

LCNS Board Meeting Minutes
November 19, 2011

Call Meeting to Order

Meeting was called to order at 8:27 am by Chris Cahill, President.
Directors attending: Chris Cahill, Gary Poltorak, Taras Romachuk, Scott Weaver, Phil Glass.
Jim Murphy, Mort Voller were absent.

August 31 Meeting Minutes

Motion was made by Taras to approve the minutes from the LCNS October 8 meeting. Scott second, all in favor.

Financial Report

Jim absent, will be deferred until next meeting.

Preserves

A report was issued by Mort and read by Gary:

Update on Preserve Maintenance

Preserves D and E, woods and wetlands - Emphasis this summer and fall, has been on keeping new trees and bushes and some of the massive old oaks, watered to the extent permitted. We did conduct the annual mow of the non treed areas while the wet areas were dry. Emphasis this winter (when cooler and devoid of snakes) will be on eliminating invasive plants and repairing and improving the water drip ponds. We will try to "clean" up the woods to the extent we can do so without doing harm to new growth. In addition we will consider planting a small number of large trees providing we can set up automatic watering systems for current and new tree "circuits" ..manual systems are just too time consuming. This will be accomplished with a combination of:

- Students of the Conservation Corps (in January if as I expect they select our project)
- Volunteers from the Birding Photography community
- Hourly paid labor working with me

Preserve F...Prairie - This was mowed this year along with E and D....and the rope and post fence was repaired. Emphasis this winter will be to "rake" the soil and continue to plant prairie grasses and to create a oyster shell or sand scrape.

Wern Cemetery - This is being kept tidy through the new contract with our monthly maintenance contractor and recent work by Gary. We plan to have some of the massive oak trees, professionally pruned in January to improve their health and to keep them away from damaging the adjacent house. The site is covered with a type of daffodil that come back each year from bulbs ..we will suspend mowing those areas until early spring. Gary and I will be working on an Interpretive Sign relating to the Wern family.

Canal Marsh Grass

There were several homeowners present that contributed to a very informative and productive discussion.

Phil has almost finished the paperwork that will submit a plan to the ACOE to determine which NWP our project is aligned with. Discussion focused on outlining a plan for homeowners to follow based on what Gary has learned from his project. Doug Little stated that the 15' requirement should be amended because there was never 15' of marsh grass along the bulkheads. Phil disputed that claim saying he was at the site during and after the canals were dug and he stated that there was definitely 15' of marsh grass along the canals when the project was finished. Bill Broussard supported Phil's comments by saying that he had a conversation on Friday with Mr. Ross who was the Project Manager for the Mitchell Development Company during the Laffite's Cove construction and he also told Bill that there was 15' of marsh grass because as a condition of the mitigation agreement, if there were not, then the project would

have not been approved. David Tritter of Windlass Circle wanted to know what the criteria are for marsh grass to grow. Phil responded with a summary of the elevation of the shelf being crucial, to shallow or too deep and the grass will not grow. Tritter commented he would prefer a "standard technique" instead of allowing homeowners to pick a method of shelf restoration on their own. Scott commented that the LCNS has the power to require maintenance and restoration of the marsh grass shelf, but has no power to require a specific method or technique. Several techniques were explained by Phil with his recommendation to use the concrete bags because they have been a proven success and are the most economical. Phil also stated that the "bags" will become covered with barnacles and oysters over time and will be an attractive addition to our canals. Ronald Yambra was concerned about herbicides killing the marsh grass due to over-use and run-off into the canals. Phil explained that spartina is very hearty and will help to filter pollutants from the water.

Violations of the ACOE Permit

A short discussion was initiated by Ronald Yambra concerning his jet skis being determined by the LCNS Board to be in violation of the 5' setback requirement in the ACOE permit under our deed restrictions. Chris told Mr. Yambra that due to the nature of his violation and his continued threats of litigation, the LCNS Board will not respond to his concerns, but will let the LCNS Attorney respond to any questions or concerns he may have. Douglas Little told the Board that the LCNS should be more "rational" realizing that a violation in the 5' setback has no adverse affect on the growth of marsh grass along the bulkheads. Chris replied that LCNS has received complaints about the appearance of Jet Skis that encroach into the 5' setback. In addition, the Corps has verified that the setback exists in order to allow for room to navigate into and out of the docks. LCNS is not in a position to simply ignore side setback violations as they are an integral part of the permit and serve important, legitimate functions.

CKM Proposal for Additional Fees Charged to LCNS

Susan at CKM sent a letter to the LCNS Board that outlined additional fees CKM will be charging for services rendered relating to applications submitted by homeowners for any work "over the water" needing review by the LCNS Review Board for compliance with our deed restrictions. Currently CKM ACC is handling these services but has not charged LCNS any additional fees. With the increasing volume of applications, CKM needs to cover the costs they have been incurring. Chris wanted to know what CKM charges the PPOA ARC for similar services before the LCNS Board discusses any allowance for additional fees. Chris also felt that the fee LCNS currently charges homeowners for an application is too high and should be reduced. Chris made a motion, second by Taras that - LCNS solicit from CKM the fees they currently charge PPOA ARC for similar services, and that when those costs are revealed to the LCNS Board, discussed and approved, the LCNS application fee charged homeowners reflect only the cost being charged to LCNS for those services. All in favor.

PPOA ARC Proposal for a United Solution to the Permitting Process

Martin Baker was present representing the PPOA ARC for a discussion with the LCNS Board. The ARC wants a joint understanding discussion to resume that began with the meeting between Ross Margraves (PPOA), Doug Little (ARC) and Chris Cahill (LCNS) after the LCNS and the ARC began trying to formulate a working relationship. Chris explained that any confusion that resulted was from the fact that the PPOA ARC was questioning the authority and power of the LCNS to enforce the Declaration. It is clear to the LCNS Board that the PPOA ARC has the authority to review and enforce building code related issues, while the LCNS has the authority to review and enforce the standards in the ACOE permit. As a result of this dispute, the LCNS decided to communicate with homeowners directly, directing Gary Poltorak to inspect potential violations and to meet personally with homeowners to discuss any concerns or answer any questions they may have. Chris made it clear that the LCNS wants to work with the PPOA ARC in order to make the process easier and less confusing for homeowners. Taras stated that the LCNS is just as liable as homeowners are if the obligations in the deed restrictions are not upheld. Gary stated that the current process works well and has been proven to be successful with several applications reviewed by the PPOA ARC and the LCNS working together to insure standards are met prior to approval or denial. Baker stated that the PPOA ARC has always followed the guidelines of the ACOE permit during their review process. Scott stated that good faith, respect, and communication are the key and that the existing violations are hard to overcome. Chris explained that the initial response to the LCNS authority was very confrontational instead of cooperative. Taras asked since there are two separate

issues, existing violations and new installations, how do we address the questions being asked about situations that exist but are not in compliance with our deed restrictions? Baker said that the PPOA ARC does not support "grandfathering" existing violations. Scott stated that the homeowners need the PPOA to address the issue and support the compliance with the deed restrictions that the LCNS is requiring. Baker stated that the PPOA signed a past letter to the homeowners that explained the ACOE permit requirements and the reason for marsh grass along the bulkheads. He also explained that in some cases some leeway should be granted if a violation will result from measurements not meeting the requirements set forth in the deed restrictions. Chris said there can be no "overlap" of measurements. He also stated that one application form would be great, but two approvals would still be required. A motion was made by Scott, seconded by Taras - The LCNS Board directs Gary Poltorak and Taras Romanchuk to represent the LCNS Board in meetings with the PPOA ARC Representatives for the purpose of working out the details of a joint effort to create a single application process that will be reviewed independently by the PPOA ARC and the LCNS Review Board. All in favor.

LCNS Director Position Opening, January 2012

Chris Cahill submitted his resignation effective January 1, 2012. The LCNS Directors will solicit qualified individuals for their interest in becoming a member of the LCNS Board. Chris's dedication and leadership will be missed, and the gratitude of the Board for his devotion to our community can not be overstated.

The next LCNS meeting will be posted on the LCNS website.

The meeting was adjourned at 10:20 am.