

**Board Meeting Minutes**  
**Non-Flood Protection Asset Management Authority**  
**Thursday, February 22, 2018 – 5:30 P.M.**

The regular monthly Board Meeting of the Non-Flood Protection Asset Management Authority was held on Thursday February 22, 2018 at the Lakefront Airport Terminal Building in the 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  
Commissioner Roy Arrigo  
Commissioner Stanley Brien  
Commissioner Greg Ernst  
Commissioner Tom Fierke  
Commissioner Dawn Hebert  
Commissioner Pat Meadowcroft  
Commissioner Chris Morvant  
Commissioner William Settoon  
Commissioner Robert Watters  
Commissioner Rodger Wheaton

**ABSENT:**

Vice Chair Eugene Green  
Commissioner Sean Bruno  
Commissioner Leila Eames  
Commissioner Carla Major  
Commissioner Anthony Richard

**STAFF:**

Executive Director Jesse Noel  
Director of Maintenance Don Robertson  
Assistant Airport Director Chanse Watson  
Airport Manager Dave 'Howie' Howard  
Executive Assistant Kim Vu

**ALSO PRESENT:**

Gerry Metzger – Legal Counsel  
Al Pappalardo – Real Estate  
David Capo – CAF Big Easy Wing  
Cory Gruntz – Vista Yoga  
Ashley Berner – Vista Yoga  
Michelle Gruntz – Vista Yoga  
Kyle Berner- Feelgoodz  
Dennis McSeveney – LTPOA  
Cathy Langhoff – President of LTPOA  
Drew Lehman – American Association of Geographers  
Matthew Ahearn – Ahearn Construction/ Hibernian Charity

#### **IV. OPENING COMMENTS**

Chair Heaton stated that there are many items on the agenda for discussion and she would like to move forward with adopting the agenda.

#### **V. MOTION TO ADOPT AGENDA**

A motion to amend the agenda to add one item regarding CEA CAF was offered by Commissioner Fierke and second by Commissioner Settoon and adopted unanimously.

#### **VI. PUBLIC COMMENTS**

- 1) Mr. David Capo from CAF Big Easy Wing wished to reserve his public comment for Item IXb.
- 2) Mr. Drew Lehman, a geographer from the American Association of Geographers, introduced himself to the board. He announced that there will be an upcoming 'Emerging Scholars Program' held in April in New Orleans, LA. Mr. Lehman explained that the goal of this program is to get the public aware of infrastructure and to make young people aware of potential careers. This scholarship program is supported by real money from various donations. Chair Heaton and Executive Director Noel will be participating as guest speakers at this upcoming program in April 2018.

#### **VII. COMMITTEE REPORTS:**

**Airport** – Chair Heaton reported that there has been much progress and events at the Lakefront Airport.

**Finance** – Chair Richard was absent from the board meeting, but E.D. Noel will update the board in his director's report.

**Legal** – Chair Major was absent from the board meeting and Mr. Metzger reported that they did not have a legal committee meeting due to not having a quorum.

**Commercial Real Estate** – Chair Green was absent from the board meeting and E.D. Noel will cover Commercial Real Estate update under his director's report.

**Recreation and Subdivision** – Chair Wheaton stated that staff are getting ready to send out a bid for grass cutting. He also stated the recreation committee met before the board meeting, and there are many projects making progress.

**Marina** – Chair Arrigo stated that the marina committee did meet this month. He reported that there are many projects wrapping up, and staff is pursuing a number of enhancements to the marina.

#### **Director's Report:**

Executive Director Jesse Noel gave an administrative and budget update. He reported that there is an agenda item involving an approval to lease 6516 Spanish Fort at Lake Vista Community Center. He stated that if the board approved of the lease, then Lake Vista Community Center would be fully occupied for the first time since Hurricane Katrina. E.D. Noel further reported that five responses were received for security guard services at the marinas, which are currently being evaluated by staff. He also reported that staff received two proposals for harbor management, which will be evaluated at next month's marina committee meeting.

#### **VIII. OLD BUSINESS:**

- a) None

**IX. NEW BUSINESS:**

**a) Resolution No. 01-022218 Four Winds Fountain Restoration**

Motion to authorize bid advertisement for four winds fountain restorations –  
Moved by Chair Heaton and second by Commissioner Wheaton

Chair Heaton stated that the restoration was highly recommended because the fountain would lose cultural significance if it is moved for any reason.

**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 New Orleans Lakefront Airport is one of the assets of the District under the management and control of the Management Authority;

**WHEREAS**, the Four Winds Fountain is a feature located at New Orleans Lakefront Airport and is one of the assets under the management and control of the Management Authority;

**WHEREAS**, the Four Winds Fountain was damaged during Hurricane Katrina and FEMA has made funds available to restore it to its pre-storm condition;

**WHEREAS**, the RCL Architecture LLC was tasked by the Management Authority to prepare design documents for the restoration of the fountain;

**WHEREAS**, the RCL Architecture LLC prepared the design documents and supplied an engineer’s estimate of \$226,489.42 for the construction effort;

**WHEREAS**, RCL as the design engineer is tasked under the Contract for the Four Winds Fountain to advertise the bid for the FEMA funded Four Winds Fountain Project for Lakefront Airport.

**THEREFORE, BE IT HEREBY RESOLVED** that the Management Authority approves RCL Architecture LLC as the design architect to advertise the bid for the Four Winds Fountain Restoration.

**BE IT HEREBY FURTHER RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to 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, Ernst, Fierke, Heaton, Hebert, Meadowcroft, Morvant, Settoon, Watters, Wheaton

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Bruno, Eames, Green, Major, Richard

**b) Resolution No. 01a-022218 CAF CEA**

Motion to authorize a Cooperative Endeavor Agreement with Commemorative Air Force –

Motion by Commissioner Fierke, second by Commissioner Settoon

**WHEREAS**, the Non-Flood Protection Asset 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 (“Management Authority”);

**WHEREAS**, the New Orleans Lakefront Airport is one of the assets of the District under the management and control of the Authority (“Airport”);

**WHEREAS**, the Commemorative Air Force is a Texas-based non-profit corporation dedicated to preserving and showing historical aircraft at air shows throughout primarily the United States and Canada (“CAF”);

**WHEREAS**, the CAF in conjunction with the National World War II Museum in New Orleans has over the past few years held annual events at the Airport to honor veterans and commemorate the important role of military aviation in the Allied victory in World War II, which has included exhibits of iconic examples of World War II airplanes of the CAF;

**WHEREAS**, the Management Authority and CAF developed a close working relationship as a result of the events held at the Airport;

**WHEREAS**, the Management Authority at its meeting held in October, 2017 adopted a resolution approving a Cooperative Endeavor Agreement with CAF, pursuant to Article 7, Section 14(C) of the Louisiana Constitution of 1974, subject to the approval of the Management Authority's Airport Committee and Legal Counsel, for the use of a mutually suitable location at Lakefront Airport for the CAF's restoration and display of aircraft, for the promotion of the New Orleans Lakefront Airport through CAF events held at the selected facility, and to set forth certain other matters in connection therewith and under the terms and conditions of the adopted resolution (the "CEA");

**WHEREAS**, the resolution adopted at the October, 2017 meeting provided that the term of the CEA would continue until terminated by either party upon thirty days' written notice (the "term");

**WHEREAS**, the Airport Committee of the Management Authority at its meeting held on October 17, 2017 approved a CEA prepared by Legal Counsel for use of the former Delgado Hangar at the Airport by CAF;

**WHEREAS**, the Airport Committee also approved a motion to recommend that the Management Authority modify the term of the CEA to a period of one (1) year commencing on March 1, 2018 and expiring on February 28, 2019, with four (4) one (1) year options to renew; and,

**WHEREAS**, the Management Authority after considering the recommendation of the Airport Committee to modify the term of the CEA with CAF resolved that it was in the best interest of the Airport to modify the term of the CEA with CAF to a period of one (1) year commencing on March 1, 2017, with four (4) one (1) year options to renew.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority approves modifying the term of the CEA with CAF to a period of one (1) year commencing on March 1, 2017, with four (4) one (1) year options to renew.

**BE IT FURTHER HEREBY 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: **Arrigo, Brien, Ernst, Fierke, Heaton, Hebert, Meadowcroft, Morvant, Settoon, Watters, Wheaton**  
NAYS: **None**  
ABSTAIN: **None**  
ABSENT: **Bruno, Eames, Green, Major, Richard**

**c) Resolution No. 02-022218 Issue RFP (Former Naval Reserve Site)**

Motion to approve a second issuance of an RFP for the former Naval Reserve Center site –  
Motion by Commissioner Fierke, second by Commissioner Watters

**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 "8.761 Acre Seabrook Site" (Former Naval Reserve) is one of the non-flood protection assets of the Orleans Levee District managed and controlled by the Management Authority;

**WHEREAS**, the members of the Commercial Real Estate Committee of the Management Authority discussed at their February 8, 2018 meeting a second Request for Proposals prepared by the Management Authority's Executive Director, Real Estate Consultant and Legal Counsel for the commercial development of the 8.761 Acre Seabrook Site, a copy of which is attached to this Resolution (the "Request for Proposals" or "RFP");

**WHEREAS**, after reviewing the Request for Proposals, the Commercial Real Estate Committee unanimously voted to recommend that the Management Authority authorize the issuance of a Request for Proposals for the development of the 8.761 Acre Seabrook Site; and,

**WHEREAS**, the Management Authority resolved that it is in the best interest of the Orleans Levee District and the Management Authority to authorize the issuance of a Request for Proposals for the commercial development of the 8.761 Acre Seabrook Site

**NOW, THEREFORE BE IT HEREBY RESOLVED**, that the Management Authority authorizes issuance of the Request for Proposals for the commercial development of the 8.761 Acre Seabrook Site, a copy of which is attached to this Resolution.

**BE IT FURTHER HEREBY RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to execute any documents necessary to carry out the above. The foregoing was submitted to a vote, the vote thereon was as follows:

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

d) **Resolution No. 03-022218 6516 LVCC lease**

Motion to approve a lease with Michelle Gruntz for a yoga studio at 6516 Spanish Fort in Lake Vista Community Center – Moved by Commissioner Wheaton, second by Commissioner Meadowcroft

**WHEREAS**, the Non-Flood Protection Asset Management Authority (“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 is one of the non-flood protection\_assets of the Orleans Levee District under the management and control of the Management Authority;

**WHEREAS**, Michelle Gruntz has requested to lease 6516 Spanish Fort Boulevard consisting of 1,077 square feet of space on the first floor of the Lake Vista Community Center;

**WHEREAS**, the term of the proposed lease will be for two years, commencing on April 1, 2018 and ending on March 31, 2020 (Primary Term), with one 2-year option to renew, commencing on April 1, 2020 and ending on March 31, 2022 (Option Term),

**WHEREAS**, the rent for the lease of the Leased Premises, during the Primary Term, will be \$16.00 per square foot per year, for an annual \$17,232.00, payable in twelve (12) monthly installments of \$1,436.00 in advance of the beginning of each month;

**WHEREAS**, a section of the proposed leased premises located at 6516 Spanish Fort Blvd. is in an unfinished state, and Lessee has furnished Lessor with a cost schedule of tenant improvements to be built-out by Lessee entitled “Vista Yoga and Wellness Rental Proposal” dated January 8, 2018 reflecting a total estimated build-out cost of up to \$33,466.00;

**WHEREAS**, Lessor’s staff has reviewed the cost schedule and found it to be fair and reasonable, and Lessee has agreed that a rent credit for the leasehold improvements to be made at Lessee’s expense to the unfinished section of the 6516 Spanish Fort Boulevard shall not exceed \$15,000.00, and said improvements shall be completed not more than six months following the effective date of the lease;

**WHEREAS**, Lessee has agreed to perform all tenant improvements for 6516 Spanish Fort at its own expense in accordance with the cost schedule furnished, and Lessor has agreed to credit Lessee one-hundred percent (100%) of the cost of the tenant improvements up to \$15,000.00 in the form of a rent credit in the amount of \$625.00 per month during the twenty-four (24) month primary term of the proposed lease, which will result in a net monthly rental payment of \$811.00.

**WHEREAS**, the proposal by Michelle Gruntz, to enter into a new lease for Suite 6516 was considered at the February 8, 2018 monthly meeting of the Commercial Real Estate Committee of the Management Authority which recommended approval of said lease under the terms set forth above; and,

**WHEREAS**, the Management Authority resolved that it is in the best interest of the Orleans Levee District to enter into a new lease for Suite 6516 Spanish Fort Blvd. in the Lake Vista Community Center with Michelle Gruntz under the terms set forth above,

**THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority approves a lease with Michelle Gruntz for 6516 Spanish Fort Boulevard in the Lake Vista Community Center under the terms and conditions specified above and the standard terms and conditions of leases in the Lake Vista Community Center with the Management Authority.

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

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

**YEAS:** Arrigo, Brien, Ernst, Fierke, Heaton, Hebert, Meadowcroft, Morvant, Settoon, Watters, Wheaton

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Bruno, Eames, Green, Major, Richard

e) **Resolution No. 04-022218 Irish Park Permit**

Motion to approve an amendment to the Permit issued to the Ancient Order of Hibernians of Louisiana, Inc. for the construction of the Hibernian Memorial in New Basin Canal Park

Motion by Commissioner Wheaton, second by Commissioner Fierke

**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**, one of the non-flood protection assets owned by the District is the former location of the New Basin Canal which is now part of the neutral ground between Pontchartrain Boulevard and West End Boulevard in the City of New Orleans;

**WHEREAS**, the construction of the New Basin Canal began in 1832 and was completed in 1838 and the manual labor for building the Canal was performed primarily by Irish immigrants;

**WHEREAS**, many of the Irish immigrants died during the construction of the Canal from occupational hazards and diseases and many of these Irish immigrants were buried along the Canal;

**WHEREAS**, in the late 1980’s the Irish Cultural Society of New Orleans proposed the construction of a memorial monument to the Irish immigrants who worked on the New Basin Canal, consisting of a Celtic Cross, located on the south side of the former Civil Defense Center;

**WHEREAS**, the former Board of Commissioners of the Orleans Levee District, which was the owner of this property, authorized the construction of a memorial monument (the “Irish Memorial”) and park, known as the New Basin Canal Park (the “Park”), which was completed and dedicated in November of 1990;

**WHEREAS**, the Ancient Order of Hibernians of Louisiana, Inc., a Louisiana non-profit corporation, proposed to expand and make improvements at the Irish Memorial in the Park;

**WHEREAS**, the Management Authority in February, 2014 approved the issuance of a permit to the Ancient Order of Hibernians of Louisiana, Inc. for a term of five (5) years for the construction and maintenance of the Hibernian Memorial in the Park for a term of five (5) years, for a permit fee of \$500.00, with the permittee responsible for liability insurance, repairs, maintenance, clean-up and grass cutting, including cutting the grass on the 0.215 acre strip in the Park owned by the City of New Orleans, and including provisions that the construction of any improvements on the leased premises would be subject to the prior approval of the Management Authority, that the contractor engaged to make any improvements be required to provide a payment and performance bond, and that a bond, letter of credit or security deposit in the amount of \$25,000.00 be provided by the permittee to secure the maintenance and other obligations of the permittee and providing that the premises would be maintained as a passive nature public park with no commercial activity as required under applicable state law;

**WHEREAS**, the Ancient Order of Hibernians of Louisiana, Inc. has secured funding for Phase I of the expansion of the Irish Memorial, consisting of grading the premises and the construction of certain sidewalks in the Park;

**WHEREAS**, the Ancient Order of Hibernians of Louisiana, Inc. has submitted plans and specifications for approval of the construction of Phase I to the Management Authority as required under the Permit and has also requested that the Permit be amended to extend the term of the Permit for a period of ten (10) years, and has also requested that the provision in the Permit requiring a security deposit in the amount of \$25,000.00 be amended so that the security deposit will not be required until the commencement of Phase II of the Project for the expansion of the Irish Memorial;

**WHEREAS**, the Recreation/Subdivision Committee considered these requests at the Committee Meeting held on February 22, 2018 and voted to recommend approval of these requests to amend the Permit; and,

**WHEREAS**, the Management Authority after considering the recommendation of the Recreation/Subdivision Committee resolved that it was in the best interest of the Management Authority to approve the request to amend the Permit as set forth above.

**NOW THEREFORE BE IT RESOLVED**, that the Non-Flood Protection Asset Management Authority approves the plans and specifications submitted for the construction of Phase I of the project for the expansion of the Irish Memorial in the New Basin Canal Park, approves an extension of the term of the Permit for a period of ten (10) years and approves an amendment to the Permit that the security deposit in the amount of \$25,000.00 to secure the performance of the obligations of the permittee under the Permit shall be provided prior to commencement of Phase II of the project for the expansion of the Irish Memorial in the New Basin Canal Park;

**BE IT HEREBY FURTHER RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign any and all documents necessary to carry out the foregoing. The foregoing was submitted to a vote, the vote thereon was as follows:

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

f) **Resolution No. 05-022218 First Amendment to Asset Management Plan**

Because a new draft had yet to be distributed to the commissioners, Commissioner Ernst moved to defer approval of first amendment to Asset Management Plan, seconded by Commissioner Wheaton, and all were in favor.

g) **Resolution No. 06-022218 Request Attorney General's Opinion regarding the constitutionality of Act 269 (HB266) as it pertains to the authorization of a second appointment on the NFPAMA by Congressman Richmond**

Motion to request an attorney general's opinion regarding the constitutionality of Act 269 (HB266) as it pertains to the authorization of a second appointment on the NFPAMA by Congressman Richmond

Motion by Commissioner Ernst and second by Commissioner Fierke

Commissioner Ernst questioned the constitutionality of the newest appointment based on legislative procedure. Mr. Metzger detailed his written opinion that was previously distributed to the commissioners that indicated the unlikelihood of a Louisiana court of competent jurisdiction finding that this legislative Act violates the single object requirement. Additional conversation amongst the commissioners noted that an attorney general's opinion would not be binding upon the board.

Commissioner Ernst stated that he felt an AG's opinion would lend enough gravity to the issue that the board should honor an opinion if it were rendered.

Following the extensive discussion, Commissioner Heaton moved to table the issue, seconded by Commissioner Meadowcroft. The votes were as follows.

**YEAS:** Heaton, Wheaton, Meadowcroft, Hebert, Watters  
**NAYS:** Brien, Ernst, Fierke, Morvant, Settoon  
**ABSTAIN:** None  
**ABSENT:** Arrigo (left meeting at 6:45 PM), (left meeting at 7 PM), Bruno, Eames, Green, Major, Richard

The motion to table failed for lack of a majority. Following this, Commissioner Ernst called the original matter to question. The votes were as follows.

**YEAS:** Brien, Ernst, Fierke,  
**NAYS:** Wheaton, Settoon, Meadowcroft, Hebert, Watters, Morvant

ABSTAIN: None  
ABSENT: Arrigo (left meeting at 6:45 PM), Heaton (left meeting at 7 PM), Bruno, Eames, Green,  
Major, Richard

The next regular monthly Board meeting will be held on Thursday March 22, 2018 at 5:30 PM in the Lakefront Airport Terminal Building.

Motion to adjourn by Commissioner Ernst, second by Commissioner Settoon and all were in favor to adjourn at 7:15 P.M.