

**New Orleans Municipal Yacht Harbor Management
Corporation
Minutes of the Board of Directors
January 11, 2010 at 6:30 pm
in the Fellowship Room New Orleans First Baptist Church,
5290 Canal Boulevard New Orleans, Louisiana.**

John Manard, President, called the meeting to order and requested roll call by Michael Liebaert, Secretary.

Board of Directors present:

**Pat Bell
Bill Brundige
Charles Eshleman
Ashlyn Graves
Michael Liebaert
John Manard
Warner Tureaud
Guy Williams**

Board of Directors absent:

**Richard Cortizas
Doug Cunningham
Jennifer Medley
Alva See
John Woodard (resigned from Board)**

Present for the MYHMC:

**Lea Fisk, Executive Director
Beth Erickson, Temporary Dock Master
Beau Tichenor, Temporary Assistant Manager**

**John Manard introduced special guest Mr. Jay Batt.
(Candidate for City Council District A) who made a brief
presentation.**

There were approximately 26 attendees in the audience.

Approval of or amendments to this Agenda.

1. Add Action item #3, concerning the temporary hiring of off duty NOPD Officers. On motion by Mr. Williams, seconded by Mr. Tureaud, this amendment to the agenda was unanimously adopted.

On motion by Mr. Eshleman, seconded by Mr. Brundige, the minutes from the meeting on December 14, 2009, were unanimously adopted.

Mr. Manard turned the floor over to Mr. Tureaud who introduced Major Gregory Elder, Commander of the NOPD 3rd District. Major Elder said that he has been the commander of the 3rd District since December 2005, just after Hurricane Katrina. Major Elder explained there are 98 Officers in the 3rd District and over the past few years, the District has averaged 37 "UCR-uniform crime reports" per week. Last year there were 8917 arrests in the 3rd District. Prior to Hurricane Katrina there were 70 to 120 "UCR" crimes reported per week in the 3rd District. The goal in 2010 is to get the "UCR" numbers below 30 per week. Major Elder said the 3rd District regularly sends to the public, reports of crimes via e-mails "blasts" to those who have signed up and at:

<http://groups.google.com/group/nopd-3rd-district-email-blast>
Major Elder also said that if one wishes to be added to the e-mail "blasts" or has any questions, they can contact one of his Detectives at jmhelou@cityofno.com Major Elder then opened the floor to questions from the audience. There was a question as to the location of the 3rd District Station and Major Elder replied 4650 Paris Ave. There was a question as to what should be done if one sees a suspicious person in the area and Major Elder replied dial 911 and give the report to the operator. Major Elder emphasized that all he wants from the citizens is a "gut feeling"

that someone doesn't belong and let the police know so they can check out the person. Mr. Manard asked if abandoned vessels and trailers can be towed/removed and Major Elder replied they can not be removed by the same procedure as an abandoned vehicle, but there is a process with which to have vessels and trailers removed and the 3rd District has personnel who can help expedite the matter. Mr. Tureaud offered to provide 3rd District Officers with a tour of the Marina and Harbor from the water so they would have a better understanding of what the District looks like from that perspective.

Major Elder then introduced NOPD 3rd District Detective Michael Sams. Detective Sams spoke about keeping track of the VIN-vehicle identification numbers that are stamped into the tongue of trailers, set into the transom of floating vessels and stamped on to the engine block of outboard motors, which is essential information for the police report if the item is stolen.

(The Secretary notes that the Uniform Crime Report is a standard utilized by the FBI for crime statistics throughout the Nation)

ACTION ITEMS:

1. **Resolution:** Approval of the papers necessary to open the account at Capital One. Mr. Manard explained this is a matter that the MYHMC has been working on for quite some time to set up the commercial bank account to facilitate moving the corporations' money from the City, for management purposes, to the corporation, for management purposes. Mr. Manard reminded everyone that the MYHMC went thru an RFP process with Chase Bank and Capital One Bank, which submitted proposals that were opened during a public meeting. The proposals were then scored and sent to the CAO's office and the Mayor. The Mayor and the CAO's Office approved the proposal from Capital One Bank. The Capital One Officer for public

banking met today with Mr. Manard and Lea Fisk, wherein they reviewed all of the documents necessary to open the account. This motion is tailored to have the Board approve the execution of all of the necessary documents to open the bank account for the MYHMC. On motion by Mr. Williams, seconded by Mr. Eshleman, the resolution was unanimously approved by the Board. (The Secretary notes that as an employee of Capital One Bank, Mr. Bell recused himself from this vote) Mr. Manard reiterated that because of Mr. Bell's affiliation with Capitol One Bank, he has been intentionally kept clear of this entire matter concerning the opening of a bank account for the MYHMC.

2. Resolution: Boathouse restoration demand letter – revisions as to letter approved in December and extending the date to submit plans and specifications until April 30, 2010. Mr. Manard explained that this matter was discussed and voted on at the last meeting. Mr. Manard reiterated there are approximately 25 boathouses that are currently in default on their lease because they need to be renovated. Mr. Manard asked Kerry Cuccia if he had any questions or comments about the revised Boathouse restoration demand letter and he replied "its fine". On motion by Mr. Bell, seconded by Mr. Tureaud, the resolution was unanimously approved by the Board.

2. Resolution: Temporary hiring of off duty NOPD Officers. Mr. Manard explained there is currently one pre-Katrina Civil Service guard working in the Harbor, but the MYHMC plans to change out the Civil Service security guard system in the Municipal Harbor with a private security guard company. It is perceived that the private surety guard company will be employed for at least two years to see how the arrangement works out. In the mean time, due to a recent rash of burglaries in the area, we need to augment the existing guard with off-duty New Orleans Police Officers. This resolution authorizes the MYHMC to expedite the paper work and proceed with the hiring of the

off-duty Officers up to a maximum expenditure of \$25,000. Mr. Manard asked Kerry Cuccia if he had any questions or comments and he replied, "this is a great way to address the problem. Just the visibility will really help and we appreciate this". Mr. Tureaud asked the audience for suggestions and input as to what they think are the best hours for the off-duty NOPD Officers to patrol; he said the off-duty Officers won't be available to patrol 24 hours per day and we need to pick the times that will best augment the existing security guard. On motion by Mr. Bell, seconded by Ms. Graves, the resolution was unanimously approved by the Board. Kerry Cuccia, Mr. Tureaud and Lea Fisk made suggestions on how to deploy the off-duty Police Officers.

(The Secretary notes that for security reasons, those comments are not recorded herewith, but will be followed up by the appropriate Members of the MYHMC)

3. Resolution: Adopting the logo that appears on the web site at the address: nomunicipalharbor.com , as the "official logo" of the MYHMC. On motion by Mr. Tureaud, seconded by Mr. Eshleman, the resolution was unanimously adopted.

REPORT OF THE EXECUTIVE DIRECTOR

1. Staffing. Lea Fisk reminded everyone that the MYHMC is in the process of interviewing prospective Classified Civil Service personnel and now we are within two weeks of hiring a person for the accounting position. Due to lack of applicants, the hiring of the person for the office specialist/secretary position is progressing at a slower rate.
2. Temporary office space. Lea Fisk explained that the temporary office space has been secured.

evidence” on the dredging issue. One major issue at hand is the question if a national standard of 12’ of depth applies to the Harbor? If the 12’ standard doesn’t apply, then the second issue is how much of the sediment in the Harbor is due to Hurricane Katrina. Mr. Manard explained that he and Ian Thompson have been accumulating information from various sources to try and establish Harbor depths before Hurricane Katrina. This matter is important for the Board for this matter to come out well, because when the harbor is renovated, it will have to be dredged and whatever money doesn’t come from FEMA, will have to be paid by the MYHMC. Mr. Manard explained there are three possible sources of funding for the dredging. #1 There are bonds authorized for this task before Hurricane Katrina that have yet to be sold. #2 Additional debt could be taken on by the MYHMC. #3 Current cash could be utilized. Mr. Manard cautioned that the MYHMC is trying to rid itself of additional debt by having Congress retract the NOAA bonds. Additionally, the cash balance, will decrease until the Harbor is restored. Mr. Manard said the good news is that the MYHMC claims with FEMA have been broken apart and some portions like the renovation of the MYHMC building is proceeding. Mr. Manard invited everyone after the meeting to view the renovation plans for the MYHMC building. Mr. Manard stated that he plans to attend a meeting on January 15, 2010, with CITY and FEMA personnel to review the status of “viable evidence” for the dredging issue.

2. Status of security guard company “Invitation for Bids.” Mr. Manard reiterated that this issue was discussed earlier in the meeting but there are three issues that need to be refined before the invitation for bids can be sent out. #1 what happens when there is one Civil Service guard employee mixed with a security company contractor. #2 completion of Civil Service paper work when the MYHMC shifts from Civil Service to a contractor. #3 Dealing with the issues of procuring and titling a marked security vehicle, insurance for the vehicle, risk splitting and who will be authorized to drive the vehicle. Mr. Manard

approximated it would take three to four months before the MYHMC has a security vehicle and security contractor on the job.

3. Getting abandoned and illegally parked vehicles and boats (on land) towed/hailed away. Mr. Tureaud suggested that the appearance tonight of the 3rd District Commander should help expedite getting rid of the abandoned vessels and trailers at West End. Mr. Manard reiterated that the derelict wooden boat beside Schubert's Marine is at the top of the list of items to get rid of.

4. Status of request to NOAA as to relief from the 1981 Revenue Bond. Mr. Manard said the next payment to NOAA would have been due January 25, 2010, but NOAA has advised the MYHMC not to make the (aforementioned) payment as they are going to act in forbearance until Congress takes action. Mr. Manard indicated that Senator Landrieu's office advises that it will take approximately one year for Congress to process the forgiveness of the bonds.

5. Boathouses: Status of follow-ups as to insurance certificates, as discussed at the December meeting. Mr. Manard said that Kerry Cuccia had previously volunteered to gather the property and liability insurance certificates from the boathouse owners. Mr. Manard asked Kerry Cuccia for a status report and he replied that he sent out notices to the boathouse owners asking for the insurance certificates, but is still waiting on several responses. Kerry Cuccia requested a thirty-day extension to collect the insurance certificates. Mr. Manard replied OK, but please send him that which is in hand.

6. Boathouses: Issues related to the Building Code of the City of New Orleans and the Department of Safety and Permits – overview and status report. Mr. Manard explained that when the MYHMC sends demand letters to boathouse owners who are in default for failing to renovate their structure that the owners

must deliver plans and specifications to the MYHMC, which is necessary because they need to go through the approval process of the MYHM that includes review for design criteria and review of a limited section in the City code that deals with dimensions. Once approved by the MYHMC, the boathouse owner then goes to the City Department of Safety & Permits to get a building permit. In order to get a building permit the plans and specifications are examined for compliance with the City's Building Code and various other requirements, which in general, includes fire safety issues and load bearing structural members that have to be non-combustible. Mr. Manard reiterated that although the MYHMC is not directly involved with many of the issues at the Department of Safety & Permits, it's our desire to assist the boathouse owner anyway that we can.

7. **Boathouses: Extended term leases – update on the \$5K tenders.** Mr. Manard explained that letters had been sent out to the boathouse owners concerning the tendering of the \$5,000 deposits for the extended lease and the majority of them responded that they do not wish to take back the money, while a few have said they want the refund. Mr. Manard said checks would soon be issued to those that desire a refund. Mr. Manard stated that the deposits that remain in the possession of the MYHMC will be isolated in its books.

8. **Information concerning the safety equipment on the West Pier.** Mr. Liebaert reported that fourteen safety equipment stations have been established throughout the Harbor; two of those stations are with ladder and life ring, two of those stations are with fire extinguisher and ten of the stations have ladder, life ring and fire extinguisher. We are currently waiting on the delivery of two large fire extinguishers on wheels. With the assistance of Lea Fisk, Beth Erickson and the FEMA contractors, we have refined the wording for six custom made signs that will be strategically positioned on the West Pier to indicate the location of the safety stations. The new safety location signs

should be delivered within two weeks. Mr. Liebaert explained that Mr. Manard is expediting the design and manufacture of a transition step that will be placed between the aluminum safety ladders that were installed on the wooden bumper guards and the concrete pier. Mr. Manard asked Ric Smith if there was anything out on the West Pier that the MYHMC should be doing that it wasn't. Ric Smith replied that he was just on the West Pier and the piers are cleaned up, the safety equipment is readily obvious, but the tenants would like to have electricity and water.

9. Status of fountain investigation in West End Park. Mr. Liebaert reported that four weeks ago a contractor was hired to clean out the Darlington #1 Prismatic fountain, to make it ready for the inspection that took place three weeks ago with an internationally acclaimed fountain designer named Dominic Shaw of Waterline Studios in Colorado and a local structural engineer named Edmund Schrenk. Dominic Shaw was also closely involved with the re-construction of the Darlington fountain in Denver City Park. While on site, Edmund Schrenk suggested that we chip away a small portion of concrete in the upper basin to examine the condition of the reinforcing steel, and remove an iron plate in the ceiling of the cellar to expose and inspect the underlying area; we are waiting on his report. During the inspection, Messer's Shaw and Schrenk both said they thought the fountain was in very good condition. After we receive Edmund Schrenk's report and his recommendations are carried out and everything found to be in order, we should then be in a position to take the next steps of removing the soil from the lower basin to conduct an inspection of that area. The next step would be to proceed with a civil engineering report to assess what is required to bring water, water disposal and power back to the site. At this point we don't know if we will need to dispose of water via the street run-off lines or through the sewerage system; that question won't be answered until a decision is made to utilize or not utilize the lower basin. Utilization of the lower basin would mean that humans and pets could come in contact

with the water, which would require it be treated with chlorine. Disposal of chlorine treated water can only be done through the sewerage system. Dominic Shaw e-mailed his preliminary report to us today, which indicates an estimated cost of \$1.3 million, to renovate the fountain to generally an original configuration. Dominic Shaw also said it will cost approximately \$500,000 to renovate and utilize the upper and lower basin of the fountain to a "simple level" of performance and approximately \$350,000 to \$400,000 to renovate and utilize the upper basin to a "simple level" of performance. Mr. Liebaert cautioned that after all of the inspections and reports are completed on the fountain, we need to then ascertain if and how the fountain fits into the master plan for West End Park. Mr. Manard explained that the Azby Fund donated the funds to the Friends of West End, which has made this investigation possible. Mr. Manard explained that the process of deciding whether the fountain fits into the Park's master plan is the first thing to touch on, because the master plan must be approved by the MYHMC. The Friends of West End was formed to help develop private financing for projects that would go on in the Park and other spaces that we have. The Friends of West End will have a meeting next week to continue looking at and gathering information for the proposed master plan. Mr. Manard stated that later in this agenda you will see the MYHMC begin to take action to retain a planning expert to act as a consultant as we are considering the fountain and other aspects of master plan, including future placement of restaurants. Mr. Manard explained that the money to develop the fountain would come largely from private contributions, which would be a significant endeavor and would likely take awhile to accumulate.

10. Status of retaining an accounting firm to perform the annual audit. Mr. Manard emphasized that Mr. Cunningham is working on this important project, but he is out of town and was unable to attend tonight's meeting and deliver this presentation.

11. Report on the federal taking with respect to the 17th Street Canal pumping station. Mr. Manard reiterated that the taking will not begin until the Federal Government and the State execute the Project Partnership agreement, which Mr. Manard checks the status of on a weekly basis.

12. Update as to the status of our new website. Mr. Manard stated that the new MYHMC web site is an exciting development, which provides news, calendars, general information and access to the various MYHMC documents, forms and rules and regulations that the tenant may need. Mr. Manard provided a brief history of the MYHMC web sites and complimented the volunteer services of Stanton Murray, Dave Herrera who helped with the previous site and Troy Gilbert, who has done a magnificent job developing the new web site. Mr. Manard asked the MYHMC Board for their impression of the new logo that Troy Gilbert designed on the new web site and they complimented the new design. On motion by Ms. Graves, seconded by Mr. Tureaud, the Board unanimously agreed to amend this agenda to add a 4th Action Item, which would consider adopting a new official logo for the MYHMC.

13. Update as to the city's Master Plan and particularly as to the revised wording concerning "Mixed Use – Maritime." Mr. Manard reminded everyone that this is a process that's been going on for quite awhile and then described what the various color-shaded areas mean in the West End area of the Master Plan map. Mr. Manard noted there is a new area on the map termed "mixed maritime District", which he has gone back to the City Planning Commission to better define.

14. Situation with respect to Board member who has not been able to attend meetings from August, 2009 through the present – related By-Laws required course of action. Mr. Manard stated that this matter concerned John Woodard, who resigned from the MYHMC Board earlier today.

15. **Planning professional: Search working group of Mr. Manard, Mr. Cunningham, Mr. Cortizas and Mr. Tureaud – status report.** Mr. Manard explained that he appointed a working group consisting of himself, Mr. Cunningham, Mr. Cortizas and Mr. Tureaud to narrow down who is hired as the Planning Consultant to assist the FOWE and the MYHMC, with the design of a “linear park” beside Breakwater Drive, a master plan for West End Park, placement of restaurants at West End and any other design issues in the area.

16. **Sewerage & Water Board claim – status report.** Mr. Manard explained that Lea Fisk has been in touch with the S&WB; it appears they had misplaced the MHYMC settlement offer letter, but we are expecting a counter offer in the near future. Updates on this matter will be provided as events unfold.

17. **Pedestrian/bicycle Bridge – status report.** Mr. Manard explained that this is an item outside of our jurisdiction, but unless we took action on this matter, no one else was going to. Mr. Manard explained that the proposed bridge would be for pedestrians and bicycles and would be located between the proposed 17th Street Canal pumping station and the Old Hammond Hwy. Bridge. The reason for handling this matter now is to appropriate the land and ROW’s ahead of time that will be needed for the bridge and paths leading to the bridge on each side of the 17th Street Canal. Mr. Manard stated there will be a meeting on Jan. 14, 2010, at the Army Corp of Engineers with Colonel Sinkler, Dan Bradley of Hurricane Protection, Councilperson Shelly Madura, Walter Brooks of the RPC, Councilperson Cynthia Lee Sheng, John Young and Anne Rheams of the LPBF.

18. **Election of officers: By-Laws provisions reviewed; Nominating Committee appointed – Mr. Manard, Mr. Cortizas, Mr. Williams and Mr. Tureaud; slate to be proposed in**

February and voted on in March. Mr. Manard explained that he appointed himself, Mr. Cortizas, Mr. Williams and Mr. Tureaud to propose a slate of proposed officers, who's names will announced during the February 2010 meeting and then voted upon during the March 2010 meeting.

ISSUES PRESENTED FROM THE AUDIENCE

There were no issues presented from the audience.

DATE & TIME OF NEXT MEETING

The next meeting will be held at 6:30 p.m. on Monday, February 8, 2010 at the First Baptist Church.

ADJOURNMENT On motion duly made and seconded, the meeting was adjourned.