

MINUTES OF BOARD MEETING
OF
THE BOARD OF COMMISSIONERS
OF THE ORLEANS LEVEE DISTRICT
NEW ORLEANS, LOUISIANA
OCTOBER 17, 1990

THE BOARD OF COMMISSIONERS
OF THE ORLEANS LEVEE DISTRICT

OCTOBER 17, 1990

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THE BOARD OF COMMISSIONERS
OF THE ORLEANS LEVEE DISTRICT
OCTOBER 17, 1990

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THE BOARD OF COMMISSIONERS
OF THE ORLEANS LEVEE DISTRICT
MINUTES OF MONTHLY BOARD MEETING
October 17, 1990

The regular monthly meeting of the Board of Commissioners of the Orleans Levee District was held on Wednesday, October 17, 1990, at 3:20 p.m., in Room 228, Administration Building, New Orleans Lakefront Airport, after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

The meeting was called to order by President Medo.

President Medo then led the group in the pledge of allegiance to the flag.

Secretary Lansden called the roll and stated that a quorum was present.

PRESENT:

The Honorable Steven O. Medo, Jr., President
The Honorable John H. Ross, Vice President
The Honorable Jerome P. Dickhaus, Commissioner
The Honorable Robert S. Maloney, Commissioner
The Honorable Robert C. Ramelli, Commissioner
The Honorable James E. Smith, Jr., Commissioner
The Honorable Janet Vincent, Commissioner

ABSENT:

The Honorable Lambert C. Boissiere, Jr., Commissioner

ALSO PRESENT:

Ed Gaskell
Lisa Herron, BIMA
Shaun Lewis, BIMA
Steve Sharai, Entergy Services
Stoney Dale, Schubert's
Gerald Wasserman, Lakeshore Property Owners' Association
J. M. Fried, Jr., Lakeshore Property Owners' Association
Terral Broussard, U.S. Army Corps of Engineers
Deborah Keel, Mercy Hospital
Norma Grace, University of New Orleans
Edward Lobman, Lake Terrace Property Owners' Association
E. Berkley Traughber
Bob Segari, Hibernia National Bank
Carl J. Sierra, South Shore Point, Inc.
Robert A. Hutchins, Lighthouse Harbor Condos
Kurt Steiner
Louis Robein, Jr.

THE BOARD OF COMMISSIONERS
OF THE ORLEANS LEVEE DISTRICT
MINUTES OF MONTHLY BOARD MEETING
October 17, 1990

OLB STAFF AND CONSULTANTS:

H. B. Lansden, Orleans Levee Board Director
Frederic Chatry, Chief Engineer
Richard J. McGinity, General Counsel
Ted Field, OLB Police Superintendent
Cynthia Taylor, Personnel
A. S. Pappalardo, Pappalardo Consultants
Jerome Pepper, Pepper & Associates
Glenn Ortego, Engineering
Lisa Haydel, Engineering
John Holtgreve, Design Engineering, Inc.
Pam Zeringue, Purchasing
Alan Francingues, Engineering
Edmond Pepper, Pepper & Associates
R. W. Taylor, New Orleans Lakefront Airport
Max Hearn, Field Office
Ernest J. Stephens, Jr., Airport Safety
Frank Mineo, Engineering
William Sickinger, Safety-Risk
Arthur Perrot, Jr., OLB Police
Jean LaPlace, LaPlace & Associates
Ken Clark, LaPlace & Associates
Mary Herbert, Finance
Elizabeth Augustin, South Shore Harbor
Helga Whittaker, OLB Director's Office
Glenda Boudreaux, OLB Director's Office

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I. OPENING REMARKS AND PRESENTATIONS BY PRESIDENT OR COMMISSIONERS:

None.

II. APPROVAL OF MINUTES:

There were no corrections, additions or deletions to the minutes of the Regular Board Meeting held on September 19, 1990, therefore, the minutes of the Regular Board Meeting held on September 19, 1990, were approved as submitted.

III. MOTIONS:

- A. To endorse parallel protection for the London Avenue, Orleans Avenue and 17th Street Canals in order to provide flood protection from tidal inundation, and to request the U.S. Army Corps of Engineers to fully work towards construction of these flood protection systems to include raising the levees, floodwalls, and sealing bridges along the entire length of the aforesaid canals considering a 300-year hurricane storm event, and the need to allow water to flow in the canals under all conditions.

Commissioner Dickhaus stated this area represents approximately 75,000 households and approximately 150,000 people could be impacted by this. The Army Corps of Engineers has proposed a frontal flood protection plan, which means they wish to build a prototype flood protection plan consisting of a butterfly valve that would protect from frontal approach from a hurricane. However, in fact, the London Avenue Canal, which has a reach of about four miles, is actually a tidal basin, and as a tidal basin, they are changing its inherent characteristic from a tidal basin to a drainage canal. When waters come, either frontally or from drainage, homes should be protected. To get absolute optimum protection, he felt it is incumbent to build parallel protection, which would provide the wherewithal for the ponding of the waters that would be created from the rainfall which oftentimes accompany a hurricane, and this increased flood protection is absolutely essential. In some areas along the reach of the London Avenue Canal the homes are as much as 10-feet below the canal, and if waters start coming over those canals, it would be a serious flood problem. As the height of flood protection is increased, there is increased protection from that possibility. He reiterated his concern is optimum flood protection for this City, as this is a densely populated flood plain. Also, an Army Corps of Engineers study shows that probably 50 percent of the people could not be evacuated in times of a major hurricane. The Congressional Delegation has been very supportive in discussions, and Commissioner Dickhaus stated that it is very important at this point to show them that the Board is strongly in support of this plan. The plan proposed

by the Army Corps of Engineers leaves the total responsibility for raising the levees south of the butterfly valve to the Board, which could be in the neighborhood of \$60 to \$80 million, which the Board does not have. Therefore, Commissioner Dickhaus stated he and Commissioner Boissiere strongly endorse this resolution.

Commissioner Vincent stated when the Commissioners came into the meeting today, they were given three letters, one from Colonel Gorski, one from Commissioner Boissiere and one from President Medo, which raised some interesting points. She stated she is all for protecting the 150,000 people who would be affected by this water, and it is something the Board has to do. However, regarding the phrase, "all necessary actions", she asked whether the Board is giving permission for the President, Director and Engineering Department to hire whatever consultants they deem necessary.

President Medo stated that was not the intention of the resolution, however, it is broad.

Commissioner Vincent stated she could not remember the Board ever passing something this broad; the Board could be agreeing to hire a consultant for \$1,000 or a consultant for \$100,000, and, therefore, she was hesitant about approving something like this. She asked whether President Medo would object to some type of restriction.

President Medo stated he would have no objection to a cap, however, it will take some funding for the Board to do what it has to do.

Commissioner Vincent stated she understood this, and she did not object to spending some money, however, in view of the Board's financial position, she would feel more comfortable with a cap.

Commissioner Maloney asked if the work could be done in-house.

President Medo stated he felt what would be required would have to be done externally and there would be additional services needed. The import of the resolution is not to spend money;

the import of the resolution is to try to get the parallel protection plan implemented, if the Board can. He added, it may be that the Corps of Engineers, and particularly Colonel Gorski, has misinterpreted what the Board is trying to do by this resolution. The intent of the resolution is to endorse the concept of parallel protection. If the Board finds in the course of going forward it cannot physically or financially do parallel protection, and the Board cannot muster the necessary votes in Congress to get it mandated or cannot get the funding needed from the Administration in Washington, it may be that the Board may have to do something less than this. The intent of the resolution was to word it in such a way that there is room to negotiate with the Corps of Engineers, but that the Board go on record saying exactly what it wants. As far as the last RESOLVED portion being too broad, he stated, it would have to be somewhat broad because he did not know where this is going.

Commissioner Vincent stated she believed the resolution is a good idea, and parallel protection is the best answer, however, she suggested a time limit and a cap because of the possibility of a long term delay and the broadness of the resolution.

President Medo stated his intent was not to delay this project, but when the project is balanced against the possibility of building the wrong project, it is incumbent to take the time to try to build the right project.

Commissioner Vincent offered a motion to amend the resolution to add that the maximum amount to be spent will be \$10,000 before coming back for Board approval, and the maximum delay will be sixty days before coming back for Board approval. She added, she is not saying the Board is only going to spend \$10,000 or sixty days, however, this way the Board can keep abreast of the project.

Commissioner Ross stated that because of the critical nature of this resolution and its intent, and the welfare of this City, both life and property, is dependent upon this Board doing its

work, he would hate at this point in time to subject this project to such limitations. He felt there is nothing this Board does that is more important than carrying out this particular function. Because of the actions of this Board and the consultants in place working on this project, the Louisiana Delegation, and, in particular, Mrs. Lindy Boggs, were able to persuade 358 members of the House of Representatives of the importance of this project by amending the Public Works Bill. He reiterated he would hate for the Board to start out crippling itself with financial limitations on how this would be accomplished, when the same consultants because of their actions have already saved the Board approximately \$38 to \$40 million just by going to Washington; this has already been accomplished, if the President does not veto the bill. Now, the same consultants continuing to do this work will be handicapped and afraid to do what is necessary, when it is necessary, and how it is necessary, because they have a limitation of \$10,000. He stated he is interested in moving this project forward, and it will cost money to do this. He added, he believed the Board is smart enough to know not throw money away, and he had enough faith in the President and members of the Board to stay on top of this project to make sure this does not happen. If the Board starts out this way now, then it is creating a problem that will slow the project down and discourage people working on it. This project not only affects the people living in that immediate community, but the entire community. He asked the Board not to support the amendment.

Commissioner Ramelli asked how long would it take to get this going.

President Medo explained this legislation in Washington is caught up in the budget process, the Conference Committee has not been appointed as yet, and it is subject to veto by the White House, if it is approved by both Houses. He felt personally that sixty days would be overly optimistic.

Commissioner Ramelli stated he felt sixty days is not nearly enough. He agreed with Commissioner Vincent that the Board should have a report in perhaps sixty days, but not a deadlock of sixty days on this.

Commissioner Vincent clarified she was not saying this had to be finished in sixty days or that the Board could only spend \$10,000.

Commissioner Dickhaus stated that Commissioner Vincent's point, which he could support, is that prior to reconsideration it be brought back to the Board; this is like a report, and the Board should have a formal process of review.

Commissioner Ramelli asked if \$10,000 is to be a ceiling, or if it would be \$10,000 increments to come back to the Board.

Commissioner Smith asked whether the Board would be asking the Corps of Engineers to do this.

President Medo explained the London Avenue Canal Project that is before the Board for consideration, as he appreciates it and has been advised, will cost the Corps of Engineers a total of \$15 million for the butterfly valves, of which the Board will pay approximately \$5 million and the Corps of Engineers will pay \$10 million. After the Corps of Engineers would have done the butterfly valves, the Levee Board would be responsible for approximately \$30 to \$35 million of expenses for raising the London Avenue Canal floodwalls south of the butterfly valves, of which the Levee Board pays 100 percent of the cost.

Mr. Chatry stated this is right, provided it is assumed or determined that in fact those levees have to be raised to the tune of \$60 to \$80 million.

President Medo continued, the Board knows it is going to spend some money, and it will be at 100 percent of the Board's cost. The Board is talking about basically an expenditure of public funds, whether it be the Corps of Engineers' money or the Levee Board's money, which could approach \$50 million.

His observation is that with a project of this size, it is critically important not to be penny rich and pound foolish and build the wrong project. If this could be worked to the benefit of the Levee Board, the Board could actually save tens of millions of dollars.

Commissioner Ross stated he felt the Board should have a representative in Washington arguing its cause and supporting the project, and reiterated he did not want to handicap the Board with a \$10,000 cap. The Board is trying to save tens of millions of dollars, and even if it does cost the Board \$500,000 or a million dollars, he asked how much are the lives and property in the community worth.

Commissioner Vincent withdrew her motion to amend the resolution and Commissioner Maloney withdrew his second.

Commissioner Dickhaus offered a motion to amend the resolution after the last line to add, "with the understanding that the matter will be brought formally back to the Board for reconsideration within at least a 120 day period, and that the President shall keep the Board apprised of expenses incurred on a sixty day basis."

There was no further discussion on the motion to amend the resolution, therefore, the amendment, offered by Commissioner Dickhaus, seconded by Commissioner Vincent, was unanimously adopted.

Mr. Edward Lobman stated, on behalf of the Lake Terrace Property Owners, they wholeheartedly support the resolution as amended, and pledge their support to write the Congressional Delegation to try to raise the funds to help the Board proceed with the parallel protection plan.

A representative from the Corps of Engineers stated a letter was addressed to the Board from Colonel Gorski, and he indicated that perhaps the intent of the resolution was misunderstood, however, it was felt if the Board was going to take the position of supporting parallel protection, he was a little surprised because of the meeting set up for November 7th.

President Medo asked that Colonel Gorski be informed that the Board would still like to have the meeting on November 7th, and it was his appreciation that if the resolution is passed, it would not preclude the Board from going forward and discussing the problems and trying to resolve them with the Corps of Engineers. He added, he would like the dialogue to continue, and encouraged the Corps of Engineers to make their presentation at the November 7th meeting, and stressed this is not an adversary situation. The Board is trying to get the best possible program for flood protection for the citizens of New Orleans. The meeting is scheduled for 4:00 p.m., November 7th.

Commissioner Smith asked why was the Board considering this resolution now if the meeting is scheduled for November 7th.

President Medo stated he felt the Board must take a position on what it wants to get; if the Board does not, then it will have problems with respect to going to Congress. The resolution as drafted is flexible enough for the Board to change its position, and, in fact, comes back in 120 days regardless. The Board can alter its position after the Corps of Engineers presents its facts, however, he felt the Board must go forward on this basis.

Commissioner Dickhaus stated his understanding was that the Sewerage and Water Board has also passed a resolution to this effect.

Commissioner Smith asked for an estimate of what the Board was talking about spending and what the Board will be spending it on.

President Medo responded he did not have an answer.

There was no further discussion on the motion as amended, therefore, Resolution No. 1-101790, offered by President Medo, seconded by Commissioner Ross, was adopted, with Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent voting yea, and Commissioner Smith voting nay, to-wit:

MOTION: NO. 1-101790

RESOLUTION: No. 1-101790

BY: President Steven O. Medo, Jr.

SECONDED BY: Commissioner Ross

October 17, 1990

R E S O L U T I O N

WHEREAS, the Board of Commissioners of the Orleans Levee District is mandated by the Louisiana State Constitution to provide flood protection from tidal inundation in Orleans Parish, and,

WHEREAS, to accomplish this goal the Board has undertaken studies that have identified areas that require increased flood protection resulting from potential rising waters, and,

WHEREAS, the London Avenue Canal, the Orleans Avenue Canal and the 17th Street Canal have been designated as locations requiring increased flood protection, and,

WHEREAS, the Board recognizes that a very large segment of the citizens of the City of New Orleans live adjacent to these major waterway facilities, and,

WHEREAS, the Board recognizes the need to continue operating drainage pumping facilities in and for the City of New Orleans during major storm events such as hurricanes, and,

WHEREAS, the Board has reviewed information obtained from the Sewerage and Water Board of New Orleans indicating their ability to maintain low water levels in the City is now and will be in the future, dependent upon the heights of the flood protection system along the outfall canals, and,

WHEREAS, the House of Representatives acting on a request from Representative Lindy Boggs and Representative Robert Livingston adopted by a vote of 358 to 55, an amendment to the 1990 Public Works legislation on September 26, 1990 that requires the U. S. Army Corps of Engineers to raise the level of the flood protection systems along the entire length of the London Avenue and Orleans Avenue Canals, and,

WHEREAS, in public meetings in May 1990, June 1990, and September 1990, property owners associations adjacent to the London Avenue and Orleans Avenue Canals voted in support of raising the levees along the entire length of the London Avenue Canal and Orleans Avenue Canal, i.e., parallel protection along both canals, and,

WHEREAS, the U. S. Army Corps of Engineers has previously agreed that raising the levees along the 17th Street Canal is a needful and acceptable plan.

BE IT HEREBY RESOLVED, That the Board of Commissioners of the Orleans Levee District, after considering information presented by the staff, consultants, representatives of the Corps, Congressional representatives, City of New Orleans elected officials and the public neighborhood groups, does hereby support and endorse parallel protection for the aforesaid areas and requests the U. S. Army Corps of Engineers to adhere to its contractual obligation with this Board to participate in and develop a plan that satisfies the requirements of a parallel flood protection system along the entire length of the London Avenue, Orleans Avenue, and 17th Street Canals, and;

BE IT FURTHER RESOLVED, That this Board does hereby request that the U. S. Army Corps of Engineers fully support and

work toward construction of a system of flood protection that includes raising the levees, floodwalls and sealing bridges, along the entire length of the London Avenue Canal, the Orleans Avenue Canal, and the 17th Street Canal, considering a 300 year hurricane storm event and the need to allow water to flow in the canals under all conditions, and;

BE IT FURTHER RESOLVED, That this Board does by this resolution direct its President and the Chairman of its Engineering Committee to take all necessary actions to bring this matter to the attention of officials at all governmental levels and to continue to seek necessary Federal assistance to complete said projects as outlined herein with the understanding that the matter will be brought formally back to the Board for reconsideration within a 120 day period and that the President shall keep the Board apprised of expenses incurred on a 60 day basis.

AYES: Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent

NAYS: Commissioner Smith

ABSENT: Commissioner Boissiere

RESOLUTION ADOPTED: Yes

- B. To authorize the Orleans Levee District to negotiate an agreement with City Park Board to secure a Right-of-Way for levee and floodwall expansion along Orleans Avenue Canal, and to authorize Design Engineering, Inc., to perform surveys required for legal descriptions of properties involved.

President Medo offered a motion to technically amend the resolution to add between the last WHEREAS portion and the first RESOLVED portion, the following:

"WHEREAS, the President has negotiated with the City Park Board to acquire the necessary rights-of-way at a cost of \$250,000.

"BE IT HEREBY RESOLVED, that the Board authorize the acquisition of the necessary rights-of-way from the City Park Board for a sum not to exceed \$250,000."

Commissioner Vincent asked whether the survey work could be performed in-house.

Mr. Chatry explained the surveying could be performed in-house if the Board chose not to do something else. It would be most efficient to do by contract.

There was no further discussion on the amendment, offered by President Medo, seconded by Commissioner Ross, therefore, the amendment was unanimously adopted.

Commissioner Vincent thanked Commissioner Dickhaus and President Medo for their work in getting this passed.

There was no further discussion on the motion as amended, therefore, Resolution No. 2-101790, offered by President Medo, seconded by Commissioner Ross, was unanimously adopted, to-wit:

MOTION: NO. 2-101790

RESOLUTION: No. 2-101790

BY: Commissioner Jerome P. Dickhaus
Engineering Committee
President Steven O. Medo, Jr.
Vice President John H. Ross
Commissioner Robert S. Maloney
Commissioner Janet Phillipott-Vincent

SECONDED BY: Commissioner Ross

October 17, 1990

R E S O L U T I O N

WHEREAS, the Board of Commissioners of the Orleans Levee District is negotiating an agreement with City Park to secure a right-of-way for the levee and floodwall expansion along the Orleans Avenue Canal, and

WHEREAS, sums of money were discussed for the purchase of the right-of-way by the Orleans Levee Board from City Park,

WHEREAS, no legal description of the properties exist and, therefore, no property transfers can occur.

WHEREAS, the President has negotiated with the City Park Board to acquire the necessary rights-of-way at a cost of \$250,000.

BE IT HEREBY RESOLVED, That this Board authorize the acquisition of the necessary rights-of-way from the New Orleans City Park Improvement Association for a sum not to exceed \$250,000.

BE IT FURTHER RESOLVED, That Design Engineering, Inc., is hereby authorized to perform surveys as needed to produce the legal descriptions of the properties involved in the acquisition

of the right-of-way for the levee and floodwall expansion along the east side of the Orleans Avenue Canal.

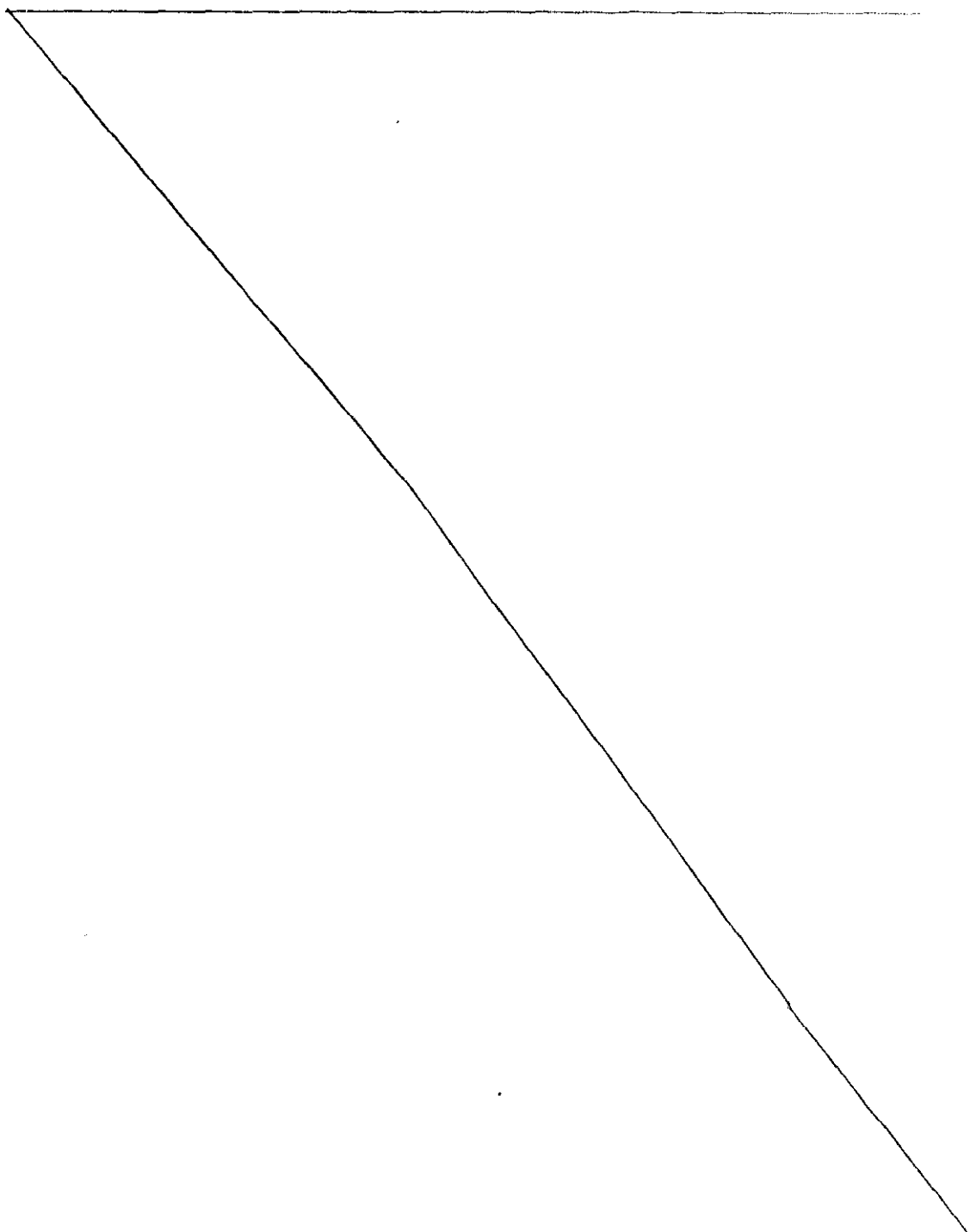
BE IT FURTHER RESOLVED, that the President, Director or Chief Engineer be, and they are authorized to execute any and all documents to carry out the above.

AYES: Commissioners Ross, Dickhaus, Maloney, Ramelli, Smith and Vincent

NAYS: None

ABSENT: Commissioner Boissiere

RESOLUTION ADOPTED: Yes



- C. To approve changes to the Lakeshore Subdivision Building Restrictions, and to authorize the Vice President or Director to execute whatever documents are necessary to accomplish the approval of said amendments.

Mr. Gerald Wasserman, President of the Lakeshore Property Owners Association, stated at the last meeting Mr. McGinity raised some concerns, which they have tried to address in their amendments.

Commissioner Vincent asked Mr. Lansden if the resolution addressed all the changes that were FAXed to him.

Mr. Lansden explained the proposed resolution is very brief and would provide for approval of that document which was sent to him including the changes.

Commissioner Vincent stated that after the last meeting, she, Mr. Pappalardo and Mr. Fried met and ironed out the problems brought out regarding the fire house and a number of other items. Mr. Pappalardo then felt comfortable with what was being offered. It was sent to Mr. Lansden, who she also felt was comfortable with what was being offered. Therefore, they did away with a lot of problems that were before the Board.

Commissioner Ross stated a lot of work by Commissioner Vincent and the Homeowners Association has gone into these particular items of change, which they feel are best for the community, however, there was one concern brought out by Mr. McGinity regarding relieving the Levee Board of the responsibility for review. He stated he will support the resolution in its entirety with the understanding that based upon comments and inputs from Councilman Boissiere, Commissioner Vincent and Mr. Wasserman, that there will be a continued effort to get the City's Department of Safety and Permits to accept the responsibility for review. He stated he spoke to Commissioner Boissiere prior to his going out of town, and he told Commissioner Ross he felt good about accomplishing this and has been working in that direction.

Mr. Wasserman stated that what Mr. McGinity said was that he did not have objections of a legal nature, but as a policy matter he had objections, and they are attempting to meet them. They are not trying to make this more onerous for the Levee Board, but are making the restrictions a lot less restrictive, and are going to try to take away some of the policy making decisions from the Levee Board and shift them to the City, if they can get the City to agree to it.

Commissioner Dickhaus stated he had received several phone calls from property owners, and he offered a technical amendment to the restrictions under Section 9 which relates to swimming pools; the present restriction is 10-feet and he stated he would like to substitute 4-feet, the reason being this mirrors the City's restrictions, and he would like this to be consistent.

Commissioner Vincent seconded Commissioner Dickhaus's motion to amend the restrictions.

Mr. Fried stated he had no problem with 4-feet, but had a problem with the procedure. He asked that the restrictions be approved subject to the change being made.

Commissioner Vincent clarified what is approved by the Board today could be brought before the Lakeshore Property Owners Association board, and if it is not acceptable to them, then they could come back to this Board.

Mr. Wasserman stated they would take it with that change.

There was no further discussion on the amendment to Section 9 of the restrictions, substituting 4-feet in lieu of 10-feet, therefore, the amendment, offered by Commissioner Dickhaus, seconded by Commissioner Vincent, was adopted.

There was no further discussion on the motion, therefore, Resolution No. 3-101790, offered by Commissioner Vincent, seconded by Commissioner Ross, was adopted, with Commissioners Ross, Dickhaus, Maloney and Vincent voting yea, and Commissioner Ramelli abstaining, to-wit:

MOTION: NO. 3-101790

RESOLUTION: No. 3-101790

BY: Commissioner Janet Phillpott-Vincent

SECONDED BY: Commissioner Ross

October 17, 1990

R E S O L U T I O N

WHEREAS, the Lakeshore Subdivision Property Owners desire to amend the Building Restrictions for said subdivision, and,

WHEREAS, the Orleans Levee Board, being a substantial property owner in said subdivision, is required to vote in connection with proposed amendments.

BE IT HEREBY RESOLVED, That the Board considers the changes in the aforesaid subdivision restrictions to be in the best interest of the property owners, including the Levee Board, and the Vice-President or Director are hereby authorized to execute whatever documents are necessary to accomplish the approval of said amendments.

AYES: Commissioners Ross, Dickhaus, Maloney and Vincent

NAYS: None ABSTAINED: Commissioner Ramelli

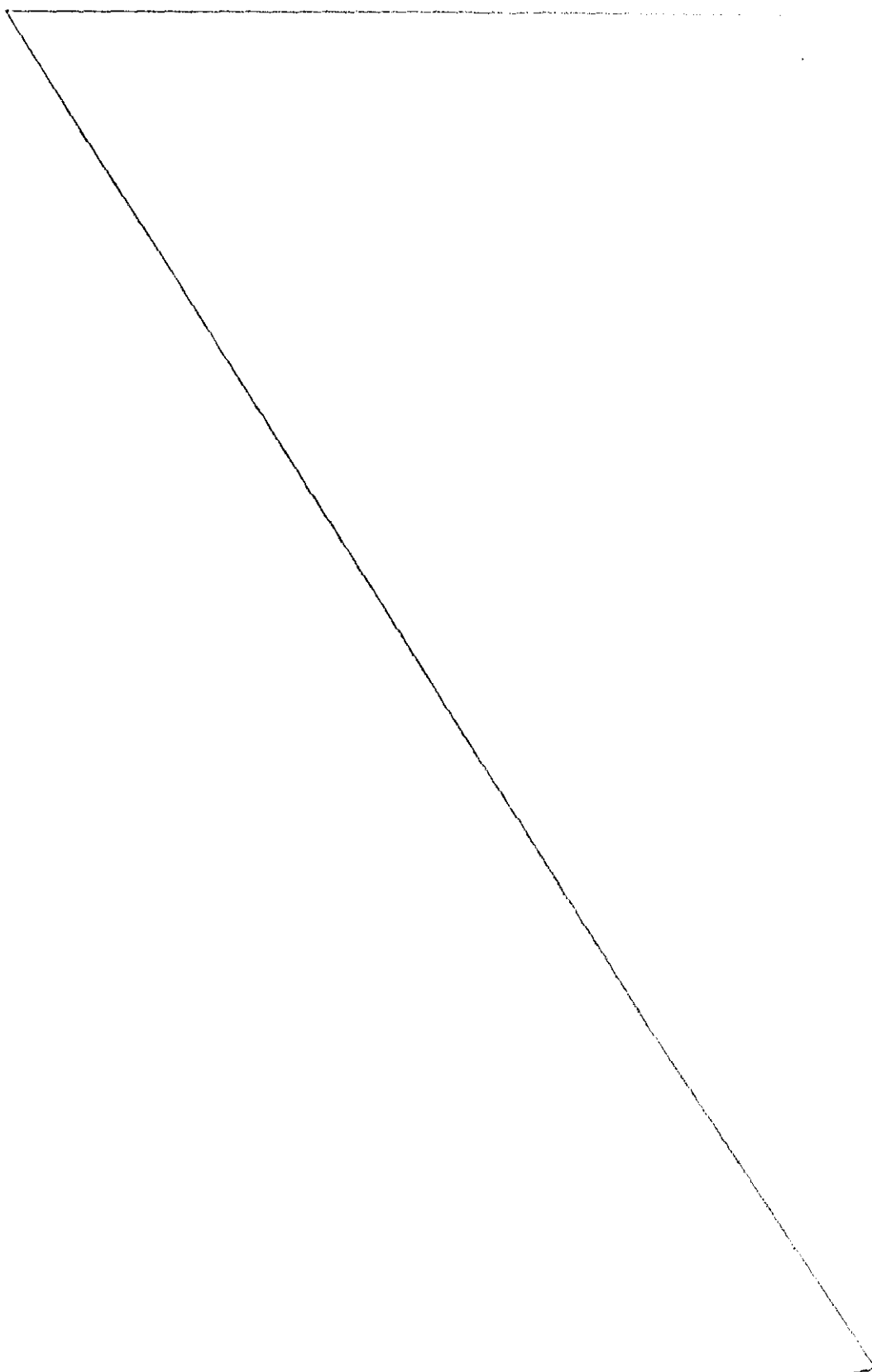
ABSENT: Commissioners Boissiere and Smith

RESOLUTION ADOPTED: Yes

- D. To change the terms in the Mercy Hospital lease for Store No. 9 in the Lake Vista Community Center to permit use of the premises six (6) days a week during normal business hours.

President Medo stated it was his appreciation this was unanimously agreed to by the Real Estate Committee and would not be objected to by anyone living in the area.

There was no further discussion on the motion, therefore, Resolution No. 4-101790, offered by Commissioner Ross, seconded by Commissioner Dickhaus, was unanimously adopted, to-wit:



MOTION: NO. 4-101790

RESOLUTION: No. 4-101790

BY: Commissioner Lambert Boissiere
Commissioner Jerome P. Dickhaus
Commissioner Robert S. Maloney
President Steven O. Medo, Jr.
Vice President John H. Ross
Commissioner Robert C. Ramelli
Commissioner Janet Phillpott-Vincent
Real Estate Committee

SECONDED BY: Commissioner Dickhaus

October 17, 1990

R E S O L U T I O N

WHEREAS, the Board of Commissioners of the Orleans Levee District by Resolution No. 5-051690 of May 16, 1990, agreed to lease Store No. 9 in the Lake Vista Community Center to Mercy Hospital for subdivision into doctors' offices, and

WHEREAS, it has been agreed that business hours should be from 9:00 a.m. to 5:00 p.m. five (5) days a week, and

WHEREAS, it has been determined that this is not in the best interest of the tenant who wished to use the premises during normal business hours six (6) days a week.

BE IT HEREBY RESOLVED, That Resolution No. 5-051690 be amended and that the terms of the lease grant it the use of the premises six days a week during normal business hours, and

BE IT FURTHER RESOLVED, That the Board's President or Director be authorized to sign any and all documents necessary to carry out the above.

AYES: Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioners Boissiere and Smith

RESOLUTION ADOPTED: Yes

- E. To authorize Entergy, a tenant of Aero Services International, to install a three-car carport, a covered walkway and landscaping associated with the installation, and to authorize the President or Orleans Levee Board Director to sign all necessary documents to accomplish the above.

There was no discussion on the motion, therefore, Resolution No. 5-101790, offered by Commissioner Ramelli, seconded by Commissioner Ross, was unanimously adopted, to-wit:

MOTION: NO. 5-101790

RESOLUTION: No. 5-101790

BY: President Steven O. Medo, Jr.
Commissioner Robert C. Ramelli
Vice President John H. Ross
Commissioner Robert S. Maloney
Commissioner Janet Phillpott-Vincent

SECONDED BY: Commissioner Ross

October 17, 1990

R E S O L U T I O N

WHEREAS, Entergy, a tenant of Aero Services International in the Moffett Hangar, has requested permission to install a three car carport, a covered walkway and landscaping associated with the installation,

WHEREAS, Entergy through the Board's lessee, will provide a letter of no objection from the appropriate utility companies, in addition to submitting an emergency plan for unexpected occurrences,

BE IT HEREBY RESOLVED, That upon receipt of the aforesaid from Entergy, Aero Services International's leasehold be amended to include the property necessary to complete the above improvements.

BE IT FURTHER RESOLVED, That the President or the Director of Aviation be authorized to sign all necessary documents to accomplish the above.

AYES: Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioners Boissiere and Smith

RESOLUTION ADOPTED: Yes

- F. To approve the Amendment to Lease Agreement and transfer of lease for Mariners Cove Tennis Clubs from Messrs. Gus M. Pelias, Sr., and Mr. Gus M. Pelias, Jr., to Mr. Edward P. Gaskell, and to authorize the President or Orleans Levee Board Director to sign any and all documents necessary to carry out the above.

Mr. McGinity stated the Committee has approved the transfer with the condition that the right of first refusal be nontransferable, and he has explained to Mr. Gaskell what this would mean; that is, he would have right of first refusal under terms and conditions offered to any other prospective lessee, and that it is personal to him, and he has indicated that is fine. There is no financial impact to the Board. The Mariners Cove partnership would remain responsible under the lease. The Board has no financial information on Mr. Gaskell.

Mr. Gaskell asked for a clarification on the amendment to the lease being nontransferable. He stated as he understood it, it means that if the club is sold and the lease is transferred, that condition in the lease would not be transferable to the new lessee.

Mr. McGinity replied that is what the Committee stated, that if Mr. Gaskell transfers the lease, the right of first refusal would not be included.

President Medo pointed out they could come back to the Board at that time.

Commissioner Maloney pointed out the Board would have a right to review it again at that time.

Mr. Gaskell asked for a clarification regarding the term of the lease and the option periods.

President Medo stated the intent of what the Board is doing today is not to change and vary the lease; it is approving the transfer with the small stipulation just talked about.

Mr. Pappalardo stated the last sentence of paragraph 3 states, "The total term of this lease provided all three options are exercised is forty years."

There was no further discussion on the motion, therefore, Resolution No. 6-101790, offered by President Medo, seconded by Commissioner Vincent, was unanimously adopted, to-wit:

MOTION: NO. 6-101790

RESOLUTION: No. 6-101790

BY: President Steven O. Medo, Jr.
By request

SECONDED BY: Commissioner Vincent

October 18, 1990

R E S O L U T I O N

WHEREAS, Mariner's Cove Tennis Clubs are owned by Messrs. Gus M. Pelias, Sr., and Gus M. Pelias, Jr., and

WHEREAS, a request has been received for transfer to Mr. Edward P. Gaskell, and

WHEREAS, his request has been reviewed by the Board's Real Estate Committee at its meeting of October 2, 1990, at which time the Committee directed the Board's General Counsel to meet with the parties concerned to work out the terms for this transfer and Amendment to Lease, and

WHEREAS, the parties have come to an agreement concerning the terms for the Amendment to Lease.

BE IT HEREBY RESOLVED, That the Board approve the Amendment to Lease Agreement and transfer of lease to Mr. Edward P. Gaskell, and

BE IT FURTHER RESOLVED, That the President or Director be authorized to sign any and all documents necessary to carry out the above.

AYES: Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioners Boissiere and Smith

RESOLUTION ADOPTED: Yes

IV. COMMITTEE REPORTS

A. STANDING COMMITTEES:

1. Airport Committee, Commissioner Ramelli:

Report and minutes of Committee meeting were included in the agenda packet.

2. Engineering Committee, Commissioner Dickhaus:

Report and minutes of Committee meeting were included in the agenda packet.

3. Insurance Committee, Commissioner Smith:

No Committee meeting held, therefore no report.

4. Marina Committee, Commissioner Maloney:

Report and minutes of Committee meeting were included in the agenda packet.

5. Real Estate Committee, Commissioner Boissiere:

Report and minutes of Committee meeting were included in the agenda packet.

6. Safety-Security Committee, Commissioner Vincent:

Report and minutes of Committee meeting were included in the agenda packet.

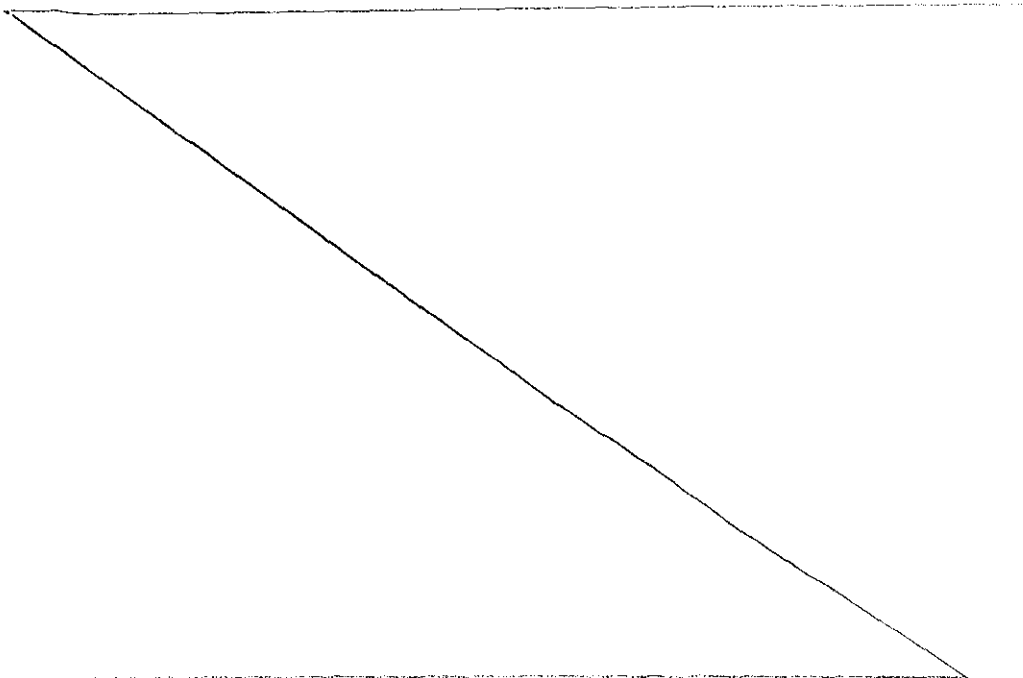
B. SPECIAL COMMITTEES:

1. Special Development Committee, Commissioner Ross:

No report.

V. COMMUNICATIONS:

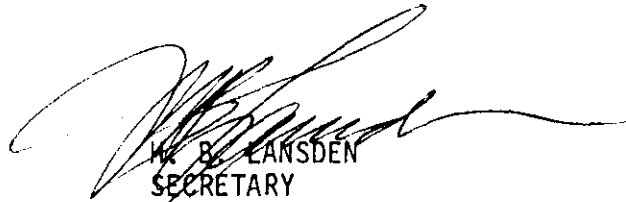
None.



VI. ADJOURNMENT:

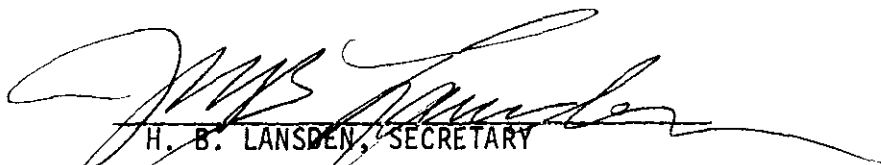
There was no further discussion, nor was there anyone who wished to bring any more business before the Board. Therefore, the meeting was adjourned at 4:23 p.m.

Respectfully submitted,



H. B. LANSDEN
SECRETARY

I, H. B. Lansden, Secretary of the Board of Commissioners of the Orleans Levee District do hereby certify that the foregoing is a true and correct copy of the minutes of the Board Meeting of October 17, 1990.



H. B. LANSDEN, SECRETARY