

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting
Tuesday, February 14, 2023 5:00pm
Municipal Yacht Harbor Administration Building
1st Floor – West Meeting Room
401 North Roadway Street
New Orleans, LA 70124

PRELIMINARIES

1. Meeting called to order at: 5:08pm by Tim McConnell.

Attendance was taken by Tim McConnell. Board members present:

Tim McConnell
Christopher Hammond
Keith Amacker
Akeisha Tircuit
Roger Watkins

2. Presentation of agenda by T. McConnell
 - a. Motion by Hammond, seconded by Watkins. Agenda adopted unanimously.
3. Approval of January 10, 2023 meeting minutes. Motion by Watkins, seconded by Hammond. Motion carried unanimously.

ACTION ITEMS

1. Report of the Nominating Committee – T. McConnell
 - a. One nomination was received for each executive position on the Board.
 - i. President – Tim McConnell
 - ii. Vice President – Christopher Hammond
 - iii. Secretary – Monya Criddle
 - iv. Treasurer – Roger WatkinsWe will vote on nominations at the next meeting.
2. Resolution to approve and submit the 2022 Louisiana Compliance Questionnaire for the 2022 Audit.

WHEREAS, the New Orleans Municipal Yacht Harbor Management Corporation (“MYHMC”) is a public benefit corporation of the City of New Orleans, which leases from the City of New Orleans its property rights at West End; and

WHEREAS, MYHMC was placed in control of its own funds in 2010; and

WHEREAS, MYHMC is required to have an annual audit of its financial records and practices; and

WHEREAS, MYHMC entered into a contract with the public accounting firm of Bruno and Tervalon LLP., for the purpose of preparing its 2022 Audit; and

WHEREAS, MYHMC is required as part of its financial audit to complete, adopt and provide the Louisiana Compliance Questionnaire, attached hereto as Exhibit "A", to Bruno and Tervalon, L.L.P., prior to the commencement of the 2022 Audit; and

WHEREAS, MYHMC confirms that the responses to the Questionnaire have been made to the best of MYHMC's knowledge and belief;

NOW THEREFORE, the Board of Directors of MYHMC hereby formally adopts the Completed Louisiana Compliance Questionnaire by a formal Resolution in an open meeting, attached hereto as Exhibit "A", and authorizes its President, Treasurer and Secretary execute and to provide a copy of the Completed Louisiana Compliance Questionnaire and a copy of this Resolution to Bruno and Tervalon, L.L.P. on this day, February 14th, 2023.

Motion to accept resolution by Hammond, seconded by Watkins. Motion carries unanimously.

Discussion Items:

1. EXECUTIVE SUMMARY OF WEST END DEVELOPMENT PROGRESS (Bryan Whited)

1. Update on MYHMC Engagement of Legal Services.

- MYHMC RFP for legal services – responses due Feb. 18th. \$100K cap. We have reached out to multiple real estate firms and are awaiting responses.
- In the meantime – MYHMC using existing Professional Services Contract with Stone-Pigman to start work.
- Legal Services RFP -multi- year to be issued.

2. Legislation. Must be filed by March 31, 2023. Stone Pigman in the process of drafting.

- Draft legislation has been created. It is being updated with requested information and reviewed by Cm Giarrusso.

3. Local Zoning and Other Processes.

- Zoning variances are being discussed by MYHMC council and Jefferson Parish Legal Department

- Identified potential issue with street rights-of-way in the development site and will start process with DPW and City Planning to resub-divide the area to remove the street ROWs.
4. **City/State Agreements**. To be drafted next.
- **Cooperative Endeavor Agreement** between the State, the City of New Orleans, and Jefferson Parish should be amended to provide the terms of the following:
 - Revenue sharing (taxes and rent)
 - Expense Sharing
 - Special Tax District
 - Delegate authority to the MYHMC to issue the RFQ and RFP and speak for all three parties in the process.
 - Site development specifics – Survey of property (included) and restrictions of waterfront areas by USACE (meeting with USACE scheduled for Thursday Feb. 16th).
 - **Lease** by State of JP property to City or MYHMC, so that City can sublease the property to the selected developer using the same document used to lease the City property. This will simplify negotiations with the developer and create administrative efficiencies, because the developer will have 1 landlord—the City.
5. **Search for Development Consultants**. Our current short list follows:
- **HR&A** – developed “The Wharf – Washington DC” plus other similar projects.
 - **RCI Group** – Various Marinas. The Lighthouse – Mixed use development Bridgeport CT.

T. McConnell: Bryan, please describe what the development consultants would do for us.

B. Whited: They would initially do a market study to determine what is reasonable based on legislation (which includes NO HOUSING). With the information provided by the Core of Engineers, we would have to decide what can be built on the water, if anything. The consultants would then do a market study on that area to recommend what they think the best use would be. The Board and other entities which shall include multiple public meetings would go find developers to submit their own proposals.

T. McConnell: This would assist us with putting together the RFQ/RFP?

B. Whited: Yes, as well as complete the market studies.

K. Amacker: Any idea what law firms would replace Stone Pigman?

B. Whited: No, we haven't received any official submissions. We have solicited several firms and I'd be happy to send you a list of firms we have contacted. The RFP is publicly advertised and proposals are due February 18, 2023.

K. Amacker: The search for developers is still ongoing? This is not a final list, correct?

B. Whited: These two are the best that we have found so far. This is just a short list. The search continues. If anyone has any recommendations, we'd be happy to reach out. We've talked several and these are the best.

K. Amacker: Is there a timeframe where we need to close solicitations?

B. Whited: Not at the moment.

K. Amacker: Others have applied and been rejected?

B. Whited: Some want to manage the marina, which we are not interested in. Some are developers and want to keep them in a separate process. Others are marina consultants and want to help us build a new marina but we already have a new marina.

R. Watkins: Were these the developers that did The Wharf and the like or did they just guide the municipality?

B. Whited: They guided the municipality.

Public Comment by Charles Marsala: We never have meetings about development. We keep moving forward with the project, but we haven't had input in a year about how the development would look.

I assume you're talking about Act 209 with regards to the legislation. Is the legislation supposed to change 209?

B. Whited: That's one of the acts, yes.

C. Marsala: If that fails, then there's no point. Act 209 is going to stop the development. Unless Rep. Hiltferty can get enough votes on the legislature to turn the park into development, we're not going to go that way. That's something that you should be considering. Now there's an effort to change Act 209 after 117 years to allow development in our park. We should be having meetings because we know that the feasibility study that was conducted by the Regional Planning Commission says that we're saturated with restaurants. Developers want to add four restaurants to make it feasible. Yesterday there was a meeting on short-term rentals in Lake Vista on how many people are opposing. Back in April, a commissioner said that maybe short-term rentals are what we needed there. I think we should be getting input from the residents as to what we would like to see as opposed to what economically would make a lot of money.

Public Comment by Chris Clement: Can we discuss what's being developed? Is it just the land (formerly Fitzgerald's) or the entire park?

B. Whited: West End Park was never considered for development. Only what was historically previous commercial area.

Public Comment by Gail Wall: There is some confusion of ownership of the land where the broken water line is located. Is that owned by Jefferson Parish, State or City of N.O.? Secondly, what is happening with the water line? It is affecting the residents' water pressure in the area.

B. Whited: If the S&WB are not finished repairing the water leak now, they are pretty close to finishing. They have already fixed one leak and completely patched a hole.

T. McConnell: Are you saying the water is still leaking as of today?

G. Wall: I haven't checked today but we were told that the repairs would be repaired around Mardi Gras.

T. McConnell: That's what we were told as well.

B. Whited: I think they're done. The leak should be fixed.

T. McConnell: Your next question about the strip of land. We have documents on our website where you can clearly see it's a small strip of land that Jefferson Parish owns.

G. Wall: A representative of Jefferson Parish said that they do not own that land.

T. McConnell: Can you tell us who the representative is?

C. Marsala: It was a state procession rep.

T. McConnell: For clarity, someone told you that someone from JP said they don't own that land. You have not spoken to a representative of JP directly?

G. Wall: Did not.

T. McConnell: All land belongs to the State who leases it to the City and Jefferson Parish.

G. Wall: Why hasn't Jefferson Parish been a good neighbor and fulfilled their obligation?

T. McConnell: I'm not saying JP has not been a good neighbor. You're free to make your own comments but I'm not going to speak for Jefferson Parish.

G. Wall: You're hiring attorneys and marketing for developers but we don't know what's going there while JP is not being a good neighbor but is still somehow involved does not make sense.

R. Watkins: Back to the leak, this issue is currently being addressed by Boh Bros, correct?

G. Wall: Yes.

R. Watkins: Who initiated the request?

T. McConnell: We called S&WB and did not receive a response. Mr. Marsala called as a reporter and S&WB felt compelled to do something.

R. Watkins: Is the leak in Orleans Parish?

B. Whited: The leak is in Jefferson Parish but it's Orleans infrastructure. I'm not sure what agreement they came up with, but Boh Brothers is fixing it.

T. McConnel: Thanks to Charles for making that call.

Public Comment by Dale Aronson: Are you saying that this specific piece of land must make money?

T. McConnell: That has not been said.

G. Wall: It could be used for the benefit of the residents?

T. McConnell: Yes, that's what it's meant for. We are a public benefit corporation for the City of New Orleans.

G. Wall: It can be a playground or park?

T. McConnell: It can be anything the Board deems.

R. Watkins: We've petitioned some consultants to determine what the best use for the area would be. Historically, we lease it out to someone and earn revenue for it.

T. McConnell: For clarity, it is ultimately the Board's decision as to do what we think is best. My perspective, as a public benefit corporation, it's best use should generate revenue.

G. Wall: With that, you would also have to be responsible for parking, policing and other infrastructure.

T. McConnell: Yes, we'd be responsible for anything required of the upkeep of it and anything that goes along with it.

K. Amacker: The CEA between the State, City and Parish will have provisions for a special tax district, revenue sharing, etc. For example, if we turn it into a park, the park would have to be maintained. Therefore we would have to implement some sort of revenue stream such as a special tax.

G. Wall: Has anyone looked into getting any grants?

T. McConnell: We have not.

K. Amacker: We would need a grant writer and this area is not covered by Parks & Parkways.

G. Wall: Why not?

T. McConnell: It's not under the City's jurisdiction. It's under the jurisdiction of this Board which is responsible to making the money to maintain this area.

G. Wall: You want to keep it that way?

T. McConnell: It is what we are mandated to do. It is why this Board exists.

K. Amacker: We were created in 2010 to generate money and put it back into the property.

FINANCIAL REPORT (Timothy McConnel)

As of January 31st, MYHMC has total assets of \$4,909,100 with current assets of \$3,634,800 and the bulk of which is in the form of cash of \$3,421,800 in two accounts at JP Morgan Chase Bank. Of this amount, \$2,450,600 is in committed reserves.

On the liability side, MYHMC had total liabilities of \$570,800 of which all are current liabilities (and that consists primarily of unearned revenue of \$350,600 and accrued annual and sick time of \$128,100). That leaves MYHMC with total equity of \$4,909,100 of which \$3,546,500 is unrestricted net assets. For the month of January, MYHMC had revenues of \$164,500 and operating expenses of \$130,400 which resulted in Net Income of \$34,100. Capital Expenditures made in January consisted of purchasing a new security vehicle for \$28,200 and \$8,500 for the purchase and installation of bollards near the Point.

Public Comment by C. Marsala: How much is spent annually on the park?

B. Whited: Not sure but when I get the numbers, I'll send them out. FYI, last year we did safety trimmings on the trees and it was \$85,000.

Motion to accept the financial report by C. Hammond seconded by A. Turcuit.

Motion carried unanimously.

DIRECTOR'S REPORT (Mr. Whited)

1. Staff Hiring: One Grounds Patrol officer are currently going through pre-placement. We hope to have them working by the end of the month. We will continue to interview for a third officer.
2. West Lot: Sewerage and water board completing major repairs to water lines.
3. The Point: Waiting for Entergy to complete light install. Cameras to follow.
4. Sale of Boathouses: Will develop a plan as soon as RFP for legal work is completed.
5. West End Park: No update at this time.
6. Marina: Wifi is currently being installed. Cox contractor is installing cabling and having poles fabricated. Cox will install antennas and hardware. We hope to have it operational within 6 weeks.

Board Comment: K. Amacker: Has Entergy given a timeline for the lights installation?

B. Whited: They have given a commit date of March 1.

K. Amacker: What about Boh Brothers?

B. Whited: They have not spoken with us at all.

T. McConnell: If we don't see significant progress by next week, let me know and I'll make some calls.

Public Comment by Charles Marsala: They are finished. They were waiting on a valve. There was two lines; one on N. Roadway and one on S. Roadway. It was a New Orleans problem because it was 500,000 gallons/day that was dumping out and flowing into Jefferson Parish.

There is extra money that we are all paying in property taxes. At the recent meeting of the Quality of Life with City Council, the Parks guy said he want to add eight more parks because he has so much money. Why don't we look into putting some of this money into the Parks budget to solve our budget problems? He has \$3million from the \$300M bond that he's sitting on. Likewise, a lady was talking about the need for trees, and we are about to cut down 25 heritage oaks in that area for development. The master plan of New Orleans is that we are supposed to save green space especially when it's by water. The residents are concerned about the noise and Joe said at the last meeting that the City Council cannot control the bass sound. We've seen numerous things on Next Door about neighbors complaining about the loud bass coming from Felix's. The 1906 Act clearly states that the park goes all the way to the Jefferson Parish line. Right now, the State considers it a park and that's why nothing is happening. Fitzgerald's in the 1980s wanted to turn the greenspace into parking because there wasn't enough land for the restaurants. This has not been thought out as to how much parking space is going to be needed, the amount of extra police and the amount of water pressure.

South Roadway leases are expiring and we should be figuring out long term plans to solve that problem.

B. Whited: S. Roadway is not controlled by MYHMC.

UNFINISHED BUSINESS: None.

ECONOMIC REDEVELOPMENT COMMITTEE: (T. McConnell)

There was no meeting. Bryan gave the update on West End development. There will be a committee meeting prior to the March meeting.

Public Comment: Kerry Cuccio: This Board was given control of the West End area to maintain it and run it properly as a first-class marina. Prior to 1984, all of the revenue generated by MYH was given back to the City and the marina was not properly maintained. For the people asking why we can't get any of Parks & Parkways money, it's because when we were supposed to receive funds from the City, it was not happening. It was decided to put the money in the hands of the Board that's responsible for the upkeep of the area. Up until Katrina, that area (West End) was always a retail commercial area. That doesn't mean it has to remain that way but to say the area should not generate any revenue for the Board is irresponsible. The Board has the

responsibility to put something feasible there and to make sure that whatever structure is there has the necessary parking available without using the current green space. When the Regional Planning Commission came up with their plan, they failed to consider designated parking.

QUALITY OF LIFE COMMITTEE: Nothing to report.

Public Comment by Scott Briscoe: The current electric billing process is unfair. It's not fair to bill based on slip size because some smaller boats are in larger slips only because of availability. When at another marina, I was billed based on usage and I never paid more than \$5/month. When I walked the east side docks, I counted 20% of the boats was not plugged in to the shore power.

T. McConnell: I don't think we can discuss a topic that is not on our agenda. In all fairness of how we conduct a public meeting, I'll make sure Bryan gets this on the next meeting agenda. Get Bryan all the data you have and what you think the rates should be so that we can be prepared to address it at the next meeting. Without having it on the agenda, I don't think the conversation is appropriate.

SECURITY & SAFETY COMMITTEE: (C. Hammond)

The major areas of concern is how the residents are responding to the Point being open and what the security officer is allowed/not allowed to do. There are some things that need to be researched first. It's always going to go back to signage and placement. We need to get a definitive answer on how security is going to respond to certain things. It was previously said that reactions are based on the officer's discretion. We absolutely disagree because that can create further problems. We want to have definitive rules in place. We want to have further discussions before we bring it before the public to address concerns.

Motion for adjournment by Mr. McConnell Seconded by Watkins. Motion carried unanimously.
Time: 5:53 PM

Date & Time of Next Meeting : Tuesday, March 14, 2023 | 6:30 PM
MYHMC Admin Building