

**MINUTES OF THE
LAKEFRONT MANAGEMENT AUTHORITY
BOARD MEETING
THURSDAY, SEPTEMBER 23, 2021**

PRESENT:

Chair Wilma Heaton
Secretary Thomas Fierke
Commissioner Stanley Brien
Commissioner Esmond Carr (*entered at 6:05 PM)
Commissioner Stanley Cohn (*left at 6:51 PM)
Commissioner Monika Gerhart (*left at 6:45 PM)
Commissioner Eugene Green, Jr.
Commissioner Dawn Hebert
Commissioner Renee Lapeyrolerie (*left at 6:42 PM)
Commissioner Pat Meadowcroft
Commissioner Anthony Richard (*left at 6:20 PM)
Commissioner Bob Romero

ABSENT:

Vice Chair David Francis
Commissioner Sean Bruno
Commissioner Howard Rodgers

STAFF:

Louis Capo – Executive Director
Madison Bonaventure – Assistant to the Executive Director/Board Secretary
Bruce Cain – Harbor Master
David Martin– Director of Engineering and Operations
Bruce Martin – Airport Director

ALSO PRESENT:

David Jefferson “Jeff” Dye – Legal Counsel to the LMA
Gerard G. Metzger – Legal Counsel to the LMA
Al Pappalardo – Real Estate Consultant to the LMA
Jordan Brimer – Crescent City Marine Group, Inc.
Peter Marcello – Flightline First
Robert Packnett – R & P Landscaping

The regular monthly Board Meeting of the Lakefront Management Authority was held on Thursday, September 23, 2021, 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.

Chair Heaton called the meeting to order at 5:40 P.M., and Commissioner Gerhart led in the pledge of allegiance. Executive Director Louis Capo called the roll, and a quorum was present.

OPENING COMMENTS:

Chair Heaton explained that Committee reports had been foregone on the agenda because the Committees did not meet following Hurricane Ida. She thanked Commissioners for attending as there were some time sensitive items.

MOTION TO ADOPT AGENDA:

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

ADOPTION OF THE MINUTES:

A motion was offered by Commissioner Fierke, was seconded by Commissioner Brien, and was unanimously adopted to approve the minutes of the August 26, 2021 Board Meeting. Commissioner Lapeyrolerie abstained as she was not in attendance at that particular meeting.

PRESENTATION:

1) Discussion by Southeast Louisiana Flood Protection Authority – East regarding floodgate closures near LMA-managed assets.

Photos were shown depicting flooding at the New Orleans Lakefront Airport.

Chair Heaton explained that staff on behalf of the LMA Board had invited FPA engineers for a presentation; however, she spoke with the Regional Engineer, Mr. Chris Humphreys, and his staff was extremely busy following the storm and could not attend. They were invited in hopes of addressing the valve issues which affected the Airport's drainage during storm surge events. She advised that Mr. Humphreys invited LMA Commissioners to call him if they had any questions. Director Capo also received a message from Regional Director Kelli Chandler.

Commissioner Meadowcroft expressed concern about the flooding of the Airport's facilities as it was her understanding that the Airport was part of the Medical Institution Evacuation Plan (MIEP). Chair Heaton confirmed that was the case.

Commissioner Green said it was distressing to see the Airport in that condition and asserted that a solution needed to be designed to fight flooding on the airfield by constructing a floodwall or pump out station.

Chair Heaton reminded the Board that she passed out some printed materials on the proposed design of the floodwall for the Airport for their review. She was open to ideas as to determine a solution for the issue and to seek matching funding.

Commissioner Meadowcroft expressed appreciation for Chair Heaton's comments to the news media regarding the vulnerability of the Airport during hurricanes and the need for flood protection. The media wanted to determine answers as to why a floodgate was being removed five days before a storm near the Airport, and we took advantage of the opportunity to speak with them about the Airport's flooding issues.

Commissioner Fierke asked if the flood waters came from the lake. Mr. Bruce Martin confirmed that was the case, but he noted that once the FPA turns off valves the Airport floods.

Chair Heaton asked how long it took before the valves to relieve the flooding were fully reopened. Mr. Bruce Martin said it took several days.

David Jefferson “Jeff” Dye, Legal Counsel to the LMA, asked about the location of the valves.

2) **Motion to recognize the National Guard for their effort in providing security at South Shore Harbor Marina, Orleans Marina, and the New Orleans Lakefront Airport.**

A motion was offered by Chair Heaton, seconded by Commissioner Fierke, and was unanimously approved to recognize the National Guard for their effort in providing security at South Shore Harbor Marina, Orleans Marina, and the New Orleans Lakefront Airport.

Director Capo read the resolution into the record:

**RESOLUTION: VII. 02-092321
BY: COMMISSIONER HEATON
SECONDED BY: COMMISSIONER FIERKE
September 23, 2021**

Motion to recognize the National Guard for their effort in providing security at South Shore Harbor Marina, Orleans Marina, and the New Orleans Lakefront Airport.

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, Hurricane Ida’s track approached Louisiana’s coast and so the Governor of Louisiana and the President of the United States declared a state of emergency for the State of Louisiana and other areas;

WHEREAS, Hurricane Ida, a devastating Category 4 hurricane, occurred on August 29, 2021 which severely impacted Orleans, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Plaquemines, Pointe Coupee, St. Bernard, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana parishes as one of the strongest storms ever recorded to make landfall in the United States;

WHEREAS, this unprecedented event rendered the City of New Orleans without electrical power and essential services for days, and the Management Authority’s Harbor

Master, Col. Thomas “Bruce” Cain, U.S.A. Ret. appealed to the Army National Guard for assistance in protecting the District’s assets during the extraordinary circumstances;

WHEREAS, the Army National Guard sent a company from Arkansas and BTRY A, 1-161st Field Artillery 130th Field Artillery Brigade (Rear) of Kansas to patrol the New Orleans Lakefront Airport, Orleans Marina, and South Shore Harbor Marina;

WHEREAS, the New Orleans Lakefront Airport, as a center for the Medical Institution Evacuation Plan (MIEP), and over 100 live aboard tenants of the marinas benefitted from the protection the National Guard units provided during a time of great need;

BE IT HEREBY RESOLVED, that the Lakefront Management Authority commends the Arkansas Army National Guard and the Kansas BTRY A, 1-161st Field Artillery 130th Field Artillery Brigade (Rear) for their service.

BE IT FURTHER RESOLVED, that the Lakefront Management Authority expresses its gratitude and profound appreciation to the Arkansas Army National Guard and the Kansas BTRY A, 1-161st Field Artillery 130th Field Artillery Brigade (Rear) for their diligence and exemplary service following Hurricane Ida at the at South Shore Harbor Marina, Orleans Marina, and the New Orleans Lakefront Airport.

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

YEAS: HEATON, FIERKE, BRIEN, COHN, GERHART, GREEN, HEBERT, LAPEYROLERIE, MEADOWCROFT, RICHARD, ROMERO

NAYS: -

ABSTAIN: -

ABSENT: FRANCIS, BRUNO, CARR, RODGERS

RESOLUTION ADOPTED: YES

This resolution was declared adopted this 23rd day of September 2021.

NEW BUSINESS

1)Discussion regarding Hurricane Ida damage to LMA-managed assets.

Chair Heaton explained that in lieu of a Directors’ Report that they would be having an extended discussion regarding the damage resulting from Hurricane Ida.

Director Capo showed various slides of Hurricane Ida flooding around the Airport facility. He described instances of cars getting trapped and flooded on Stars and Stripes Boulevard (photos attached).

Bruce Martin, Airport Director, described the damage sustained by Flightline First, one of the Airport's Fixed Base Operators (FBOs), which included considerable flood damage. He noted that they had also flooded in 2012 with Hurricane Gustav. He said they would need to completely gut their office space to remediate the damage.

Commissioner Cohn asked if the tenant was separately insured for flood insurance. Director Capo clarified that the LMA covered the tenant under a Flood Protection Authority (FPA)-owned policies for which the LMA remits passthrough fees.

Commissioner Lapeyrolerie inquired as to how Mr. Bruce Martin was able to obtain the images of the flooding at the Airport. He responded that he was on the premises for the storm event.

Director Capo complimented Mr. Bruce Martin on his service during Hurricane Ida because he stayed Sunday August 29, 2021 and was trapped until Tuesday September 1, 2021.

Chair Heaton said the directors stayed on site on different days to monitor the conditions and to assess damage.

Director Capo said the Tuesday before the storm arrived, he held a hurricane preparation meeting with staff to discuss plans to take appropriate actions to mitigate damage to properties. Staff was released early on Friday to prepare their personal property and noted that two staff members lost their homes. He explained that he kept in touch with staff members throughout when possible to monitor conditions.

Mr. Bruce Martin discussed the flooding issues on the airfield. He explained how an eastern parking area typically used for the delivery of supplies for the city and for recovery efforts was completely submerged, and taxiways were also submerged.

Commissioner Carr entered the meeting and sat in the audience.

Chair Heaton understood that there was much frustration given that Airport access is delayed when the valves are not adjusted, and gates are delayed in reopening.

The Board questioned why a floodgate was removed during hurricane season. Chair Heaton said it was her understanding that the gate was removed for maintenance, and since it was understood to be a redundant gate they proceeded with the scheduled maintenance and removal.

Director Capo explained that OHV23 is the main valve near the Airport, and the FPA's management says they always must close it halfway; however, a technician in the field relayed that the valves were completely shut.

David Martin, Director of Engineering and Operations, explained that the valves were a mechanism that alleviate some of the pressure off of the floodwalls. He clarified that he was not familiar with their triggering criteria.

Chair Heaton clarified that the valves are part of the federal system. Director Capo and Chair Heaton understood it was the FPA's mission to protect the city; however, the city was dry while the Airport remained flooded due to the closure of valves and gates.

Director Capo showed photographs and indicated that the OHV27 valve, another major valve near the Airport, was measured using two pieces of tape.

Commissioner Lapeyrolerie offered that may be the question to the FPA could be how soon could they open up the valves and floodwalls than if they should close them at all. Commissioner Meadowcroft opined if there was a priority list for the reopening of valves and floodgates.

Chair Heaton commented that the FPA's mission is flood protection, but the Airport is collateral damage because of the design of the federal system, and that is why we are fighting so hard for flood protection.

Commissioner Meadowcroft thought there should be priority lists for the reopening of the FPA's infrastructure and thought the Airport should be of high priority.

Director Capo indicated that Signature Flight Support, LLC had flooded in 1998, 2005, 2012, and 2021 with Hurricane Ida, and they have expressed their frustration.

Commissioner Cohn understood how it could be very disruptive to their business operations. He asked Director Capo about how the buildings were insured. Director Capo clarified the insurance coverages and responsibility of the LMA, tenants, and FPA.

Chair Heaton reminded the Board that she circulated information regarding the study of a floodwall for the Airport to them again and appealed to them for support. She expressed that she was open to any ideas that would alleviate flooding on the Airport. She commented that some of the Airport properties remain vacant due to concerns about flooding.

Mr. David Martin said that Dieudonne Enterprises began cleaning up debris out front of the Airport Terminal Building following the storm on Tuesday August 31, 2021.

Commissioner Fierke asked how long it took for power to be restored at the Airport. Mr. Bruce Martin said it took approximately one week.

Commissioner Lapeyrolerie asked about the Airport's generators. Mr. Bruce Martin explained that the Airport's generators are only running about one quarter of their capabilities, and its function could be expanded. Staff had issues obtaining fuel to run the generators and noted that they had to travel to Gulfport, MS to obtain fuel at times. He explained that the generators run the LMA offices and Messina's freezers for health reasons.

He thanked Mr. Cain for appealing to the National Guard because once they arrived, they were able to fuel up the generators.

Mr. David Martin said staff was considering a natural gas option, so they were not as reliant on purchasing gasoline in the future. Commissioner Carr said maintenance costs for those systems were high and asked them to proceed with caution. Mr. Bruce Martin said staff learned how to troubleshoot some issues with the generators during the event as well.

Mr. David Martin explained that staff found a broken sewer line following Hurricane Ida. He explained that it was not certain if the broken line was from a direct impact from the storm event, so they would document the cause accordingly if discovered to be so. Commissioner Cohn encouraged staff to be cautious and block off parking in areas they believed to be vulnerable.

The Commissioners and staff discussed the lake level readings.

Director Capo and Mr. Cain discussed damages at the marinas including roof damages to the Harbor Master Building at Orleans Marina, damaged lighting, etc.

Mr. Cain explained that the roof of the covered boat slips at South Shore Harbor Marina (SSH) held; however, there was some leaking in areas where flashing was used and believed it should be a simple repair. He explained that about three feet of rock jetty had been disturbed at SSH.

Commissioner Brien inquired about the status of the bulkhead at Orleans Marina. Mr. Cain responded that it appeared to be undisturbed. Mr. David Martin said it was his understanding that the project would go out to bid by the FPA in November and expressed concern for the bulkhead's condition.

Commissioner Cohn asked how many boats sank as a result of Hurricane Ida. Mr. Cain responded that four sank. He asked how many went adrift. He responded that one had gone adrift and was retied by a tenant who stayed in their vessel for the storm. He advised that a total of 15 tenants chose to stay.

Commissioner Cohn asked if he knew of any pollution issues. Mr. Cain said he did not and was aware that the U.S. Coast Guard was monitoring for issues following the storm.

Mr. David Martin reported that there was a substantial amount of vegetative debris in Lake Vista parks. He said that the LMA was able to procure a debris contractor, and they would be able to begin next week.

Mr. David Martin explained that in May of 2021, his predecessor advertised for Debris Monitoring Services, and so a firm was selected from those who had responded. He said that his predecessor also had also attempted to procure a debris contractor to pick up materials; however, both times that he advertised there were no responses. Mr. David Martin explained

that he solicited quotations for the debris removal again in consultation with their debris monitor to ensure FEMA compliance for reimbursement. Mr. David Martin stressed that time was of the essence to meet FEMA’s deadline for 100% federal reimbursement and therefore maximizing the LMA’s reimbursement potential.

Chair Heaton thanked staff for their diligence.

Mr. Dye explained that 10 contractors were solicited following the storm, and six responded. After the lowest quoting entity refused the work and the second lowest quoting entity was determined to be nonresponsive, staff in consultation with their debris monitor solicited quotations again. 12 firms were solicited, and four responses were received.

Chair Heaton asked if the Board would consider pausing their discussion of the item to discuss and vote upon XI. 02-092321 since representatives of Crescent City Marina Group, Inc. were in attendance, and she was concerned about maintaining a quorum.

A motion was offered by Commissioner Cohn, seconded by Commissioner Meadowcroft, and was unanimously adopted to suspend discussion regarding Hurricane Ida damage to LMA-managed assets. All were in favor. The motion carried.

2) Motion to approve the request of Crescent City Marine Group, Inc. to obtain Worker’s Compensation and Longshoreman and Harbor Workers Compensation insurance required under its lease with the Lakefront Management Authority from insurance companies with a “B++” rating authorized to conduct business in the State of Louisiana.

A motion was offered by Commissioner Fierke, seconded by Commissioner Cohn, and was unanimously adopted to approve the request of Crescent City Marine Group, Inc. to obtain Worker’s Compensation and Longshoreman and Harbor Workers Compensation insurance required under its lease with the Lakefront Management Authority from insurance companies with a “B++” rating authorized to conduct business in the State of Louisiana.

Gerard Metzger, Legal Counsel to the LMA, reminded the Board that they had just approved the new lease for the tenant, and lease required them to carry Longshoreman and Harbor Workers Compensation insurance. They were having difficulty finding an A-rated firm for that type of policy.

MOTION: XI. 02-092321
RESOLUTION: XI. 02-092321
BY: COMMISSIONER FIERKE
SECONDED BY: COMMISSIONER COHN

September 23, 2021

2) Motion to approve the request of Crescent City Marine Group, Inc. to obtain Worker’s Compensation and Longshoreman and Harbor Workers Compensation insurance required under its lease with the Lakefront Management Authority from

insurance companies with a “B++” rating authorized to conduct business in the State of Louisiana.

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 in 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, the former Board Of Commissioners of the Orleans Levee District (the “Board”) entered a written lease with Schubert’s Marine Sales and Services, Inc., dated on October 4, 1996, for property adjacent to the New Basin Canal in the Orleans Marina, identified as Tracts I, II and III and Open Slip N-1, as shown on O.L.B. Drawing LD-4079B, dated on October 23,1996, and Tracts 3W and 4W, as shown on O.L.B. Drawing LD-4574, and under the terms of the Lease the use of the leased premises was restricted to industrial marine services, sales of marine products, a day store and for mooring and wharfage and a Fuel/Dock/Day Store (the “property”);

WHEREAS, subsequently the Board approved a request by Schubert’s Marine Sales and Services, Inc. to assign the lease to Crescent City Marine Group, Inc., (“Crescent City Marine”), conditioned upon execution of a First Amendment of the Lease to include terms and conditions set forth in the Board Resolution that approved the assignment of the lease, which amendment was executed, and the lease was assigned to Crescent City Marine;

WHEREAS, after the assignment of the Lease and execution of the First Amendment to Lease by Crescent City Marine, the Lease was amended twice more by the Second Amendment to Lease and by the Third Amendment to the Lease (the original Lease and the amendments thereto are collectively referred to as the “Lease”);

WHEREAS, prior to the expiration of the lease on August 31, 2021, Crescent City Marine proposed to enter a new lease for the property under certain terms and conditions, including under the standard term and conditions for the lease of property owned by the District under the management and control of the Management Authority;

WHEREAS, the Commercial Real Estate Committee of the Management Authority at its monthly meeting held on August 26, 2021 considered the proposed lease, and voted to recommend that the Management Authority approve the proposed lease with Crescent City Marine;

WHEREAS, the Management Authority after considering the proposed lease and recommendation of Staff resolved it was in the best interest of the Orleans Levee District at its regularly scheduled meeting held on August 26, 2021 and approved a lease with Crescent City Marine under the terms and conditions set forth in the Resolution approving the lease adopted by the Management Authority at the meeting held on August 26, 2021;

WHEREAS, the Resolution included a provision that the lease include the standard term and conditions for the lease of property owned by the District under the management and control of the Management Authority;

WHEREAS, the standard term and conditions for the lease of property owned by the District under the management and control of the Management Authority require that

Worker's Compensation insurance and other employee compensation coverages be provide by companies with an "A+" rating authorized to conduct business in the State of Louisiana;

WHEREAS, Crescent City Marine maintained liability and worker's compensation insurance with companies with a "B++" rating authorized to conduct business in the State of Louisiana for many years under its lease with the District and requested that it be permitted under the terms and conditions of its lease to obtain coverage for Worker's Compensation and Longshoreman and Harbor Workers insurance with companies with a "B++" rating authorized to conduct business in the State of Louisiana;

WHEREAS, the Executive Director, Legal Counsel and Real Estate Consultant of the Management Authority consulted with the Insurance Consultant for the Management Authority, McGriff, Seibels and Williams, Inc., and its representatives, Hank Wolf, Nicholas Cozard, and Calvin Short, had no objection to the request of Crescent City Marine to obtain coverage for Worker's Compensation and Longshoreman and Harbor Workers coverage with companies with a "B++" rating authorized to conduct business in the State of Louisiana; and,

WHEREAS, after considering the request of Crescent City Marine and opinion of the representatives of the Insurance Consultants that represent the Management Authority, the Management Authority resolved that it was in the best interest of the District to approve the request by Crescent City Marine.

THEREFORE, BE IT HEREBY RESOLVED that the Lakefront Management Authority hereby approves the request by Crescent City Marine Group, Inc. that the lease

approved by the Lakefront Management Authority at its meeting held on August 26, 2021 include provisions that Crescent City Marine Group, Inc., as lessee, may provide Worker's Compensation and Longshoreman and Harbor Workers insurance coverages with insurance companies with a "B++" rating authorized to conduct business in the State of Louisiana.

BE IT FURTHER HEREBY RESOLVED that the Chairman or Executive Director of the Lakefront Management Authority 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: Heaton, Fierke, Brien, Carr, Cohn, Green, Hebert, Green, Romero

NAYS: -

ABSTAIN: -

ABSENT: Francis, Bruno, Gerhart, Lapeyrolerie, Richard, Rodgers

RESOLUTION ADOPTED: YES

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Discussions resumed regarding Hurricane Ida damages to LMA-managed assets.

The quorum was lost at 6:51 P.M.

Informational discussion continued until about 7:10 P.M.