

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
MINUTES OF THE  
RECREATION / SUBDIVISION OBLIGATIONS COMMITTEE MEETING  
JANUARY 13, 2011 – 2:30 P.M.

The regular monthly meeting of the Recreation/Subdivision Obligation Committee of the Non-Flood Asset Protection Management Authority was held on Thursday, January 13, 2011 at 2:30 P.M., in the Lake Vista Community Center, 2<sup>nd</sup> Floor, 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Chairman Hassinger called the meeting to order at 2:55 p.m. and led in the Pledge of Allegiance.

The roll was called and a quorum was present.

**PRESENT:**

Chairman Joe Hassinger  
Commissioner Stanley Brien  
Commissioner John Trask  
Commissioner Greg Ernst

**FURTHERMORE PRESENT:**

Chairman Robert E. Smith Lupo

**STAFF:**

Louis Capo, Executive Director  
Sharon Martiny, Non-Flood

**ALSO PRESENT:**

Charles Curtis  
Albert Pappalardo  
Donald Booth  
Wesley Mills  
Steve Nelson  
Tom Keenan  
Holly Callia  
Susan Garcia  
Jackie Shrews  
Tom Fierve  
Scott Sewell  
John Davis  
Frank Stuart

**APPROVAL OF AGENDA**

Commissioner Ernst offered a motion to adopt the agenda, seconded by Chairman Brien.

**APPROVAL OF MINUTES**

Commissioner Trask offered a motion to approve the minutes of the Recreational Committee from the meeting of November 4, 2010, seconded by Chairman Brien.

Commissioner Trask offered a motion to approve the minutes of the Recreational Committee from the meeting of December 2, 2010, seconded by Chairman Brien. Chairman Hassinger noted one correction on page 4 of 6 and approved the minutes subject to the correction.

**OPENING COMMENTS:**

Chairman Hassinger stated there are items under Old Business and New Business on the Agenda. Due to limited time for comments to address agenda issues, the rules of the Committee and Authority provide for three minutes per speaker. We will have time for questions and answers.

**VII REPORT ON CURRENT RECREATIONAL/SUBDIVISION ISSUES**

Mr. Capo informed the committee members of a meeting with Ms. Connie Uddo and Mr. John Benton with Bayou Tree Service regarding the replanting of trees on Lakeshore Drive. Currently 30 gallon trees that are 8-10 feet tall and 2-3 inches in diameter were \$110-\$125 per tree but are now \$20-\$30 per tree. Mr. Capo advised Mr. Benton of the financial condition of the Board and the possibility of getting funding or donations for the trees. Mr. Capo also spoke with Mr. Al Pitrie of the Lakeview Civil Improvement Association who advised that the West Point Cadets are coming the second week of March and inquired if we had the trees the cadets would volunteer services to plant trees. Mr. Capo advised Mr. Pitrie of two problems: lack of funds to acquire the trees and the maintenance of the trees which runs \$50-\$60 per tree per year; another cost that we don't have. Mr. Capo is working with Ms. Uddo, Mr. Benton and Mr. Pitrie to obtain trees for Lakeshore Drive that would grow in that area. That area has ponding, shallow areas and solidity issues. Mr. Benton is trying to find a species that would survive in that type of environment.

Commissioner Ernst questioned the specific area and if there is a landscape plan developed. Mr. Capo informed that the first area is from Shelter #1 to Canal Blvd as an experimental area. There is no landscape plan in place. Mr. Benton is working with Mr. Uddo to put together a schematic on what type of trees and where the trees should be planted. There will be a landscape plan presented to this Committee for approval.

**VIII. PRESENTATIONS**

**1) John Davis – Location of flood control structure on the Orleans Avenue Canal/Lakeshore Drive.**

Mr. Davis is requesting help in moving the site of the Orleans Canal permanent pump, stating that the site selected by the Corps of Engineers is the worst site that could have been chosen. The contract for the pump has not been let; it can still be moved. Mr. Davis stated that the existing pump located under the interstate is an ugly structure and is a small version of what the Sewerage and Water Board wants to put on the Lakefront. The input side of that pump usually has little water in it, when it rains there is a lot of water. It is about 20 feet below sea level. Mr. Davis stated that leaving the existing pump there is Option 1. The two pumps will work in concert with one another. Option 2 is that the existing pump is removed so only the new pump is there. Mr. Davis informed that water flows by gravity to the pump, the pump starts and picks the water up and dumps it in the canal. If the existing pump is removed, water has to flow by gravity from that pump to the new pump which will require the canal to be dredged so it will slope down to the new pump. Mr. Davis stated that the Corps' drawing indicated the bottom of the new pump at -37 or 37 feet below sea level. Our Lakefront is going to be a hole 40 feet below sea level. Piles would be driven, a cement base laid and the building would go up from there. The building is going to be about 50 feet high. The 50 feet seen above the ground along with the 40 feet below the ground will give you a 90 foot building to be constructed, although you will only see 50 feet. It is Mr. Davis' opinion that the Lakefront would be spoiled forever. If Option 2 is chosen, the canal would have to be dredged and the deepest part is going to be between two neighborhoods: Lake Vista and Lakeshore. Mr. Davis added that the Corps never gave the real reason for not using the site south of Robert E. Lee. The construction would be done on uninhabited property. The

Corps' public meeting in January, 2008 laid out four sites for the pump: in the lake, where the pump is currently and south of Robert E. Lee. All of the sites would work. Col. Jeff Bedey, Hurricane Protection Office Commander, consultants from Black and Veatch Consulting Engineers, people from the Corps, Jefferson Parish and Pump to the River were at the meeting and everybody agreed each of the sites would do the job. There was discussion about where the site should be and on the second day we got a visual showing that the pump should go south of Robert E. Lee on the uninhabited property. Since then there have been rumblings regarding where the pump building will go. The Corps decided it is going to go on the Lakefront. Mr. Davis stated that he sent Colonel Lee an e-mail inquiring why the pump is going on the Lakefront instead of south of Robert E. Lee. Colonel Lee responded that there was not a single compelling reason why Site B was selected as the government's proposed action. Mr. Davis is asking the Committee to push the issue to the entire Commission and engage Tim Duty and Garrett Graves to force the Corps to change the site. If you can't support a site change, please press the Corps to bring back Black and Veatch to weigh in on the Corps' assertions that the Lakefront is the best place to put the pump. This might cause delay but it may lead to a solution that won't result in the permanent destruction of our Lakefront. Mr. Davis stated that the property owners said south of Robert E. Lee is the best place for everybody: the Lakefront, the neighborhoods, everybody. The Corps has ignored that.

Commissioner Ernst stated that this subcommittee could take action but his concern is: why would they listen to the Southeast Louisiana Flood Protection Authority because this is a Corps project. It is Commissioner Ernst opinion that this is a federal issue. If anything is going to happen maybe action needs to come from our senators and representatives.

Mr. Davis added that there was a meeting last month hosted by Carlton Dufrechou. Colonel Sinkler, Dan Bradley a senior from the Corps and other Corps people were there. Colonel Sinkler stated he could not change the site because there was no engineering reason to change it. He said if you want to get it changed, the people who impact this to whom he reports are Tim Duty and Garrett Graves. Mr. Davis stated he has not made a presentation to Southeast Louisiana Flood Protection Authority.

Commissioner Ernst stated that it seems the Corps is not giving a compelling reason for the location that they have in mind. That sounds like an arbitrary and capricious decision and I would think that if there is no compelling reason this could be ripe for litigation to challenge their decision. Mr. Davis stated the problem is who is going to do the litigating and where are we going to get the money. That is a big deal to a lot of people because the government has unlimited money. If we could get someone to work for free we could do it.

Chairman Hassinger thanked Mr. Davis and announced that over the last 5 years John Davis has been one of many people who decided to reinvest in New Orleans and spend an incredible amount of time working for the good of the Lakefront.

## **IX OLD BUSINESS**

- 1) Update and discussion on:
  - a) Mardi Gras Fountain****

Mr. Capo advised the reason why this item is on the Agenda is FEMA notified us that the contract with DEI and FEMA originally approved using Curve A for design fees. FEMA now has requested additional information to justify the use of Curve A vs. Curve B. Mr. Wesley Mills with DEI has written a letter to substantiate why this should be Curve A and explained the complexity of the

fountain which was sent to FEMA as an appeal to get reimbursed as Curve A as opposed to Curve B. We have slowed down somewhat on the Mardi Gras Fountain because of that issue.

### **b) Utility Crossings**

Mr. Capo advised that we are ready to move forward with signing the CRA with the Corps. Capt. Brock Schmidt was going to approach the Corps to see if he could get language changed regarding the 60 day reimbursement; that it would be 30 days and waiver of the 10% withhold. The Corps said that they will not because this is their standard agreement. We recommend signing the agreement as it is. I will present that to the Corps for the Colonel to sign so we can move the agreement forward. The plans for the crossing have been submitted to the Corps and to the Southeast Flood Protection Authority. Gerry Gillen met with DEI regarding comments and DEI is working to make those adjustments. The Corps is in the review process and once they are finished their review of the plans DEI can incorporate any changes and submit them back so we can move forward and apply for the permit process to begin construction of the utilities on Lakeshore Drive. Mr. Capo is asking the Committee to recommend to the full Board a motion to move forward in signing the CRA with the Corps for the utility crossings on Lakeshore Drive.

Chairman Hassinger asked for a motion that this committee recommend to the full Authority that the Authority sign the CRA with the Corps for the utility crossings on Lakeshore Drive. Commissioner Trask offered the motion which was seconded by Commissioner Brien.

## **X NEW BUSINESS**

### **1) Rock and Roll Mardi Gras Marathon**

Mr. Capo advised that the Mardi Gras Marathon has been trying for several years now to run their race on Lakeshore Drive. Lakeshore Drive was in such disrepair at the time that it was not allowed. Rock and Roll Mardi Gras Marathon recently approached us again to use a certain portion of Lakeshore Drive that is slightly east of Rail Street and slightly west of Marconi.

Ms. Betsy Boudreaux from Rock and Roll Mardi Gras Marathon requested permission to run less than one mile up Marconi, left on to Lakeshore, making a U-turn and traveling eastbound on Lakeshore with another U-turn and returning on Marconi. The total course time would be less than one mile.

Mr. Capo informed a motion would be needed to grant permission to use Lakeshore Drive for an assessed fee of \$500 for the use of Lakeshore Drive.

Commissioner Ernst commented that this would take up a lot of the day on Sunday and questioned if Lake Vista property owners were opposed or if there was any problems from a standpoint of the neighborhood associations.

Ms. Susan Garcia, President of Lake Vista Property Owners Association, indicated she would be running the half marathon. Ms. Garcia added that she has no objection to Marconi but requested using the most western part of Marconi so that people can get out of their home because it is a huge issue in terms of people accessing their homes.

Ms. Boudreaux stated that there would be a access lane allowing traffic to continue the whole way.

Chairman Hassinger added he was glad the event is on the Lakefront because we try to encourage everyone to use the Lakefront as much as it can be used.

Chairman Hassinger then called for a motion to recommend to the full Authority that this event be held and that permission for use be given with the \$500 fee. Commissioner Ernst offered the motion, seconded by Commissioner Brien.

## **2) Development of multifamily property on Wren Street**

Chairman Hassinger commented that Ray Landeche owns this multi-family property on Wren Street in Lake Vista. Mr. Landeche asked me to bring it to the attention of this committee and the Authority and to let Lake Vista Property Owners Association know that the issue would be on the Agenda today. Chairman Hassinger requested that comments be addressed to the committee. There is a history to this because the issue was brought up to the old Levee Board prior to this Authority being created so it is a carry over item. Chairman Hassinger requested an update of where things stand and what is being asked of this committee so we understand the request; is if there is a request.

Mr. Ken Beler informed that this is basically to get information. Mr. Beler stated he met with Mr. Capo several times regarding who is in charge, who makes the decision on what detailed plans and specs mean and what are the restrictions that are still enforceable because a lot of these restrictions are no longer enforceable. The neighborhood has signed off on a development as per the Lake Area Zoning District and we are here to make a final check with the Levee Board to see if there is anything we have missed in that process. From a City Hall level I am completely covered to construct my buildings as per that code. We have done the city part first and now we are here to make sure we have not missed anything because the last thing we want to do is start construction and then something happen. Mr. Beler stated he does not have permits, he has an agreement on conceptual drawings discussed at the Lake Area Zoning meeting.

Chairman Hassinger questioned if Mr. Beler was here today to ask whether you need this Authority to approve plans. Mr. Beler stated that Mr. Capo made that clear; if these restrictions exist someone has to approve the plans. Mr. Beler stated that post Katrina he submitted building plans to the Authority.

Mr. Capo informed that we are asking for the same detailed plans and specs that he would bring to City Hall to get permits; three sets of building plans and specs that we stamp and then you can take two down to City Hall. Mr. Capo stated he has never received detailed plans and specs. Mr. Beler stated he did not have detailed building plans and specs sufficient to get a building permit from the City but he did have conceptual plans. Mr. Beler is requesting to work with an individual or a group of people familiar with the restrictions of the neighborhood and ask questions and have those questions answered about the restrictions that apply to the development on Wren Street. Those requirements would be incorporated into the detailed plans and specs and presented to the Board and the city for review.

Mr. Capo advised of a meeting in Councilmember Guidry's office with Mr. Beler, Mr. Landache and Mr. Pappalardo and as a result, Councilmember Guidry wanted Mr. Capo to respond to the request. Mr. Capo stated he went through each section of the building restrictions and laid out what their development would be evaluated on and submitted that to Mr. Lancache and Mr. Beler.

Mr. Beler stated that there were ambiguities regarding the language and requested those ambiguities be clarified and put in writing. Chairman Hassinger questioned why an architect can't read those restrictions and come up with plans and specs and submit those plans and specs to the Authority for review as we don't have an architect staff in place to provide that kind of service. We want to do whatever we can to help redevelop the property because everything looks beautiful.

Mr. Lupo suggested that Mr. Landeche and Mr. Beler put in writing the ambiguities defined in the restrictions and request clarification on those ambiguities. Mr. Beler stated he would submit an e-mail with all of the questions regarding the restrictions to Mr. Capo and copy Commissioner Hassinger.

Commissioner Hassinger stated he would do his best to get the answers as quickly as possible

**MR. SCOTT SEWELL – Resident, South Wren Street**

Mr. Sewell stated that these gentlemen are not developers or professionals; they are trying to get buy in on a gradual process. Mr. Sewell stated that the current apartments are a complete eyesore and everybody wants something to happen but we want something logical, planned and professional. Mr. Sewell is asking the Board to adhere to the past practices of every other Board and this past organization and set the plans before us and then present the plans to the homeowner's association. Let them call meetings and distribute information and get a lot of this out of the way before you start having public hearings.

Mr. Pappalardo added that the building restrictions developed for Lake Vista may not have contemplated a project of this size at the time that they were drawn. There may be some ambiguity but I do agree that the starting point would be a set of plans and specifications. The developers were asked to submit a list of questions regarding ambiguities and I am sure that list of questions does not usurp the ability to look at a set of plans and specs to see whether or not they are in compliance. We want to see a great development there. It is long overdue.

Commissioner Ernst questioned the criteria used for building restrictions for Lake Vista. Mr. Pappalardo advised that those are low rise independent buildings that were contemplated back in the 40s and 50s. The concept that they have come up with that certainly falls into the city zoning allows them to build a structure 55 feet high.

Commissioner Ernst questioned if it is not consistent with what is historically there; how can it be permitted? Mr. Pappalardo advised that this was the crux of the problem. It is permitted under city zoning and the Lake Vista building restrictions may not have contemplated a single structure composed of 48 units. Effectively, they can build what the city zoning allows as long as it falls within the restrictions of the subdivision that was developed by the Levee District because you have the final say. The decision is going to be made at this Board and you may seek professional help to get to that end. You have to get to that starting point by having something on paper so you can see if there is a divergence.

#### **ANNOUNCEMENT OF NEXT MEETING**

Mr. Capo announced the next meeting scheduled for February 3, 2011 at 2:30 p.m.

#### **ADJOURN**

Commissioner Ernst offered a motion to adjourn, seconded by Commissioner Brien.

The meeting adjourned at 3:48 p.m.