

New Orleans Municipal Yacht Harbor Management Corporation

MINUTES OF THE BOARD OF DIRECTORS MEETING

April 9, 2019

6:30 p.m.

**Lake Vista Community Center, 6500 Spanish Fort Blvd, New Orleans,
Louisiana**

The meeting was called to order at 6:30pm and requested a roll call by Ashlyn Graves.

Board of Directors Present:

David Halpern
Thomas Forbes
Reginald Smith
Warner Tureaud
Connie Uddo
Howard Rodgers
Ashlyn Graves
Alva See

Board of Directors Absent:

None

A quorum was present.

There was a motion by Ashlyn Graves, seconded by Ric Smith to remove the Executive Session from the agenda.

The agenda was approved and adopted on a motion by Ashlyn Graves, seconded by Ric Smith and the motion was unanimously carried.

On a motion by Ashlyn Graves, seconded by Tom Forbes, and unanimously carried, the minutes from the regular meeting of March 12, 2019 were approved.

Action Items:

1. The Marina/Harbor Committee Report was presented by Mr. Smith. Mr. Smith said the Board Members had the opportunity to review the Committee Report but he will go over it in detail with everyone, because there are two things that are discussed in the Report. The rates that the Committee is proposing that will be approved at this meeting will then be sent to the City Council for approval. Embedded in the Report are proposed changes to Rules & Regulations that I will go through that are not be effective right away, but will put everyone on notice that there are going to be some rule changes. In any event these will become effective only as we move into the completed Harbor. So the first thing is the proposed slip lease rates, and I will explain the Committee's recommendation. Our competition (and this comes from both survey of Bucktown Harbor and the Orleans Marina) which is our competition for the Municipal Yacht Harbor. Each harbor has its advantages and disadvantages. The rear harbor is seen as a little bit more protected and we have the floating docks. We have a 3% parking/sales tax that all of our tenants have to pay. They allow a 10% overage such that your boat can stick out 10% of the length of the slip. Taking all of the pluses and minuses and wanting to effectively fill the Harbor given the number of boats that are in the area, all of the harbors will end up a little bit empty because there are currently not enough boats in the area to fill up all of the harbors. We wanted to be as competitive as possible and that's the good news. The rates that we are proposing are a few dollars less than the base Orleans Marina rate without their 10% surcharge that is currently being charged now. It's cheaper than the base rate, but nobody in the Orleans Marina is paying the base rate. They are paying the base rate plus 10% so we would be discounted to that. I am going to give you some representative rates. A 30' slip would cost \$442.90 per quarter, and that is based on a rate of \$430. So following that logic down, so a 30' slip (our rate) would be \$430; a 40' slip is \$750; a 50' slip is \$925; a 60' slip is \$1,100; and a 70' slip is \$1,400. Those are the rates that we are proposing for the first year. Nothing in this Report says that these rates won't go up a year from now, but we will know what the occupancy is going to be and we will know what our actual operating expenses are going to be. I am not sure that anybody feels like we ought to charge the most because we can. No, as long we are able to fund our various reserves for replacements and dredging and things like that, we may go to what Orleans is charging, or we may not. Does anyone on the Board have any questions or comments about the rates that we have arrived at in our logic?

So one of the thorny issues that there are people on both sides of the argument that we are not approving the rule that would allow it, but we are proposing a rate for it (if it is allowed) is the question of live aboard tenants. We tried to be open minded and come up with a set of rules that would make live aboard tenants worthwhile for the Harbor. They are kind of your night time/fire watch and they can maybe prevent people from taking your stuff, and those are the advantages.

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

The disadvantages are some of them look real bad and put stuff out on the dock. We already have rules about that kind of stuff. The rules will be enforced in the new Harbor. The big thing is that the boats have to be checked, because we don't want people pumping out in the Harbor. We are trying to keep that under control, so live aboards (if they are allowed), and we will talk about this at the next meeting where we will actually approve or disapprove of this...will have to do a twice a month pump out and be viewed by the Harbor personnel that they are going over to the pump out, unless they have an approved and operating marine sanitation device, in which case it will be certified to us on an annual basis that it's operable and that people can use it. That is the issue of live aboards. A live aboard would be defined as a tenant who resides on his boat in the slip for more than 15 nights in a calendar month.

We are also proposing minimum size requirements of a 35' hull size, and live aboards would pay an extra 15% per month lease rate. We will allow no more than two live aboards on any dock, and our staff will be the sole determiners of whether they are in compliance with the rules and regulations or not. If you are a live aboard, there is a 15% surcharge for being a live aboard and depending on how we handle electricity which we still don't know. It will be a standard charge per slip, and they will pay twice the standard charge per slip unless they are separately metered.

Someone asked, "Ric, is there a provision or something that will allow or require an inspection by some entity whether it is Harbor staff or somebody else to make sure that somebody doesn't show up with a live aboard vessel that looks like a raft?" Ric said, "In our rules right now, there is...and in fact I saw some boats move from the West side to the East side and they kind of fit in with the old Harbor, and they were not under their own power. Yes, there is a rule that the Harbor personnel will be the sole determiners whether a vessel is acceptable or not. Mr. Casey said, "We have some additional rules that we will be working on as we mentioned, when we passed some rules in January. The other thing is that they were in the other lottery, which Ric addressed that was in 2009, and they were original tenants. That is how they got in that lottery. The other issue that I was going to mention, is that as new rates go into effect, and that is why we wanted to discuss this tonight, is to make people aware well in advance of what the rates will be, so that if they don't like the rates, they can go elsewhere." Mr. Smith said, "The other marinas don't charge additional fees for live aboards." Someone else said, "They must not have a minimum because they have some very small boats." Mr. Tureaud said, "There is no minimum. You are absolutely correct." Mr. Smith said, "Yes, so we are trying to be selective about it for the benefit of everybody who occupies the Harbor, as well as boathouse owners. So that's the story, and we are approving the rate, but we are not formally approving the fact that we are going to allow live aboards and that will be the subject of discussion in voting as we go forward with this."

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

Someone asked, "Excuse me Ric, I have a question. What about visiting boats that come in for events." Ric said, "I'm glad that you mentioned it. Right here I have some information pertaining to transient and seasonal tenants. Right now you can have either a one year lease or a day-by-day lease." Mr. Casey said, "We can't even do that because we don't have facilities to accommodate the transients currently." Ric said, "that is correct, and this is after the Harbor is fully open. We are going to reserve some slips for people who are transients, because there is a benefit to MYHMC and the City to have people who are coming off the loop, come over here to spend a month or two, go to the restaurants, do things like that. The basic transient rate is \$1.75 per foot per night and that is the same as Orleans Marina. We are going to have some side ties without water and electricity (which you all are familiar with no water and electricity) at a buck a foot a night, and being a transient tenant does not establish any right to continued occupancy of the slip. Seasonal tenants who would stay for a short-term basis for a period of months...if they prepay a one to a three month lease, they pay 120% of the prorated slip lease rate. If they pay six months in advance, they pay 110% because they do not have an annual lease. So charging them a little bit more, but our rates will still be well below anything they are paying as they move around, especially when they get to the Eastern gulf. The seasonal tenants also pay for electricity. The transient tenants that are paying a higher day rate will have the electricity included. They are subject to all of the same regulations that everybody is. We will need to see their insurance although we won't need to be named. They will either have to have a marine sanitation device or they will have to go to the pump out if they are going to be out there for a protracted period of time. So what our plan right now is to reserve 12 slips in the thirty to sixty foot length. We don't have enough seventies to go around. We should have enough sixties down to thirties, and that will be twelve slips that we propose to reserve.

Someone asked, "So are those twelve slips being divvied up equally between the East and the West docks?" Mr. Smith said, "I would think so and that will be an operational issue. We don't want a concentration of either live aboards or transients in any particular area. We also still maintain the right as all harbors do, if you are gone for more than three days, you are supposed to notify us so that we can put somebody in your slip. What we are trying to do is make sure that we have enough slips so that we don't have to do that. Hopefully this will become a good piece of business for us and for the City."

Mr. Smith asked if there were any other questions on that. Everybody is moving right now from the West to the East side. When we get the other half of the Harbor built, everybody will be moving again. We know that there will be some shuffling around. Once we kind of figure, okay, everybody is in a slip and where they want to be for right now. There will be a charge after that of \$100 to move your slip, and that's just for the administrative hassle of doing it.

The next item is the transfer of slip leases. The idea and the policy of the Municipal Yacht Harbor is to have a turnover of boats in the Harbor. We do not

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

want a secondary market in slips to develop as it had prior to Hurricane Katrina. We are instituting a policy, subject to approval that allows slips to be transferred within immediate family. If one partner leaves, he can transfer his ownership to the remaining partner, but you can't add a new partner on the lease because that was a device for sneaking into a slip. We just don't want that. They will be charged a standard \$100 charge. Immediate family includes siblings, spouse, children, and parents. Transfers of slip leases will also be allowed within the named lessees on the lease but nobody can be added. No transfer of a slip lease is allowed upon the sale of a boat except within immediate family. If the lease is cancelled, the slip needs to be vacated and a new tenant is awarded the lease. I know that will be less than popular, but that's something we need to achieve because it will let everyone have a chance to enjoy it. Mr. Rogers said, "Just for my clarity, you cannot sell me your boat for \$100 so I can get the lease is that correct?" Mr. Smith said, "No, I can't sell the boat for \$50,000 when it's worth \$10,000 so that you can get my old boat and throw it away and put your new boat in the slip." Mr. Tureaud said, "Before Katrina there was literally a black market for slips, and you were essentially on the waiting list but you never got called, because unless you bought your slip on the black market it wasn't going to happen. Ric, Taylor, and I worked on this for quite awhile, and every time that we went back to table we thought of another loop hole. If someone can think of another loop hole, let us know. Someone commented, "What if somebody owns a boat and they want to upgrade?" Mr. Tureaud said, "That's not a problem." The person then said, "So they can replace a boat with another one." Mr. Tureaud said, "Yes, as long as it's the ownership is the same." Ric said, "A lease and a boat are two separate things. If you go from your 30' to a 60' we will be happy (assuming there is availability) to transfer your lease for a slight fee to the new slip at the new rate."

Someone asked, "Are there more people on the waiting list than there are slips right now?" Mr. Casey said, "We don't know how many existing tenants are going to leave when new rates go into effect. We also don't know how many people who are on the waiting list who are going to drop off when the new rates go into effect. We don't know about "K" dock which is an unknown, which is a potential change order of adding a fourth dock on the East side of the Harbor which may just be side-tie areas. Capital Projects might not have enough funds to install individual slips. There are a lot of variables right now. Mr. Tureaud said, "You may need to ask the question specifically like Potter needs a certain size. Depending on the sizing, we may actually have way more slips than what you are thinking since the number is fluid. We are not trying to be evasive. We actually don't know because there are some contingencies there such as the potential for more docks, potential for people to not come back like we discussed, so it's a fluid number. It's very hard to say definitively yes or no". Mr. Casey mentioned that Wayne Bloom our office manager and accountant has gone through the waiting list (at least the first page) and called people who have been on the waiting list for many years who didn't get a slip as part of the 2009 lottery. Some people have either aged out of boating or have moved out of the area, so we have

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

eliminated some names off of the waiting list which is posted online our website. Mr. Smith explained the process of moving existing tenants within the East and West sides of the Harbor once that the construction is completed and a new lease is in effect. This process will take place prior to contacting people who are on the waiting list once that we know the size and the number of available slips. We currently anticipate that the assignment of slips to those on the waiting list will take place in the September/October time period. In order to be on the waiting list, it is a requirement that an individual actually owns a boat. Prior to the assignment of a slip, it will be necessary for proof of insurance and registration to be provided as well as for the vessel to be inspected. Mr. Smith said "we do not want the new Harbor to be a place where someone parks a derelict boat that costs us time and money to have it removed. With the new harbor, there will be a new level of administrative oversight of how people conduct themselves in the Harbor. We want everybody to have a good time and to use their boats".

Someone asked about the staffing of the Harbor. Mr. Casey said, "When we have money we can hire people." Mr. Smith said, "We currently break even charging the existing low slip rate. So there may be a fair amount of money generated by these rates we are talking about. It's harder to judge the expense side, and that's where we will true up over the next year and we need to figure out where we need to be, but we are committed to having the proper reserves to maintain what's there and do what's needed to be done. If you don't put the money back into anything around the water, it will ultimately cost a lot of money to maintain. We are limited by competition, but it is clearly our desire to put the money back into the Harbor first. We also have a park to take care of, a boat launch to take care of, and a soon-to-be fishing pier to take care of. There is a lot more to the West End Area than just the Harbor itself, but the money from the Harbor is focused on the Harbor." Mr. Rodgers had a comment, "For boats that may be in good shape now but are neglected over time, is there a way that we can pass a requirement for a security deposit if the boat sinks or it becomes derelict?" Mr. Casey said, "It is required that they have salvage insurance in addition to liability insurance." Mr. Tureaud said, "It's much easier if it sinks but you have sat through many of these meetings and the laws are so stringent on how to get rid of a boat." Mr. Casey said, "It's so in favor of the consumer."

Thomas Forbes said, "With the new docks is going to come a new lease. We have counsel working on that, but even the MYH lease that is presently in effect has a category for sunken vessels. It states that if a tenant fails to raise or secure it within 14 days after notice, that MYHMC may retain others to remove it at the owner's expense." Mr. Tureaud said, "Tom, that's fine. If it sinks, we're good. It's the abandoned boat that gives us the heartburn. So Tom, while you are at it, can you add to your list what Howard's concern is? Because you know what Howard, that is a valid concern. It really is. It is not so much the money like Potter said, it's the legal rights because they can't sign them away." David said, "It's always good to have it, and it's not bad to share it with counsel." Mr. Tureaud then said, "Can you and Tom work something out?" David said, "I mean,

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

that's going to be something that I know that counsel is going to look at for the new lease." Mr. Tureaud said, "That's something to... and you know... why don't you talk to Howard and make sure his specific concern is met because that is a valid concern. I'm glad that you brought it up. If we can get an instrument in place in the lease, and the security to do it, that would be great, and maybe we can have an escalating scale on that based on the age and the size of the vessel." Potter said, "Warner, as a tenant at the other marina, your idea of trying to cull people now when they don't meet the standards is a good idea because there are more boats in this other marina that are abandoned or people living on them that don't even own them, and they said that they can't get rid of them. This is based on advice that they tell me. The more that you can cull now, the better off you are going to be." Mr. Smith said, "And if you remember, the first shot that we took at that was the people who did not have current insurance at the stage when we were putting the first lottery together, they were excluded, and they did not get a slip in the new Harbor. We need to enforce things everyday and have a lease that is enforced so that people do not take advantage of MYHMC. We want this to be available to anybody who is a mariner, who is a recreational boater who takes care of their equipment and we do not want to keep the rates so high that they can't participate".

Mr. Tureaud said, "I have a question for David and Tom. Is this something that should be separate from the lease? In other words, is it more enforceable if it's a separate document apart from an eighteen page lease, so when we get ready to enforce it, the guy says that he missed it on page 99 in the fine print. Maybe we sign a separate document. Is that more enforceable or can we just stick it in the lease?" Tom Forbes said "generally a lease is a contract, so it is difficult to change it in midstream, and rules and regulations are more flexible". Mr. Tureaud said, "Okay, so we maybe an addendum to the lease?" David Halpern said "an eviction clause could be included in the lease, and you are presumed to understand the contents that which you have signed so you can't just claim ignorance. If it is a very serious provision and you really want to them to acknowledge a particular paragraph, you can require that they initial the paragraph that states the consequences of breaching this provision. We will discuss this item with counsel".

Mr. Smith said, "Okay, the last provision deals with Boat Broker dockage. We think that it is a positive thing given the deterioration of the boating community to have space for boat brokers to display boats in the Harbor which are generally pretty nice boats. We are going to allocate 12 slips/side-ties to metro New Orleans boat brokers, and we have to come up with a method of distributing those so that it is fair. They can be slips as long as slips are available. If all the slips are taken, it will be side-ties but there will be up to 12 of them for that purpose, and they would pay a 10% surcharge on the standard lease rates. There is also a provision that they cannot sub-lease these spaces. Does anybody have any questions on that? Okay, that is a lot of material, and this Report will be posted on the MYHMC website, right Taylor." Mr. Casey said, "the Report as discussed will

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

be posted. Prior to this meeting, it was distributed to all the slip tenants, boathouse owners, and to the agenda distribution list, as well as the Board initially". Mr. Smith said, "This is a part of our minutes and we are getting ready to pass a Resolution." Mr. Casey said, "The Resolution is strictly for the rates and not for the report which will be published on the website." Mr. Smith said, "The worse thing that can happen is people misunderstand what we are talking about." Mr. Casey said, "And like we've done other things, we can publish it on the website."

Mr. Smith said, "The rates...so we will get a vote on it in a minute on the rates. All the other stuff will be further discussed and voted on at the next meeting. If somebody is not here and they have some serious problem with something, tell them to get to the next meeting and we will discuss it." Ashlyn Graves mentioned, "So like something like live aboards and approving a rate." Mr. Smith said, "We are not approving that there will be live aboards." Mr. Tureaud said, "A little more discussion needs to be done." Mr. Smith said, "That is the end of my report."

Mr. Smith said, "I'll move that we approve the rates." Mr. Casey said, "That is a separate Resolution that I distributed to everyone." Mr. Tureaud said, "The presentation was on the action items." Someone asked about the rates and once there is power and water in the Harbor. Mr. Smith said, "When you sign the new lease there will be power and water and the new rates will go into effect along with additional rules and regulations". Mr. Tureaud asked, "We have a motion, and do we have a second?" Mr. Rodgers seconded the motion. Mr. Tureaud asked, "Are any opposed? Motion passes. Great job Ric, and thank you for all of your hard work. There is much more hard work to come."

On a motion by Ric Smith, seconded by Howard Rodgers, and unanimously carried, the resolution "Adopting Boat Slip Rental Rates in the Restored Harbor" was approved.

2. The next item is a Resolution adopting MYHMC's Accounting Policy and Procedure Manual revised December 31, 2018. Mr. Casey said "Although I didn't make copies for everybody, I emailed the Policy to the Board and I brought some extra copies due to the fact that it is now a 33 page document. The Policy was previously adopted by the Board in February 2010, and this is basically what the Resolution says. We have not done a major update to this since then. Wayne Bloom did an update that was required by the Finance Department when MYHMC started accepting credit cards and ACH payments and included that in here, but we have not brought this to the Board. What we now have to do as part of our audit and part of what the State Legislative Auditor requires is that there are some additional policies and procedures that now have to be in writing. There are other sections that have been added like bonded indebtedness, ethics, more detail with respect to purchasing and contracting which basically what we have in here that have expanded is we follow the City's Purchasing and contracting process because we deal with the City's Procurement Office. This is that second

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

part of the audit that the auditors are going to be working on. The reason I dated it as of December 31, 2018, the audit is for that time period. There are some other things that the City is working on that they have not adopted that will probably be adopted this year, and we will need to revise this later this year. So that is the purpose of this Resolution. Does anybody have any questions? We did distribute this to the Board electronically.” Mr. Tureaud asked, “Everybody got it and everybody had an opportunity to read it?” Mr. Smith said, “I did look at it but not in detail, but it all looked like pretty standard items and it is required for us to have in place for our audit. I’ll make a motion to adopt it.” Mr. Tureaud said, “We have a motion to adopt it. Do we have a second? Second by Alva See. Any opposed? Motion passes.”

On a motion by Ric Smith, seconded by Alva See, and unanimously carried, the resolution “Adopting MYHMC’s Accounting Policy and Procedure Manual Revised December 31, 2018” was approved.

Information and Discussion Items:

1. Boathouse Lease Extensions and Transfers were discussed by Mr. Casey. The lease extensions to 2068 for boathouse 21 and 30 have been executed by the City. Some were under the 2019 lease that had then gotten approval for the 2030 and then the 2068 lease, but they do have to pay that additional extension fee. Lease extension fees of \$5,000.00 per boathouse lease will be recognized as income in April.

Mr. Tureaud said, “Okay. How many (and if you don’t know that’s fine, this is just for the benefit of the Board. And Wayne you can answer that if you do know.) How many do we have left that need to get extended to 2068?” Mr. Casey said, “We have one more that is a 2019 lease and then we have a handful that are 2030’s that have not gone to 2068 which are about five or so now. So we have a total of six.” Mr. Tureaud said, “Six. Okay. Thank you.”

2. The FEMA Update was presented by Mr. Casey. There were five points mentioned. 1.) The East side comfort station is progressing on schedule and the concrete deck has been poured on the 2nd floor, and the contractor is continuing to work on the structure; 2.) The movement of boats from the West Side to the East side of the Harbor was completed today; 3.) The demolition of the West Side of the Harbor is well underway; 4.) Purchasing has issued a letter of intent to TKT MJ to enter into a contract for the Breakwater Dr./Park Shoreline Restoration job; and 5.) The suit MYHMC vs. Richard A. Goldenberg was filed in Orleans Parish Civil District Court on March 15th. I had circulated it electronically to the

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

Board to show that Joe Valencino got that done in that time frame that it needed to be done. I anticipate that we will have a report from him at the May Board Meeting.

3. The March Financial Report was presented by Mr. Smith. At the end of March, MYHMC has total assets of \$3,690,000 with current assets of \$3,607,000 and the bulk of which is in the form of cash of \$3,514,000 in two accounts at JPMorgan Chase Bank. On the liability side, MYHMC has total liabilities of \$1,099,000 of which \$594,000 are current liabilities and a major portion of that was accrued interest on the NOAA bonds. The long term liability of \$505,000 is the balance on the NOAA Bonds. That leaves MYHMC with total fund balance of \$2,590,000 of which \$1,971,000 is unrestricted net assets. For the month of March, total operating revenue was \$87,000 and operating expenses were \$54,000, such that net ordinary income was \$34,000. Net other expense was (\$4,000) which yielded net income of \$30,000. Included in the March revenue was \$32,000 in funding of the grant from the Louisiana Department of Wildlife and Fisheries which was the first draw on the Boat Launch construction that you see going on. Although MYHMC took in cash, it went into a fixed asset and there was no off-setting expense. If MYHMC's income is reduced by \$32,000, the net loss would have been (\$2,000) for the month. Year-to-date gross revenues were \$198,000, and total operating expenses were \$158,000, such that operating income was \$40,000 with (\$11,000) of net other income on the interest accrual on the NOAA Bonds. Although net income is \$29,000, when it is reduced by the \$32,000 grant amount MYHMC's year-to-date net income would have been a loss of approximately (\$3,000). Mr. Smith asked if there were any questions.

4. The Economic Redevelopment Committee Report was presented by Mr. Rodgers. Mr. Rodgers said that he is waiting to hear back from the State in regards to a bill that Representative Hilferty put forward in the current Session that will allow Orleans, Jefferson, and the State to have a joint operation with the restaurant site. Once that gets passed we should have more information, but Taylor will speak more on that as well. Mr. Casey said, "That will enable the creation of the RFP that we talked about that will make the State subservient to the Parishes, as opposed to the Parishes having to be subservient to the State. That was a creation of Chad Dwyer, who is an assistant to the CAO, who used to be an attorney for the State's Lands Office. He knows the ins and outs of how to get things done in Baton Rouge. I have circulated to the Board a draft of a Cooperative Endeavor Agreement that came from the City Attorney's Office from Austin Wilty. I responded to him and copied the Board with that. I also wanted him to be aware of the fact if he had not (since we had not met with him yet) that the area that they are talking about for the parking lot (the portion that's in Orleans Parish) is within the master lease that MYHMC has with the City as to how that might impact the CEA. Recognizing that any CEA's have to be set up for the Mayor to sign. This is just a draft that you all have received, and we see that it's making some progress in that direction. So we will see, and I have not gotten a copy of the draft of the

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

legislation that Howard referred to.” Mr. Tureaud asked, “Howard, are you tracking that legislation?” Mr. Rodgers said, “Yes, I’m tracking it.” Mr. Tureaud said, “Okay, good.” Mr. Casey said, “I know that they are filing bills. There is a certain time in which to file bills, since the legislature went into session yesterday.” Mr. Tureaud said, “Okay, alright. I would imagine that the architectural contract that we will have for the Administration Building will help Howard out with his plans for some economic news of that. You are working closely with Ashlyn on that.” Mr. Casey said, “Excuse me, Wayne we received everything from Sizeler.” Mr. Bloom said, “I believe so. I haven’t gotten to that yet.” Mr. Casey said, “Yes, we have a lot of stuff going on in the office with the boat move, and Wayne has put a lot of time in on that, as well as we’ve been working on the financial procedures on the audit. That will be in process in the City’s electronic system to get the contract going with the architect on the balance on our portion of the building.” Mr. Tureaud asked Mr. Rodgers, “Howard, does that conclude your report?” Mr. Rodgers answered, “Yes.”

5. Environmental Quality Committee was presented by Mr. Forbes. Mr. Forbes said “he doesn’t have anything new to report. Last month we discussed the hyacinth issue in the Harbor. Is that still a problem?” Mr. Casey said, “I think it’s dying off as the biologist told us it would.” Someone said, “We had a fresh crop come in a couple of weeks ago when they had the spillway open.” Mr. Forbes said, “Yes, they are gradually closing the spillway and we will keep an eye on that.” The other person said, “Our original concern was that the hyacinths would pile up in the Harbor.” Mr. Forbes said, “The spillway was up to about 200 open bays and it is now at about 90 bays, and the River just started to drop below 16 feet. Okay, so I don’t have anything else.” Mr. Tureaud asked, “Does that conclude your report Tom?” Mr. Forbes said, “Yes.” Mr. Tureaud said, “Okay, thank you.”
6. Status of New Boat Slip Lease was discussed by Mr. Forbes. Mr. Forbes said, “We have previously given copies of leases to Rob Steeg and Margaret Glass at the Steeg firm to look at, and as soon as we got approval to hire them (which we now have), the City has signed off on that, and they have started reviewing. A committee of three of us also met on the outside (consisting of Ric, Taylor, and me), a week ago. We sort of independently came up with the same ideas counsel had, and we would take the existing Municipal Yacht Harbor lease and the existing Orleans Levee District lease and use both of them as a format. We will use one or the other as a starting point and then cull out what we don’t need and add in what we do need. I talked with Margaret Glass today and she and Rob had started doing that using the MYH lease as the base lease, and they will take into account what we have and use what they need from the Orleans Levee District lease, so whichever one they use is a starting point, if they tend to look at both and we’ll try to combine the best of them. The time line is a little quicker than I had expected. Margaret said that she thinks that we will have a draft ready to look at in a couple of weeks. With a little bit of a good fortune, we may have a draft that needs to be presented or discussed at the May Meeting. That’s it if there are any questions.” Mr. Tureaud said, “Well, thanks for your work on that.” Someone else said, “You may want to run by them if they have a solution of

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

getting rid of a boat if someone is not paying MYHMC. They may think of something.” Mr. Forbes said, “I think that is one of the things we are going to take a look at and basically what remedies are available for self-help when we’ve got abandoned boats and maybe even abandoned people.” Someone else said, “And maybe someone breaking the lease.” Mr. Casey said, “If I might interject, we also discussed this at a meeting. There is a State statute that deals with the Marina Boatyard Act that is totally in favor of the consumer. Basically somebody has to be 180 days behind in their rent before you can go through the process to seize their vessel to pay you back for what they owe you.” Mr. Potter said, “At least you’ve got that. There are some people in this other marina where they have not seen them in over a year.” Mr. Casey said, “But as I was saying, that’s a State statute. There is an abandoned boat act if somebody brings a boat in and they are not a tenant and abandon it, and that’s a separate State statute that we are familiar with. Unfortunately it takes a long time.” Mr. Tureaud said, “You are looking at months Potter. You are looking at almost half a year before you can even start the process.” Mr. Potter said, “Maybe you can get with someone from the Levee Board and get somebody to introduce the legislation.” Mr. Tureaud said, “Yes, we discussed that. Anybody who is the marina business in Louisiana has the same issues. Believe me, the house boat had become a glaring concern, and we don’t have the teeth to do anything.”

Someone asked a question about the dry storage areas. Mr. Casey said, “NOYC leases an area for their dry storage area, and SYC owns most of their dry storage area and they lease a portion of it. They both have long term leases with the City through MYHMC for dry storage. MYHMC has no dry storage areas that they operate.” Mr. Tureaud asked Mr. Forbes, “Okay, Tom does that conclude your report?” Mr. Forbes answered, “Yes.” Mr. Tureaud said, “Okay, very good. Thank you for that Tom.”

7. The Quality of Life Committee was reported by Connie Uddo. Ms. Uddo said, “I spoke to Miguel yesterday. He sent me an email with links to various items.” Mr. Casey said, “I distributed that. I didn’t know you had it, so I distributed it to everybody today.” Ms. Uddo continued on to say, “Basically he wants to get together to discuss the garbage cans and he also talked about picking the tables, which I didn’t know was part of that.” Mr. Casey said, “it is included in the fishing pier area.” Ms. Uddo said, “Yes, so you just really liked a couple of these companies landscape forms and certain garbage receptacles that can tolerate a lot of use and they work well. He would like to get together with us, and maybe you Kerry and try to start choosing some to present to you all.” Mr. Casey said, “As well as one of the things that he had mentioned in that email is signage (wayfinding signage and identifying signage), is that there is some money in the overall Breakwater Dr./Park job. Although the Department of Public Works is running the restoration of the shoreline and Breakwater Park job, Miguel is involved in it and he mentioned that there is some money budgeted for general signage (no swimming, no climbing on the rocks, and some of the other things Alva has brought up to our attention about it with other places having signs). Also more distinctive signs identifying as you come into West End: Where’s the Boat

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

Launch? Where's the fishing pier? , etc. That is going to be high quality and something that is going to last". Ms. Uddo said, "So it sounds like it's going to be really helpful with us choosing." Mr. Tureaud said, "Not only that, but he has some funds available that will allow us to not buy cans that will last a year or two and buy some really good ones. Of course you'll guide us in the direction that you want to bring to the Board but the money will be there to get us a can that will last a long time. It will be aesthetically pleasing and functional and the whole nine yards. I'm looking forward to you working with Miguel. He has been the only constant in this whole FEMA process." Ms. Uddo said, "He has a good pulse on things, and he is ready to get on it, because he's like 'Look we have ten months and it takes time, so let's get on it'. I want to start scheduling meetings with Miguel to start the process so that we can get something done". Mr. Casey said, "Yes, good. I'm glad you had a conversation with him." Ms. Uddo said, "Yes, we did talk yesterday." Alva See had a comment, "There are some resources there. Mayor Nagin bought some garbage cans that were explosion proof." Mr. Tureaud said, "Well that's up to Connie." Mr. See said, "You can look into that. Those are on file with the City I'm sure." Ms. Uddo said, "Well, he is concerned about us having a plan in place with the management of the garbage. That is something that he wanted to see from us, the Board, that we have a good plan." Mr. Tureaud said, "We are looking for some guidance from you on that. Ashlyn will probably be getting in touch with you very soon to discuss that issue."

Mr. Tureaud asked, "Is there a question in the back before we move on?" There was a question from the audience, "Is there anywhere on the website about the park design?" Mr. Casey said, "There is a presentation on the website that the engineer from All South Engineering made about the restoration of the shoreline and the other things that are going to happen in the green space such as the subservice drainage on the North side of Breakwater Dr." The audience member asked, "Is there a time line on it?" Mr. Casey answered, "The contract has been awarded to TKTMJ (they were the low bidder). The City has given them a letter of intent to enter into a contract. I do not have a time line yet because it has to go through the contract routing process before they issue a notice to proceed to the contractor. They are going through those steps to get that done."

8. Executive Director's Report was presented by Mr. Casey. There were four topics:
 - 1.) The Boat Launch Construction is progressing and it is anticipated that MYHMC will be able to open it to the public prior to the end of April. The high Lake level and the Northeasterly winds have given the contractor some problems in finishing the last concrete slabs and back down ramps but they are just about done with that. They will be removing their fencing that is stacked up. and they will be cleaning the area up;
 - 2.) The 2018 Financial Audit is progressing and the auditors are scheduled to come back to the office on Thursday;
 - 3.) "Resident Parking Only" signs have been installed in front of the boathouses on North Roadway;
 - and 4.) Letter from John Wolf (Interim Manager) of NOYC that he wanted me to just read into the record. We have been working with NOYC about them being able to install a chair lift. Part of what we are doing with the building with Sizeler and the additional work that they are going to do for us as well as an

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

appraisal that's being done, so they can lease some additional space on the lower part of the building to NOYC. This will create an access or create an area for a chair lift. The letter says:

Dear Board,

I am a member of New Orleans Yacht Club, the Treasurer, the two weeks ago became the interim Manager.

In June 2017 when the initial construction plans for the harbor reconstruction were posted on your website, I began developing multiple plans to install an elevator or wheelchair lift for our leased facilities on the second floor of the Municipal Yacht Harbor administration building. These plans included exterior locations on the north, the west, and the south side of the building. To date, I have been told that none of these plans are acceptable to MYHMC.

[Mr. Casey interjected and said that he had been meeting with John on a regular basis talking about the interior location for the chair lift, so that everybody is clear on that].

I would like this letter to be read into the minutes of the April 9, 2019 MYHMC board meeting for the purposes of alerting all board members that it is urgent that we be able to construct some sort of handicap access to our clubhouse.

Currently, Mr. Taylor Casey has indicated to me that the only acceptable way to construct this access is by leasing a portion of the first floor west of the existing center hallway, constructing a separate exterior doorway between our front steps and your front hallway door, and constructing a shaftway which will come up into our board room with access to our front lobby. This will be sufficient for our purposes.

We would like to obtain all necessary approvals as soon as possible. In the two weeks that I have been Interim Manager of NOYC, I have had leases of our East Room refused, members resign, and my girlfriend with Multiple Sclerosis unable to visit due to our lack of handicap access.

Please see that all due haste is given to this request.

Best regards, John Wolf (Interim Manger at New Orleans Yacht Club)

Mr. Casey said, "John and I have talked a lot about this. He understands the appraisal process. We are working with Ken on a master plan of it. We may also have some restrictions from the FEMA standpoint (it is still an open the FEMA claim) on the building, as to what can be done in the building while it is still under Capital Project's control. Even though in an area that they are talking about renting there is really no work being done

under the FEMA claim other than fluorescent lighting being put back in what was the old shop area on the first floor. He understands (he just wanted this for the record). He understands we are working as fast as possible to work with them to accomplish this. So that concludes my report”

Mr. Tureaud said, “Okay, very well. I would like to take a moment to talk about the boat move. I think it went seamlessly thanks to Wayne and Taylor. I know I was out there quite a few times Saturday, Sunday... Taylor’s there and Wayne’s bouncing around somewhere doing something or another. Everyone I spoke to told me that they had just spoken to Wayne or Taylor. And this was on a late Friday night, Saturday, or Sunday. This move would have never happened if it had not been for the diligence and perseverance of the staff, so my hats off to you all. Thank you, great job. The next thing that I would like to thank is the Committee members for working tirelessly and doing a job themselves and not trying to ciliate our staff who is already overexerted to say the least, so thanks again to all those who volunteered. Tom you had taken quite a few recently, and I really appreciate that and all of the others who have done that and worked with our Vice President Ashlyn to make sure that the jobs of this Board (many jobs of this Board) needs to get met, so I with that I would like to say ‘Thank you’ to the Board Members. Do we have any comments or questions?”

Other Comments and Issues from the Public:

An audience member asked “as the Harbor generates additional income, are there plans for additional security?” Mr. Tureaud said, “Let me just answer that. We don’t know what the income and the expenses are going to be yet. I will tell you that when we do get the economic engine running, we will have to reinvent how we do business and what is important, what our priorities are. But until we know how many slips, how many tenants, what the cost is going to be, how much funding are we going to need, how much reserves are we going to need... I can’t tell you that we are going to allocate another “X” amount of dollars for security of anything else.” The audience member had a comment about spending on security and the performance of the contractor. Mr. Tureaud said, “that is a whole other thing and another area of discussion because you know we have to go by the contract and we have to put it out for bid.” Rick Sinclair mentioned that there have been some issues with a certain guard not always being on site. Mr. Casey said, “We have acknowledged some issues that we have been dealing with. One of the things that I would interject is that I have mentioned in a prior meeting, but we have been overwhelmed with the boat move and some other things that

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

we had to do with the auditors is that the Lake Vista Crime Prevention District has contracted with Orleans Levee District Police, and we are precluded as a City entity from contracting with the City's secondary police employment office (as part of the police consent decree), because we've looked into that. The police force for the Orleans Levee District is a separate source. I have been given the name of the gentleman who is now head of the Lake Vista Crime Prevention District. I intend to talk to him. He happens to be on our waiting list for a slip and I think it's someone that David knows, Mr. Ziblich he is head of the Crime Prevention District, to talk to him to see how things are working out with Orleans Levee Police. I have heard pros and cons from people who I know who live in Lake Vista about how it's working. Those are commissioned officers. They do have arrest powers. They can issue tickets. They do come out and patrol on a fairly regular basis." Someone from the audience had a comment saying, "But the company that we hire right now is supposed to provide somebody from midnight until six in the morning." Mr. Casey said, "We are dealing with that right now." The audience member then said, "And that person doesn't always show up for her entire shift." Mr. Casey said, "Or they show up at a certain time." The audience member then said, "They show up at 5 o'clock in the morning while I am out walking, and I see her come up..." Mr. Casey said, "One of the things that we need, we've gotten some anonymous messages. We need some photographs. If the truck is there and the light is flashing and nobody is in the truck, we need that because we went round and round (Wayne went round and round) with someone with the security company this week, because a person called us anonymously who was walking a dog early in the morning. We need your assistance and we'd appreciate that." Someone from the audience asked a question saying, "Is the security company addressing the issue but we also could..." The audience member then said, "We don't hear that often." Mr. Tureaud said, "There were meetings previously where we had similar complaints, and we asked date, time, and circumstances so that we can make this presentation to the security company. Just tell us when it's happening and we'll get on it."

Alva See had a comment. He said, "Regarding photographs, I put eight cameras up with an electrician around my house for \$500. I can access it right here, and with all of the Wi-Fi that is around the Harbor with residents and the New Orleans Yacht Club, I would imagine that we have different Wi-Fi things that you can call into, and each one of these people can go on their phones right now and pull up a different set of cameras." Mr. Tureaud said, "That is a good idea." Mr. Casey said, "But you have to have power of course at that location. Like if we have cameras in other remote locations." Mr. Tureaud said, "If we could Taylor, and New Orleans is actually one of the cities in the forefront of that where there is a network and we can probably have a West End network where we use existing cameras. Let's talk about that, because we are on to something that we can probably use the existing infrastructure that is there." Mr. See said, "On my phone with a do-it-yourself system, I can call up right now. I can hit a button and take a

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

picture of somebody sitting at my front gate.” Mr. Tureaud said, “Alva can you take the lead on that and look around. There are some people that you can contact. It’s already being done in the City.” Mr. See said, “Yeah, we’re going to 5G. We’re the only City in the south that...” Mr. Tureaud said, “Yeah, it’s already being done. I think that we can do the same thing with the existing homeowners that are out there right now and the businesses.” Mr. See asked, “Is there is any permission required, and I don’t believe there is because I asked this during development, where we are going to put some kind of crime cameras on the top of the piles on the piers. Mr. Tureaud said, “Well we haven’t talked about, but everything is open for discussion at some point in time.”

Someone in the audience mentioned all of the cameras around New Orleans with the red and blue lights. Mr. Casey said, “Crime cameras.” The audience member then asked, “Why couldn’t we put two to three of those in the area.” Mr. See said, “That’s got to come through the Department of Homeland Security, and you have to go through the local police district to get it. If you are close with the managers of this district, then we can get it done. But aside from that, it is pick up the phone and talk with somebody from the City. It is a little bit of a burden.” Mr. Tureaud said, “Alva, I think you hit on something and if you look a little deeper, there is a system in place already. We can just mimic what they are doing in the City of New Orleans already. We can have our own surveillance system.” Mr. See said, “The City also has a program where they will help provide the cameras, and the homeowner will rent them for a fee” Mr. Tureaud said, “I am not talking about that. There is a program where you can voluntarily allow the City to tap into your Wi-Fi camera, and I’ve seen them track criminals. One guy’s got it, and then three houses down he’s there. We can do that in West End is what I’m saying.” Mr. Casey said, “We can participate in the system that the City has already set up.” Mr. Tureaud said, “Maybe or do our own. I’m not sure how that would work, but you’re willing to look into it. I would really like to hear and see what you come up with.” Mr. See said, “I’ll look into it.”

Mr. Tureaud asked, “Are there any other questions or comments?” Someone said, “I came up with an idea from a couple of meetings ago when we were talking about the Quality of Life and living on boats and noises and parties and what we can enforce or not enforce. The simple rule in the rule book that says “No amplified music after 9 o’clock at night during the week or 10 o’clock on the weekends”. Does it have to be enforced if a person is listening to a radio? But if you have kids out there turning up amplifiers and having a party and all that, you can go out and enforce the music law.” Someone said, “That is exactly in our rules right now.” Mr. Tureaud said, “Yes, it’s in there.” Mr. Smith said, “Ten o’clock or midnight for any noise.” The person in the audience said, “Noise is hard to control.” Someone else said, “The City ordinance about the noise and certain decibel levels.” The audience member said, “Yes, but what I am saying is our

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of April 9, 2019

security people are going to go out there with a decibel meter and say, 'Oh, you are a decibel above the allowed level and turn it down, but when they talk about the restaurants, they say 'No amplified music'. So when the restaurants are playing it low nobody cares, but when they crank it way up but you can't hear anything out there, they will go by and tell them, 'Oh, your amplified music has to be shut off and then everything calmly goes down. And then there was a question about 'How loud was it?' or 'Did it meet this level?' or anything. It is just a straight amplified music. It is a simple term that allows whoever is enforcing anything to go out and say, 'Hey turn it down, no amplified music after ten o'clock. Just turn your radio down some, or turn that music off, and when the music goes off the teenagers go home.' Mr. Tureaud said, "Alright, Thank you. I'll entertain a motion to adjourn. Thank you everybody."

Adjournment:

On a motion by Ric Smith and seconded by David Halpern, the meeting was adjourned at approximately 8:00pm.

Date and Time of next meeting:

The next meeting is scheduled for Tuesday, May 14, 2019 at 6:30 p.m. at the Lake Vista Community Center.