

**MINUTES OF
LAKEFRONT MANAGEMENT AUTHORITY
REGULAR MEETING OF THE RECREATION/SUBDIVISION COMMITTEE
HELD ON TUESDAY, JANUARY 18, 2022**

PRESENT: Chair Esmond Carr
Vice-Chair Stanley Brien
Commissioner Patricia Meadowcroft (Departed Early: 5:57 PM)
Commissioner Dawn Hebert

STAFF: Louis Capó – Executive Director
Winifred Christopher – Assistant to the Executive Director
David Martin– Director of Engineering and Operations

ALSO

PRESENT: LMA Chair Anthony Richard
Commissioner Wilma Heaton
Gerard G. Metzger – Legal Counsel to the LMA
Ashley Haspel-LTPOA
Ann Duffy-LOPOA
Sue Spilsbury
Jay Baudier-LVPOA
Judge Jim McKay
Jim Moriarty
Mike Kerrigan
Raymond Landeche-LSPOA
Guy Williams

The Recreation/Subdivision Committee of the Lakefront Management Authority met on Tuesday, January 18, 2022, at the New Orleans Lakefront Airport at 6001 Stars and Stripes Blvd., New Orleans, LA 70126.

Chair Carr called the meeting to order at 5:00 P.M. and led in the pledge of allegiance. Director Capó called the roll, and a quorum was present.

Opening Comments: None

Motion to Adopt Agenda:

A motion was offered by Commissioner Hebert, seconded by Vice-Chair Brien, and was unanimously approved to adopt the agenda.

Motion to Approve Minutes:

A motion was offered by Commissioner Hebert, seconded by Vice-Chair Brien, and was unanimously approved to minutes for August 17, 2021

Director's Report:

- Executive Directors Louis Capó report included:

- Acknowledging Lake Terrace Property Owners Association President, Ashley Haspel. Director Capo stated that she was present to speak about an issue with Mrs. Benoit at 1744 Lakeshore Drive and the placement of dumpsters.
- Ms. Haspel provided the committee with photo evidence of the dumpsters.
- Director Capo noted that he spoke with a supporter of Mrs. Benoit, who stated that the dumpsters were placed in the servitude for a brief period of time while work was being performed on the interior and exterior. As of today, the dumpster remains, along with debris inside of it. He was also informed that the dumpster should be gone by Wednesday of the following week or at the latest Thursday.
- Starting in February and into March the LMA staff will begin budget hearing, staff will be setting up time frames at Thursday finance committee meeting.
- Mr. Martin Director of Operations and Engineering report included:
 - The close-out documentation for the Hurricane Ida debris removal operations is progressing with the contractor and currently in the processing of closing the site. There is still some equipment and a scaffolding needing to be removed from the project site. However, the site has been cleaned.
 - Mr. Martin is currently working with the contractor to turn in his closeout documentation. Therefore, by the next committee or board meeting the LMA will present a change order reducing the total from \$668,100.40 to \$418,002.70.
 - LMA is currently and eagerly working with FEMA, having already submitted documentation from the debris monitor, and they are starting to work on a project worksheets for the debris removal operations that would allow the LMA to receive reimbursement.
 - Approximately 5662 cubic yards of vegetative debris was removed. The monitors did not report any construction and demolition of any household hazardous waste.
 - Removal of 54 trees that were larger than 12 inches.
 - Removal of hazardous leaners and hangers from trees.
 - 723 trees and removed and 45 stumps.
 - Advised by our consultants that stumps that are eligible for removal have to be exposed or the tree stump has to be leaning out of the ground to be considered FEMA eligible.
 - Fallen signs in subdivisions will be removed and taking to shop for safety until it can be inspected on whether it needs to be repaired or replaced.
- Chair Carr suggested the signed repair or replacement and neighborhood signage would be a good item to bring forward to the budget hearings next.
- Chair Carr also mentioned that some illegal dumping may have been taken place.
 - Director Martin clarified that an encampment has been established along the Old Pontchartrain Beach site. However, the LMA is working with the City of New Orleans and the city's health coordinator to assist with finding the individuals at the encampment a better place to reside.

Public Comments:

- Lake Terrace Property Owners Association President, Ashley Haspel thanked the committee for pressure washing the fountain. She stated that her main reason for being present was to talk about Mrs. Benoit and her servitude which had been an ongoing problem.
 - She acknowledged the updated information about the dumpster provided by Director Capo.
 - She stated that a few months ago Mrs. Benoit placed flowerpots and signs signaling no trespassing blocking the servitude.

- Ms. Haspel presented a letter that was addressed to this board from February 23rd, 2021 stating that Entergy said they were going to send a letter of no objection about the servitude, that they have no problem giving the servitude back to Mrs. Benoit. Ms. Haspel stated that this would be a major problem with her taking the servitude out of use.
- The areas on which these easements and transformers rest will be owned by the Orleans Levee Board, except in certain squares, and Mrs. Benoit is not in one of those squares according to Ms. Haspel.
- Ms. Haspel is requesting that this long-standing issue of three years be resolved.
- Chair Carr recalled the email and the discussion of LMA working with Mrs. Benoit and her lawyers to come up with a solution.
 - Director Capo stated that within that period of time initially the LMA had some back-and-forth correspondence with her lawyers, finally they stopped responding.
 - Jeff Dye stated that the Louisiana Supreme Court judgment confirmed that servitude exists for the benefit of the neighborhood.
 - Jeff Dye recommends that if Mrs. Benoit would like to come up with a legal proposal by which the servitude could be relinquished, the LMA could consider that route. However, Dye recommends that LMA should not incur the legal expenses on a strategy that maybe impossible. Her legal team stopped communication with both Executive Director Capo and Legal Counsel Dye.
 - Commission Carr stated that based on the communication from the neighborhood, there is no desire to give up the servitude or consider a proposal off the table. Chair Carr requested that the LMA be proactive with communicating to Mrs. Benoit about blocking the servitude with a dumpster and flowerpots.
- Ms. Haspel stated that the four neighborhoods discussed last year that it would set a dangerous precedent if the servitude is given back to Mrs. Benoit.
- Ray Landeche spoke in support of Ms. Haspel recommendation, also stating that the LMA should not be giving away servitudes, who's key design was created for neighborhood flow and access.
- Mrs. Ann Duffy, resident of the Lake Oaks neighborhood spoke in opposition of the development of a parking lot in the Lake Oaks neighborhood for the adjacent Pontchartrain Beach proposed development.

Old Business:

1) **Presentation by Ancient Order of Hibernians of Louisiana, Inc. and discussion and recommendation on the plan of the Hibernian Memorial Park.**

- Jim Moriarty with Judge Jim McKay and Mike Kerrigan, members of The Ancient Order of Hibernians are responsible for putting the park in the neutral ground on West End Blvd and presently The Hibernian Memorial Park.
- Received a grant from the Irish Government and will be producing a 60 minute documentary film on the history of the New Basin Canal with interviews with prominent members who grew up in the area.
- Mr. Moriarty thanked the LMA for it's time and patience during the memorial development. He stated that the initial resolution passed a year ago projected that construction of would conclude on in late February of 2022, however they we're unable to have the construction completed.

- The Ancient Order of Hibernians is requesting to have the resolution amended for an extension of the contract.
- Chair Carr inquired about how the charity received funding.
 - Mr. Moriarty stated that they had received \$200,000.00 in State Capital Outlay funding, a beautification grant for \$200,000.00, and funding from the Irish Government.
 - Attorney Metzger stated that it was to his understanding that the Ancient Order of Hibernians were requesting an extension for the completion date construction for two years through February 28th, 2024.

A motion was made by Chair Carr to recommend the authorization, permit and right of entry for construction and maintenance of the Hibernian Memorial in the New Basin Canal Park to extend the completion date of construction by two years through February 28, 2024. The motion was seconded by Commissioner Hebert and was unanimously approved. The motion carried.

2) **Update regarding Hurricane Ida debris removal.**

Note: Covered in Director of Report.

New Business:

1) Discussion of Master Plan for public access for “Parcel – 3” (formerly known as Pontchartrain Beach) by Pontchartrain Beach Foundation, a 501(c)(3) organization.

- Dana Brown of Dana Brown & Associates, presented the Pontchartrain Beach Foundation’s vision for the Old Pontchartrain Beach site.. The foundation was formed a few months ago for the purpose of looking at redeveloping the beach into a recreation and passive recreation area.
- Location specs include:
 - Small wetlands for educational purposes
 - A lot for planting trees needed for shading on the land side
 - Use of the larger areas for swimming.
 - Designated for area for non-motorized boats such as kayaks, etc.
 - A dog park with pond but having sensors to detour the animal from running into the lake.
 - Protected pedestrian area from motor vehicles.
 - Beach volleyball courts.
 - Small Terraces w/ stone concrete edges for sitting.
 - Green area for picnicking

Chair Carr requested information on the parking grid that he could share with the Lake Oaks neighborhood. He wanted to ensure that it’s communicated properly to the neighborhood.

- The area projected for overflow parking is part of the footprint of the Franklin Facility.

- The Orleans Levee District's is required to maintain 30 % green space.
- For clarification the area in question is not located in Lake Oaks Park.

Commissioner Hebert questioned the safety of crossing the street from the parking lot to access the beach.

- Ms. Brown stated that to some degree traffic engineers would have to study the aspects of vehicle and pedestrian traffic in that area to determine safety protocols.
- She suggested instead of just a sign that says crosswalk and it could be a push button, signaling cars to slow down.

Chair Carr stated that his biggest concern was the maintenance of the facility and the source of funding to maintain the property. Is there a plan for operating cost and commerce?

- Ms. Brown indicated that there are operating cost that were penciled out five to six years ago, however their plans my look different now. She would need to speak with Pontchartrain Beach Foundation about their intentions.
- In the terms of commerce, if food trucks are allowed, they would have to pay a fee for licensing or occupancy.

Chair Carr inquired if the foundation had a milestone schedule and when are they seeking to obtain a lease.

- Ms. Brown stated that their millstone is based on getting a lease and that obtaining lease would be feasible as soon as a deal with parking has been established.

Chair Carr asked if she or another representative consider speaking with the residents of the Lake Oaks at the next neighborhood meeting.

Commissioner Heaton elaborated on the potential partnership between the City of the New Orleans and the Lakefront Management Authority.

Lastly, Ms. Brown stated that when the news got out in the public about the redevelopment of Pontchartrain beach, monetary donations started to pour into the foundation.

Chair Carr asked would there be an admissions fee to access the beach

- Ms. Brown reply was that there would be no admissions fee.

2)Discussion regarding flooding issues on Marigold Lane.

Mrs. Sue Spilsbury of 21 Crane Street spoke to the committee regarding the lane behind her home is horrible conditions. Her description was that of standing water, running water from uphill, and it banking up against the upheave portion of the lane.

Commissioner Hebert inquired about what could be causing the issue.

Mrs. Spilsbury stated that the water in the lane and ponding up against her door, caused \$14,000 worth of flooring damage during Hurricane Ida.

Chair Carr asked Director Capo if Entergy is given permission to perform work on the lanes or do they just do the work without notifying the LMA.

- Director Capo stated that they should communicate with the LMA, but they do not. Which mirrors the actions of Sewerage and Water Board.

Chair Carr wanted to know who protects the homeowner from receiving subpar and/or if the sidewalks replacement.

Attorney Metzger believed that lanes are the responsibility of the homeowners. However, if the LMA does own it, he stated that he isn't positive we do. If the Orleans Levee District does, Metzger said it would have a right of action for damages.

Director Martin provided his expertise by stating that there is a need to study the engineering design. Citing that generally water trends downhill towards Robert E. Lee. Improvements can be made with some cost associated and will take some construction modification to rectify.

Chair Carr sees the hump in that area as being a tripping hazard more than it is a flooding hazard in his opinion.

Attorney Metzger stated the restriction reads in order to maintain the lawn shrubs and trees and lanes and sidewalks in the lanes in good condition, the property owners shall form an association and assess themselves a fee. The amount of the assessment of disposition of funds created is to be controlled by the majority of property holders on a basis to be selected by them. In case of failure, the property owners to form an association to maintain the upkeep of the lawn shrubs and trees in the lanes and sidewalks, the Orleans Levee Board will cause set lanes and sidewalks and lanes to be serviced and maintained and will charge the cost to the property owners fronting the lanes proportionately according to their frontage on the lanes so it goes back to the property owner.

Announcement of next Recreation/Subdivision Committee Meeting:

1) Tuesday, February 15, 2022 – 4:30 P.M.

Adjourn:

A motion was offered by Commissioner Hebert, seconded by Commissioner Vice-Chair Brien, and unanimously adopted, to adjourn. The meeting was adjourned at 6:23 PM.