

**LAKEFRONT MANAGEMENT AUTHORITY  
FULL BOARD MINUTES  
THURSDAY, March 28, 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 Brad Brandt  
Commissioner Stan Brien  
Commissioner Esmond Carr  
Commissioner Brian Egana (Left at 6:15 pm)  
Commissioner Adonis Expose (arrived at 5:32 pm)  
Commissioner Monika Gerhart (arrived at 5:40 pm)  
Commissioner Wilma Heaton  
Commissioner Jennifer Herbert  
Commissioner Randolph Odinet (arrived at 5:44 pm)

**ABSENT:** Commissioner Howard Rodgers – Secretary  
Commissioner Stanley Cohn  
Commissioner Terry Scott  
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  
Kristin Clinard – LMA Finance  
Keljuane Brownfield – LMA HR  
Michael Sciavicco, Harbor Master  
Helaine Millner, Harbor Manager

**ALSO  
PRESENT:** Gerry Metzger – LMA Counsel  
Jeff Dye – LMA Counsel  
Al Pappalardo – Real Estate Consultant  
Wendy Bell – Flightline Manager  
Marc Rev  
Rachel Linker  
Donald Helgeson – Architect at DPH Architect, LLC  
Ferd Wirstrom  
Ferd Moyse  
Mike Gillen – SSH Resident  
Julian Holloway – South Shore Harbor Resident  
Kelli Chandler – Director SELFPA  
Ryan Foster – SELFPA  
Tom Harrington – SELFPA  
Mike Brenkle – SELFPA

Raleigh Bourg – S. Roadway Resident  
Corrinne Villavaso – Sen. Jimmy Harris  
Odile Ramsey

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The regular monthly Board Meeting of the Lakefront Management Authority was held on Thursday, March 28, 2024, 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. 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, the news media, and posted.

I. **Called to Order at 5:31 PM by Chair Richard.**

II. **Pledge of Allegiance led by Chair Richard.**

III. **Roll Called by Mr. Capo. (10) members were present for a quorum.**

IV. **Opening Comments – Chair Richard/ Commissioner**

V. **Motion to Adopt Agenda**

A motion was offered by **Commissioner Drouant** and seconded by **Commissioner Clinton.**

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

VI. **Motion to Approve Minutes**

1. **Airport Committee Minutes – February 20, 2024**

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

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

2. **Legal Committee Minutes – February 29, 2024**

A motion was offered by **Commissioner Herbert** and seconded by **Commissioner Exposé.**

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

3. **Legal Committee Minutes – January 18, 2024**

A motion was offered by **Commissioner Drouant** and seconded by **Commissioner Herbert.**

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

#### 4. Full Board Minutes – February 29, 2024

A motion was offered by Commissioner Richard and seconded by Commissioner Drouant

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

### VII. Presentations

#### 1. Flood Protection Authority – Update on Lake Shore Drive Construction Project

Ryan Foster, Flood Protection Authority's Engineering Manager informed the board and public about the ongoing design phase for the Lake Shore Drive Improvement project.

He talked about Phase I of the project which was completed in 2021 and stretched from Lake Marina Drive to Canal Blvd. This project resulted from safety concerns near the restaurants and shelter #1 that were received from the FPA board members and OLDPD.

They worked with the IDIQ consultants, contractors, and engineers to conduct a safety survey which included auto traffic, pedestrians and bicycle counts, and behaviors. Also included in Phase I was general milling and overlay of the roads.

#### The Safety survey revealed:

- Excessive speeds and unsafe driving practices
- Traffic counts do not support 4 lanes of traffic
- High volume of thru traffic on Lake Shore Dr. to bypass Allen Toussaint
  
- Crosswalks were underutilized or just not visible (fading paint)

Next steps:

- Went to design to initiate Phase I:
  - Installed signage, and lighting signals allowing pedestrians to cross over to the island; stop, check, and proceed.
  - Addressed speeding issues at the crosswalk by adding speed tales at the crosswalk locations which discourages speeds over 25mph.
  - Reduced from 4 lanes to 2 lanes which allowed for a turn-in lane and a bike/pedestrian walking lane.

He also showed pictures of the completed work from Phase I.

Mr. Foster mentioned that they also performed a Crash analysis utilizing DOTD's Crash Test Data of the corridor.

The analysis found that:

- Before reconfiguration, 50% of the accidents resulted in injury; it went down to 10% after the project
- Side swipes and angle accidents went from 6 to 0

The FPA fully expects similar beneficial results from the Phase II project. They will also conduct another crash data analysis for this phase.

**Phase II will consist of two parts:**

- On Lake Shore Drive from Canal Blvd to Orleans Ave. Canal (extending the previous project to the Orleans Ave. Canal. The extension is necessary for the same reasons as the previous project It will accommodate a choke point at Lake Shore and Canal to stretch out the auto and bike lane transitions.
- The second part of phase II is to restripe Elysian Fields to Franklin Ave on in the eastbound right-hand lane.

**Mr. Foster** showed photos and went into greater detail about the Phase II project. The project's design portion should be complete within the next 3 to 4 months. He stated that there would be another meeting after Easter to discuss it with the public and asked for any questions.

**Commissioner Egana** asked if any of the roadway reconstruction was done by CNO or its resources. He felt it was important to educate the public.

**Mr. Foster** replied no; it will be using FPA assets.

**Commissioner Egana** asked if the reconfigured streets were assets of FPA also.

**Mr. Foster** replied that he was correct. He also mentioned that they reached out to the City and RPC to be sure that FPA's plans tied into the City's plans in the area.

**Commissioner Carr** commented on how FPA was able to go from conception to completion so quickly and mentioned that Commissioner Egana articulated that point.

**Mr. Foster** added that phase I took longer due to lessons learned from some of the obstacles. Phase II has different aspects than Phase I but the FPA engineers are very in tune with this project to avoid dealignment.

**Commissioner Brien** talked about the transitioning of the lanes between Canal Blvd and Orleans and asked if there were conceptualls.

**Mr. Foster** explained that it would be lengthened to allow fewer conflicts. The cars would transition over sooner and the bikes would be stretched out longer to transition after the automobiles.

**Commissioner Heaton** asked if the same presentation would be given to the public after Easter.

**Chair Richard** thanked FPA, Ms. Chandler, Mr. Foster, Director of FPA, Superintendent Harrington, and Commander Brinkel for their time to present their project to the LMA board and the public.

**Chair Richard** welcomed Commissioner Odinet to the board and said he looked forward to working with him.

## VIII. New Business

### 1. Motion to approve changes for the annual open and covered Slip Leases in the Orleans Marina and South Shore Harbor Marina effective July 1, 2024.

A motion was offered by Commissioner Drouant and seconded by Commissioner Brien.

Mr. Gillen asked if the public would have the opportunity to speak before the vote.

Chair Richard said that he had not gotten to that yet but confirmed that the public would have a chance to speak. He opened the floor for board discussion.

Commissioner Gerhart asked where the changes were in the document.

Commissioner Clinton directed the board to the changes on page 2. He informed the board that the Marina committee has enlisted a national marina consultant to take a hard look at our marinas to tell us what can be done to make the marina better for the tenants, the LMA, and the taxpayers. He said he knew the marinas could be improved, and this would be the first step in that direction.

The Marina committee met last week to discuss the changes. The changes would have to be approved now to apply the changes during the lease renewal period beginning July 1<sup>st</sup> because of the 90-day notice clause. We plan to reword the leases to streamline and modernize them to make them more efficient next year.

Commissioner Gerhart commented that she didn't see how the changes would help the tenants. She said it looked like there were less rights for tenants. She also asked about grace periods, late fees, and annual renewal.

Commissioner Clinton explained that part of it would be a rent increase. Next year's projected loss is \$860 thousand at SSH. That is not sustainable. He said that it was a long-term project to make a better lease to be implemented in stages. He said he was happy to go over each change individually.

Commissioner Clinton said that the focus should be on global efforts to make improvements overall to attract funding rather than an individual line-item provision.

He talked about changes to the lease grace period which is currently 15 days for the covered boat slips and 10 days for the open slip. It will now be a 10-day grace period for both covered and uncovered slips with a \$50 late fee.

He talked about the lease's current automatic renewal every July 1<sup>st</sup>. There is also a provision that the LMA can make changes to the lease as long as we give the tenants 90 days' notice. The first change the Marina committee suggested two changes in this section:

- reducing the lessor's notification period from 90 days to 45 days to make changes to the lease.
- Currently the lessor (LMA) is required to renew the lease unless there is a specific default by the tenant. However, the boat owner has the right to give 30 days' notice

that they will not renew. The Marina committee suggested adding a provision that allows the LMA to also have the right to give 30 days' notice to cancel the lease agreement.

**Commissioner Gerhart** expressed her disagreement with adding this provision and felt it was not a good idea for a marina that was at 30% occupancy.

**Commissioner Clinton** stated that he was unsure how there has never been a clause in the lease to allow the lessor to have reciprocal rights to end a lease with 30 days' notice.

**Commissioner Carr** agreed with Commissioner Gerhart and explained that the LMA just moved tenants. You don't have to evict tenants to make improvements or repairs.

**Commissioner Clinton** gave the example of the bulkhead expansion at Orleans Marina where we lost (4) slips.

**Commissioner Gerhart** expressed that she was against the suggested changes and needed to hear a lot more information about our process and listed her reasons for her opposition including the already low occupancy.

**Commissioner Egana** asked if Marina recommended approval of this motion.

**Commissioner Clinton** replied that this motion was recommended by the Marina Committee.

**Commissioner Egana** stated as chair of Finance, he agreed that the slip rates should be increased. He understood that we hired a consultant and this was discussed at this month's Marina committee meeting and asked if this was discussed with the tenants before today.

**Commissioner Clinton** said this was the first public opportunity. He added for clarification, that this change goes into effect on July 1, 2024, which means that the first time we could give 30 days' notice would be July 1, 2025.

**Chair Richard** called for public comment on the motion on the floor.

**Mike Gillen** - SSH tenant, commented that the Marina committee recently approved a study by a consulting firm out of Wisconsin on both marinas. It is critically important to know that the study has not been completed nor made public. He felt the board was being asked to vote prematurely on a motion that would allow the director and the LMA to cancel a lease without cause. He further discussed the LMA's negative net position and financial reports. He closed by imploring the board to support the tenants.

**Larry Brook** - SSH live aboard, commented that the rate increase would not be affordable for a retired person. He talked about the continued fire suppression system and gate system issues.

**Joe Vail** - SSH tenant, commented that he bought his boat and moved in 3 years ago to set his family up for a future with no debt. He works two jobs to provide for his family. He felt the rent increase was unaffordable. He commented that the tenants felt disappointed many times over promises of laundry facilities and other amenities that never materialized.

**Julien Holloway - SSH tenant**, commented on her concerns over the lack of tenant inclusion regarding decisions that affect their quality of life. She acknowledged that the tenants could help improve both marinas together.

**An Unnamed SSH tenant** commented and voiced his opposition to the rental increase.

**Mr. Capo** commented that the 10% per quarter for a 30-foot boat would be \$36 per slip at an uncovered boat slip and \$193 per slip at the covered boat slips.

**Commissioner Carr** asked how was the liveaboard fee factored into that.

**Mr. Capo** said that the liveaboard fee would be \$150 per month.

The board continued to debate approving this motion.

**Commissioner Carr** offered a motion to defer this motion until the board has had the opportunity to review the report.

**Chair Richard** called for a second on Commissioner Carr's motion. Hearing none the motion died.

**Commissioner Gerhart offered the same motion to defer actions until the report is published.** She thanked Commissioner Clinton for bringing this forward and requested that the consulting team do a presentation for the board to take a holistic look at best practices that work well for us.

**Chair Richard** called for a second on Commissioner Gerhart's motion. **The motion was seconded by Commissioner Carr.**

**Commissioner Clinton** stated that Greg Weykamp would do a presentation after the report. There will also be a tenant-based survey as part of the report and a lookbook that will provide resources for funding sources. He added that there has not been a rent increase since 2012 but the cost of living has increased 35% since then. We will not be able to catch up with the 35% but expect a cost of living increase every year.

**Chair Richard called for a vote on the motion to defer.**

**Yeas: Gerhart, R. Odinet, Expose, Carr, Williams**  
**Nays: Herbert, Drouant, Clinton**  
**Abstain: Brandt**

**The motion passed.**

## **2. Motion to approve a Resolution in support of the 2024 – 2025 Capital Outlay Projects.**

**A motion was offered by Commissioner Carr and seconded by Commissioner Drouant.**

**With no comments, Chair Richard called for a vote. All were in favor.**

**The motion passed**

**3. Motion to approve the 2024 – 2025 Operational Budget and the 2024 – 2025 Capital Project's Budget.**

**(This motion was recommended by the Finance Committee)**

A motion was offered by Commissioner Drouant and seconded by Commissioner Carr.

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

**4. Discussion on the RFP for 406 South Roadway.**

Chair Richard opened the floor for discussion and asked Commissioner Carr to start the discussion on his item.

Commissioner Carr asked for background on the RFP

Chair Richard asked Mr. Dye to provide information on the subject.

Mr. Dye informed the board that the RFP for 406 S. Roadway was issued on October 21, 2023. One bid response came back on January 26, 2024. The LMA team consisting of Capo, Papalardo, Metzger, and Dye met on January 30, 2024, at 4:00 pm to review the (1) proposal and found it to be non-responsive due to the respondent failed to provide a properly completed conflict of interest affidavit denoting whether they had a conflict of interest with the LMA. We determined the proposal could not be accepted because it was non-responsive.

Commissioner Carr asked who was notified.

Mr. Dye stated that the team notified the Chair of the Commercial Real Estate committee.

Mr. Capo added that he notified the Commercial Real Estate Committee at their February committee meeting which did not have a quorum. He also notified the board at the February 28<sup>th</sup> Board meeting that there were serious concerns with the conflict of interest statement. It is not customary to discuss non-responsive proposals during public meetings. However, it was brought up during public comments at the March Commercial Real Estate committee meeting which gave us clear directions on how to proceed.

Commissioner Gerhart commented on the debate at the March Commercial Real Estate Committee meeting over information that the proposal was non-responsive because the conflict-of-interest statement was incomplete, and we could expose the LMA to a lawsuit to propose a remedy to waive or fix the issue. She continued to discuss whether LMA legally had the right to remedy the issue.



**Chair Richard** said that he was briefed on the issue and felt that the best solution would be to put the RFP back out for bid creating another opportunity to bid again. He asked Attorney Dye to address the liabilities of her proposed remedy to go back and make the change.

**Commissioner Gerhart** said that her only point was knowing how long it takes to go through the bid process, the associated costs, and get properties back into commerce.

**Mr. Dye** explained that there is an objective standard in the RFP that requires a signed notarized conflict of interest disclosure affidavit. The affidavit that was distributed was non-responsive to the requirements of the RFP. If the LMA were to waive that requirement there would be an arbitrary action, in his opinion as a lawyer and the team agreed and concluded that the proposal was non-responsive.

**Commissioner Heaton** said she was familiar with the blighted property and its lengthy legal history. She fully appreciates the team's recommendation and would never advocate the LMA putting itself in a legal bind. However, she asked if the LMA could legally remedy the issue due to its extenuating circumstances without it going out for bid again.

**Mr. Dye** stated that the remedy would be to put it out for bid again, which is the process that Commercial Real Estate directed the staff to do.

**Mr. Odinet** asked for clarity on what Commissioner Heaton was asking for as a remedy.

**Mr. Metzger** advised the board of the possible ramifications that going against protocol for a proposal could open the floodgates for unwarranted issues down the line. No one on this team recommends waiving or remedying the document. It is standard procedure to put it out for bid, and that is the recommendation of Commercial Real Estate and the LMA team.

**Commissioner Carr** continued to express his disapproval of putting it back out for bid and asked if we were legally bound to go through the RFP process.

**Chair Richard** asked for the board to allow Mr. Bertucci to speak.

**Mr. Bertucci** thanked the board for the opportunity to discuss the issue and talked about his background. He is a licensed Louisiana general contractor, master plumber who owns Bertucci Brothers Plumbing, and realtor with over \$40 million in sales over the last (4) years. He also founded a non-profit called NOLA Families in Need over 10 years ago. He asked the board to consider looking at the site proposal that he handed out regarding the \$4 million construction project for 406 S. Roadway which is currently blighted property that remains underutilized.

**Mr. Bertucci** spoke about his laborious efforts and the time it took to obtain financial and other resources that he could lose from having to endure another lengthy bid process. He implored the board to review his proposal to determine if this project is in the best interest of the public and the LMA or that it should remain a non-responsive bid. He also stated, for the record, that he does not have a conflict of interest with the LMA or this site's development.

**Chair Richard** stated that he was briefed on the issue by the LMA team with the understanding that the best practice would be to put out another RFP. Commissioner Carr made him aware of the fact that it doesn't have to issue another RFP.

**Commissioner Heaton** suggested that it be deemed non-responsive for a hyper technical circle, give the board time to review the proposal, and put it on the April Commercial Real Estate Committee agenda to be fully vetted by the team. Commercial Real Estate could then direct the next steps.

**Chair Richard** agreed with Commissioner Heaton's suggestion to have the board review the proposal and have Commercial Real Estate revisit and direct the next steps.

**Mr. Papalardo** informed the board of a similar issue at Parcel-K. One bid was submitted and deemed non-responsive. The board, by resolution, put the property out for bid again.

**Commissioner Gerhart** pointed out that at the last Commercial Real Estate meeting, the real estate consultant spent a good amount of time explaining that this was a bad idea. However, it was the will of Commercial Real Estate and the board to put this out for bid and get this property developed and back out into commerce.

**Mr. Capo** added that the reason this went out for RFP is because of the high volume of interest to develop.

**Chair Richard, the board, the legal team, and staff all agreed that this should go back to Commercial Real Estate to be fully vetted.**

## **IX. Director's Report**

**Mr. Capo** reported the following:

**The OLDPD was here and talked about Easter Sunday preparations on the lakefront.**

- **Additional trash cans and pick up**
- **Mounted horses (NOPD)**
- **Camera surveillance**

**X. Committee Reports**

**Airport Committee – Chair Heaton: No Quorum**

**Commissioner Heaton** informed the board that she met with the new director from GOHSEP to let them know the importance of the Airport.

**Marina Committee – Chair Philip Clinton**

**Chair Richard** expressed his confidence that the board will work with him to make progress at the marinas from square one.

**Commissioner Clinton** expressed his disappointment with the deferral of his motion.

**Recreation Committee – Chair Thomas – no report**

**Legal Committee – Chair Drouant: Deferred**

**Commercial Real Estate – Chair Rodgers**

**Chair Richard** said we held a healthy debate on the CRE issue.

**Commissioner Heaton** announced that the next CRE meeting is April 18<sup>th</sup>.

**Finance Committee – Chair Egana**

**Chair Richard** announced that Commissioner Egana left early due to a prior engagement, but his item passed earlier this evening.

**XI. Public Comments – Limited to (2) Minutes**

**Raleigh Bourg** asked for clarification on the inspection clause in their leases.

**Mr. Papalardo** read verbatim that the lease says two years from the date of the resolution to say you want an extension on your lease. You have three years from the date of the resolution to complete an inspection and any repairs performed. The inspection and repairs must be completed before the lease amendment can be issued.

There was further discussion on the interpretation of the terms.

**Mr. Dye** offered to read the document and render a written explanation of the specifics of the lease terms.

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

**XII. Announcement of next Regular Board Meeting**

1) Thursday, April 25, 2024 – 5:30 P.M.

**XIII. Adjourn at 7:57 PM.**

A motion to adjourn was offered by **Commissioner Clinton** and seconded by **Commissioner Exposé**.