

**MINUTES OF THE  
LAKEFRONT MANAGEMENT AUTHORITY  
BOARD MEETING  
THURSDAY, DECEMBER 17, 2020**

**PRESENT:**

Chair Wilma Heaton  
Vice Chair Robert Watters  
Secretary Thomas Fierke  
Commissioner Sean Bruno  
Commissioner Stanley Brien  
Commissioner Esmond Carr  
Commissioner Stanley Cohn  
Commissioner David Francis  
Commissioner Eugene Green, Jr.  
Commissioner Dawn Hebert  
Commissioner Renee Lapeyrolerie  
Commissioner Pat Meadowcroft (\*left the meeting at approximately 6:55 PM and returned approximately 7:05 PM)  
Commissioner Anthony Richard  
Commissioner Howard Rodgers  
Commissioner Bob Romero

**STAFF:**

Louis Capo – Executive Director  
Madison Bonaventure – Assistant to the Executive Director/Board Secretary  
Daniel Hill – Director of Engineering and Operations  
Cornell Meredith – ARFF Captain  
Bruce Martin– Airport Director  
Brad Vanhooose– Harbor Master

**ALSO PRESENT:**

Mark Clark– Gulf Coast Media  
David Jefferson “Jeff” Dye– Legal Counsel to the LMA  
Al Pappalardo – Real Estate Consultant to the LMA  
Gerard Metzger– Legal Counsel to the LMA

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The regular monthly Board Meeting of the Lakefront Management Authority was held virtually on Thursday, December 17, 2020 via Zoom and livestreamed for public view at [Lakefront Management Authority - YouTube](#) after due legal notice of the meeting was sent to each Board member and the news media and posted. Certification pursuant to LA Rev. Stat. 42:17.1 (ACT NO. 302, 2020 REGULAR LEGISLATIVE SESSION) was distributed.

Chair Wilma Heaton called the meeting to order at 5:40 P.M. and led in the pledge of allegiance.

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

**OPENING COMMENTS:**

Chair Heaton welcomed Commissioners. She announced that a department within the agency had been quarantined due to a positive COVID-19 case.

**MOTION TO ADOPT AGENDA:**

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

**ADOPTION OF THE MINUTES:**

A motion was offered by Commissioner Francis, seconded by Commissioner Hebert, and was unanimously adopted to approve the minutes of the November 19, 2020 Board Meeting.

**PUBLIC COMMENT:**

Wendy Bell, General Manager of Flightline First, submitted her comment in writing:

“I think Wilma Heaton has done an outstanding job as the Chair. We appreciate her business and negotiation skills. It is not easy, since she has a full time job but still puts the Lakefront Airport first. We are so fortunate that she works all of the time and seems to enjoy working in her spare time for the tenants at the airport. Please re-elect her as the Chair!”

Thomas S. Meric, Jr, President of Peninsula Condominium Association, submitted his comment in writing:

“It is with great pleasure that we take this time to support Wilma Heaton for Chairman of the Lakefront Management Authority for the upcoming 2021 term. We have had the pleasure of meeting with Wilma over the years and have dealt with somewhat complicated issues in the area managed by the Lakefront Management Authority. During that time and after a substantial amount of needed supporting documentation and respectful dialogue issues were resolved with amicable agreements. Her tireless energy and attention to the needs of others while supporting the mission of the Lakefront Management Authority is evident in a firm but respectful way. I believe she would continue to be great asset to the Lakefront Management Authority and would appreciate your favorable consideration of her nomination to continue through the 2021 term as Chairman of the Lakefront Management Authority. Thank you for your time and efforts in this matter.”

Mr. Richard Provensal wrote that Mr. Thomas Long had authorization to speak on behalf of the Southern Yacht Club.

Thomas Long, of 85 Egret Street, submitted his comment in writing:

“Speaking as a multiple constituent, I would like to strongly endorse Wilma Heaton for chair of the Lakefront Management Authority. Wilma has demonstrated a dedication to the best interests of all stakeholders along the Lakefront. She has worked tirelessly to raise funds from grants and other sources beyond self-generated revenue. As a resident of Lake Vista and a tenant of Orleans Marina,

both LMA properties, I strongly urge the members of the entire Board to vote for Wilma Heaton as your chair.”

Marian Wallis submitted her comment in writing:

“I would like to make a statement to the board during the vote this evening for officers. It should make the citizens of New Orleans East and Orleans Parish very proud to see all the wonderful improvements that the lakefront authority has been able to accomplish over the last several years to improve the Lakefront Airport, the Lakefront Airport building, the mural restoration, the harbor, etc. After all the devastation from the hurricane much has been accomplished with a great deal of hard work. It will be even more important with the eventual restoration of the statues in front and with the restoration of the yacht harbor. In addition to many of the other improvements that were made on the Lakeshore Landing site. Very few authorities are fortunate enough to take over and control a project giving the authority a \$6 million asset with no litigation. The board has done an amazing job improving the site with many more opportunities to come. I believe that Wilma Heaton’s leadership has been instrumental in steering and working with a very talented board to accomplish such success. It is important to keep good leadership in place and bring on other new leadership for the continuity and continued progress of these many accomplishments and years of hard work. I urged the board to again vote for Wilma Heaton as board president.”

#### **DIRECTORS’ REPORTS:**

Director Capo stated that the Annual Legislative Audit of the LMA’s finances was complete, and budget hearings would be starting soon as an adopted budget would be due to the Joint Legislative Committee on the Budget on April 1, 2021. He said that staff would begin preparing the budget by meeting with the directors of the various departments within the LMA to discuss needs and to answer questions.

Bruce Martin, Airport Director, said that staff has concentrated on Hurricane Zeta damage repairs. He explained that on the day before Thanksgiving Day, a major rain event further damaged the National Guard Hangar. He said that over two feet of water came into the hangar after the heavy rain fell on the demolished roof of the hangar. He said that staff, including Darrell Merrick, responded to the event after hours to assess and mitigate damages. He said a company was also called to clean out the damaged areas and to circulate air to prevent mold growth.

He reported that staff is also focusing on the Runway 9-27 Decommissioning Project included in the Airport Master Plan. He said an advertisement for bids for the design of the project was executed, and submissions were due soon. He said the project will be initiated sooner than originally thought as the FAA has decided to fund the project within a short time frame.

He introduced Cornell Meredith to the Board and explained that Mr. Meredith was a fireman on staff with the Airport’s ARFF unit and had started in March of 2020. He said Mr. Meredith had just been promoted to Captain. He said that Captain Meredith has prior experience at the New Orleans Fire Department and experience at the Louis Armstrong International Airport. Mr. Martin said the LMA looks forward to working with him in his leadership role.

Captain Meredith thanked Chair Heaton, Director Capo, Mr. Chris Henderson (Airport Manager), and Mr. Martin for their trust in him.

Chair Heaton thanked Captain Meredith for his service and dedication.

Daniel Hill, Director of Engineering and Operations, said that all maintenance staff was quarantined and to contact him directly if any urgent matters arise. He said all maintenance projects, such as cleanups in lakefront subdivision parks, were at a standstill until staff could safely return to work.

Chair Heaton added that Mr. Merrick, Airport Maintenance Repairer Master, was notified that he may need to respond to matters at other LMA properties.

### **COMMITTEE REPORTS:**

**Airport Committee:** Chair Heaton said that there were some Airport grants that have been identified that they will pursue for capital projects.

**Finance Committee:** Commissioner Bruno thanked Director Capo, staff, and auditors for a successful audit of the LMA's finances.

**Legal Committee:** Commissioner Cohn said that the Legal Committee met and had two items it was recommending and urging for approval on the agenda (New Business items No. 3 and 4). He said the two motions would end litigation for those issues that the LMA was experiencing and would give Director Capo the authority to sign off on settlements.

**Commercial Real Estate:** Vice Chair Watters said that the Committee met on December 10, 2020 and carried out a citizen's update on Oceana USA, LLC. He said all comments about the firm's project along the New Basin Canal were negative. He said that the Committee did not carry out any business, received updates from staff, and mainly served as a venue for public comment regarding the Oceana USA, LLC issue.

**Marina Committee:** Commissioner Hebert said the Marina Committee met on December 8, 2020 and discussed issues such as a lighting outage. She said that a speaker came to the Committee concerning Seabrook Boat Launch's condition and contrasted it to other public boat launches in the surrounding areas. Director Capo explained that no moneys were let from the Wallop-Breaux Grant, and staff would be reapplying for consideration next year. She said the Committee also received an update regarding the Frank Davis Pier and marina tenant delinquencies. Director Capo added that staff would file a claim with FEMA. She said that the Board would be hearing change order items they recommended dealing with circumstances involving a 180-day extension of the Orleans Marina North and East Wall Slip Repair and Construction Project.

**Recreation:** Commissioner Romero said that there were several bus shelters in and around Lake Vista that are several decades old with significant decay and damage that may require attention. He said the Committee also received a positive update from the Hibernian Memorial Park and said that

the Ancient Order of the Hibernians are taking good care of their leased site.

**NEW BUSINESS:**

**1) Motion to elect the Officers of the Lakefront Management Authority to serve one-year terms commencing on January 1, 2021 and expiring on December 31, 2021.**

A motion was offered by Commissioner Romero and seconded by Commissioner Carr to discuss the election of the Officers of the Lakefront Management Authority to serve one-year terms commencing on January 1, 2021 and expiring on December 31, 2021.

Chair Heaton invited Commissioner Cohn, Chair of the Nominating Committee, to give a report on the Nominating Committee meetings and nomination process.

Commissioner Richard expressed concerns that the Committee also met after November, and he interpreted their meetings in December as a violation of the LMA By-Laws.

Commissioner Cohn thanked Commissioners Meadowcroft, Lapeyrolerie, Bruno, and Watters for serving on the Nominating Committee. He said that on November 30, 2020 the Nominating Committee met and considered all sitting Commissioners as nominees for all officer positions. He said the night the Committee met on November 30, 2020 he drafted a memo to the Board. The next day on December 1, 2020 Madison Bonaventure, Assistant to the Executive Director and Board Secretary, forwarded the memo he had prepared inviting interested candidates to apply and to be interviewed at the subsequent meetings scheduled on December 7, 2020 and December 14, 2020 per his instruction. He said that they met their obligation pursuant to the By-Laws to meet in the month of November. He said their second obligation was to recommend a slate. He said to present a slate, the Committee thought it was in the best interest of the Board to interview candidates for consideration and to devise a slate for recommendation. He said that three Commissioners responded to the invitation to be interviewed and presented at the meetings: Commissioners Heaton (for Chair), Francis (for Vice Chair), and Green (for Chair). He added that Commissioner Fierke also expressed interest in continuing to serve in his role as Secretary though he was out of town and unavailable.

He said it was a difficult task because all candidates were qualified. He said that he was proud of how the Committee came together and asked the Board to recognize the work they had done and respect their philosophy.

He explained that at the conclusion of the interview process, the Committee discussed which candidates would best serve the LMA at the present time given the myriad of issues including litigation and ongoing projects which require maximum institutional knowledge. He said while Chair Heaton had served for three years already, he said continuity was important, and it was her intention to prepare a successor for 2022. He said that Commissioner Francis expressed interest in the Vice Chair role and continuity of service in the future, and Commissioner Francis was civic-

minded and a proven leader in the community.

He said that Commissioner Green had impressive credentials, and the Nominating Committee recognized his strong desire to serve as Chair of the Board in 2021. He said the Committee proposed that he be nominated as Secretary to qualify him even further for leadership in the future. He added that Commissioner Fierke has served well as Secretary.

He said the slate, recommended by a vote of the Nominating Committee, was as follows:

Wilma Heaton, Chair  
David Francis, Vice Chair  
Eugene Green, Secretary

Commissioner Richard said that he still felt like the Committee violated the By-Laws by hosting meetings after November.

Gerard Metzger, Legal Counsel to the LMA, explained that there is nothing in the By-Laws that precludes the Committee from meeting again after November 30. Mr. Metzger said nominations could also be made from the floor.

Commissioner Fierke said he disagreed with Commissioner Richard, but the Board could also make all nominations from the floor and disregard the Nominating Committee's recommendation. Commissioner Carr concurred.

Commissioner Cohn said that he respectfully disagreed with Commissioner Richard's interpretation of the By-Laws. He said the Committee met before the end of November at which time all sitting Commissioners were considered nominees for any and all officer positions. He said that the Committee considered all nominations and determined a slate. He said the Committee invited everyone to present to the Committee for further consideration. He said everything the Committee did was valid.

Commissioner Fierke failed to see the point of Commissioner Richard's concerns.

Chair Heaton said she respectfully disagreed with Commissioner Richard. She said she was thoroughly impressed with the Nominating Committee for expanding a transparent process while adhering to the By-Laws. She said in previous years, the Nominating Committee would meet once and devise a slate without an interview process. She opened the floor for nominations for the Chair officer position.

Commissioner Hebert nominated Commissioner Green for Chair of the Board. Commissioner Green accepted the nomination.

Commissioner Cohn, in an abundance of caution should a party file suit to contest the slate, nominated Commissioner Heaton for Chair of the Board.

The following Commissioners voted for Commissioner Heaton for the officer position of Chair: Brien, Carr, Cohn, Francis, Meadowcroft, Romero, Heaton, Watters, and Fierke.

The following Commissioners voted for Commissioner Green as Chair: Bruno, Green, Hebert, Lapeyrolerie, Richard, and Rodgers.

Commissioner Lapeyrolerie nominated Commissioner Francis for Vice Chair. No other nominations were proposed. All Commissioners voted for Commissioner Francis for Vice Chair. Commissioner Francis thanked the Board.

Commissioner Green nominated Commissioner Fierke for Secretary. No other nominations were proposed. All Commissioners voted for Commissioner Fierke for Secretary. Commissioner Fierke thanked the Board.

**MOTION: 01-121720**  
**RESOLUTION: 01-121720**  
**BY: Commissioner Romero**  
**SECONDED BY: Commissioner Carr**

**December 17, 2020**

**1) Motion to elect the Chair of the Lakefront Management Authority to serve a one-year term commencing on January 1, 2021 and expiring on December 31, 2021.**

**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**, Article IV, Section 2 of the By-Laws of the Management Authority provides that officers are to be elected each year at the regularly scheduled December Management Authority Meeting;

**WHEREAS**, in accordance with the By-Laws, the Nominating Committee met on November 30<sup>th</sup>, 2020, at which time all seated Commissioners were deemed nominees for elected office. The Nominating Committee set forth a schedule allowing any Commissioner who so desired to make a presentation to the Nominating Committee;

**WHEREAS**, the nominating committee convened on December 7<sup>th</sup> at 5:30pm to hear interviews by Wilma Heaton for Chair and David Francis for Vice-Chair;

**WHEREAS**, the nominating committee convened on December 14<sup>th</sup> at 5:30 pm to hear an interview by Eugene Green for Chair, and received notice of Thomas G. Fierke’s interest to serve as Secretary;

**WHEREAS**, the Nominating Committee of the Management Authority at a meeting held on December 14, 2020, at which a quorum was present, voted to recommend Commissioner Wilma Heaton as Chair, Commissioner David Francis as Vice Chair and Commissioner Eugene J. Green, Jr. as Secretary; and,

**WHEREAS**, after motion made and duly seconded for discussion, and after the nomination from the floor by Commissioner Stanley Cohn, of Commissioner Wilma Heaton for Chair, and nomination by Commissioner Dawn Hebert, of Commissioner Eugene J. Green, Jr. for Chair, the members of the Management Authority elected Wilma Heaton as Chair.

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that Wilma Heaton be and is hereby elected to serve as Chair for a one-year term commencing on January 1, 2021 and expiring on December 31, 2021.

**BE IT HEREBY FURTHER RESOLVED**, that the 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, Francis, Brien, Carr, Cohn, Meadowcroft, Romero

**NAYS:** Bruno, Hebert, Green, Lapeyrolerie, Richard, Rodgers

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION ADOPTED: YES**

**MOTION:** 01A-121720

**RESOLUTION:** 01A-121720

**BY:** Commissioner Romero

**SECONDED BY:** Commissioner Carr

December 17, 2020

**1A) Motion to elect the Vice Chair of the Lakefront Management Authority to serve a one-year term commencing on January 1, 2021 and expiring on December 31, 2021.**

**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**, Article IV, Section 2 of the By-Laws of the Management Authority provides that officers are to be elected each year at the regularly scheduled December Management Authority Meeting;

**WHEREAS**, in accordance with the By-Laws, the Nominating Committee met on November 30<sup>th</sup>, 2020, at which time all seated Commissioners were deemed nominees for elected office. The Nominating Committee set forth a schedule allowing any Commissioner who so desired to make a presentation to the Nominating Committee;

**WHEREAS**, the nominating committee convened on December 7<sup>th</sup> at 5:30pm to hear interviews by Wilma Heaton for Chair and David Francis for Vice-Chair;

**WHEREAS**, the nominating committee convened on December 14<sup>th</sup> at 5:30 pm to hear an interview by Eugene Green for Chair, and received notice of Thomas G. Fierke’s interest to serve as Secretary;

**WHEREAS**, the Nominating Committee of the Management Authority at a meeting held on December 14, 2020, at which a quorum was present, voted to recommend Commissioner Wilma Heaton as Chair, Commissioner David Francis as Vice Chair and Commissioner Eugene J. Green, Jr. as Secretary; and,

**WHEREAS**, after motion made and duly seconded for discussion, and after the nomination from the floor by Commissioner Renee Lapeyrolerie, of Commissioner David Francis for Vice Chair, the members of the Management Authority elected Commissioner David Francis as Vice Chair.

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that David Francis be and is hereby elected to serve as Vice Chair for a one-year term commencing on January 1, 2021 and expiring on December 31, 2021.

**BE IT HEREBY FURTHER RESOLVED**, that the 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, Bruno, Carr, Cohn, Hebert, Green, Francis, Meadowcroft, Lapeyrolerie, Richard, Rodgers, Romero

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION ADOPTED: YES**

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION ADOPTED: YES**

**MOTION:** 01B-121720

**RESOLUTION:** 01B-121720

**BY:** Commissioner Romero

**SECONDED BY:** Commissioner Carr

**December 17, 2020**

**1B) Motion to elect the Secretary of the Lakefront Management Authority to serve a one-year term commencing on January 1, 2021 and expiring on December 31, 2021.**

**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**, Article IV, Section 2 of the By-Laws of the Management Authority provides that officers are to be elected each year at the regularly scheduled December Management Authority Meeting;

**WHEREAS**, in accordance with the By-Laws, the Nominating Committee met on November 30<sup>th</sup>, 2020, at which time all seated Commissioners were deemed nominees for elected office. The Nominating Committee set forth a schedule allowing any Commissioner who so desired to make a presentation to the Nominating Committee;

**WHEREAS**, the nominating committee convened on December 7<sup>th</sup> at 5:30pm to hear interviews by Wilma Heaton for Chair and David Francis for Vice-Chair;

**WHEREAS**, the nominating committee convened on December 14<sup>th</sup> at 5:30 pm to hear an interview by Eugene Green for Chair, and received notice of Thomas G. Fierke’s interest to serve as Secretary;

**WHEREAS**, the Nominating Committee of the Management Authority at a meeting held on December 14, 2020, at which a quorum was present, voted to recommend Commissioner Wilma Heaton as Chair, Commissioner David Francis as Vice Chair and Commissioner Eugene J. Green, Jr. as Secretary; and,

**WHEREAS**, after motion made and duly seconded for discussion, and after the nomination from the floor by Commissioner Eugene J. Green, Jr., of Commissioner Thomas G. Fierke for Secretary, the members of the Management Authority elected Thomas G. Fierke as Secretary.

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that Thomas G. Fierke be and is hereby elected to serve as Secretary for a one-year term commencing on January 1, 2021 and expiring on December 31, 2021.

**BE IT HEREBY FURTHER RESOLVED**, that the 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, Bruno, Carr, Cohn, Hebert, Green, Francis, Meadowcroft, Lapeyrolerie, Richard, Rodgers, Romero

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION ADOPTED: YES**

### **2) Motion to approve the 2021 Meeting Schedule.**

A motion was offered by Commissioner Romero, seconded by Commissioner Watters, and unanimously approved, to approve the 2021 Meeting Schedule.

Mr. Metzger said that the Board has the authority to change the date of Committee Meetings and Board Meetings if needed.

### **3) Motion to approve the Delegation of Authority to Executive Director, Louis Capo, to accept a settlement for the outstanding slip rentals owed by the Roland Von Kurnatowski Succession.**

Jeff Dye gave a summary on the issue:

He explained that the motor vessel Mary Grace had been docked at South Shore Harbor since 2016 and was put up for sale by Mr. von Kurnatowski's Succession. He said that as of November 24, 2020, \$31,478.00 was owed to the LMA for dockage fees, and the Succession was prepared to pay the balance in full from the sale proceeds as there is a buyer for the vessel with a purchase price of \$175,000.00. He added there may be some variability in the amount owed as dockage fees may accrue in December and final acceptance by a judge must be made after the Succession files a disbursement. He said there is a considerable bank lien on the boat as well. He explained that the resolution would authorize Director Capo to accept what will be approved by the court, and the sale was to go through in early January.

Commissioner Francis asked what would happen if the reduction in the settlement was deemed unacceptable by the LMA. Mr. Dye explained that the only recourse would be to file a claim in court and based on his research the process could take 6-12 months and would be a significant cost to the LMA.

Commissioner Romero asked if the family of Mr. von Kurnatowski or if a judge decides how to disburse the settlements related to the motor vessel.

Mr. Dye said it would be proposed by the Succession representative and ultimately approved by a judge. Mr. Dye reminded the Board the Succession was opened by the creditors of Mr. von Kurnatowski, not his family.

Commissioner Richard asked Mr. Dye if the delinquent rents were owed due to rental of additional facilities. Mr. Dye confirmed it was for dockage of the Mary Grace vessel only and was unrelated to other leaseholds of Mr. von Kurnatowski's businesses. He explained that Mr. von Kurnatowski's businesses were not included in the Succession process, and the Mary Grace vessel issue deals with the matter at the individual level. He said that the LMA was not a creditor to the Succession. He said there are currently approximately \$13 million in claims with little assets and significant debt.

**MOTION:** 03-121720  
**RESOLUTION:** 03-121720  
**BY:** Commissioner Cohn  
**SECONDED BY:** Commissioner Watters

December 17, 2020

- 1) **Motion to approve the Delegation of Authority to Executive Director, Louis Capo, to accept a settlement for the outstanding slip rentals owed by the Roland Von Kurnatowski Succession.**

**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 M/V Mary Grace is a sixty-one (61) foot United States Coast Guard documented vessel manufactured by the Buddy Davis boat company in 1987 that has been docked in the South Shore Harbor since at least February 2016 without paying rent and other fees due and payable to the Management Authority;

**WHEREAS**, the Management Authority as of November 24, 2020 is owed THIRTY-ONE THOUSAND FOUR HUNDRED SEVENTY-EIGHT AND 16/100 DOLLARS (\$31,478.16) for dockage, surcharges, and late fees as per the attached statement;

**WHEREAS**, the Succession of Roland Von Kurnatowski is the current owner the M/V Mary Grace and has received a commitment to purchase the M/V Mary Grace for the total purchase price of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00);

**WHEREAS**, the prospective purchaser of the M/V Mary Grace made a ten percent (10%) deposit and agreed to complete the purchase on or before January 12, 2021;

**WHEREAS**, the Hancock-Whitney Bank is the holder in due course of a preferred ship mortgage on the M/V Mary Grace and reported, through counsel, on December 7, 2020 to be owed the following sums:

Principal	\$153,552.52
Interest	\$ 26,160.08
Late Charges	\$ 6,581.70
Attorneys' fees and costs from 1/1/20:	\$ 1,808.12

Reimbursement for Repairs:	\$ 4,961.00
TOTAL:	\$ 203,063.42

**WHEREAS**, counsel for Hancock-Whitney Bank indicates the Bank has agreed with the court appointed Representative for the Succession of Roland Von Kurnatowski to accept a payoff of ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00), as complete satisfaction of the sums detailed in the preceding paragraph, from the proceeds from the sale of the M/V Mary Grace;

**WHEREAS**, the court appointed Representative for the Succession of Roland Von Kurnatowski represented in a communication dated December 2, 2020 that he intends to disburse the sum of THIRTY-ONE THOUSAND FOUR HUNDRED SEVENTY-EIGHT AND 16/100 DOLLARS (\$31,478.16) to the Management Authority from the proceeds from the sale of the M/V Mary Grace;

**WHEREAS**, the proposed sale of the M/V Mary Grace and the proposed disbursement of the proceeds from the sale of the M/V Mary Grace require the approval of the Civil District Court where the Succession of Roland Von Kurnatowski is pending;

**WHEREAS**, the amount of the proposed payment to the Management Authority is subject to change based upon the review and approval by the Civil District Court and due to the inherent uncertainty of negotiations that may continue in the pending purchase of the M/V Mary Grace;

**WHEREAS**, the Executive Director for the Management Authority is the current employee with the most knowledge of the history of the M/V Mary Grace and the sums owed for the dockage of the M/V Mary Grace;

**WHEREAS**, the Executive Director may be called by the Civil District Court or the court appointed Representative of the Succession of Roland Von Kurnatowski to accept a payoff amount less than the THIRTY-ONE THOUSAND FOUR HUNDRED SEVENTY-EIGHT AND 16/100 DOLLARS (\$31,478.16) owed to the Management Authority as of November 24, 2020;

**WHEREAS**, the Executive Director may be called by the Civil District Court or the court appointed Representative of the Succession of Roland Von Kurnatowski to execute documents, including possible legal instruments, settlements, and releases from liability, necessary for the sale of the M/V Mary Grace to occur and also necessary for the Management Authority to receive any of the proceeds from the sale of the M/V Mary Grace;

**WHEREAS**, the best interests of the Management Authority are served by collecting as much of the outstanding dockage, surcharges, and late fees as possible from the pending sale of the M/V Mary Grace and to execute the documents and legal instruments necessary to effectuate the sale and the disbursement of sale proceeds to the Management Authority;

**NOW, THEREFORE BE IT HEREBY RESOLVED**, that the Executive Director is hereby authorized to accept payment from the court appointed Representative of the Succession of Roland Von Kurnatowski in satisfaction of the outstanding dockage, surcharges, and late fees owed for the M/V Mary Grace;

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

**4) Motion to approve the Delegation of Authority to Executive Director, Louis Capo, to enter into a settlement agreement with the United States Environmental Protection Agency with regards to the JCC Environmental CERCLA site.**

Mr. Dye explained that in 2012, jet fuel removed from the Airport was improperly disposed of at the JCC Environmental CERCLA site in Mississippi. He said that the EPA incurred costs to clean up the jet fuel at the site, and the LMA was a party held liable. He said that the amount of the settlement was \$2,400.00, and the amount was based on a volume metric calculation. He noted that the settlement needed to be signed by December 31, 2020, and the settlement payment was due 30 days after the document had been accepted by the EPA.

Director Capo explained that the jet fuel was pumped out of the Airport’s fuel farm following contamination due to flooding caused by Hurricane Isaac.

**MOTION:** 04-121720  
**RESOLUTION:** 04-121720  
**BY:** Commissioner Cohn  
**SECONDED BY:** Commissioner Watters

**December 17, 2020**

- 4) Motion to approve the Delegation of Authority to Executive Director, Louis Capo, to enter into a settlement agreement with the United States Environmental Protection Agency with regards to the JCC Environmental CERCLA site.**

**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 United States Environmental Protection Agency, Region 4, in correspondence dated October 16, 2020 informed the Lakefront Management Authority Executive Director, Louis Capo, that the Lakefront Management Authority has been identified as a Potentially Responsible Party for environmental liabilities at the JCC Environmental Superfund Site in Picayune, Mississippi;

**WHEREAS**, as a Potentially Responsible Party, the Lakefront Management Authority could be jointly and severally liable for the response and cleanup of the hazardous substances located at the JCC Environmental Superfund Site under Section 107(a) of the Comprehensive Environmental Response Compensation and Liability Act

("CERCLA");

**WHEREAS**, the Lakefront Management Authority's potential liability to the Environmental Protection Agency arises from the purported transport and disposal of 600 gallons of contaminated jet fuel from the Lakefront Airport to JCC Environmental, Inc. on or about December 4, 2012;

**WHEREAS**, the Environmental Protection Agency seeks to recover a total of \$648,709.08 from the Lakefront Management Authority and other Potentially Responsible Parties with this cost representing 75% of the response costs incurred by Environmental Protection Agency at the JCC Environmental Superfund Site;

**WHEREAS**, the Environmental Protection Agency in its October 16, 2020 correspondence proposes settlement terms to and for the Lakefront Management Authority and a proposed settlement amount of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00);

**WHEREAS**, the proposed settlement amount was calculated on a volumetric basis relative to other Potentially Responsible Parties regardless of the nature of the substance or substances disposed or processed at the JCC Environmental Superfund Site;

**WHEREAS**, to enter the proposed settlement, an authorized representative for the Lakefront Management Authority must sign the proposed settlement documents and return the documents to the Environmental Protection Agency so that the documents are received by no later than December 31, 2020;

**WHEREAS**, the proposed settlement amount of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) will be due within thirty (30) days of the Environmental Protection Agency's own signing of the proposed settlement agreement;

**WHEREAS**, the proposed settlement provides a release from liability for the Environmental Protection Agency's past response costs at the JCC Environmental Superfund Site and from contribution actions that could be brought by other Potentially Responsible Parties against the Lakefront Management Authority; and

**WHEREAS**, it is in the best interests of the Lakefront Management Authority to enter into the settlement agreement proposed by the Environmental Protection Agency and to resolve the potential liability arising from response costs incurred at the JCC Environmental Superfund Site by paying the proposed settlement amount when due;

**NOW, THEREFORE BE IT HEREBY RESOLVED**, that the Executive Director be and is hereby authorized to enter the settlement agreement proposed by the United States Environmental Protection Agency to resolve the potential liabilities arising from response costs incurred at the JCC Environmental Superfund Site and to pay the TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) settlement amount and any other incidental expenses that may arise in connection to this matter;

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

**5) Motion to approve the selection Ericksen Krentel, L.L.P. to conduct the annual audit for the Fiscal Years ending June 30<sup>th</sup>, 2021, June 30<sup>th</sup>, 2022, and June 30, 2023 for a not-to-exceed fee in the amount of \$39,000 per annum.**

A motion was offered by Commissioner Bruno, seconded by Commissioner Romero, and was unanimously approved to the select Ericksen Krentel, L.L.P. to conduct the annual audit for the Fiscal Years ending June 30<sup>th</sup>, 2021, June 30<sup>th</sup>, 2022, and June 30, 2023 for a not-to-exceed fee in the amount of \$39,000 per annum.

Director Capo explained that the Legislative Auditors have selected Ericksen Krentel, L.L.P. again to perform the annual audit for the LMA. He said that their rates are reasonable.

**MOTION:** 05-121720  
**RESOLUTION:** 05-121720  
**BY:** COMMISSIONER BRUNO  
**SECONDED BY:** COMMISSIONER ROMERO

**December 17, 2020**

**5) Motion to approve the selection Ericksen Krentel, L.L.P. to conduct the annual audit for the Fiscal Years ending June 30<sup>th</sup>, 2021, June 30<sup>th</sup>, 2022, and June 30, 2023 for a not-to-exceed fee in the amount of \$39,000 per annum.**

**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 assets of the Orleans Levee District (“District”);

**WHEREAS**, the Management Authority’s financial books and records are audited annually by an independent certified public accounting firm;

**WHEREAS**, the State of Louisiana Legislative Auditor (“Legislative Auditor”) issued a request for proposals for independent public accounting firms to prepare the audits for the Management Authority for the fiscal years ending June 30, 2018, June 30, 2019 and June 30, 2020;

**WHEREAS**, the Legislative Auditor elected to extend the term of the contract with Ericksen Krentel, L.L.P to perform the audit for the fiscal years ending June 30, 2021, June

30, 2022 and June 30, 2023;

**WHEREAS**, the Legislative Auditor will prepare a Contract for Professional Services with Ericksen Krentel, L.L.P. to provide the audit services for a total sum payable for the audit services and reimbursement of expenses and other costs not to exceed \$39,000.00 per annum;

**WHEREAS**, the Management Authority will be named as a party to the Contract and is obligated to pay the fees and costs for the annual audits to the Legislative Auditor in the amount of approved itemized billing statements, not to exceed the amount specified in the approved itemized billing statements and as set forth in the Contract; and,

**WHEREAS**, the Management Authority resolved that it was the best interest of the Management Authority and Orleans Levee District to concur with the selection Ericksen Krentel, L.L.P.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Lakefront Management Authority approves the selection Ericksen Krentel, L.L.P. to conduct the annual audit for the Fiscal Years ending June 30<sup>th</sup>, 2021, June 30<sup>th</sup>, 2022, June 30, 2023 and a not to exceed amount of \$39,000 per annum;

**BE IT FURTHER HEREBY RESOLVED** that the Management Authority authorizes the Chairman or Executive Director of the Management Authority to sign any and all other 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, Bruno, Carr, Cohn, Francis, Green, Hebert, Lapeyrolerie, Meadowcroft, Richard, Rodgers, Romero  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None  
**RESOLUTION ADOPTED: YES**

## **OLD BUSINESS**

**O.B. 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.**

A motion was offered by Commissioner Cohn, seconded by Commissioner Fierke, and was unanimously adopted, 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.

**MOTION:** 06-121720  
**RESOLUTION:** 06-121720  
**BY:** COMMISSIONER COHN



**SECONDED: COMMISSIONER FIERKE**

**December 17, 2020**

**6) 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 of \$13,839.56.**

**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 is one of the non-flood protection assets of the District under the management and control of the Management Authority;

**WHEREAS**, in February of 2019 the Management Authority issued an Invitation for Bids for the Orleans Marina North and East Wall Slips Project, in accordance with the provisions of the Louisiana Public Bid Law, La.Rev.Stat. 38:2212, et seq., (the “Project”);

**WHEREAS**, TKTMJ, Inc. was the lowest responsible bidder for the Project and the Management Authority approved a contract with TKTMJ, Inc., for the price and sum of \$1,008,800.00, for the Project;

**WHEREAS**, pilings had to be driven in connection with the Project and, consequently, vibration monitoring services were necessary in view of the proximity of other improvements and buildings to the construction site of the Project in the Orleans Marina;

**WHEREAS**, the plans and specifications for the Project required that the Management Authority contract at its expense for the vibration monitoring services;

**WHEREAS**, the Staff of the Management Authority received proposals for these services from several companies, including AIMS Group, Inc., a Louisiana corporation, which submitted a proposal to perform the services for the price and sum of \$36,905.00;

**WHEREAS**, the Management Authority adopted a resolution at its regularly scheduled meeting in February of 2020 that approved a contract with AIMS Group, Inc. for vibration monitoring services for the Project for a price and sum not-to-exceed \$36,905.00 (the “contract”);

**WHEREAS**, subsequently the Aims Group, Inc. recommended that additional vibration monitoring services would be required and that the cost would be \$31,567.50, and in May of 2020 the Management Authority adopted a resolution and approved an amendment to the contract for the required additional services, for a price and sum not-to-exceed \$31,567.50, increasing the total contract price to an amount not-to-exceed \$62,472.50;

**WHEREAS**, the Staff of the Management Authority advised that the contract for these services needs to be extended through August 31, 2020 and that the contract price for these services needs to be increased in an amount not-to-exceed \$30,493.30, increasing the total contract price to an amount not-to-exceed \$92,965.80;

**WHEREAS**, the Marina Committee of the Management Authority at its meeting held on August 18, 2020 voted to recommend that the Management Authority approve a Second Amendment of the contract under the terms and conditions set forth above and the

recommendation was accepted and approved by the Board at the Board Meeting held on September 3, 2020;

**WHEREAS**, the Staff of the Management Authority advised that the contract for these services needed to be extended through October 31, 2020 and that the contract price for these services needed to be increased in an amount not-to-exceed \$13,839.56, increasing the total contract price to an amount not-to-exceed \$106,805.36;

**WHEREAS**, the Marina Committee of the Management Authority considered this matter at its meeting held on December 8, 2020 and voted to recommend that the Management Authority approve the amendment of the contract under the terms set forth above; and,

**WHEREAS**, the Management Authority after considering the recommendations of the Director of Operations and Engineering of the Management Authority, the Consulting Engineer for the Project and the Marina Committee resolved that it was in the best interest of the District to approve the Third Amendment of the contract under the terms set forth above.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Lakefront Management Authority approves a Third Amendment of the contract with AIMS Group, Inc. for vibration monitoring services for the Orleans Marina North and East Wall Slips Project to extend the contract term through October 31, 2020 and to increase the price under the contract for these services by an amount not-to-exceed \$13,839.56, thereby increasing the total contract price to the amount of \$106,805.36.

**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:** Heaton, Watters, Fierke, Brien, Bruno, Carr, Cohn, Francis, Green, Hebert, Lapeyrolerie, Meadowcroft, Richard, Rodgers, Romero

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION ADOPTED: YES**

**O.B. 2) Motion to approve an Amendment to the 2019 Contract with Stuart Consulting Group, Inc. for construction administration services for the Orleans Marina North and East Walls Slip Repair and Construction Project to increase the contract price by a sum of \$13,600.00.**

Commissioner Cohn made a motion to discuss the motion to approve an Amendment to the 2019 Contract with Stuart Consulting Group, Inc. for construction administration services for the Orleans Marina North and East Walls Slip Repair and Construction Project to increase the contract price by a sum of \$13,600.00. The motion was seconded by Commissioner Watters.

Chair Heaton confirmed with Mr. Metzger if this item had been recommended by the Marina Committee. Mr. Metzger confirmed it had.

Commissioner Green asked if the money had been spent already. Commissioner Carr said it had. Commissioner Green expressed concerns about processes if the money had already been spent. Mr. Hill, Director of Engineering and Operations, confirmed that the work had been done; however, no payments had been made for any of the change orders on the Board agenda.

Commissioner Meadowcroft left the meeting.

Commissioner Carr said that project procedures would be reviewed for further improvement. He said the change orders were realized because of a negative cost change order, Change Order 001, from TKTMJ, Inc. (the contractor constructing the project); however, that same change order did include a 180-day extension which did forego the liquidated damages. He said there was not an LMA policy for extensions of time, so it was not brought to the Board. Commissioner Carr said that Director Capo said that changes in time would be presented to the Board so the Board could fully understand the schedule risk and monetary risk to a given project.

Chair Heaton said that a monthly report on each project may abate some of the concerns Commissioner Green had.

Director Capo said that a time provision would also be included in the resolutions for major capital projects. He said that currently in the resolutions there is only a reference to a not-to-exceed cost amount.

Commissioner Richard opposed the motion to approve an Amendment to the 2019 Contract with Stuart Consulting Group, Inc. for construction administration services for the Orleans Marina North and East Walls Slip Repair and Construction Project to increase the contract price by a sum of \$13,600.00. All other Commissioners voted in favor of the motion. The motion carried.

**MOTION: 07-121720**  
**RESOLUTION: 07-121720**  
**BY: COMMISSIONER COHN**  
**SECONDED: COMMISSIONER WATTERS**

**December 17, 2020**

- 7) Motion to approve an amendment to Contract (2019) with Stuart Consulting Group, Inc. for construction management administration services for the Orleans Marina North and East Wall Slip Repair and Construction Project for the price and sum not-to-exceed of \$13,600.00**

**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 Orleans Marina is one of the non-flood protection assets of the District under the management and control of the Management Authority;

**WHEREAS**, the Management Authority has a need for professional engineering services for the assets of the District managed by the Management Authority, including at the Orleans Marina;

**WHEREAS**, the Management Authority entered into a contract with Stuart Consulting

Group, Inc. (the “Stuart”), dated on April 29, 2019 for professional services associated with the construction phase of the Orleans Marina North and East Wall Slip Renovations (“Contract”);

**WHEREAS**, in February of 2019 the Management Authority issued an Invitation for Bids for the Orleans Marina North and East Wall Slip Renovations Project, in accordance with the provisions of the Louisiana Public Bid Law, La.Rev.Stat. 38:2212, et seq., (the “Project”);

**WHEREAS**, TKTMJ, Inc. was the lowest responsible bidder for the Project and the Management Authority approved a contract with TKTMJ, Inc.;

**WHEREAS**, through no fault of Stuart, the construction schedule was extended and additional construction administration services were required;

**WHEREAS**, the Staff of the Management Authority advised that the Contract needs to be amended to increase the price and sum for these additional services in an amount of \$13,600.00, increasing the total costs for these services to an amount not-to-exceed \$37,600.00.

**WHEREAS**, the Marina Committee of the Management Authority considered this matter at its meeting held on December 8, 2020 and voted to recommend that the Management Authority approve the amendment of the contract under the terms set forth above; and,

**WHEREAS**, the Management Authority after considering the request to approve the amendment of the contract and recommendation of the Marina Committee resolved that it was in the best interest of the District to approve the amendment of the contract.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Lakefront Management Authority approves an amendment to the Contract with Stuart Consulting Group, Inc. for construction administration services for the Orleans Marina North and East Wall Slip Renovations Project to increase the price for these services by a price and sum of \$13,600.00, thereby increasing the total contract price to an amount not-to-exceed \$37,600.00.

**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:** Heaton, Watters, Fierke, Brien, Bruno, Carr, Cohn, Francis, Green,  
Hebert, Lapeyrolerie, Rodgers, Romero

**NAYS:** Richard

**ABSTAIN:** None

**ABSENT:** Meadowcroft

**RESOLUTION ADOPTED: YES**

**O.B. 3) Motion to approve a 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.**

Commissioner Green asked if the money had been spent for this change order. Commissioner Carr

stated that all other change orders associated with the Orleans Marina North and East Walls Slip Repair and Construction Project were a result of Change Order 001 from TKTMJ, Inc. He explained that there were two negative cost change orders, but one extended the time frame to complete the project.

Commissioner Romero asked for the definition of spent in the context of the project as he wanted to clarify if that meant that the work was performed or if funds had been distributed to the contractors for the work performed as well.

Commissioner Green was under the impression that all the vendors were paid.

Mr. Hill clarified that the work has been completed, but none of the vendors/contractors had been paid for the work. He said that AIMS Group completed their work as vibration monitoring had to continue until the project construction was finished otherwise the project would have paused. He said that the Stuart Consulting Group charges were a result of the project's continued duration. He said that five of seven construction items remaining have been completed by TKTMJ, Inc.

Commissioner Romero suggested that the LMA could learn about solutions from LaDOTD's contractual practices. He said that the LMA needs to pay its contractors, but the Board needed to think of solutions so that projects could continue when conditions change or if a change order arises. He suggested that the Board create solutions to abate these issues and to support staff.

Commissioner Richard felt before any actions were taken, items should be brought before the Board. Commissioner Carr said that the initial change order was not brought before the Board because there was no policy in place for staff to do so. He reiterated that staff is seeking approval to pay the contractors, and Director Capo would apply a control for time extensions in the future.

Director Capo said that there is no contingency allowance in resolutions, so it meant that staff may need to come to the Board for approvals and pause projects. He said some time periods between meetings may cause contractors to demobilize, and therefore, the LMA would incur additional costs. He appealed to the Board to assist in a solution.

Commissioner Romero expressed concerns about writing contingencies into the contracts. Chair Heaton said that the Board should explore options to give staff the tools to act after emergency events.

Commissioner Fierke suggested that delegations of authority for the Executive Director be evaluated to further improve operations. He suggested an ad hoc committee organize to evaluate these issues.

Commissioner Green offered that if Commissioner Cohn was agreeable that the Legal Committee could evaluate those issues. The Board concurred.

**MOTION: 08-121720**  
**RESOLUTION: 08-121720**

**BY: COMMISSIONER CARR**  
**SECONDED: COMMISSIONER FIERKE**

December 17, 2020

8) Motion to approve Change Order No: 003 to TKTMJ, Inc., for the price and sum of \$16,769.00, for additional work and materials for the contract for the Orleans Marina North and East Walls Slip Repair and Construction Project.

**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 is one of the non-flood protection assets of the District under the management and control of the Management Authority;

**WHEREAS**, the Management Authority in February of 2019 issued an Invitation for Bids for the Orleans Marina Slip Repair Project in accordance with the provisions of the Louisiana Public Bid Law, La. Rev. Stat. 38:2212, et seq., and the Invitation for Bids provided that bids had to be received by no later than 10:00 a.m. o’clock on March 13, 2019 (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**, the bid by TKTMJ, Inc. in the amount of \$1,008,800.00 was the lowest responsible and responsive bid for the Project and the Management Authority awarded a contract to TKTMJ, Inc. for the Project (the “Contractor”);

**WHEREAS**, funding for this project was noted in the Capital Project Budget approved by Resolution 05-032819 on March 28, 2019, and the funding source for the Project was identified as \$300,000 from the then current year Capital Reserve-Unrestricted Funds and \$800,000 previously encumbered Prior Year Restricted Funds;

**WHEREAS**, subsequently work commenced on the Project and two Change Orders were issued on the Project, one of which was a deductive Change Order that reduced the contract price to \$1,006,597.90;

**WHEREAS**, the Contractor requested a Change Order for additional work resulting from additional pile installation and removal and additional plumbing and electrical services and materials, all as described on the attached Contract Change Proposal, #3 Rev 1, for the price and sum of \$17,410.00;

**WHEREAS**, the Director of Operations and Engineering for the Management Authority and the Consulting Engineer for the Project recommended approval of the requested Change Order for the additional work and materials, for the price and sum of \$16,769. 00, as set forth on Change Order No: 003, a copy of which is attached to this Resolution, and which will increase the contract price for the Project to \$1,023,366.90;

**WHEREAS**, the Marina Committee of the Management Authority considered the request for Change Order No. 003 at its meeting held on December 8, 2020 and voted to recommend that the Management Authority approve the Change Order; and,

**WHEREAS**, the Management Authority after considering the request to approve this Change Order and recommendations of the Director of Operations and Engineering of the

Management Authority, the Consulting Engineer for the Project and the Marina Committee resolved that it was in the best interest of the District to approve Change Order No: 003.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Lakefront Management Authority approves Change Order No: 003, in the amount of \$16,769.00, for the contract with TKTMJ, Inc. for the Orleans Marina North and East Walls Slip Repair and Construction Project.

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

**NAYS: None**

**ABSTAIN: None**

**ABSENT: Meadowcroft**

**RESOLUTION ADOPTED: YES**

**O.B. 4) Motion to approve the request of Messina Lakefront Airport, L.L.C. to keep Messina's Runway Cafe in the Terminal at the New Orleans Lakefront Airport closed through January 5, 2021 because of the Coronavirus Pandemic and regulatory restrictions on the operation of restaurants in the City of New Orleans.**

Commissioner Meadowcroft re-entered the meeting.

A motion was offered by Commissioner Fierke, seconded by Commissioner Cohn, and unanimously approved, to approve the request of Messina Lakefront Airport, L.L.C. to keep Messina's Runway Cafe in the Terminal at the New Orleans Lakefront Airport closed through January 5, 2021 because of the Coronavirus Pandemic and regulatory restrictions on the operation of restaurants in the City of New Orleans.

Chair Heaton said that the motion was recommended by Mr. Martin and Director Capo.

**MOTION: 09-121720**  
**RESOLUTION: 09-121720**  
**BY: COMMISSIONER FIERKE**  
**SECONDED: COMMISSIONER COHN**

**December 17, 2020**

**9) Motion to approve the request of Messina Lakefront Airport, L.L.C. to keep Messina's Runway Cafe in the Terminal at the New Orleans Lakefront Airport closed through January 5, 2021 because of the Coronavirus Pandemic and regulatory restrictions on the operation of restaurants in the City of New Orleans.**

**RESOLUTION**

**WHEREAS**, the Lakefront Management Authority ("Management Authority" or "Lessor") 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**, in 2014 Messina Lakefront Airport, L.L.C. (“Messina”) entered into a long-term lease with the Management Authority for a restaurant and special events venue in the Terminal at the Airport (the “Lease”);

**WHEREAS**, pursuant to the terms and conditions of the Lease, Messina opened the Runway Cafe on the leased premises (the “Runway Café” or “restaurant”) and has operated the restaurant since the restaurant opened in accordance with the terms and conditions of the Lease;

**WHEREAS**, the Lease includes mandatory requirements on operating the restaurant for a number of days and during certain hours per week;

**WHEREAS**, the Coronavirus was declared a Pandemic in February of 2020 and resulted in governmental restrictions by State and local governments on the operation of public facilities, including restaurants in the City of New Orleans, to curb the spread of the Coronavirus;

**WHEREAS**, in August of 2020, Mr. George Messina, the managing member of Messina, informed the Management Authority that the continued operation of the restaurant under the governmental restrictions in effect was having an adverse financial impact on his business and that the continued operation of the restaurant under those conditions was not financially feasible;

**WHEREAS**, Mr. Messina also informed the Management Authority at that time that in order to fulfill the obligations under the Lease, including making rental payments, that it would be necessary to close the restaurant and requested the approval of the Management Authority to close the restaurant for a period not-to-exceed 90 days, commencing on August 9, 2020 and expiring on November 9, 2020;

**WHEREAS**, the Management Authority at its meeting held on September 3, 2020 approved by resolution duly adopted the request by Messina to close the restaurant for a period not-to-exceed 90 days, commencing on August 9, 2020 and expiring on November 9, 2020;

**WHEREAS**, at the Airport Committee meeting held on December 8, 2020, Mr. Messina informed the Committee that opening the restaurant at this time, in view of the continuing health crisis caused by the pandemic and governmental restrictions on the operation of restaurants, was still not financially feasible, and requested an extension of the period to keep the restaurant closed through January 5, 2021; and,

**WHEREAS**, the Management Authority after considering this request resolved that it was in the best interest of the Airport and the Orleans Levee District to approve the request by Messina Lakefront Airport, L.L.C. to keep the Runway Cafe closed through January 5, 2021.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Lakefront Management Authority hereby approves the request by Messina Lakefront Airport, L.L.C. to keep the Messina’s Runway Cafe in the Terminal at the New Orleans Lakefront Airport closed through



January 5, 2021.

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

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**RESOLUTION ADOPTED: YES**

**ANNOUNCEMENT OF THE NEXT MEETING:**

- 1) January 28, 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 7:15 PM