resources

Commissioner Heaton asked if there would be any time allotted for tenant input.

Mr. Capo replied that would be time to talk with the tenants. However, this meeting was to discuss a timeline with staff, Chair Richard, Commissioner Williams and

- We invited the Civil Service to come to LMA to see and discuss this unique agency and the properties we manage. Not many agencies oversee marinas. We also have the second-largest airport in the state, and it conducts medical evacuations. Their visit provided them with detailed insight into the distinctive duties we perform. Mr. Capo added that Kel Brownfield, our new HR Director, hit the ground running and was instrumental in facilitating this much-needed meeting. He concluded that he thought the information was well received and looked forward to continued positive support on job descriptions and other HR matters.
- The RFP for 406 S. Roadway was put out in October of 2023 and left open until January 2024. It returned one response. There was an issue with the conflict of interest statement. We will bring this back to the March Commercial Real Estate meeting for a discussion of the issue we have with it.
- Mr. Capo reached out to the Lighthouse Harbor Condominiums Junius Ship Shape regarding the shared green space. The president of the Lighthouse Harbor will be bringing it to his board to see if there is any interest in the space. He will keep the board apprised of the response.
- Bill Burke is putting on his race again next month. It will start and end at the Blue Crab who is also participating in the event.

Chair Richard asked when would the neighborhoods be notified.

Mr. Capo replied that he notified the four presidents. Mr. Burke also notifies the neighborhoods.

Adam Gulino continued the updates as follows:

- The South Shore Harbor Finger Pier repairs are moving along. They are currently

working on piers #6 and #7.

- We've received full clearance from the City's permitting department to move forward with the Orleans Marina Harbormaster building renovations. There will be a meeting next week to discuss starting the work.
- We are reviewing the quotes for the Orleans Marina Piers # 5 and #6 water line and will be bringing them to next month's meetings for discussion and recommendation.

Commissioner Gerhart suggested sending a letter to the legislators to request continued guidance and support with our Capital Outlay Projects.

Commissioner Heaton and Commissioner Gerhart discussed possibly requesting time to speak on LMA's Capital Outlay Projects during the weekly Orleans Delegation Luncheons which are held on Wednesdays.

Chair Richard was in support of the idea and said he would speak to his appointee and other legislators as well.

Commissioner Heaton informed the board about an upcoming reconfiguration construction project to create bike lanes on Lakeshore Drive from Canal St. to Marconi. She suggested that Commissioner Cohn request a brief of the construction project.

Commissioner Rodgers asked for confirmation that the construction would go from Canal Blvd to Marconi in each direction.

Commissioner Heaton affirmed his statement. She suggested a community meeting to inform the public.

Mr. Capo stated he would contact the flood engineers to ask if we could set up a community meeting to inform the public.

Mr. Capo and many other board members expressed that they were against the construction project.

IX. Committee Reports

Airport – Chair Heaton reported that the board approved the motions from the Airport Committee under New Business.

Marina – Commissioner Heaton chaired the Marina committee. Mr. Capo reported that the Marina committee discussed proposing a rate increase at the marinas this year pending the market analysis from Edgewater Resources.

Commissioner Heaton expressed concern over the discussion item on the Marina Committee agenda.

Recreation/Subdivision – Chair Thomas: Canceled

Legal – Chair Drouant – Commissioner Jennifer Herbert chaired the Legal Committee. She reported that two motions were recommended tonight and approved under New Business.

Commercial Real Estate – Chair Rodgers reported that Commercial Real Estate did not have a quorum. The motion was discussed and approved under New Business this evening.

Finance – Chair Egana: Deferred

X. Public Comments – Limited to (2) Minutes: NO COMMENTS

Chair Richard announced the next board meeting and called for adjournment.

**XI. Announcement of next Regular Board Meeting
a. Thursday, September 28, 2023 – 5:30 P.M.**

XII. Adjourn at 6:17 PM.

A motion to adjourn was offered by Commissioner Cohn and seconded by Commissioner Rodgers at 6:17 PM.

RESOLUTIONS 1-6

MOTION: VII-01-02292024
RESOLUTION: VII-01-02292024
BY: COMMISSIONER COHN
SECONDED: COMMISSIONER EXPOSE

FEBRUARY 29, 2024

1) Motion to approve rescheduling the February Board Meeting of the Lakefront Management Authority from February 22, 2024 to February 29, 2024.

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 By-Laws of the Management Authority provide that the Management Authority shall hold its regular monthly meetings on the fourth Thursday of every month, except in the month of November, and that the regular monthly meeting may be held on another day of the month as determined by a majority vote of the total present voting membership of the Management Authority at a regular or special meeting

WHEREAS, in accordance with the By-Laws of the Management Authority, the regular monthly meeting of the Management Authority for the month of February 2024 was scheduled for Thursday, February 22, 2024 at 5:30 p.m. in the Conference Center in the Terminal at the New Orleans Lakefront Airport; and,

WHEREAS, a Motion to reschedule the February meeting to February 29, 2024 was made and seconded and after discussion was duly adopted by the Management Authority.

THEREFORE, BE IT HEREBY RESOLVED, that the February 2022 regular monthly meeting of the Lakefront Management Authority be and is hereby rescheduled and shall be held on February 29, 2024 at 5:30 p.m. at the Conference Center in the Terminal at the New Orleans Lakefront Airport

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

**YEAS: RICHARD, WILLIAMS, RODGERS, COHN, EXPOSE,
GERHART, HEATON, D. HEBERT, J. HERBERT,**

NAYS: NONE

ABSTAIN: NONE

**ABSENT: BRANDT, BRIEN, CARR, CLINTON, DROUANT, EGANA,
THOMAS**

RESOLUTION ADOPTED: PASSED

This resolution was declared adopted this 29th day of February 2024.

MOTION: VII-02-02292024
RESOLUTION: VII-02-02292024
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER J. HERBERT

FEBRUARY 29, 2024

2) Motion to approve a lease of Suite 105 in the New Orleans Lakefront Airport Terminal with GCR, Inc. d/b/a Tadera for a term of one (1) year with three (3) one-year options to renew, for a rental rate of \$21,603.60 per annum, inclusive of a base rental rate of \$31.00 per square foot with pass-through charges for utilities and insurance of \$ 11.36 per square foot.

(Recommended by the Airport Committee).

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, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, which is a non-flood protection asset owned by the Orleans Levee District (“Airport”);

WHEREAS, GCR, Inc. d/b/a Tadera, a domestic corporation, (“Lessee”), offered to lease Suite 105 in the Terminal at the Airport (“Terminal”), for the current rental rate charged for office space in the Terminal of \$31.00 per square foot, plus a pro rata charge for utilities and insurance in the amount of \$11.36 per square foot, totaling \$21,630.60, per annum, payable in equal monthly installments of \$1,802.55, and under the standard terms and condition for leases of office space in the Terminal established by the Management Authority;

WHEREAS, the proposed lease will be for a primary term of one (1) year, commencing on April 1, 2024 and expiring on March 31, 2025, with three (3) one-year options to renew, with the pro-rata share for charges for utilities and insurance recalculated each year on the anniversary date of the lease;

WHEREAS, the Airport Committee at its regularly scheduled meeting held on February 20, 2024 reviewed the proposal for the lease, and the Committee voted to recommend that the Management Authority approve the lease under the terms and conditions set forth above; and,

WHEREAS, the Management Authority after considering the terms and conditions of the proposed lease resolved that it was in the best interest of the Airport and the Orleans Levee District to approve the proposed lease under the terms and conditions set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby approves a lease with GCR, Inc. d/b/a Tadera for Suite 105 in the Terminal at the New Orleans Lakefront Airport, for a primary term of one (1) year, commencing on April 1, 2024, with three (3) one-year options to renew, with a base annual rent during the term of the lease of \$31.00 per square foot, plus a pro rata charge for utilities and insurance in the amount of \$11.36 per square foot, totaling \$21,630.60 per annum during the initial one year term of the lease, payable in equal monthly installments of \$1,802.55, and the pro rata charge for utilities and insurance shall be recalculated each year on the anniversary date of the lease, and the lease shall also include the standard terms and conditions for leases of office space in the Terminal at the New Orleans Lakefront Airport.

BE IT HEREBY FURTHER RESOLVED that the Lakefront Management Authority Chairman or Executive Director be and is hereby authorized to sign the Lease Agreement that includes the terms and conditions set forth above and any other documents necessary to carry out the above execute any and all documents necessary to carry out the above.

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

YEAS: RICHARD, WILLIAMS, RODGERS, COHN, EXPOSE,
GERHART, HEATON, D. HEBERT, J. HERBERT,
NAYS: NONE
ABSTAIN: NONE
ABSENT: BRANDT, BRIEN, CARR, CLINTON, DROUANT, EGANA,
THOMAS

RESOLUTION ADOPTED: PASSED

This resolution was declared adopted this 29th of February, 2024.

MOTION: VII-03-02292024
RESOLUTION: VII-03-02292024
BY: COMMISSIONER COHN
SECONDED BY: COMMISSIONER J. HERBERT

FEBRUARY 29, 2024

3) Motion to approve the settlement of all claims of Dr. Richard L. Rubin, et al, against the Lakefront Management Authority and Orleans Levee District for damages to Orleans Marina Boathouse No. W-18 in consideration of the dismissal of all claims asserted by the Lakefront Management Authority in those proceedings captioned and entitled Richard L. Rubin, MD, et al v. Non-Flood Protection Asset Management Authority, et al., No: 16-7582, Civil District Court for the Parish of Orleans, Div. E-16

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 Orleans Marina located at West End in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District under the management and control of the Management Authority (the “Marina”);

WHEREAS, the Orleans Levee District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under La.Rev.Stat. 38:336(A) and (B)(4);

WHEREAS, Dr. Richard L. Rubin and his daughters, Carolyn L. Rubin and Rachael Rubin Sherman, (the “Rubins”) formerly leased Orleans Marina Boathouse Site No. W-18, pursuant to the terms and conditions of a written lease agreement with the Orleans Levee District, Division of Non-Flood Assets, dated on June 6, 2008, which commenced on July 1, 2008, for a primary term of five (5) years, with the right to five 5-year renewal options (the “Lease”);

WHEREAS, in August of 2015 the Boathouse located on Orleans Marina Boathouse Sites W-19 & 20, which was then owned by the District, partially collapsed and caused damage to the buildings and improvements located on Orleans Marina Boathouse Site W-18;

WHEREAS, thereafter as a result of this incident Dr. Rubin and his daughters filed a civil action for damages in those proceeding captioned and entitled Richard L. Rubin, MD v. Non-Flood Protection Asset Management Authority, et al., No: 16-7582, Civil District Court for the Parish of Orleans, State of Louisiana, Div. E-16;

WHEREAS, in 2018 Dr. Rubin’s daughters, who were then the lessees of the leased premises, did not exercise the option to renew the Lease for another five years and the lease

expired on June 30, 2018;

WHEREAS, in response to the lawsuit filed by the Rubins, the Management Authority filed an Answer and also filed a Reconventional Demand (counterclaim) against the Rubins for, in part, outstanding rent owed since the incident in 2015, totaling through the date of the expiration of the Lease \$45,350.25, plus 10% late fees, attorney fees, costs and expenses related to the litigation, all as provided for under the terms and conditions of the Lease

WHEREAS, after recent negotiations between the parties, Mr. Rubin and his daughters offered to settle all claims of any kind they might have against the Management Authority, District and the other named defendants in consideration of the payment of the sum of \$200,000.00 and waiver of all claims asserted in the Reconventional Demand filed by the Management Authority;

WHEREAS, the liability insurer of the Management Authority and other defendants in the case have agreed to pay in full the \$200,00.00 to settle the claims of the Rubins;

WHEREAS, the Legal Committee of the Management Authority at its meeting held on February 29, 2024, after considering the settlement offer, voted to recommend that the Management Authority accept the settlement offer submitted by the Rubins; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the Management Authority and District to accept the settlement offer submitted by the Rubins.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby accepts the settlement offer by Dr. Richard L. Rubin, Carolyn L. Rubin and Rachael Rubin Sherman, and hereby approves as part of the settlement the dismissal of all claims asserted by the Lakefront Management Authority against the Rubins in those proceedings captioned and entitled, Richard L. Rubin, MD v. Non-Flood Protection Asset Management Authority, et al., No: 16-7582, Civil District Court for the Parish of Orleans, State of Louisiana, Div. E-16, in full and final settlement of all claims of the Rubins related to any damages sustained to the buildings and improvements located on Orleans Marina Boathouse Site W-18.

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: RICHARD, WILLIAMS, RODGERS, COHN, EXPOSE,
GERHART, HEATON, D. HEBERT, J. HERBERT,**

NAYS: NONE

ABSTAIN: NONE

**ABSENT: BRANDT, BRIEN, CARR, CLINTON, ROUANT, EGANA,
THOMAS**

RESOLUTION ADOPTED: PASSED

This resolution was declared adopted this 29th day of February 2024.

MOTION: VII-04-02292024
RESOLUTION: VII-04-02292024
BY: COMMISSIONER EXPOSE
SECONDED BY: COMMISSIONER WILLIAMS

February 29, 2024

4) Motion to approve the settlement of all claims of H. Darren Alcus against the Lakefront Management Authority and Orleans Levee District related to damages to the building and improvements located on Orleans Marina Boathouse Site No. W-17 and the termination of the Lease of Orleans Marina Boathouse Site No. W-17.

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 Orleans Marina located at West End in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District under the management and control of the Management Authority (the “Marina”);

WHEREAS, the Orleans Levee District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under La.Rev.Stat. 38:336(A) and (B)(4);

WHEREAS, H. Darren Alcus (“Alcus”) leases Orleans Marina Boathouse Site No. W-17, pursuant to the terms and conditions of a written lease agreement with the Orleans Levee District, Division of Non-Flood Assets, dated on June 3, 2008, and commencing on July 1, 2008, for a primary term of five (5) years, with the right to five 5-year renewal options (the “Lease”);

WHEREAS, in August of 2015 the Boathouse located on Orleans Marina Boathouse Sites W-19 & 20, which was owned by the District, partially collapsed and caused damage to the buildings and improvements located on Orleans Marina Boathouse Site W-18, which was then leased by Dr. Richard Rubin;

WHEREAS, as a result of this incident Dr. Rubin filed an action for damages in those proceeding captioned and entitled Richard L. Rubin, MD v. Non-Flood Protection Asset Management Authority, et al., No: 16-7582, Civil District Court for the Parish of Orleans, Div. E-16;

WHEREAS, in 2018 Dr. Rubin’s daughters, who were then the lessees of the property, did not exercise an option to renew the lease of Orleans Marina Boathouse Site W-18 for another five years and the lease expired on June 30, 2018;

WHEREAS, after the Rubin lease expired, the Management Authority had the building and improvements located on Orleans Marina Boathouse Site W-18 inspected by a licensed engineering firm, which reported that the building and improvements were in danger of collapsing as a result of damages sustained by the partial collapse of the building and improvements located on Orleans Marina Boathouse Sites W-19 & 20 and posed a danger of damaging the adjacent boathouse on Site W-17;

WHEREAS, the Management Authority thereafter requested bids on a number of occasions from contractors for the demolition of the building and improvements located on Orleans Marina Boathouse Site W-18; however, no bids were submitted because of the potential of damage that could result to the building and improvements on Site W-17 during the demolition of the building and improvements Site W-18, which share a common roof and pilings;

WHEREAS, after recent negotiations between the parties, Mr. Alcus offered to settle all claims of any kind he may have against the Management Authority and District in consideration of the payment of the sum of \$235,000.00 for the cancellation of the Lease effective December 31, 2023;

WHEREAS, the Legal Committee of the Management Authority at its meeting held on February 29, 2024, after considering the settlement offer, voted to recommend that the Management Authority accept the settlement offer submitted by Mr. Alcus; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the Management

Authority and District to accept the settlement offer submitted by Mr. Alcus.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby accepts the settlement offer by H. Darren Alcus and approves the payment of the sum of \$235,000.00 in full and final settlement of all claims of H. Darren Alcus related to any damages sustained to the buildings and improvements located on Orleans Marina Boathouse Site W-17 and the termination of the Lease of Orleans Marina Boathouse Site W-17 effective on December 31, 2024.

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: RICHARD, WILLIAMS, RODGERS, COHN, EXPOSE,
GERHART, HEATON, D. HEBERT, J. HERBERT,**

NAYS: NONE

ABSTAIN: NONE

**ABSENT: BRANDT, BRIEN, CARR, CLINTON, ROUANT, EGANA,
THOMAS**

RESOLUTION ADOPTED: PASSED

This resolution was declared adopted this 29th day of February 2024.

**MOTION: VII-05-02292024
RESOLUTION: VII-05-02292024
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER COHN**

FEBRUARY 29 ,2024

5) Motion to approve the assignment of the Lease of Orleans Marina Boathouse Site No. N-23 and sale of the improvements located on the leased premises by the Succession of Alvin E. Swanner, conditioned on payment of the Eight (8%) Percent transfer fee and assumption of all obligations of the lessee under the terms and conditions of the Lease by Celso Eric Hernandez.

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 Orleans Marina located at West End in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District under the management and control of the Management Authority;

WHEREAS, as owner of the Orleans Marina, the Orleans Levee District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under La.Rev.Stat. 38:336(A) and (B)(4);

WHEREAS, South Roadway Boathouse Site N-23, located at municipal address 248 So. Roadway Street, New Orleans, LA 70124 (the “Leased Premises”) is leased by the late Alvin E. Swanner (“Lessee”), pursuant to the terms of a written lease, dated on June 19, 2001, which commenced on July 1, 2001, for a term of five (5) years with five 5-year options to renew (the “Lease”);

WHEREAS, succession proceedings were opened for Mr. Swanner, and the Independent Testamentary Executor of the succession proceedings, R. Kieth Jarrett, requested approval to assign and transfer the Lease of Boathouse Site N-23 and sell the improvements thereon to Celso Eric Hernandez (“assignee”), in consideration of the price and sum of \$30,000.00;

WHEREAS, under the terms of the proposed assignment of the Lease and sale of the improvements, the assignee will assume all obligations of the lessee under the Lease;

WHEREAS, under Article VII of the Lease, the Lessor's consent is required for an assignment of the Lease and sale of the improvements of the Leased Premises owned by the Lessee, and this Article also provides for payment to the Lessor of an Eight (8%) Percent transfer fee of the total amount of any consideration received by the Lessee;

WHEREAS, the Management Authority adopted Resolution No. 03-042116 at its regularly scheduled meeting held on April 21, 2016, which provides that lease assignments shall be conditioned upon the presentment of a current structural evaluation that specifically includes all substructure and pilings by a company approved by the Management Authority, including but not limited to Anders Construction, H. J. Merrihue and Gill's Crane and Dozer, signed by a licensed Louisiana engineer, to ascertain that the current lessee has satisfied the obligations under the lease to maintain the improvements on the leased premises; and, also provides that prior to the assignment of any lease any required repairs or replacements to the structural support and pilings of a boathouse shall be made or that a bond or other security in the amount of 150% of the estimated cost of the required work be provided to and in a form acceptable to the Management Authority;

WHEREAS, the substructure and pilings of the boathouse were inspected by NOLA ECS, which issued a piling and substructure report signed by a registered Louisiana professional engineer, and according to the report no repairs were required to the substructure and pilings of the boathouse;

WHEREAS, pursuant to Resolution No. 10-092817, adopted at the Management Authority's regularly scheduled monthly meeting held on September 27, 2018, the Management Authority delegated authority to the Commercial Real Estate Committee of the Management Authority to approve lease transfers of the boathouse leases in the Orleans Marina; and,

WHEREAS, the Commercial Real Estate Committee at its February 22, 2024 meeting reviewed the proposed assignment, however there was no quorum present at the meeting and the Committee could not vote to approve the assignment of the Lease;

WHEREAS, the members of the Commercial Real Estate Committee present at the meeting requested that this matter be placed on the agenda for consideration by the Management Authority at the board meeting in February; and,

WHEREAS, the Management Authority after considering the request to assign the lease and sell the improvements resolved that it was in the best interest of the District to approve the request.

THEREFORE, BE IT HEREBY RESOLVED that the Lakefront Management Authority hereby approves the assignment of the Lease of Boathouse Site No. N-23, located at municipal address 248 So. Roadway Street, New Orleans, LA 70124, and sale of the improvements on the Leased Premises, to Celso Eric Hernandez, conditioned upon payment to the Lakefront Management Authority of the transfer fee of Eight (8%) Percent, in the amount of \$2,400.00, as provided under Article VII of the Lease, and assumption of all obligations of the lessee under the terms and conditions of the Lease by Celso Eric Hernandez.

BE IT FURTHER RESOLVED that the Chairman or Executive Director of the Management Authority be and is hereby authorized to take any action and to sign all documents necessary to accomplish the above.

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

YEAS: **RICHARD, WILLIAMS, RODGERS, COHN, EXPOSE,
GERHART, HEATON, D. HEBERT, J. HERBERT**

NAYS: **NONE**

ABSTAIN: **NONE**

ABSENT: **BRANDT, BRIEN, CARR, CLINTON, DROUANT, EGANA,
THOMAS**

RESOLUTION ADOPTED: PASSED

This resolution was declared adopted this 29th day of February 2024.

MOTION: VII-06-02242024
RESOLUTION: VII-06-02242024
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER COHN

February 29, 2024

6) Motion to approve Change Order #1 for the Contract with Roof Tech, LLC in the amount of \$4,191.75, increasing the contract price to an amount not to exceed the sum of \$1,002,017.75.

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 (“Airport”);

WHEREAS, the Management Authority issued an Invitation for Bids for the replacement of the roof on the Williams Hangar which is owned by the District and located on the Airport, in accordance with the provisions of the Louisiana Public Bid Law, La. Rev. Stat. 38:2212, et seq., (the “Project”);

WHEREAS, the Louisiana Public Bid Law requires that the contract for this Project be awarded to the lowest responsible and responsive bidder, as provided under Section 2212 of the Louisiana Public Bid Law;

WHEREAS, Roof Tech, LLC (the “Contractor”) submitted the lowest responsive bid for the Project in the amount of \$997,826.00 and was awarded the contract for the Project by Resolution adopted by the Management Authority;

WHEREAS, the Contractor proposed a Change Order to move lights on the west side roof of the Hangar and for roof drainage plumbing to complete the Project for the price and sum of \$4,191.75 (“Change Order No. 1”);

WHEREAS, the requested Change Order is within the scope of work for the Project and authorized under Section 2212 (M) of the Louisiana Public Bid Law, La. Rev. Stat. 38:2212 (M);

WHEREAS, the Engineer of Record on the Project and Staff of the Management Authority reviewed the request for Change Order No.1 and recommended that the Management Authority approve the request for Change Order No. 1; and,

WHEREAS, the Management Authority after considering the recommendation of the Finance Committee for approval of Change Order No. 1 resolved that it was in the best interest of the District to approve the request for Change Order No. 1 for the Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby approves the request for Change Order No. 1 for the Williams Hangar Roof Replacement Project, for the price and sum of \$ 4,191.75, increasing the contract sum for the Project to a price and sum not to exceed \$ 1,002,017.75.

BE IT FURTHER HEREBY RESOLVED that the Chairman or Executive Director of the Lakefront Management Authority 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: RICHARD, WILLIAMS, RODGERS, COHN, EXPOSE,
GERHART, HEATON, D. HEBERT, J. HERBERT

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRANDT, BRIEN, CARR, CLINTON, DROUANT, EGANA,
THOMAS

RESOLUTION ADOPTED: PASSED

The resolution was declared adopted this 29th day of January 2024.

