

**NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE RECREATION / SUBDIVISION COMMITTEE MEETING
THURSDAY MARCH 7, 2013 – 2:30 P.M.**

The regular monthly meeting of the Recreation/Subdivision Committee of the Non-Flood Asset Protection Management Authority was held on Thursday, March 7, 2013 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 2:31 p.m. and led in the Pledge of Allegiance.

The roll was called which constituted a quorum.

PRESENT:

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

FURTHERMORE PRESENT:

Chairman Robert E. Smith Lupo

STAFF:

Louis Capo - Executive Director
Sharon Martiny - Non-Flood
Dawn Wagener – Non-Flood

ALSO PRESENT:

Gerard Metzger – Legal Counsel
Al Pappalardo – Real Estate Consultant
Wesley Mills – DEI
John Holtgreve - DEI
Jeff Berlier – Graci Hart Electric
Ray Landeche – Lakeshore Subdivision

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 Recreation/Subdivision Committee meeting minutes from December 6, 2012, seconded by Commissioner Brien and unanimously adopted.

REPORT ON CURRENT RECREATION/SUBDIVISION ISSUES

NEW BUSINESS

1) Discussion and approval of request by Landry's Restaurant to erect a new sign

Jeff Berlier, Graci Hart Electric, advised the Committee that Landry's Seafood Restaurant currently has a 35-foot pole sign that is not visible due to the new restaurant under construction. Landry's suggested that the old neon sign be replaced with a monument sign which will be lower and the lights will not be seen over the levee.

Mr. Metzger advised that under the City Ordinance dealing with building restrictions the City requires a Letter of No Objection from the Management

Authority before the permit is issued. Because Graci Hart will be working on Levee Board property, the Management Authority must consent. The permit issued by the City will address location particulars and sign safety. A Board Resolution is not needed to issue a Letter of No Objection. Mr. Berlier informed that the sign and location meet the criteria for the setback. The sign will be placed in the middle of the property on a turn, not at a corner where the right-of-way would be obstructed. Mr. Metzger noted that the description of the property in the lease indicated the area in question is on Landry's leasehold. Because this is Levee District property, Landry's must get permission from this Authority to erect the sign. The Letter of No Objection could be issued with the condition that Landry's obtains a permit from the City before work commences. The Letter of No Objection will state that the Authority will not be responsible for location or safety related issues regarding the sign. Landry's will sign off on the Letter of No Objection and give the Authority an indemnity agreement.

Chairman Hassinger requested that Mr. Capo add language in the Letter of No Objection regarding safety and location of the sign and make the representation of the Authority. Chairman Lupo noted that there is no need for this matter to go to the Board.

OLD BUSINESS

1) Update on the Lake Terrace Fountain

Wesley Mills, DEI, prepared an ID/IQ project schedule containing the Lake Terrace Fountain, grass cutting and Shelter No. 3 replacement project schedules and how those projects will proceed forward.

DEI received the Notice to Proceed with the design of the Lake Terrace Fountain on February 26, 2013. DEI will prepare final design plans for Board review, comment and approval. The project schedule date for advertising the repair of the Lake Terrace Fountain is April 23, 2013. It will take approximately 30 days to receive the bids and one week to review and award the contract. Construction will take 45 days.

DEI is preparing 60% plans and specifications on Shelter No. 3, which will be submitted on April 11, 2013. The Board will review the plans and make comments that will be included in the 90% design plans and specifications. This project is on schedule to advertise on June 19, 2013.

DEI will prepare plans for grass cutting on April 9, 2013 and submit the plans and specifications for Board review on May 9, 2013 after which final plans can be prepared and the project advertised on May 23, 2013. The original acreage included in the grass cutting contract was approximately 400 acres. Plans were prepared and the areas were outlined and recalculated indicating that the Authority is responsible for maintaining approximately 315 acres, which will save the Authority grass cutting costs. Mr. Capo noted that the Authority is presently getting the reduction in grass cutting costs. Chairman Lupo noted that the document DEI prepared gives the Authority the ability to go out for bid on the actual acreage.

2) Update on the Utility Crossing work on Lakeshore Drive

Mr. Mills informed that the Notice to Proceed was issued on November 5, 2012. The contract is 150 days with substantial completion of the project on April 3, 2013. The contractor's schedule indicates that the project will be completed on April 3, 2013, however there is an issue with Entergy that is being resolved so some delay is expected. The full impact of the delay is unknown, but it is expected to be only a few days at this point. All of the utility crossings from West End to Seabrook Bridge will be completed. Locations with just electrical services such as London Avenue and Lake Terrace will be activated before the end date.

Mr. Mills informed that s Notice to Proceed was issued on February 13, 2013 for the Mardi Gras Fountain. The contract is 150 consecutive calendar days. The

contractor submitted a schedule for 108 days putting the substantial completion date at July 12, 2013. The contractor is progressing and there are no signs that the completion date will not be met. Work is currently underway on the protected side of the levee near the control panel associated with the Mardi Gras Fountain. The Fountain has an 8" water main that provides service to several locations that will tie into the Sewerage & Water Board main. Several panels will have to be demolished to make the tie-in to the Sewerage & Water Board system.

A Notice to Proceed was issued for Reach 1B of the seawall plaza area erosion control. Reach 1B extends approximately 300 feet east of Landry's Seafood and beyond the Mardi Gras Fountain Plaza approximately 400 feet. The schedule for the project has not yet been received, but the contractor indicated it will be a shorter time frame than what was allowed in the contract. This work will be completed in segments and will require some closure on Lakeshore Drive. When one segment is complete it will be open to the public, releasing the contractor to move along the project working east.

Mr. Mills noted that the meeting with FEMA regarding debris removal related to Hurricane Isaac went very well. FEMA negated all costs put forth and advised that those costs would be reimbursable under category "B", which is a higher percentage of reimbursement. FEMA requested extra documentation and indicated that a PW would be authorized for costs incurred for the debris removal such as cleaning the drain lines which cost was approximately \$17,000.

It is too early to know the status of repairs for Shelter No. 1. This is the third FEMA representative. Mr. Capo noted that the FEMA reimbursement is 75/25, unlike Katrina which was 100%. Mr. Mills stated that was for the permanent repairs, but the emergency repairs are 100%.

PUBLIC COMMENTS

Ray Landeche – Lakeshore Subdivision

Mr. Capo advised that Mr. Ray Landeche will be addressing Section 17 of the Lake Vista West Building Restrictions dated 4/16/1946.

Mr. Landeche advised of one tree near his apartment building on Wren Street that has been down since Hurricane Isaac and another tree is almost dead. Section 17 of the deed restrictions clearly states that Central Park, Lake Vista Park, Breeze Park, Ozone Park, Zephyr, Floral and Foliage Park will be maintained by the Orleans Levee Board. Mr. Landeche provided Mr. Capo with surveys indicating that the tree is on Levee Board property and should be removed by the Levee Board.

Mr. Capo advised that the Authority has been following the Building Restrictions which are governed in Section 17 since 2007. The Building Restrictions state that property owners are required to form an Association. If there is no association, the Levee District will maintain the sidewalk, shrub or tree and charge the adjacent homeowner in proportion to the frontage of their property. Mr. Capo advised Mr. Landeche that estimates to take the tree down and remove the cuttings will be obtained by the Authority, but the cost will be passed to Mr. Landeche which cost is to be paid prior to the tree being removed. This tree in question is approximately 20-30 feet from the building and is clearly in a lane.

Mr. Capo informed that the dividing line between the park and the lane is located generally in a triangle where the lane intersects the park. The triangles are the Authority's responsibility, but the tree is in a lane. The sidewalk leading to the structure is the responsibility of the homeowner since there is no Association. Lake Vista's website indicates that most homeowners have been cooperating once the building restrictions are explained. Most homeowners request a quote and agree to pay the cost up front for removal of the tree.

Commissioner Ernst questioned if there was a survey showing the dividing line. Mr. Capo produced a map with a survey of each individual location and advised that the tree is clearly in the lane. Commissioner Ernst requested that the dividing line be pinpointed and made clear to Mr. Landeche.

Mr. Capo advised that his position is in agreement with the Authority's Legal Counsel. This issue was addressed in 2007 with the Division of Administration who also concurred. The sidewalks intersect in each one of the sections and that is used as a boundary line. If the tree is located on the lane side of the triangle, it is considered in the lane. If the tree is on the lane side of the triangle on the property owner's side it is the property owner's responsibility. Mr. Landeche stated the lanes do not begin until it narrows to 30 feet wide. The boundaries are ill-defined, but the lanes begin when the triangle narrows to 30 feet. The sidewalk splits and comes back together to form a single 30 foot wide lane which is the property owner's responsibility. Mr. Landeche stated that maps will be provided to the Committee.

Commissioner Ernst suggested that the Authority prepare a map or survey indicating the dividing lines for future reference in case this issue arises again. The map should pinpoint exactly where the lane area ends and the park area begins.

ANNOUNCEMENT OF NEXT MEETING

Chairman Hassinger announced the next Recreation/Subdivision meeting is scheduled for Thursday, April 4, 2013 at 2:30 p.m.

ADJOURNMENT

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

The meeting adjourned at 3:07 p.m.