

**MINUTES OF
LAKEFRONT MANAGEMENT AUTHORITY
RECREATION/SUBDIVISION SPECIAL COMMITTEE MEETING
HELD ON TUESDAY, AUGUST 18, 2020**

PRESENT: Chair Robert Romero
Vice Chair Eugene Green
Commissioner Stanley Brien
Commissioner Esmond Carr
Commissioner Stanley Cohn (attended virtually via Zoom)

STAFF: Louis Capo – Executive Director
Madison Bonaventure – Assistant to the Executive Director
Daniel Hill – Director of Engineering & Operations

PUBLIC: Mark Clark – IT Consultant to the LMA
David Jefferson “Jeff” Dye – Legal Counsel to the LMA
Bobby Asaro – Self
Jay Baudier – LVPOA
Evelyn Benoit – Lake Terrace Property Owner
Joe Casler– Ancient Order of the Hibernians of Louisiana, Inc.
Ronald Dawson – CPA to Ms. Evelyn Benoit
Ann Duffy– Lake Oaks Resident
Ryan Foster – Flood Protection Authority
Ryan Hathaway – Flood Protection Authority
Wilma Heaton– LMA Chair
Dawn Hebert– LMA Commissioner
Brian Hope – Lakeshore Property Owners Association
Mark Kline – Lake Terrace Resident
Troy Jeanfreau – AECOM
Alvin Meister – Sher Garner Law Firm, Legal Counsel to Evelyn Benoit

The Recreation/Subdivision Committee of the Lakefront Management Authority met on Tuesday, August 18, 2020, in the Lakefront Airport Terminal Building, 2nd Floor Conference Center, 6001 Stars and Stripes Blvd., New Orleans, Louisiana.

Chair Romero called the meeting to order at 4:35 p.m. and led in the pledge of allegiance. Louis Capo, Executive Director, called the meeting to order, and a quorum was present.

Opening Comments:

Chair Romero thanked Commissioner Cohn remoting into the meeting. He said there were many public comments to cover.

Motion to Adopt Agenda:

A motion was offered by Commissioner Brien, seconded by Commissioner Green, and

unanimously adopted, to adopt the agenda.

Motion to Approve Minutes:

A motion was offered by Commissioner Brien, seconded by Commissioner Green, and unanimously adopted, to approve the minutes from the June 16, 2020 meeting.

Presentation:

1) Briefing by the Flood Protection Authority (FPA) on Lakeshore Drive (L-05 to Shelter 1) Traffic Study and Roadway Configuration

Troy Jeanfreau, of AECOM, introduced himself to the Committee as a consultant for the FPA conducting the traffic study along Lakeshore drive. Ryan Foster, Engineering Manager at the FPA, also introduced himself to the Committee. Mr. Jeanfreau said that the traffic study his firm was conducting was in the vicinity of Lakeshore Drive where there is significant pedestrian and vehicular traffic (L-05 to Shelter 1) by the commercial area.

They explained that the traffic study came about when the FPA realized that the section of Lakeshore Drive needed mill and overlay work, so they took the opportunity to reconfigure the striping and other factors as well. He said that 70% of tickets given on Lakeshore Drive are administered in this area.

Mr. Jeanfreau explained that the origin of the study was mainly safety due to concerns about reckless driving, potential crashes, bike and pedestrian traffic flows and safety of street crossing in the area.

Commissioner Hebert asked who had requested the study. Mr. Jeanfreau clarified that the FPA commissioned the study. Commissioner Hebert said she was concerned about the sample of data since Lakeshore Drive has been closed on weekends. Mr. Jeanfreau and Mr. Foster said that the dataset predates the COVID-19 pandemic.

He said that their data revealed that cars, especially in the evening, are traveling at excessive rates of speed near the businesses. He said there was also minimal use of crosswalks.

Mr. Jeanfreau said that they recommend enhanced lighting, raised sidewalks and possibly a lane reconfiguration to calm traffic.

Commissioner Carr asked about their phase and budget status. Mr. Foster said they are in the final design phase, and the design should be completed in the next month or two. Commissioner Carr asked if more robust lighting utilizing underground utilities versus solar lighting would be possible. They said this could be added assuming it was not an installation of a traffic light for this would require additional study.

Commissioner Green asked if the study was limited in location due to budget because he felt these principles could be helpful in other areas of Lakeshore Drive Mr. Jeanfreau said that while the study focuses on the areas near the restaurants where there are many pedestrians crossing the street, the principles and methods could be applied other areas of Lakeshore Drive as well. Mr. Foster said that budget depending, this could be done.

Chair Romero said that they would be discussing tying in a shared use path from Wisner Boulevard to Lake Terrace Park. Mr. Foster indicated that the FPA has been in touch with city officials regarding bicycle paths and connecting paths to Lakeshore Drive, but the city's plans for the area require more development for further discussion.

Commissioners inquired about the timeline for completion of the study and improvements. Mr. Foster said that as soon as plans are completed, the work will go out for bid. He said the FPA hopes to start work before the end of the year.

Chair Romero requested that the FPA send updates at the committee or board level and to keep

stakeholders apprised of the FPA's activities regarding work status on the project.

Commissioner Heaton thanked Brian Hope, President of the Lakeshore Property Owner's Association, for bringing up concerns about traffic calming at their community meeting.

Public Comments:

Public comments were heard during the items they related to.

Old Business:

1)Monthly update on the Hibernian Memorial Park by the Ancient Order of the Hibernians of Louisiana, Inc.

Joe Casler of the Ancient Order of the Hibernians of Louisiana, Inc. gave an update on the progress of the Hibernian Memorial Park:

- The amended agreement passed by the LMA Board had been executed and signed by all parties.
- All vacant sculpture pedestals have been removed from the Park, and all artists have been informed that the art and their pedestals will need to be removed by year's end.
- The final design of the North Side of the Park has been finalized and shared with the Board.
- Various fundraising efforts to complete the construction are ongoing. The Hibernian Memorial Park was approved for State Capital Outlay Priority 5 in the amount of \$390,000; however, receipt of funding may not come to fruition this year. They have met all recent deadlines for continued support from the State and are hopeful to receive funding in the future.
- They are researching and may apply for an LEH grant to receive funds to produce a short documentary about the history of the New Basin Canal.

Chair Romero thanked Mr. Casler.

2)Discussion on violations of new construction located at 43 Warbler

Director Capo said the LMA has sent multiple letters to Tammie Jackson, Interim Director of the Department of Safety and Permits, regarding the home's noncompliance with Lake Vista Subdivision Restrictions. He said Mark Fullmer, Lake Vista Property Owners' Association President, has also sent communications to Ms. Jackson as well regarding the issues with the new construction.

He said the problem with the property is that the owners built a false garage. He said the home was not built to the plans that the LMA approved and issued a Letter of No Objection for. He said the construction of the garage was to function like a pool house according to the homeowners and according to indications on plans they provided to the city.

He said that the last communication the LMA had with Ms. Jackson said that the property was inspected at the end of July, and the homeowners needed to make the garage door functional or remove the concrete connecting it to the street.

Chair Romero said that calling the structure a garage enabled the homeowners to have a 200 square foot credit applied slab/earth percentage allowable pursuant to the subdivision restrictions. He said that the structure is referenced as a pool house on plans submitted to the city. He said that pool houses are not allowed to be built without a pool in place nor is it allowed to be that close to the street.

Chair Romero said that the prior Director of the Department of Safety and Permits advised members of the Committee that if a homeowner gained their permit fraudulently, then the Certificate of Occupancy

could be revoked, and utilities could be shut off.

He said that Ms. Jackson said that the homeowner has two Certificates of Occupancy: one for their home and one for the accessory building.

Jay Baudier, of Lake Vista Property Owners Association, said he reviewed the One Stop records and that 3 plans had been submitted to the City of New Orleans Department of Safety and Permits. He said that prior submissions by the homeowners were rejected and changed before gaining acceptance from the City of New Orleans Department of Safety and Permits on the third set.

Chair Romero asked if the LMA can revoke issued Letters of No Objections. Director Capo said the LMA could, but the Department of Safety and Permits ultimately has authority over issuance of permits and Certificate of Occupancies and the issuance of Certificates of Occupancies.

Jeff Dye, Legal Counsel to the LMA, said that he understood the letter to mean that if the home was not built to the specifications presented and stamped by the LMA, then the LMA thereby revokes the Letter of No Objection.

Chair Heaton suggested contacting the Department of Safety and Permits to inform them of the changes and to revoke the Letter of No Objection.

Brian Hope, President of the Lakeshore Property Owners Association, said that he and other residents have concerns because people are enclosing carports as non-garage buildings, building too close to adjacent property owners and allegedly performing these activities without any permitting. Mr. Hope asked if the LMA could write a letter for distribution to the homeowners of the Lakeshore Subdivision to remind them about the proper process of applying for a Letter of No Objection.

Commissioner Heaton suggested that Mr. Hope send a letter to Director Capo with details about some of the issues he described.

3)Update on illicit dumpster placement located in servitude by homeowner of residence located at 1744 Lakeshore Drive

Chair Romero explained that Evelyn Benoit has a servitude located adjacent to her property. He said at one time she installed a fence and blocked the servitude. He said she has blocked the servitude on other occasions with movable objects. He said most recently a dumpster was located there. Chair Romero said that it could prevent Entergy from getting to the vault to service homes.

Chair Romero said that the dumpster was removed before the meeting.

Alvin Meister introduced himself to the Committee as Ms. Benoit's legal counsel as an attorney with Sher Garner Law Firm. Mr. Meister said he thought that Entergy should be enforcing the servitude. He said he failed to see how the LMA had authority to remedy issues with the removing of her flowerpots and an injunction should have been filed instead.

Mr. Meister said that many years ago before the previous owner purchased the property, there was a long litigation regarding the servitude in question. He said that only vehicles with NOPSI could drive on it, and people could walk on it. Mr. Meister offered to discuss the issue with the Board.

Mr. Dye said that the Sher Garner Law Firm was contacted first before Ms. Benoit regarding concerns about the servitude with the intention of avoiding legal action. He said when they did not receive a response from his firm, they reached out to Ms. Benoit directly. He said the dialogue has been open for many months. Mr. Dye also confirmed that Ms. Benoit's property, the flowerpots, were never removed

from her property but simply placed outside the servitude area.

Mr. Meister acknowledged that Mr. Dye reached out to the Sher Garner Law Firm.

Ms. Benoit introduced herself to the Committee. Ms. Benoit said that she has been restoring the property at 1744 Lakeshore Drive. She said that the LMA removed the flowerpots without permission. She said George Ackel, a resident of Lake Terrace, approached her about the flowerpots.

She said riders on motorcycles and bikes frequent the servitude, and so it creates a liability for her. She said she wanted to come up with a solution so she can put up a fence again to protect her property. She said that Entergy does not use the electric vault. She claims that her home's security had been compromised multiple times, including break ins. She said that while the home was under renovation, she came upon multiple individuals having a party in her home.

Commissioner Carr asked what her request was. She said she wants to mitigate traffic from coming through and hopes she can gain permission to build a fence.

Chair Romero said the LMA never heard back from her legal counsel after sending letters explaining she needed to stop obstructing the servitude, and when he heard of the issue with the dumpster, he suggested it be moved back onto her property. He said that each time the LMA tries to communicate with her legal counsel they receive a nonresponse, therefore straining progress on resolving the issue.

Ronald Dawson introduced himself to the Committee as Ms. Benoit's CPA. He said Ms. Benoit needs to protect her investment as she has spent millions beautifying the property.

Bobby Asaro introduced himself to the Committee as a friend of Ms. Benoit's. He said when showing around a potential buyer of the home, four young men riding their bikes passed through the servitude and turned the buyer away. He said the servitude is a security issue and asked the LMA to appeal to someone at the state level to find a solution.

Mark Kline, of 1628 Pratt Drive, introduced himself to the Committee as a neighbor of Ms. Benoit. He corroborated that there have been some security issues at her property. He also said that the FPA's closure of Lakeshore Drive has also driven more visitors into their neighborhood, and homeowners are having to clean up trash left behind, and nonresidents are parking outside their homes.

Commissioner Carr suggested that Ms. Benoit find out if Entergy needs access to the vault and conduct further research with her legal counsel.

Commissioner Heaton suggested that Ms. Benoit and her legal counsel provide staff with a current survey from the purchase of her property and any additional pertinent information.

Mr. Dye said that the legal term for this process would be relinquishment of the servitude. Mr. Dye said that there may be some other parties who have interest in the servitude who are not present. He suggested written proposal with the scope of the request and the means in which they intend to accomplish the request. Chair Heaton said the issue could then be forwarded to the Legal Committee or Commercial Real Estate Committee for review.

Mr. Meister and Ms. Benoit asked if she could continue to block the servitude.

Chair Romero concurred, and he requested that the research and a written proposal be submitted next month for committees to review.

4) Update on the clearing of cut-throughs in Lake Vista

Director Capo said that LMA Maintenance staff will begin clearing brush from cut-throughs in Lake Vista, and staff would be disseminating a letter to notify residents. He said some homeowners adjacent to servitudes have placed items in the way, so they will need to be moved.

Director Capo said violators will receive an additional letter demanding removal of items in the servitude.

He said that the LMA's limited maintenance staff can perform some clearance duties, but a contractor will be hired. He said violators will be back billed for the services.

5) Update and discussion on Shared Use Path

Chair Romero said that there are opportunities to connect the city's bike path from Wisner Boulevard to the lakefront. He offered the project by the City of New Orleans near Marconi Street and Delgado Community College where part of the roadway has been converted to a shared use path. He said one option would be to connect the city bike path that exists along Wisner Boulevard. He said the path could cross Bayou St. John and cross St. Bernard Avenue and head north onto the lakefront. St. Bernard Drive goes to the Lake Terrace Park which is under construction due to the Seawall Erosion Control Project.

Chair Romero said that the shared use path did not extend to the lakefront due budgetary reasons, so he thought that combining resources with the City of New Orleans and City Park will enable the completion to the lakefront would take advantage of an existing path to save costs.

Chair Heaton said that if bikers have enhanced access to Lakeshore Drive, then the speed limit may need to be reduced to 25 mph for safety reasons.

Chair Romero said he had a teleconference scheduled with Bike Easy and the Department of Public Works to discuss completing the path from the Mississippi River to Lake Pontchartrain in this manner.

Brian Hope, Lakeshore Property Owners' Association President, requested additional information regarding the city's master plan for bike paths. He said he heard that city road construction on Canal Boulevard will create a bike lane between lakefront and Robert E. Lee Boulevard but does not lead anywhere. Mr. Dye clarified that the City of New Orleans has a resurfacing ordinance that requires them to add biking infrastructure when a road is resurfaced assuming there is ample room. Mr. Hope also inquired about proposing a stop sign at Crystal and Canal Boulevard because residents are worried about cars traveling at a higher rate of speed once the work is completed. The Committee suggested that he discuss the stop sign proposal with city advocates.

Announcement of next Regular Recreation/Subdivision Committee Meeting:

1) Tuesday, September 15, 2020– 4:30 P.M.

Adjourn:

A motion was offered by Commissioner Green, seconded by Commissioner Brien, and unanimously adopted, to adjourn. The meeting was adjourned at 7:20 P.M.