

**Board Meeting Minutes**  
**Non-Flood Protection Asset Management Authority**  
**Thursday, February 21, 2019 – 5:30 P.M.**

The regular monthly Board Meeting of the Non-Flood Protection Asset Management Authority was held on Thursday, February 21, 2019 at the Lakefront Airport Terminal Building, 2<sup>nd</sup> floor conference center, 6001 Stars and Stripes Blvd., New Orleans, Louisiana, 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 5:42 P.M. and the roll was called which constituted a quorum.

**PRESENT**

Chair Wilma Heaton  
Vice Chair Eugene Green  
Commissioner Roy Arrigo  
Commissioner Stanley Brien  
Commissioner Leila Eames  
Commissioner Tom Fierke  
Commissioner Dawn Hebert (arrived at 6:23 p.m.)  
Commissioner Carla Major  
Commissioner Pat Meadowcroft  
Commissioner Chris Morvant  
Commissioner Anthony Richard  
Commissioner Robert Romero  
Commissioner Robert Watters

**ABSENT**

Commissioner Sean Bruno  
Commissioner William Settoon  
Commissioner Rodger Wheaton

Opening Comments – Chair Heaton introduced current and new staff members to the board. Staff present were Bruce Martin, Chris Henderson, Tevin Matthews, Jorge Sisson, Cynthia Grace, Marc Lucas, Helaine Millner, Lien Pham, and Tony Collins.

Also present were: Addie Fanguy, Al Pappardo, Austin Wood, Ashley Haspel, Monte Shalett, Wayne Breaux, Terry Clausino, Doug Webb, David Capo, and many other CAF Big Easy Wing members.

The Chair asked Commissioner Fierke to introduce CAF team (David Capo) Unit leader for CAF of the Big Easy Wing who thanked everyone. One year ago membership was less than 10 members and now they have renovated the (McDermott) hangar. They have a lot of exciting news and are the fastest growing unit in U.S. bringing in the lead airplane from the D-Day invasion.

Mr. Capo also reported on the expansion and buildout of the hanger, including an enclosure that tripled the size of the space with the addition of a small museum and conference room. He announced the CAF Open House, inviting NFPAMA board to attend at the end of March.

The Chair also announced good news regarding closing out PWs (project worksheets) from FEMA and the successful preliminary appeal at BBSA (Board of Building Standards and Appeals) resulting in a waiver for Bastian Mitchell and James Weddell hangar.

She announced that Lakeshore Landing is up to date with rent, compliant with lease and provisions.

Commissioner Fierke made a motion to amend the agenda, changing the order of the items (due to possible loss of quorum).

I. Motion to adopt Agenda

Commissioner Fierke asked to move order of agenda, moving public comments down to before announcement of next meeting and moving Executive Session before New Business.

Motion by Fierke, Seconded by Watters and all voted in favor

Commissioner Green introduced substitute motion to move Committee Reports down to after New Business.

Motion by Green, Seconded by Major and all voted in favor.

Old Business

- 1) There were no old business items on the agenda.

New Business

- 1) Motion to authorize the Executive Director to request that the City Planning Commission study the incorporation of the Lakefront Subdivision restrictions into the City of New Orleans Comprehensive Zoning Ordinance

Motion by Green and Seconded by Meadowcroft for discussion. This issue was previously approved by the Recreation Committee.

Public Comment:

Monte Shalett stated that the CZO is not very straightforward and that he would like to have input on how to approach as a group including Lake Vista. He stated that there are minor discrepancies between CZO and the four Lakefront restrictions line items. All commissioners present voted in favor.

**MOTION: 01-022119**

**RESOLUTION: 01-022119**

**BY: COMMISSIONER GREEN**

**SECONDED BY: COMMISSIONER MEADOWCROFT**

February 21, 2019

- 1) Motion to authorize the Executive Director of the Lakefront Management Authority to request that the New Orleans City Council study the incorporation of the Lakefront Subdivision Building Restrictions into the City of New Orleans Comprehensive Zoning Ordinance.

### **RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset 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**, as part of the development of the Lakefront on Lake Pontchartrain in the City of New Orleans, the former Board of Commissioners of the Orleans Levee District (the “Board”) developed the Lake Vista, Lakeshore, Lake Terrace and Lake Oaks subdivisions (“Lakefront Subdivisions”);

**WHEREAS**, the Board also established Building Restrictions to govern use of the subdivision properties according to the general plans of development for the Lakefront Subdivisions;

**WHEREAS**, the Recreation and Subdivision Committee of the Management Authority considered at the Committee’s meeting held on February 12, 2019 a recommendation by members of the Lake Vista Property Owners Association to have the New Orleans City Council consider incorporating the Building Restrictions of the Lakefront Subdivisions into the City of New Orleans Comprehensive Zoning Ordinance (“CZO”);

**WHEREAS**, the incorporation of the Building Restrictions of the Lakefront Subdivisions into the City of New Orleans CZO would allow interested persons to view the Lakefront Building Restrictions and provisions of the CZO in one place streamlining the process for applying for permits for among other things construction projects in the Lakefront Subdivisions;

**WHEREAS**, the Recreation and Subdivision Committee after considering this recommendation voted to recommend that the Management Authority authorize the Executive Director to request that the New Orleans City Council study the incorporation of the Lakefront Subdivision Building Restrictions into the City of New Orleans Comprehensive Zoning Ordinance; and,

**WHEREAS**, on motion duly made and seconded, the Management Authority resolved that it was in the best interest of the Management Authority to authorize the Executive Director to request that the New Orleans City Council study the incorporation of the Lakefront Subdivision Building Restrictions into the City of New Orleans Comprehensive Zoning Ordinance.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority hereby authorizes the Executive Director to request that the New Orleans City Council study the incorporation of the Lakefront Subdivision Building Restrictions into the City of New Orleans Comprehensive Zoning Ordinance.

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

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

**YEAS:** Arrigo, Brien, Eames, Fierke, Green, Heaton, Hebert, Major, Meadowcroft, Morvant, Richard, Romero, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Bruno, Settoon, Wheaton

**RESOLUTION PASSED:** Yes

- 2) Motion to approve a Task Order with RCL to prepare bid documents, advertise bids (through NFPAMA) and recommend award for the Lakefront Terminal Building Service Elevator (total not to exceed \$50,000.00).

Motion for discussion by Green, Seconded by Major.

Commissioner Watters asked how that fits into capital budget and Chair Heaton responded that must see what bids will come in at first. Commissioner Watters asked if there had been consideration of tearing down the current elevator and exploring a brand new one. Chair responded that after much study and consideration it was recommended to maintain the existing elevator and add an additional service elevator that was ADA compliant.

**MOTION:** 02-022119

**RESOLUTION:** 02-022119

**BY:** COMMISSIONER GREEN

**SECONDED:** COMMISSIONER MAJOR

**February 21, 2019**

- 2) Motion to approve a Task Order with RCL to prepare bid documents, advertise bids (through NFPAMA) and recommend award for the Lakefront Terminal Building Service Elevator (total not to exceed \$50,000.00)

### **RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset 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 South Shore Harbor Marina in the City of New Orleans is one of the non-flood protection assets of the District;

**WHEREAS**, the Management Authority and RCL Architecture, L.L.C. (“RCL”) entered into an Agreement on July 27, 2018 to provide ID/IQ professional engineering and design services with a Not-To-Exceed fee of \$300,000,

**WHEREAS**, the Airport Committee considered the preliminary engineering report and the Task Order proposal at its meeting on January 15, 2018 and recommended that the Authority proceed with issuing a task order to RCL to prepare the bid documents, advertise for bid through NFPAMA and recommend award for the Lakefront Terminal Building Service Elevator (the “Project”) in accordance with option 2 of the preliminary engineering report;

**WHEREAS**, the Management Authority resolved that it was in the best interest of the District to authorize professional engineering services for the design phase and the bidding phase of the Project with RCL with services not to exceed \$50,000.00.

**THEREFORE, BE IT HEREBY RESOLVED** that the Non-Flood Protection Asset Management Authority authorizes professional engineering services for the design phase and the bidding phase of the Project with RCL with services not to exceed \$50,000.00.

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

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

**YEAS:** Arrigo, Brien, Eames, Fierke, Green, Heaton, Hebert, Major, Meadowcroft, Morvant, Richard, Romero, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Bruno, Settoon, Wheaton

**RESOLUTION PASSED:** Yes

3) Discussion regarding space for maintenance department in Moffett Hangar.

Chair stated that item 3 could be thoroughly discussed in request of 4 for discussion of maintenance department and stated that maintenance was working out of their automobiles. She stated that they have no place for inventory, parts, etc. The Moffett Hanger would accommodate a maintenance area for buildout including area for lockers, shower, work spaces, etc. Addie Fanguy (representing Signature) has approved giving up the space needed for the buildout for maintenance.

4) Motion to authorize the Executive Director to consult with the Director of Engineering to build out space in Moffett Hangar not to exceed \$149,000.00

Motion by Green, Seconded by Richard. Discussion that Signature would maintain hangar space, but maintenance would take up other office area for a shop area. All present voted in favor.

**MOTION:** 04-022119

**RESOLUTION:** 04-022119

**BY:** COMMISSIONER GREEN

**SECONDED BY:** COMMISSIONER RICHARD

**February 21, 2019**

4) Motion to approve the expenditure of an amount not to exceed \$149,000.00 for the repair and/or build-out of office and storage space at the New Orleans Lakefront Airport for the Maintenance Department of the Non-Flood Protection Asset Management Authority.

### **RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset 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 has the management and control of two marinas, the New Orleans Lakefront Airport, a fifteen-unit office building and 5.2 miles of Lakeshore Drive and approximately 315 acres of green space and public parks;

**WHEREAS**, the personnel in the Maintenance Department of the Management Authority do not have adequate facilities for office space and storage space for equipment and inventory;

**WHEREAS**, there are spaces available at the New Orleans Lakefront Airport (“Airport”) that would be suitable for office and storage space for the Maintenance Department;

**WHEREAS**, the spaces that are available at the Airport will have to be either repaired or built-out to be made suitable for office and storage space for the Maintenance

Department;

**WHEREAS**, the cost for the repairs and/or build-out of the available spaces at the Airport has been estimated not to exceed \$149,000.00; and,

**WHEREAS**, the Management Authority resolved that it was in the best interest of the Management Authority and Orleans Levee District to approve the expenditure for the repair and/or build-out of office and storage space for the Maintenance Department at the Airport of an amount not to exceed \$149,000.00.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority approves the expenditure of an amount not to exceed \$149,000.00 for the repair and/or build-out of office and storage space at the New Orleans Lakefront Airport for the Maintenance Department of the Non-Flood Protection Asset Management Authority.

**BE IT FURTHER HEREBY RESOLVED** that the Management Authority Chairman or Executive Director be and is 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:

**AYES:** Arrigo, Brien, Eames, Fierke, Green, Heaton, Hebert, Major, Meadowcroft, Morvant, Richard, Romero, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Bruno, Settoon, Wheaton

**RESOLUTION ADOPTED:** Yes

- 5) Motion to approve a rent abatement for Lakeview Creative Arts for the months of August and September 2018. Motion came from Legal and Commercial Real Estate committees.

Motion by Watters, Seconded by Green.

Discussion of two separate events of water damage that prevented them from conducting business due to other tenant. The request before the Board would provide a two month rent abatement. The lease provides right of tenant to have rent abatement and authorized under lease. This was fully vetted by the Legal and Real Estate Committees and board consultants. All present voted in favor.

**MOTION:** 05-022119

**RESOLUTION:** 05-022219

**BY:** COMMISSIONER GREEN

**SECONDED BY:** COMMISSIONER WATTERS

February 21, 2019

- 5) Motion to approve a rent abatement for the rent owed by Lakeview Creative Arts Center, L.L.C. d/b/a Lakeview Creative Arts Studio for the months of August and September of 2018.

### **RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset 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 Lake Vista Community Center ("LVCC") is one of the non-flood protection assets owned by the Orleans Levee District under the management and control of the Management Authority;

**WHEREAS**, Lakeview Creative Arts Center, L.L.C. d/b/a Lakeview Creative Arts Studio ("Lakeview Creative Arts") leases from the Management Authority, pursuant to the terms of the written lease, Suites 6512 and 6514 Spanish Fort Blvd. in the LVCC, for a school offering lessons in creative arts and offices for the school, which lease is for a term of two years that commenced on September 15, 2017, with one 2-year option to renew, for a rental rate of \$16.00 per square foot, totaling \$35,840.00 per annum, payable in monthly

installments of \$2,986.67, with the annual rent during the option term to be set at the fair market value annual rental rate for locations in LVCC upon the commencement of the option term;

**WHEREAS**, the Management Authority leases Suite 6510 in the LVCC adjacent to Suites 6512 and 6514 to La Maison de Beaute', L.L.C. for the operation of a beauty salon, pursuant to the terms of a written lease agreement;

**WHEREAS**, in July of 2018 Suites 6512 and 6514 sustained damages to the walls and floors in the Suites caused by an overflow of water that originated in Suite 6510;

**WHEREAS**, subsequently Suites 6512 and 6514 sustained additional water damage as the result of leaks from pipes located in Suite 6510;

**WHEREAS**, Lakeview Creative Arts as a result of the extensive water damage to the Suites it leases had to make extensive repairs and also had to close its school and offices for approximately two months;

**WHEREAS**, Lakeview Creative Arts requested a rent abatement for the rent owed during the months of August and September of 2018 and has agreed, in consideration of the requested rent abatement, to waive any and all claims it may have against the Management Authority for the damages sustained and has also agreed to assign and subrogate the Management Authority to any claims it may have against any responsible person to the extent of the amount of the rent abatement granted by the Management Authority;

**WHEREAS**, article 21 of the Lease provides that if the leased premises are damaged and rendered wholly unfit for occupancy through no fault of the lessee that the lessee shall be entitled to a rent reduction or remission as shall be just and proportionate;

**WHEREAS**, the Commercial Real Estate Committee of the Management Authority at its meeting held on February 14, 2019 considered the request by Lakeview Creative Arts for a rent abatement and voted to recommend that the Management Authority approve a rent abatement for the rent owed for the months of August and September of 2018 under the terms and conditions set forth above; and,

**WHEREAS**, the Management Authority resolved that it was in the best interest of the Management Authority and Orleans Levee District to approve a rent abatement for the rent owed for the months of August and September of 2018 by Lakeview Creative Arts for the lease of Suites 6512 and 6514 in the LVCC under the terms and conditions set forth above.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority approves a rent abatement for the rent owed for the months of August and September of 2018 by Lakeview Creative Arts Center, L.L.C. d/b/a Lakeview Creative Arts Studio for the lease of Suites 6512 and 6514 in the Lake Vista Community Center, conditioned on Lakeview Creative Arts Center, L.L.C. waiving any and all claims it may have against the Non-Flood Protection Asset Management Authority for any damages sustained by Lakeview Creative Arts Center, L.L.C. as a result of the incidents described above and assigning and subrogating the Non-Flood Protection Asset Management Authority to any claims it may have against any responsible person for any damages sustained to the extent of the amount of the rent abatement granted by the Management Authority.

**BE IT FURTHER HEREBY RESOLVED**, that the Chairman or Executive Director of the Non-Flood Protection Asset Management Authority be and is hereby authorized to sign any and all documents necessary to carry out the foregoing.

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

**YEAS:** Arrigo, Brien, Eames, Fierke, Green, Heaton, Hebert, Major, Meadowcroft, Morvant, Richard, Romero, Watters  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** Bruno, Settoon, Wheaton  
**RESOLUTION PASSED:** Yes

6) Discussion regarding records retention policies and issues

The Commercial Real Estate Committee requested that due to property development and old plans, that the Flood Protection Authority (FPA) has records and plans needed by NFPAMA. Requested that arrangements are made with FPA to have original records moved to NFPAMA hangar space at the National Guard Hanger (2<sup>nd</sup> floor). Chair Heaton suggested that commissioners review the FPA's records retention policies and issues so a vote could be taken at the next board meeting. She requested the Human Resources and Legal Committees review and advise. Draft policy was distributed for review.

- 7) Motion to grant Management Authority authorization regarding institution of civil proceedings against Mrs. Evelyn B. Benoit to enforce servitude rights provided under the Lake Terrace Building Restrictions on the property located at 1744 Lakeshore Drive New Orleans, LA 70122.

Motion by Arrigo, Seconded by Major for discussion.

Discussed and vetted at the Recreation/Subdivision and Legal committees.

Gerry Metzger, legal counsel stated that this owner is violating servitude rights and issues, and a demand was made in December regarding negotiation. He recommended that board should proceed with civil proceedings against Mrs. Benoit, as trying to create walkway for pedestrians and for electrical to get to utility companies (substation).

Ashley Haspel stated that she would like NFPAMA to take action, as she wants public servitude back open again for residents.

All present voted in favor.

**MOTION: 07-022119**  
**RESOLUTION: 07-022119**  
**BY: COMMISSIONER ARRIGO**  
**SECONDED BY: COMMISSIONER MAJOR**

February 21, 2019

- 7) Motion to authorize institution of civil proceedings against Mrs. Evelyn B. Benoit to enforce servitude rights provided under the Lake Terrace Building Restrictions on the property located at Municipal Address 1744 Lakeshore Drive, New Orleans, Louisiana 70122

### **RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset 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**, Lake Terrace is a subdivision developed by the former Board of Commissioners of the Orleans Levee District (the "Board");

**WHEREAS**, the Board also established building restrictions to govern use of the subdivision property according to the general plan of development;

**WHEREAS**, Section IX of the Lake Terrace Building Restrictions provides that servitudes of passage at the designated locations on the map are granted in favor of utilities for the purpose of maintaining electrical transformers and public walkway, including in Square 33 in the Lake Terrace Subdivision;

**WHEREAS**, the property located at Municipal Address 1744 Lakeshore Drive, New Orleans, Louisiana 70122 is in Square 33 in the Lake Terrace Subdivision, and a part of the property on the west side is subject to a servitude of passage established under Section IX of the Building Restrictions;

**WHEREAS**, the owner of the property located at Municipal Address 1744 Lakeshore Drive, Mrs. Evelyn B. Benoit, has installed gates on the servitude that impede the use of the servitude by the utilities and as a public walkway;

**WHEREAS**, under Louisiana law, the owner of property subject to a servitude is required to abstain from doing anything to interfere with the use of a servitude;

**WHEREAS**, despite amicable demand, Mrs. Benoit has failed or refused to remove the gates and open the servitude for its intended use in accordance with the terms of the Building Restrictions;

**WHEREAS**, on motion duly made and seconded, the Management Authority resolved that it was in the best interest of the Management Authority to authorize institution of civil proceedings against Mrs. Evelyn B. Benoit to enforce servitude rights provided under the Lake Terrace building restrictions on the property located at Municipal Address 1744 Lakeshore Drive, New Orleans, Louisiana 70122; and,

**WHEREAS**, the Recreation and Subdivision Committee and the Legal Committee of the Management Authority reviewed this matter at the Committee's meetings in February and voted to recommend that the Management Authority authorize Legal Counsel to institute proceedings to enforce the servitude on the property located at Municipal Address 1744 Lakeshore Drive, New Orleans, Louisiana 70122.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority hereby authorizes Legal Counsel to institute civil proceedings against Mrs. Evelyn B. Benoit to enforce the servitude rights provided under the Lake Terrace Building Restrictions on the property located at Municipal Address 1744 Lakeshore Drive, New Orleans, Louisiana 70122.

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

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

**YEAS:** Arrigo, Brien, Eames, Fierke, Green, Heaton, Hebert, Major, Meadowcroft, Morvant, Richard, Romero, Watters  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** Bruno, Settoon, Wheaton

## II. Executive Session

Motion by Green, Seconded by Fierke to go into executive session for litigation and legal strategy.

Green – opposed because misunderstood motion

- 1) Don J. Robertson, Jr. vs. Non-Flood Protection Asset Management Authority (Docket No. S-18500), Appeal of Termination

## III. Committee Reports

Director's Report  
Airport – Chair Heaton  
Finance – Chair Richard  
Legal – Chair Watters  
Commercial Real Estate – Chair Green  
Marina – Chair Arrigo  
Recreation/Subdivision – Chair Wheaton

## IV. Public Comments

## V. Announcement of next Regular Board Meeting

- 1) Thursday, March 28, 2019 – 5:30 P.M.

## VI. Adjourn: Major, Arrigo

7:20 PM