

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE
RECREATIONAL / SUBDIVISION OBLIGATION COMMITTEE MEETING
THURSDAY, NOVEMBER 3, 2011 – 2:30 P.M.

The regular monthly meeting of the Recreation/Subdivision Obligation Committee of the Non-Flood Protection Asset Management Authority was held on Thursday, November 3, 2011 at 2:30 p.m., in the Lake Vista Community Center, 2nd 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 2:51 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

FURTHERMORE PRESENT:

Chairman Robert E. Smith Lupo

ABSENT

Commissioner Greg Ernst

STAFF:

Louis Capo, Executive Director
Sharon Martiny, Non-Flood

ALSO PRESENT:

Gerard Metzger
Albert Pappalardo
John Holtgreve

APPROVAL OF AGENDA

Commissioner Trask offered a motion to adopt the agenda, seconded by Commissioner Brien and unanimously adopted.

APPROVAL OF MINUTES

Commissioner Trask offered a motion to approve the minutes from the Recreational/Subdivision Obligation Committee meeting of September 8, 2011, seconded by Commissioner Brien and unanimously adopted.

REPORT ON CURRENT RECREATIONAL/SUBDIVISION ISSUES

Mr. Capo reported that he was in receipt of a fax from Employment Development Services (EDS) to put in 18 palm trees on Lakeshore Drive to replace the trees that were damaged on the walkway leading to the Mardi Gras Fountain along with 8 additional trees to be placed in the planters on the promenade. The total cost is \$10,077.00. This cost is within the guidelines of Mr. Capo's authority.

NEW BUSINESS

1. Update on Lakeshore Drive utility crossings

Capt. Brock Schmidt from the Army Corps of Engineers and Walter Baudier from DEI appeared to update the committee on the status of the utility crossings for Lakeshore Drive.

Capt. Schmidt informed that the Corps came to a resolution for the utility crossings which was presented to the Authority to overbuild the utility crossings to incorporate a slope with the height of approximately 18½ feet which would put upon the Authority approximately \$500,000 in additional funds for clay, concrete and materials. The Corps received a task order today for Mr. Baudier's company to proceed with the cross sections. The crossings will go to the top of the levee which puts them all at about 19½ - 20 feet. The Corps re-evaluated what was asked of the Authority and realized it was ridiculous. The Authority will not have to come out of pocket as this is fully funded.

Chairman Lupo noted for the record that Walter Baudier and Design Engineering have been on this issue multiple times each week along with Capt. Brock Schmidt who found a way to be reasonable with the difficult decisions that were made. What Capt. Schmidt has accomplished with DEI is surprising. On behalf of this committee and the full Board and myself personally, I want to thank Capt. Schmidt. Capt. Schmidt added that the Corps is about finding the right decision that works for everybody. It is unfortunate it took as long as it did but we got to the point where it will work out well. The Corps also committed that as designs are received they will be piecemealed in order to start construction in areas that are most relevant. We will review designs and get them out to proceed with construction as quickly as possible.

Mr. Baudier stated that DEI received a task order from the Corps along with a Notice to Proceed approximately 2 weeks ago. It will be early February before we are able to complete the plans and move forward. There are events occurring in April so we suggest that we plan for those events. This is a public bid process and the work will not be completed before April. Mr. Baudier suggested temporary restroom facilities be placed along Lakeshore Drive. There is a chance there is a water connection at Franklin Avenue on the unprotected side of the levee which may be used for water by Shelter #4. The contract is for 150 days. If we advertise by the beginning of March it will be July before we complete the job. What we can schedule certain sections of Lakeshore Drive to be done completely with the contractor as opposed to having one piece done.

2. Discussion on the subdivisions' building restrictions and the position of New Orleans Safety & Permits

Mr. Metzger, Legal Counsel for the Management Authority, provided the City Planning Commission information on property owned by the Orleans Levee District for the development of a comprehensive zoning map and plan. Mr. Metzger, at the suggestion of Mr. Capo and Mr. Pappalardo, also raised the issue of the enforcement of the building restrictions by the City as this Authority no longer has an engineering department to review plans and specs. Mr. Metzger questioned if the City Planning Commission could take up the burden of monitoring the plans and specs without getting a No Objection letter from the staff and was advised this would not be possible in view of the nature of the building restrictions in Lake Vista which were almost lot specific.

The City Planning Commission suggested the Authority amend the building restrictions and modernize them to bring them in line with city zoning ordinances and requirements. Building restrictions for Lake Vista were enacted in 1939 and are very detailed. The City Planning Commission cannot enforce those restrictions because they are not a party to the restrictions. Mr. Metzger advised of a section in the Louisiana Civil Code that deals with the procedure for updating building restrictions. The building restrictions were promulgated and enacted by the old Levee Board and the Authority should get input and involvement from the Lake Vista community on revising the restrictions. Chairman Lupo stated this was done in Lakeshore during the last 15 years. There is language in the Orleans Levee District offices that states what percentage of the property owners is

needed in a subdivision to change the restrictions. If the property owners agree to changes that would be incorporated in the new zoning restrictions it would be out of the hands of this Authority or the Orleans Levee District.

Commissioner Trask stated if we could get the city to agree on the big things such as height restrictions and setbacks and get that put straight to zoning that would be a good start. Chairman Hassinger requested Mr. Metzger research what procedure needs to be taken to amend the building restrictions and a group will be assembled for each neighborhood to suggest some modern provisions to present to the city. Mr. Metzger stated that if the Authority can get the building restrictions consistent with what the city has on its books, the city will do the enforcement.

Chairman Hassinger stated that there are houses being constructed that don't meet the building restrictions. Homeowners are going to the city who then issues the building permits. The adjacent homeowners call the Authority and question if the property owner has a building permit from the Levee District. An engineer is sent to investigate. Presently there are three houses that do not have a Letter of No Objection from the Authority but have a permit from the city. Mr. Metzger stated that the city does not want to enforce the Authority's rules because they do not have the legal authority. If those restrictions are consistent with what is in the city's ordinances, they will enforce them. They have to get consistent through an amendment of the building restrictions.

Mr. Capo stated that he was unsure if the city would issue a stop work order. The incident in Lake Terrace involved the homeowner having a building permit from the city for a renovation but it was a new construction so the city issued a stop work order. The city will not re-issue the permit until they are in receipt of a Letter of No Objection from the Authority.

Mr. Metzger advised of an ordinance (Section 26-70, Conditions for Granting Permits) wherein a homeowner has to come to the Levee District first. The city will not issue a permit unless the Authority has signed off but that is not presently working. In the past the Flood Authority was contacted who would send an engineer to speak with the homeowner and the contractor who would then halt construction until the Letter of No Objection and permit is in place. This has worked on some occasions.

Chairman Hassinger advised during the period that the Authority is working on amending the restrictions and presenting them to the city for incorporation, the Authority needs to enforce the restrictions through Mr. Metzger. Mr. Metzger added that the city requested a meeting with Mr. Pappalardo to review where all of the property is located for the map that we have and then put a procedure in place at that time. The city will enforce ordinances that are on the books of the city. If the building restrictions differ the city does not enforce them. Restrictions need to be consistent as much as possible with the city ordinances. Restrictions can be amended and this is the time to do so.

There are numerous calls from real estate agents requesting building restrictions or people looking for set-backs. This does take a lot of time out of our office as this is sent to Al Wethern who reviews the plans for the homeowners. The homeowner submits three sets of plans and the Levee District keeps one set of stamped plans from the chief engineer and the city stamps the plans and sends the homeowner back with one set of stamped plans from the Levee District and from the city. The plans must come to the Authority first.

3. Supplemental agreement to the Four Winds Fountain and Mardi Gras Fountain contract with DEI to assess the current operating condition of the Paris Avenue Fountain in an amount not to exceed \$2,500

Mr. Capo addressed refurbishing the Lake Terrace Fountain. Mr. Walter Baudier from DEI put together a proposal for an assessment of the Lake Terrace Fountain which is a not to exceed \$2,500.

Mr. Wesley Mills from DEI informed that the fountain was powered up and everything looks to be in great shape. A document was put together which outlines the inspection and how to address some of the issues. Some items require immediate attention such as cleaning the grates, pumps and straining baskets and some maintenance that needs to be performed. Several light fixtures need to be rewired or removed. A ball park estimate for the nearly 50 light fixtures to be replaced will cost approximately \$30,000. Another option would be using less light fixtures and a reduced plan. No motion was needed to recommend this item to the Board because the cost was within the authority of the Executive Director.

ANNOUNCEMENT OF NEXT MEETING

Chairman Hassinger announced the next Recreation/Subdivision Obligations meeting scheduled for December 8, 2011 at 2:30 p.m.

ADJOURNMENT

Commissioner Trask offered a motion to adjourn, seconded by Commissioner Brien and unanimously adopted.

The meeting adjourned at 3:25 p.m.