

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting
Tuesday, January 10, 2023, 6:30PM
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: 6:30pm by Tim McConnell.

Attendance was taken by Monya Criddle. Board members present:

Tim McConnell

Christopher Hammond

Jessica Addison

Keith Amacker

Mark Heck

Monya Criddle

Christopher Hammond

2. Approval of December 13, 2022 meeting minutes. Motion by Mr. Heck, seconded by Mr. Watkins. Motion carried unanimously.
3. Meeting agenda presented by Mr. McConnell.

ACTION ITEMS

1. Appointment of the Nominating Committee
 - a. Board President shall appoint a nominating committee to accept nominations for the Executive Board which is due by next board meeting (February 14, 2023). At the March meeting, we will vote on nominations.
 - b. Mr. McConnell appointed Keith Amacker, Mark Heck, Timothy McConnell, Monya Criddle.
2. Motion to approve the solicitation of General Legal Services up to \$100,000 using the approved MYHMC Competitive Selection Procedure for the purpose of contract development and negotiation, general legal analysis, general legal services, and legal services regarding the development of West End West Lot Area and other legal services arising as needed.

Comment by K. Amacker: How did we arrive at \$100,000?

B. Whited: It is the amount approved by the Mayor and the Board at the last meeting. This is the amount approved for all other City Public Benefit Corporations (i.e. FMC, NOBC).

Motion by Mr. Heck, seconded by Mr. Watkins

B. Whited: We will conduct an in-house RFP and review. It will be posted on our website and we'll reach out to firms to get action on the proposals. We will come back before the board before a selection is made.

Vote: Unanimously approved.

3. Resolution to approve the amended lease with Southern Yacht Club regarding the previously approved change in land areas noted on the Survey by BRIS engineering.

Explanation by T. McConnell: The rental rate for SYC will increase by 10% every five years instead of 5% every five years.

Motion by J. Addison, seconded by Mr. Watkins

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 responsible for the operation and management of the City's assets in the West End Area; and

WHEREAS, MYHMC (lessor) has an existing lease with Southern Yacht Club (lessee) of water bottom and land area; and

WHEREAS, MYHMC (lessor) finds it necessary to amend the lease agreement with SYC (lessee) to include the areas that aligns with the new marina floating docks and other areas not covered in existing lease; and

NOW THEREFORE, The MYHMC Board of Directors approves the attached lease amendment describing the additional areas and changes in terms between the MYHMC (lessor) and SYC (lessee).

Vote: Unanimously Approved.

FINANCIAL REPORT (Jessica Addison)

As of December 31, 2022, MYHMC has total assets of \$4.5 million with current assets of \$3.2 million and the bulk of which is in the form of cash. \$3.1 million in two accounts at JP Morgan Chase Bank. Of this, about \$2.4 million is in committed reserves which includes amount for insurance reserves, operating expenses, 18 months of personnel expenses, 6 months of other operating, dredging, dock replacement, etc. On the liability side, MYHMC had total liabilities of \$193,600 of which all are current liabilities (that consist primarily of accounts payables and accrued expenses of \$63,100 and accrued sick and annual leave of \$118,100). That leaves MYHMC with total equity of \$4,308,400 of which \$3,620,800 is unrestricted net assets. For the month of December, MYHMC had revenues of \$153,800 and operating expenses of \$140,300 which resulted in Net Income of \$13,500. Year to date revenues are \$1,777,500 with total expenses of \$1,348,000 resulting in a year to date profit of \$429,800.

Motion to accept the financial report by R. Watkins, seconded by M. Heck.
Motion carried unanimously.

DIRECTOR'S REPORT (Mr. Whited)

1. Staff Hiring: Still recruiting candidates for grounds patrol officers.
2. West Lot: Mr. Marsala was able to get the water leak issue on Fox 8. Sewerage and water board have stopped the leak. The contractor is still working to remove the last of the construction materials.
3. The Point: The gate was installed today and bollards in the grass should be installed by mid-January. Entergy has committed to lighting by March 1, 2023.
4. Sale of Boathouses: We will utilize our relationship with stone pigman to look at our options regarding these properties. They have been instrumental in finalizing the SYC contract and our contract with for our 2022 audit.
5. West End Park: Plumber scheduled to inspect this week.
6. Update and Information regarding the electricity billing for marina tenants:
Due the recent slip renewals and increase in our electricity billing rates there have been some questions from the tenants as to why we bill for electricity the way we do. The MYHMC board previously decided (as stated in the December 2019 minutes), "that Boat Slip Tenants will be billed for the use of electricity which will be weighted by the length of the slip." Because the marina was a FEMA project, FEMA declined to pay for power pedestals with individual meters so we are now dealing with the situation that the electricity is shared. Entergy declined to install individual meters because they did not want the responsibility of electrical networking. Installation of meters would be the best solution but per Eaton's quote, it would require a \$200,000 minimum investment. Additional expenses would include: the upgrading of software to monitor the meters,

additional manpower to go out to read the meters and police the useage. Another solution is to allow tenants to opt out completely from electric use but that leads to substantial operational difficulties.

- a. Due to the fact that the pedestals are shared, even if one side is locked, there are many other places which a boat or extension cord can be installed.
- b. I foresee the problem that tenants who previously declined to use power would plug in extension cords for the following circumstances: freezing weather requires the use of a heater to keep the boat systems from freezing, using power tools for work or maintenance, use of portable air conditioners when the owner is working or staying on the boat for a weekend or other short amount of time, other unforeseen situations.
- c. Policing and enforcing these situations would require a substantial amount of time for an employee to regularly inspect and monitor all boat slips and would result in the need for additional staff. This would require another rent increase to cover the expense.

The electric rates we charge are already as low as possible since do not resell electricity for profit. The rates are lower than the consumer rate as we are a government entity. The smallest slips pay approximately \$15 per month. The largest slips pay approximately \$57 per month with a marina average of \$24 per month.

Comment by K. Amacker: Could a tenant call Entergy and ask for an individual meter installation?

B. Whited: No. Entergy does not have the infrastructure inside the marina to install individual meters.

K. Amacker: How many additional patrol officers are we seeking to hire?

B. Whited: Two, which would give us three officers in total.

K. Amacker: Would we still not have the coverage for 24/7 monitoring?

B. Whited: No.

T. McConnell: Security would have to know who's cord goes where. Then there's the issue of a tenant allowing a neighbor to plug in to their outlet. We just don't have the manpower for someone to read the meters, bill the meters and enforce usage. It can get very complicated and we cannot sell electricity.

K. Amacker: I thought the goal was to always have the security stationed manned. Are officers manning the security station or are they on patrol?

B. Whited. Both.

K. Amacker: Is there any reason we could not seek to have 24hr coverage?

B. Whited: If we felt like that was a necessity, we would. The times that security isn't on site, typically, we have staff available. The idea was to have security around when staff isn't available.

K. Amacker: At one point it was said that the Levee District Police was grossly undermanned and was having trouble filling the details. Is that still an issue?

B. Whited: No, the details were filled shortly after that.

K. Amacker: Any idea when the contractor will have his items removed from the site? Is there a deadline?

B. Whited: It was supposed to be by the end of 2022 but they just finished the project approximately 10 days ago.

Public Comment by Kerry Cuccia: You shouldn't close the gate until the bollards are installed so that people don't drive up on the grass.

B. Whited: That's the plan. The gates are only closed now to allow the concrete time to set.

K. Cuccia: What is the security officer's assignment while on duty?

B. Whited: He does a security tour that is logged via wand by hitting designated spots at least 4 times around the Marina. He then goes to the security office to watch the cameras for activity.

K. Cuccia: Is there going to be an established cleanup routine of the area?

B. Whited: Everyday our maintenance worker goes out there and pick up debris.

Public Comment by Liz McAlpine: What are the security hours? Who is doing the patrolling? What are the expectations of security officers? Could we have more security on weekends now that the point is open?

B. Whited: Levee Board Police is on duty 7 days/week 7pm -3am. GPO is on duty 9pm-5am; off on Wednesday-Thursdays.

L. McAlpine: If we have the money, why can't we have additional security on the weekends? Friday evenings thru Sunday.

M. Heck: I don't think the issue is as much financial as it is of human capital. OLD already said they were struggling to fill current details. There is a shortage of officers all types of officers across the City.

L. McAlpine: Could we get officers from Jefferson Parish?

M. Heck: I'm not sure what the policy states on that. Maybe we can.

B. Whited: We are still actively trying to hire security on staff.

T. McConnell: I don't necessarily see a reason to have police officers out here 24/7. I understand it may be a want but I don't think it's a reasonable expense for the Board. If there was a sponsored event, of course.

L. McAlpine: So you'd rather be reactive than proactive?

T. McConnell: No. I'm just saying I don't think it's necessary. I'd like to have an officer on my street 24/7, but I don't.

L. McAlpine: Collectively, as a group, we're willing to pay for it.

J. Addison: Can we put in for the Constable for shifts until we can hire additional staff? Or look to see what contracts the City may have with other security agencies to piggyback?

B. Whited: Sure.

T. McConnell: Let's look into Jessica's suggestions as an interim solution.

Public Comment from E. L. Potts: What is the authority of the security guards as it relates to people breaking the law? Specifically, there were two cars parked next to each other smoking dope and security didn't do anything about it.

B. Whited: He can't just tell people to stop smoking dope. There are other things to consider like prescriptions. Yes, if there was illegal activity going on, he could ask them to move along and not perform any illegal activities in the area.

M. Heck: Typically, the guards are our eyes and ears. I don't know if we want our staff going up to someone's car and confronting them. If it was something more illicit than marijuana, then I would advise he calls the police and not interact with that person. All NOPD would do is write them a ticket.

K. Amacker: Security does not have arrest authority or a weapon. Do they have an SOP that requires them under certain behaviors to contact the OLD?

B. Whited: Yes, in the SOP it says that if they witness illegal activity and it looks safe to approach, they should intervene (ask them to stop activity or leave). If it does not look safe for them to approach, they should contact OLD and log into the incident book.

K. Amacker: Is there anything in the SOP that specifically states, if you see "this", you need to do "that"?

T. McConnell: Bryan, please send out the SOPs and let's defer to Safety and Security committee.

R. Watkins: Just for clarity, during the budgeting process we talked about what is disposable funds and what is reserved. We took a look at the life of the assets we have and the amount it would cost to replace them. We are not flushed with cash. We could be completely absent of revenue with one storm and we have staff that carries a big overhead. We would still have to work through the storm.

Public Comment from Bob Fresnetta: If we have OLD from 7p-3a, and the park closes at 9p, they can definitely arrest people and have people removed from the park. There should definitely be signs that will allow OLD to enforce after park hours.

Public Comment from Ponsin (no comment card): If the park closes at 9pm, can cars still park in the parking area?

B. Whited: Yes, it's a public road. That's why the signs are ambiguous.

UNFINISHED BUSINESS (Tim McConnell)

Nothing on the agenda.

ECONOMIC REDEVELOPMENT COMMITTEE (Mr. McConnell)

Did not have a meeting. We are awaiting to get a legal counsel on board to help us with the next steps of the development. There will be a report from the staff at the next meeting regarding where we are in the process and what next steps will be.

Public comment from Charles Marsala: Giarusso plans to amend Act 209 of 1906 at the State Legislature. Joe said he was going to go out to bid last year but it seems that Act 209 may be the reason that is being hindered. Back in 1991, the Restaurant Association tried to convert some of the green space into parking.

Did we get any park millage from 2019? It seems the City gave a lot of it to Audubon and City Park, Recreation as well as Parks & Parkways.

M. Heck: I believe Giarusso addressed this at the last meeting. We were not on the list for disbursement of those funds.

C. Marsala: The list said Parks & Parkways received money. We have a sign out front that says PAP.

M. Heck: We don't get money from PAP and we are not managed by PAP

B. Whited: West End Park is not managed by PAP. The sign is incorrect.

T. McConnell: Property Management used to manage our billing and Parkways was responsible for the grass.

C. Marsala: Did City Council pass a motion to take us out of their budget?

B. Whited: Yes. The lease that MYHMC has with the City specifically states that we do not receive any funds from the City. The money that we make here, stays here and we maintain the park.

QUALITY OF LIFE COMMITTEE (Dr. Criddle)

Committee did not have a meeting this month. The last meeting held was in November. A list of questions was sent to Bryan. Most things on the list are going to be ongoing.

M. Criddle: What's the status of the trailers?

B. Whited: Some trailers have been moved; some have been marked.

M. Criddle: I understand someone has been hired to pick up the trash. We are looking to do something within the community, ie. Block party or jazz fest type of event.

Public Comment by Liz McAlpine: There are no trash cans at the point.

B. Whited: We're putting temporary cans out there until permanent cans can be installed.

Public Comment by Charles Marsala: Recommend putting bollards on the walkway. The other day there was a motorbike on the walkway and people were having to dodge the bike. I also suggest a blue light camera out there.

B. Whited: It's in the works.

C. Marsala: Will we be able to connect to those cameras?

B. Whited: You may not connect but they will be connected to security office.

C. Marsala: Can the officers have live stream access?

B. Whited: That's something we can do with iPads. We've thrown the idea around.

SAFETY & SECURITY (Christopher Hammond)

Next meeting will be held on January 17, 2023 in person at the MYHMC admin office. A zoom link will be sent out as well.

Motion for adjournment by Mr. McConnell Seconded by Mr. Hammond. Motion carried unanimously.

Time: 7:33 PM

Date & Time of Next Meeting : Tuesday, February 14, 2022| 5 PM

MYHMC Admin Building

