

**LAKEFRONT MANAGEMENT AUTHORITY  
LEGAL COMMITTEE MINUTES  
THURSDAY, JANUARY 18, 2024 – 2:30 P.M**

**6001 Stars and Stripes Blvd.  
New Orleans, LA 70126**

**PRESENT:** Commissioner Robert Drouant – Chair  
Commissioner Stanley Cohn  
Commissioner Adonis Exposé

**ABSENT:** Commissioner Jennifer Herbert – Vice Chair  
Commissioner Carlos Williams

**STAFF:** Louis Capo – Executive Director  
Vanessa McKee – Assistant to the Executive Director  
Adam Gulino – Director of Operations and Engineering

**ALSO**

**PRESENT:** Gerry Metzger – LMA Counsel  
Jeff Dye – LMA Counsel  
Al Pappalardo – Real Estate Consultant  
Stephen Peychaud – Charbonnet & Associates

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The regular monthly Legal Committee Meeting of the Lakefront Management Authority was held on Thursday, January 18, 2024, at 2:30 PM, at the Lakefront Airport Terminal Building, 2nd Floor Conference Center, 6001 Stars, and Stripes Blvd., New Orleans, Louisiana 70126, after due legal notice of the meeting was sent to each Board member and the news media and posted.

- I. **Called to Order at 2:34 PM.**
- II. **Pledge of Allegiance led by Commissioner Exposé.**
- III. **Roll Called by Mr. Capo. (3) members present quorum established.**

IV. **Opening Comments** – Chair Drouant welcomed everyone in attendance.

V. **Motion to Adopt Agenda**

A motion was offered by **Commissioner Exposé** and seconded by **Commissioner Cohn**.

VI. **Public Comments** - Limited to (2) Minutes – NONE

VII. **Legal Council's Updates**

**Mr. Gerry Metzger** reported on the ongoing transactional and board matters in his status report.

**Mr. Jeff Dye** reported on the ongoing litigation and transactional matters in his status report.

**Chair Drouant** and the legal team discussed whether the New Orleans Tax Assessor or the City's Finance department was responsible for sending the tax bills.

**Mr. Metzger and Mr. Dye** confirmed that it is the City's Finance Department that sends the tax bills. However, both New Orleans Tax Assessor and the City's Finance department were named in the previous suit. We and both would, by necessity, be named in the new suit.

**Mr. Capo** added that we are still working with the Attorney General's office to approve the legal contracts for this year. They required additional information which has delayed approvals.

He said he and Mr. Metzger and Mr. Dye would begin working with Attorney James Carter and his Firm to bring them up to speed on the LMA's ongoing legal matters.

**Mr. Dye** mentioned that there have been statutory developments over the last few years that are on his monthly report's inactive list which need to be addressed at an upcoming Legal Committee meeting.

**Mr. Metzger** informed the committee that the Attorney General's office had recently approved the legal counsel resolution from July of 2023. He said that they requested additional information citing a requirement from Title 42, section 263. We are a Political Subdivision under Title 42 section 262. He suggested that Mr. Capo contact the lead attorney on the phone for a discussion to clear up any discrepancies.

## **VIII. Old Business**

### **1) Discussion of the enforcement of property restrictions for the (4) subdivisions.**

**Chair Drouant** said that it was brought to his attention that there is a continuing issue with the City's Permit Department not requiring "Letters of No Objection" (LNO) from LMA for home renovations in the (4) subdivisions.

**Mr. Capo** informed the committee that he spoke with Ms. Tammy Jackson at the City's Permit office, and they were not clear on the boundaries for the (4) subdivisions. He went on to suggest to her that going forward, the LMA could issue an LNO for all interior and exterior renovations. It would help to alleviate the burden of the City having to determine when a letter is needed.

**Chair Drouant** discussed (2) cases that were scheduled for hearings at the Board of Zoning Adjustments (BZA) but never heard the outcome.

**Mr. Capo** informed the committee that the BZA ruled in favor of the resident in the Lake Vista case and granted the variance. He added that it would have been very costly to litigate that.

**Commissioner Cohn** added that the homeowners association does not have the budget to litigate either.

**Mr. Dye** informed the committee that the variance was granted due to a substantial modification to the proposed work. The rehearing involved a very different scope of work.

**Chair Drouant** discussed another Lake Terrace property that was granted a variance to add a 'pool house' to their property. The house is now for sale and the pool house is listed as a mother-in-law's residence.

He was concerned about residents subdividing their lots to construct a duplex and the pool house with a separate address but if the residents knew that there could be consequences it would stop them from doing it.

**Mr. Capo** questioned the obligations and responsibility of the subdivision's property owners' associations. He said none of the board members from the property owner's association showed up to the BZA hearing to express their board's perspective. The city's safety and permits do not have the manpower to provide the enforcement piece. Our only course of action is to file a suit, which again is costly.

**Commissioner Cohn** questioned if we have standing to file suit.

**Mr. Metzger** stated that according to the building restrictions OLD enacted when the subdivisions, the agency has standing to file a lawsuit, but the homeowner's property association certainly has the standing to file a lawsuit.

**Chair Drouant** said he would like to see if our legislators could provide any insight on building restrictions and enforcement.

**Chair Drouant** announced the next legal Committee meeting and called for adjournment.

**IX. Announcement of the next Legal Committee Meeting**

1) Thursday, February 22, 2024 – 2:30 P.M.

**X. Adjourned at 3:03 PM**

**A motion was offered by Commissioner Sohn and seconded by Commissioner Expose.**