

**LAKEFRONT MANAGEMENT AUTHORITY
FULL BOARD MINUTES
THURSDAY, September 28, 2023 – 5:30 P.M
6001 Stars and Stripes Blvd.
New Orleans, LA 70126**

PRESENT: Commissioner Anthony Richard – Chair
Commissioner Esmond Carr - Vice Chair
Commissioner Howard Rodgers - Secretary
Commissioner Philip Clinton
Commissioner Stanley Cohn
Commissioner Robert Drouant
Commissioner Brian Egana
Commissioner Adonis Exposé
Commissioner Monika Gerhart (Arrived at 5:40 PM)
Commissioner Wilma Heaton (Arrived at 5:44 PM)
Commissioner Sandra Thomas (Arrived at 5:41)
Commissioner Carlos Williams

ABSENT: Commissioner Stan Brien

Commissioner Dawn Hebert
Commissioner Jennifer Herbert
Commissioner Renee Lapeyrolerie

STAFF: Louis Capo – Executive Director
Vanessa McKee – Assistant to the Executive Director
Bruce Martin – Director of Aviation
Adam Gulino – Director of Operations and Engineering
Cindy Grace, LMA Finance
Margie Brown, LMA Finance
Michael Sciavicco, Harbor Master
Helaine Millner, Harbor Manager

**ALSO
PRESENT:** Gerry Metzger – LMA Counsel
Jeff Dye – LMA Counsel
Al Pappalardo – Real Estate Consultant
Larry Brook
Darren Persick – Project Mgr. Kutchins & Groh
Jeff Sumner Project Manager – ICEE
Phillip Everett – Duty Manager Signature FBO

Del Parker - DPS
Kristi Trail - ED, Ponchartrain Conservancy
Corey Miller, Comm. Engagement Dir., Ponchartrain Conservancy
Pierre Villere, principal Flightline FBO
Wendy Bell – FLF (FBO)
Krystal Hukmani, Principal – Jazz Aviation
Ankur Hukmani, Principal - Jazz Aviation
Raliegh Bourg - Boathouse Owner
Jenn Mortz – SSHM CBS Tenant

The regular monthly Board Meeting of the Lakefront Management Authority was held on Thursday, September 28, 2023, 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 5:30 PM.**

II. **Pledge of Allegiance led by Commissioner Rodgers.**

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

IV. **Opening Comments – Chair Richard** thanked all in attendance. He hoped for a productive meeting. He welcomed Commissioner Philip Clinton to the board.

V. **Motion to Adopt Agenda**

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

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

VI. **Motion to Approve Minutes**

1) **Full Board Meeting Minutes– July 27, 2023**

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

Commissioner Cohn abstained as he was not on the board at that time

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

1) **Full Board Meeting Minutes– August 24, 2023**

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

Commissioner Cohn abstained as he was not on the board at that time

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

VIII. **New Business**

1) **Motion to Accept FAA AIP Supplemental Grants No.03-22-0038-039-2023, No.03-22-0038-042-2023 and No.03-22-0038-043-2023 for the Project identified as Improvements to Airport Drainage and Erosion Control at the New Orleans Lakefront Airport (FAA 90% - LADOTD 10%).**

This motion was recommended by the Airport Committee.

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

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

- 2) **Motion to authorize the Executive Director of the Management Authority to execute a Grant Agreement with the LADOTD for the project identified as Rehabilitation of Taxiway- B Phase II at the New Orleans Lakefront Airport, AIP Grant No. 3-22-0038-040-2023 and SPNH.015710.**

This motion was recommended by the Airport Committee.

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

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

- 3) **Motion to approve a ground lease with Jazz Aviation, LLC to construct a hangar and other improvements and establish a Fixed Base Operation (FBO) and provide specialized aviation services at the New Orleans Lakefront Airport, for a term of ten years, commencing of October 1, 2023, with two (2) ten year options to renew, and in accordance with the other terms and conditions set forth in this Resolution and the standard terms and conditions for ground and FBO leases at the New Orleans Lakefront Airport.**

This motion was recommended by the Airport Committee.

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

Commissioner Egana commended staff for hard work negotiating an agreeable lease.

Ancar Hukmani thanked everyone who helped to get this item on the agenda today.

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

- 4) **Motion to approve the Lakefront Management Authority's Capital Outlay Request for 2024-2025.**

This motion was recommended by the Finance Committee.

A motion was offered by Commissioner Rodgers and seconded by Commissioner Egana.

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

Commissioner Gerhart arrived at 5:40 PM

- 5) **Motion to approve and to adopt amendments to ground and water bottom leases in the Orleans Marina to include the option to extend the terms of the leases and to reduce the transfer fee in consideration for the implementation of the American Society of Civil Engineers inspection protocol and other reciprocal considerations.**

This motion was recommended by the Commercial Real Estate Committee

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

Commissioner Heaton arrived at 5:44 PM

Chair Richard opened the floor for questions and comments from the commissioners

Commissioner Carr asked for clarity on the terms of the lease extension.

Mr. Capo stated that the lease extension would be to 2069.

Mr. Metzger added that there is currently 15 years remaining on the boathouse leases. This extension will add an additional 30 years.

Commissioner Carr asked what was the purpose of the motion.

Mr. Capo stated that this was done at the request of the boathouse tenants. The value is in the term of the lease. With 13 - 15 years left in the boathouse lease there may be difficulty selling the boathouses.

Chair Richard called for public comments.

Commissioner Heaton asked if anyone had offered an amendment to the motion on the floor. She suggested the following amendments:

- Amend the transfer from 8% to 6%.
- Amend the lease acceptance timeframe from (1) calendar year to (2) calendar years.
- Amend the time period for completion of all repairs from (2) years to (3) years.
- Amend the inspection timeframe from every (4) years to every (7) years

Jeff Dye addressed Commissioner Heaton's proposed amendments individually.

- No issue with the 6% transfer fee
- No issue with the (2) year lease acceptance timeframe
- No issue with the (3) time-period for completion of all repairs

Mr. Dye added that we are obligated not to decide things on an arbitrary basis. There is a published engineering standard which was adopted in this resolution with substantiating evidence to support the 4 years.

Commissioner Heaton said that we must consider that inspections would also be done in the event of a major storm/hurricane.

Commissioner Egana offered a second to the motion to amend for the purpose of discussion.

He added that the amendments were good suggestions for consideration, but he would not be comfortable voting on amendments to the lease without further discussion and greater detail on the engineer's recommendations.

Commissioner Gerhart was in favor of Commissioner Heaton's amendments. She said her understanding was that the tenants were unhappy with some of the terms of the lease, and this sounds like a great middle ground given what their challenges are and what our perspective is.

Raleigh Bourg commented that the lease amendments are better, but they do help the tenants.

Joseph Nelson commented that he agrees with Commissioner Heaton's recommended changes to the boathouse lease extension and asked the board to consider them.

Justin Davis, Boathouse #25. Commented on the importance of the board understanding that their negotiations are about people's homes. They desperately need a lease extension, but they also need it to be reasonable. He felt that the proposed lease gets us closer to where we need to be however there needs to be more conversation.

Commissioner Drouant discusses Mr. Dye's opinion on the amendments for clarity.

Commissioner Carr stated that ASCE is a guideline not a code and took issue with quoting guidelines to recommend a number of years for inspections. He did not think that should prohibit us from extending to 7 or 10 years.

Jeff Dye stated that he appreciated Commissioner Carr's clarification on the distinction between a guideline and code. Be it a standard, guideline or code, the terms before us were recommended by the LMA's professional engineer who is assigned to oversee this property. Mr. Dye added that his appreciation was that the recommended terms were a preventative standard whereas the 2016 board resolution recommends an inspection before transfers of boathouses.

Chair Richard clarified that there is no code that says we could not change the inspection timeframe.

Mr. Dye added that an inspection would also be required after a significant storm or before a transfer.

Commissioner Carr discussed the cost of an inspection possibly becoming problematic for the tenants.

Commssioner Rodgers commented on his concern over an initial inspection.

Chair Richard called for a vote on the amendment. With one abstention by Commissioner Egana, the amendment passed.

Chair Richard called for a vote on the motion as amended.

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

Raleigh Bourg commented that this wasn't an easy job on either side. He said it was hard to favor something that he had not yet seen on paper.

Mr. Capo added that the recommendation put forth tonight was before the suggested amendments. Going forward, the new amendment language will be added into the resolution.

Mr. Bourg looked forward to reading the edited amendments.

Chair Richard explained to the boathouse tenants that he understood the boathouse tenants' position and their passionate fight for their home. We look forward to future opportunities to work together to your home

Dustin Davis thanked the board for hearing the tenants. He is a longtime resident who loves living at his boathouse.

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

- 6) **Motion to approve Jennifer Mortz's furniture request in accordance with the South Shore Harbor Marina Covered Boat Slip Lease.at Southshore Harbor Covered boat slip #13**

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

Mr. Capo showed pictures of Mrs. Mortz's request where the Staff's recommendations are as follows:

- Non-combustible metal furniture with cushions (**Approved**)
- Fire resistant Rug under furniture (**Denied**)
- TV Mounted: (**Approved**) conditioned on the tv cannot be permanently mounted to walls or other structures in the CBS and must be stored away when not in use.
- Mini refrigerator and stackable washer/dryer unit (**Denied**) and expressly prohibited by Article 8 of the covered boat slip lease agreement).

Mrs. Mortz commented that she was the first SSHCBS tenant to request to bring things back to her slip. She kept the new lease requirements in mind when she chose her items. She expressed discontent over not having all her things, especially her washer and dryer.

Mr. Capo explained that LMA is working on a long-term solution to the washer and dryer.

Commissioner Carr asked for clarification on the (2) items that were denied.

Mr. Dye said Mrs. Mortz is correct that she is the first tenant to request items at er slip. Mrs. Mortz researched the allowable items. There was considerable amount of concern over the electrical appliances at the boat slips. Staff recommended that the furniture is all acceptable

There was a lot of concern over the electrical appliances which are considered to be problematic by the Fire Marshal, the outside Architect and our LMA engineer.

The board continued to discuss the pros and cons to approving Mrs. Mortz' tv, washer and dryer.

Chair Richard suggested postponing the vote to gather more information.

Commissioner Gerhart was not in favor of getting a professional engineer to look at the plug ins. She was in favor of getting the tenant's appliances. She was also in favor of having more frequent inspections by the Fire Marshal

Commissioner Clinton offered an amendment to approve all items as long as the appliances are installed by licensed and qualified electrical engineer in compliance with all applicable codes and standards.

Chair Richard asked for a second to the motion on the amendment.

Commissioner Egana seconded the motion on the amendment.

Chair Richard called for a vote on the amendment.

With (1) objection by Commissioner Cohn, the motion on the amendment passed.

Chair Richard called for a vote on the motion as amended.

A motion was offered by Commissioner Clinton and seconded by Commissioner Egana.

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

Director's Report

Mr. Capo reported on the following items:

- The auditors, Ericksen & Krentel are wrapping up the audit. They should be able to present to the board at the October Board meeting. They have verbally reported that LMA has a clean audit again this year.

Chair Richard asked how soon will the board get a copy.

Mr. Capo stated they will send our copies as soon as they issue the report.

- We have a hearing at the City of New Orleans with the (BZA) Board of Zoning Adjusters relative to a developer 's purchase of 2 blocks in Lake Vista. The developer hired Zach Smith to sub-divide the two lots to build townhomes which il have 4 different municipal addresses. The President, the residents and LMA are against this.
- Theres an eviction for Boathouse W-21tomorrow
- The Harbormaster building at Orleans Mnarina will be advertised tomorrow. The bids are due back October 23d at 2:00 PM
- Williams Hangar roof replacement is currently out for bid. They are due back on October 12th.
- Work on the South Shore Pier Repair project is to begin next week.

- We Authorized Anders Construction to begin work on the Seabrook Boat Launch. We will have (1) boat launch open to the public next week.
- We will issue an RFP for 404 S. Roadway (old Meyers Boat Works at approximately 33,000sqf) next week. We will leave it out between 30-90 days which is a little longer than usual due to the challenges of the area.
- The area near Junius Ship Shape is currently being surveyed and soon to be advertised.
- We're gathering the documents for the North Peninsula to present to Commercial Real Estate.

Commissioner Gerhart had questions about New Business item #4 **Lakefront Management Authority's Capital Outlay Request for 2024-2025**. She asked if any funding had already been received in the current fiscal year.

Mr. Capo informed the commissioner of yes for the benches and the tables are in priority 2 or 5. The Seabrook launch itself is at \$160,000 in priority 2 with the remainder of the construction is in priority 5.

Commissioner Gerhart asked if the remaining 3 items had any movement. She also asked if staff had considered engaging with the Orleans Delegation for support of our projects.

Mr. Capo said those items have not received any priority listing. Staff had made past attempts to no avail.

Commissioner Gerhart suggested that this would be a good time to proceed with engagement from the Delegation, the community and the LMA.

Commissioner Egana agreed with Commissioner Gerhart that the best time for our legislators is between now and November. He was in support to aid efforts to build support with our legislators and the community.

Commissioner Carr asked for a copy of the master site layout plan for the Fried Chicken Festival.

IX. Committee Report

Airport – Chair Heaton appreciated the boars support of the Airport grant receipts. The Flood Authority is working hard for flood protection and just approved their Capital Outlay Projects request for \$30 million. Every quarter the Flood Authority puts out a quarterly paper on and agreed to share it with the board.

Marina – Chair Hebert - No Quorum

Recreation/Subdivision – Chair Thomas – Deferred

DBE – Chair Exposé – Deferred

Legal – Chair Drouant - Deferred

Commercial Real Estate – Chair Rodgers reported that we acted on motion #5 which was approved earlier this evening.

Finance – Chair Egana reported that we had a quorum and. We acted on motion #4. Commissioner Heaton attended the finance committee meeting and participated in our Capital Outlay Projects discussion.

X. Public Comments – Limited to (2) Minutes - None

Chair Richard announced the next meeting and called for adjournment.

XI. Announcement of next Regular Board Meeting

1) Thursday, October 26, 2023 – 5:30 P.M.

XII. Adjourn at 6:55 PM.

A motion was offered by Commissioner Cohn and seconded by Commissioner Heaton at 6:55 PM.

RESOLUTIONS

**MOTION: VII-01-09282023
RESOLUTION: VII-01-09282023
BY: COMMISSIONER COHN
SECONDED: COMMISSIONER COHN**

September 28, 2023

1) Motion to Accept FAA AIP Supplemental Grants No.03-22-0038-039-2023, No.03-22-0038-042-2023 and No.03-22-0038-043-2023 for the Project identified as Improvements to Airport Drainage and Erosion Control at the New Orleans Lakefront Airport (FAA 90% - LADOTD 10%).

RESOLUTION

WHEREAS, the Lakefront Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

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

WHEREAS, the Management Authority and the Orleans Levee District are the Public Sponsors of the Airport for Louisiana Department of Transportation and Development, Aviation Division (“LADOTD”) and U.S. Department of Transportation, Federal Aviation Administration (“FAA”) grant funding;

WHEREAS, the LADOTD and the FAA provide grant funding, either jointly or separately, for the purpose of effecting capital improvements to airports, and these grants are awarded in response to formal applications submitted by the public sponsors of airports;

WHEREAS, the Management Authority and the District submitted a Project Application to the FAA, for a grant of funds for a project at the Airport identified as Improvements to Airport Drainage and Erosion Control at the New Orleans Lakefront Airport, (the “Project”);

WHEREAS, the FAA will provide up to 90% of the necessary funding and the LADOTD will provide up to 10% of the necessary funding for this Project;

WHEREAS, the FAA approved this Project for the Airport and issued a Grant Offer for the Project, identified as Airport Improvement Program (AIP) Project No. 03-22-0038-041-2023, (the “Grant Offer” and “Grant Agreement”);

WHEREAS, for the Grant to be valid and in order to properly enter into this Grant Agreement with the FAA, the Management Authority must adopt a resolution to accept the Grant Offer, and provide the Certificate of the Sponsor’s Attorney required to be signed under the conditions of the Grant Offer;

WHEREAS, the Management Authority at its monthly meeting held on June 22, 2023 adopted a resolution and accepted the Grant Offer;

WHEREAS, thereafter the FAA identified additional and supplemental FAA AIP grant funding for the Project and approved and issued Grant Nos. 03-22-0038-039-2023 03-22-0038-042-2023 and 03-22-0038-043-2023;

WHEREAS, Grant No. 03-22-0038-039-2023 will provide supplemental funding for construction of a reservoir, No.03-22-0038-042-2023 will provide funding for construction of the Project and No. 03-22-0038-043-2023 will provide supplemental funding for procurement of the pumps that are part of the Project (the “Grant Offers” or “Grant Agreements”);

WHEREAS, the Management Authority must accept these Grant Offers in order to enter into Grant Agreements for these Grants with the FAA, pursuant to a resolution duly adopted by the Management Authority, and provide the FAA with a Certificate of the Sponsor’s Attorney, as required under the conditions of the Grant Offers;

WHEREAS, the Airport Committee of the Management Authority considered the Grant Offers at its meeting held on September 19, 2023 and voted to recommend that the Management Authority accept these Grant Offers for the Project; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the Airport to accept these Grant Offers for the Project in accordance with the terms and conditions in the Grant Offers.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority, on its behalf and on behalf of the Orleans Levee District, as the Public Sponsors of the Airport, accepts Grant Offers No. 03-22-0038-039-2023, No.03-22-0038-042-2023 and No.22-0038-043-2023 for the Project identified as Airport Drainage and Erosion Control at the New Orleans Lakefront

Airport, and hereby ratifies and adopts all assurances, statements, representations, warranties, covenants, and agreements in the Project Application and incorporated in the Grant Offers and agrees to comply with all terms and conditions in the Grant Offers and Project Application.

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

BE IT FURTHER RESOLVED that the Lakefront Management Authority's Legal Counsel be and is hereby authorized to sign the Certificate of Sponsor's Attorney required to be signed under the terms and conditions of the Grant Offers.

YEAS: RICHARD, CARR, RODGERS, CLINTON, COHN, DROUANT, EGANA, EXPOSE, WILLIAMS

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRIEN, GERHART, HEATON, D. HEBERT, J. HERBERT, LAPEYROLERIE, THOMAS

PASSED: UNANIMOUSLY

This resolution was declared adopted this 28th day of September 2023.

I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Lakefront Management Authority at its meeting on September 28, 2023, held in New Orleans, LA, at which a quorum was present.

Lakefront Management Authority

RESOLUTION NUMBER: VII-02-09282023

Date: September 28, 2023

The Lakefront Management Authority of the Parish of Orleans met in regular session on this date. The following resolution was offered by Comm. Carr and seconded by Comm. Egana.

R E S O L U T I O N

A resolution authorizing the Executive Director to execute an Agreement with the Louisiana Department of Transportation and Development (LA DOTD) for improvements at the New Orleans Lakefront Airport.

WHEREAS, Act 451 of the 1989 Regular Session of the Louisiana Legislature authorized the financing of certain airport improvements from funds appropriated from the Transportation Trust Fund; and

WHEREAS, the Lakefront Management Authority has requested funding assistance from the LA DOTD to/Rehabilitate Taxiway B – Phase II (Construction); and

WHEREAS, the stated project has been approved by the Louisiana Legislature and the LA DOTD is agreeable to the implementation of this project and desires to cooperate with the Lakefront Management Authority according to the terms and conditions identified in the attached Agreement; and

WHEREAS, the LA DOTD will provide the necessary funding for the Rehabilitate Taxiway B – Phase II (Construction) and reimburse the sponsor up to \$1,009,556.00 of project cost.

NOW THEREFORE, BE IT RESOLVED by the Lakefront Management Authority that it does hereby authorize the Executive Director to execute an Agreement for the project identified as AJP No. 3-22-0038- 040-2023 and SPN H.015710, more fully identified in the Agreement attached hereto, and to execute any subsequent related documents, including, but not limited to, amendments to said agreement.

This resolution shall be in full force and effect from and after its adoption.

The aforesaid resolution, having been submitted to a vote, the vote thereon was as follows:

YEAS: 9

NAYS: 0

ABSENT: 6

WHEREUPON, the resolution was declared adopted on the 28th day of September, 20 23.

Lakefront Management Authority

BY: [Signature]
(Signature)

Louis Carr
(Typed or Printed Name)

TITLE: LMA Executive Director

ATTEST: [Signature]
(Signature)

TITLE: Board Secretary / Executive Assistant

CERTIFICATE

IT IS HEREBY certified that the above is a true and correct copy of a resolution passed by the Non-Flood Protection Asset Management Authority of Orleans Parish, Louisiana in regular session convened on this, the 28th day of September, 20 23.

[Signature]
(Secretary of Sponsor)

TITLE: Board of Commissioners Secretary

MOTION: VII-03-09282023
RESOLUTION: VII-03-09282023
BY: COMMISSIONER RODGERS
SECONDED: COMMISSIONER CARR

September 28, 2023

3) Motion to approve a ground lease with Jazz Aviation, LLC to construct a hangar and other improvements and establish a Fixed Base Operation (FBO) and provide specialized aviation services at the New Orleans Lakefront Airport, for a term of ten years, commencing of October 1,2023, with two (2) ten year options to renew, and in accordance with the other terms and conditions set forth in this

Resolution and the standard terms and conditions for ground and FBO leases at the New Orleans Lakefront Airport.

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, located on the shores of Lake Pontchartrain in the City of New Orleans, Parish of Orleans, State of Louisiana, is a non-flood protection asset owned by the District and managed by the Management Authority (the “Airport”);

WHEREAS, Jazz Aviation, LLC, (“Lessee”), offered to enter into a ground lease to build a hangar and other improvements to establish a fixed base operation (“FBO”) and provide specialized aviation services at the Airport;

WHEREAS, the proposed lease will be of 139,785 square feet of unimproved land on the east side of the Airport for the rental rates set forth below;

WHEREAS, the proposed lease will be for a term of ten (10) years with two (2) ten year options to renew, commencing of October 1, 2023;

WHEREAS, the lease premises shall be used solely and exclusively for Lessee’s FBO and specialized aviation services and Lessee shall not be granted any exclusive use at the Airport;

WHEREAS, the proposed lease shall also include the standard terms and conditions for ground and FBO leases at the Airport, including but not limited to provisions requiring compliance with the Minimum Standards Governing Aviation Activities at the Airport;

WHEREAS, the Airport Committee of the Management Authority considered the proposed lease at its meeting held on September 19, 2023 and voted to recommend that the Management Authority approve the proposed lease under the terms and conditions set forth in this Resolution; and,

WHEREAS, the Management Authority after considering the recommendation by the Airport Committee resolved that it was in the best interest of the District and Airport to approve the proposed lease under the terms and conditions set forth in this Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby approves a ground lease with Jazz Aviation, LLC for construction of a hangar and other improvements on unimproved land on the east side of the New Orleans Lakefront Airport, for the purpose of operating a Fixed Base Operation and providing specialized aviation services, for a term of ten (10) years, commencing on October 1, 2023, with two (2) ten year options to renew, with the rent payable from the commencement date until the construction of the hangar and other improvements are completed and may be occupied and used of Thirty-four (\$0.34) cents, per square foot, payable in equal monthly installments of \$3,960.58, totaling \$47,526.96, per annum, and after the hangar and other improvements are completed and may be occupied and used, the rent shall be in the amount of Sixty-Five (\$0.65) cents per square foot, payable in equal monthly installments of \$7,571.68, totaling \$90,860.16, per annum, subject to a Consumer Price Index adjustment every five years; and, the lease shall also include a resolatory condition that Lessee must obtain all necessary financing and Federal, State and Local permits and governmental approvals to build and occupy the proposed hangar and other improvements within ninety (90) days of the date of this Resolution and provide that if the financing and permits are not obtained within this deadline that the lease shall

automatically terminate without any notice or other action by the Management Authority, shall provide that the Lessee shall be responsible for all cost and expenses of any kind for construction of the hangar and other improvements on the leased premises and the operation of the leased premises, and shall include all other terms and conditions in the standard terms and conditions for ground and FBO leases at the New Orleans Lakefront Airport.

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

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

YEAS: RICHARD, CARR, RODGERS, CLINTON, COHN, DROUANT, EGANA, EXPOSE, WILLIAMS

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRIEN, GERHART, HEATON, D. HEBERT, J. HERBERT, LAPEYROLERIE, THOMAS

PASSED: UNANIMOUSLY

This resolution was declared adopted this 28th day of September, 2023.
.....

I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Lakefront Management Authority at its meeting on September 28, 2023, held in New Orleans, LA, at which a quorum was present.

**MOTION: VII-04-09282023
RESOLUTION: VII-04-09282023
BY: COMMISSIONER RODGERS
SECONDED: COMMISSIONER EXPOSE**

September 28, 2023

- 4) Motion to approve the Lakefront Management Authority's Capital Outlay Request for 2024-2025**

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”), including the New Orleans Lakefront Airport, Orleans Marina and South Shore Harbor Marina;

WHEREAS, the Management Authority has projects that require funding from the Louisiana Capital Outlay Program (“COP”) and will submit an application as the local sponsor in order to initiate design and/or construction phases of said projects;

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority authorizes the submittal of applications to the State of Louisiana COP to fund the following projects in the amounts shown for Fiscal Year 2024-2025:

- 1. Planning, designing, and constructing public use pavilions inclusive of benches and tables along 5.2 miles of public parks and greenspace along New Orleans Lakeshore Drive – \$225,000**
- 2. Seabrook Public Boat Launch Rehabilitation - \$2,800,000**
- 3. Frank Davis Fishing Pier - \$1,300,000**
- 4. Planning, designing, and constructing public comfort and laundry facilities for South Shore Harbor Marina - \$2,875,000**
- 5. Restore and rebuild 4 floating docks northwest section of South Shore Harbor Marina – \$1,750,000.**

BE IT FURTHER RESOLVED, that the Management Authority does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER HEREBY RESOLVED, that the Management Authority is committed to providing a local project match to the extent it is economically able for the amounts required/recommended and necessary by the State.

BE IT 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: RICHARD, CARR, RODGERS, CLINTON, COHN, DROUANT, EGANA, EXPOSE, GERHART, HEATON, WILLIAMS

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRIEN, D. HEBERT, J. HERBERT, LAPEYROLERIE, THOMAS

RESOLUTION ADOPTED: UNANIMOUSLY

This resolution was declared adopted this 28th day of September 2023.

I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Lakefront Management Authority at its meeting on September 28th, 2023, held in New Orleans, LA, at which a quorum was present.

MOTION: VII-05-09282023

RESOLUTION: VII-05-09282023

BY: COMMISSIONER CARR

SECONDED: COMMISSIONER HEATON

SEPTEMBER 28, 2023

5) Motion to approve and to adopt amendments to ground and water bottom leases in the Orleans Marina to include the option to extend the terms of the leases and to reduce the transfer fee in consideration for the implementation of the American Society of Civil Engineers inspection protocol and other reciprocal considerations.

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 ("Marina");

WHEREAS, as owner of the Orleans Marina, the Orleans Levee District is authorized to lease the water bottoms and land in the Marina as moorings for boats and for the construction of boathouses for fair and

equitable rental rates, as provided under Louisiana Revised Statutes Title 38, Subsections 336(A) and (8)(4);

WHEREAS, the Management Authority and its statutory predecessors as the governing authorities of the Marina have leased water bottoms and land on South Roadway and West Roadway in the Marina for boat houses and covered boat slip shells since 1971 and 1972 when the Marina was

renovated and the covered boat slip shells constructed by the District were sold to the original lessees of the water bottoms and land (the "Leases");

WHEREAS, these Leases were originally for twenty (20) years terms, and thereafter the lessees were granted options to extend the terms of their respective Leases;

WHEREAS, the Leases will expire either on June 30, 2036 or June 30, 2037, depending on the date that the Leases were originally signed in the early 1971 and 1972 and conditioned on the respective lessee's exercise of the remaining five (5) year options to renew provided in the Leases, excepting one of the Leases that will expire on March 31, 2039;

WHEREAS, the Leases provide that on the expiration of the Leases that the improvements, i.e., the boat houses and covered boat slips, will become the property of the District by reversion of ownership, without the payment of any compensation, or the Management authority may require the lessees at their expense to demolish the improvements;

WHEREAS, the Leases require the payment of an eight (8%) percent transfer fee to the Management Authority upon the sale or ownership transfer of the improvements and the assignment of the respective, Lease (the "Transfer Fee");

WHEREAS, certain lessees have requested that the Management Authority agree to amend their respective Leases to extend the terms of the Leases for an additional thirty (30) years beginning from the June 30, 2036 or June 30, 2037 expiration dates;

WHEREAS, in response to the requests from the lessees, the Chair of the Management Authority and the Chair of the Commercial Real Estate Committee requested that the Management Authority Staff, Real Estate

Consultant, and Legal Counsel, in consultation with the lessees, develop recommendations for the extension of the Lease term;

WHEREAS, after multiple communications with the lessees, the Management Authority Staff, Real Estate Consultant, and Legal Counsel made their requested recommendations to the Commercial Real Estate Committee at its September 21, 2023 regularly scheduled meeting;

WHEREAS, after public comments and questions from its members, the Commercial Real Estate Committee voted unanimously in favor of recommending that the Management Authority Board approve and adopt the amendment to the Leases proposed by the Management Authority Staff, Real Estate Consultant, and Legal Counsel to include an option as specified below:

- 1) Extensions of the lease terms so that all lease termination dates will uniformly be March 31, 2069, except for leases with terms that exceed 99 years in which case the termination date will be adjusted to the maximum term permissible under Louisiana law of 99 years.
- 2) As consideration and as a condition for the granting of the Lease Amendment, Lessees shall, at their sole expense, have the improvements inspected by a Louisiana Licensed Engineer. If the Inspection report indicates that repairs are necessary, the repairs must be completed, and a Louisiana Licensed Engineer must provide a post-construction inspection report to the Director of Operations and Engineering.
- 3) Lessees must agree to perform Routine Inspections based on the frequency recommended for Aggressive Environments found in Table 2-2 of the American Society of Civil Engineers 2015 publication *Waterfront Facilities Inspection and Assessment*. Based upon the current standards, Lessees will be required to conduct inspections and repair Poor, Serious, and Critical Rated conditions no less frequently than every four (4) years. (See Table 2-2)
 - A. Conduct initial inspection (Due Diligence Inspection) of structure determining condition/rating of structural elements and what repairs are needed.
 - B. Make repairs if needed based on condition/rating of structural elements from Due Diligence Inspection.

- C. Conduct Post Construction Inspection verifying repairs were made and establish new rating/condition of structural elements.
 - D. Based on rating/condition conduct Routine inspections at frequency as recommended in Table 2-2 of the American Society of Civil Engineers ("A.S.C.E.") 2015 publication *Waterfront Facilities Inspection and Assessment* for aggressive environments (1-4 years).
- 4) The Lease Amendment will provide the Management Authority Executive Director or Director of Operations and Engineering with the discretionary authority to require Lessees to conduct inspections as needed after named storm events, fire, tornado, flood, or other casualty events.
 - 5) Inspections to be done in accordance with the A.S.C.E. Waterfront Facilities Inspection and Assessment Manual that is current at the time of the inspection.
 - 6) The Lease Amendment will incorporate updated insurance coverages and minor changes recommended by the LMA's insurance consultant.
 - A. 1M/2M General Liability, Naming the following entities as Additional Insured
 - Lakefront Management Authority
 - Orleans Levee District
 - Southeast Louisiana Flood Protection Authority - East
 - B. Property Coverage - Full Replacement Cost for Fire/Wind and other Perils- naming the three entities noted above as additional insured/Loss Payees.
 - 7) The Lease Amendment will require that Lessees provide the Management Authority with evidence that property tax payments on the improvements are current as a condition for the Lease Amendment.
 - 8) As reciprocal consideration for the required inspections and repairs, the Lease Amendment will contain a lower, six (6%) percent Transfer Fee compared to the current eight (8%) percent Transfer Fee, and the 6% Transfer Fee percentage will be effective on the signing of a Lease Amendment.
 - 9) The Proposed Amendments will be available for acceptance by Lessees in good standing for a period of one (1) calendar year after the date of the approval by the LMA ("Offer Period"). All inspections and repairs must be completed within two (2) calendar years after the date of approval of the amendments by the LMA ("Completion Period").

(hereinafter, the above Paragraph nos. 1 - 9 shall be referred to as the "Amendment Terms and Conditions")

WHEREAS, after considering the Amendment Terms and Conditions as recommended by Staff, the Real Estate Consultant, and Legal Counsel and public comments, the Management Authority resolved that it would be in the best interest of the Orleans Levee District to approve and to adopt an amended version of the recommended Amendment Terms and Conditions.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby approves and adopts the following, modified version of the recommended Amendment Terms and Conditions to the ground and water bottom leases in the Orleans Marina as follows:

- 1) Extensions of the lease terms so that all lease termination dates will uniformly be March 31, 2069, except for leases with terms that exceed 99 years in which case the termination date will be adjusted to the maximum term permissible under Louisiana law of 99 years.
- 2) As consideration and as a condition for the granting of the Lease Amendment, Lessees shall, at their sole expense, have the improvements inspected by a Louisiana Licensed Engineer. If the Inspection report indicates that repairs are necessary, the repairs must be completed, and a Louisiana Licensed Engineer must provide a post-construction inspection report to the Director of Operations and Engineering.
- 3) Lessees must agree to perform Routine Inspections based on the frequency recommended for Aggressive Environments found in Table 2-2 of the American Society of Civil Engineers 2015 publication *Waterfront Facilities Inspection and Assessment*. Based upon the current standards, Lessees will be required to conduct inspections and repair Poor, Serious, and Critical Rated conditions no less frequently than every seven (7) years. (See Table 2- 2)
 - E. Conduct initial inspection (Due Diligence Inspection) of structure determining condition/rating of structural elements and what repairs are needed.
 - F. Make repairs if needed based on condition/rating of structural elements from Due Diligence Inspection.
 - G. Conduct Post Construction Inspection verifying repairs were made and establish new rating/condition of structural elements.

- H. Based on rating/condition conduct Routine inspections at frequency as recommended in Table 2-2 of the American Society of Civil Engineers ("A.S.C.E.") 2015 publication *Waterfront Facilities Inspection and Assessment* for aggressive environments (1-4years).
- 4) The Lease Amendment will provide the Management Authority Executive Director or Director of Operations and Engineering with the discretionary authority to require Lessees to conduct inspections as needed after named storm events, fire, tornado, flood, or other casualty events.
 - 5) Inspections to be done in accordance with the A.S.C.E. Waterfront Facilities Inspection and Assessment Manual that is current at the time of the inspection.
 - 6) The Lease Amendment will incorporate updated insurance coverages and minor changes recommended by the LMA's insurance consultant.
 - A. 1M/2M General Liability, Naming the following entities as Additional Insured
 - Lakefront Management Authority
 - Orleans Levee District
 - Southeast Louisiana Flood Protection Authority- East
 - B. Property Coverage - Full Replacement Cost for Fire/Wind and other Perils - naming the three entities noted above as additional insured/Loss Payees.
 - 7) The Lease Amendment will require that Lessees provide the Management Authority with evidence that property tax payments on the improvements are current as a condition for the Lease Amendment.
 - 8) As reciprocal consideration for the required inspections and repairs, the Lease Amendment will contain a lower, five (5%) percent Transfer Fee compared to the current eight (8%) percent Transfer Fee, and the 5% Transfer Fee percentage will be effective on the signing of a Lease Amendment.
 - 9) The Proposed Amendments will be available for acceptance by Lessees in good standing for a period of two (3) calendar years after the date of the approval by the LMA ("Offer Period"). All inspections and repairs must be completed within three (3) calendar years after the date of approval of the amendments by the LMA ("Completion Period").

BE IT FURTHER RESOLVED that the Executive Director of the Management Authority shall give written notice by First Class U. S. mail

and/or by electronic transmission (E-mail) to the boat house site lessees in the Orleans Marina of this Resolution approving and adopting the Amendment Terms and Conditions and informing the lessees of the two (2) year time period from the date of this Resolution in which to exercise the option to amend their respective Lease and that the failure by a lessee to timely respond shall constitute a rejection of the offer of the Amendment Terms and Conditions and their respective Lease shall expire on the current expiration dates set forth in their Leases.

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 any and all documents necessary to accomplish the above.

YAYES: RICHARD, CARR, RODGERS, CLINTON, COHN, DROUANT, EGANA, EXPOSE, GERHART, HEATON, WILLIAMS

NAYS: NONE

ABSENT: BRIEN, D. HEBERT, J. HERBERT, LAPEYROLERIE, THOMAS

RESOLUTION ADOPTED: UNANIMOUSLY

This resolution was declared adopted this 28th day of September 2023.
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I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Lakefront Management Authority at its

meeting on September 28, 2023, held in New Orleans, LA, at which a quorum was present.