

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting
Tuesday, September 12, 2023, 6:30PM
Municipal Yacht Harbor Administration Building
2nd Floor – New Orleans Yacht Club – East Meeting Room
403 North Roadway Street
New Orleans, LA 70124

PRELIMINARIES

1. Meeting called to order at: 6:30pm by Tim McConnell.

Attendance was taken by Tim McConnell. Board members present:

Tim McConnell

Christopher Hammond

Jessica Addison

Keith Amacker

Monya Criddle

Roger Watkins

Akeisha Tircuit

2. Motion to adopt agenda as posted by C. Hammond. Seconded by J. Addison. Motion carried unanimously.
3. Approval of August 8, 2023 meeting minutes. Motion by J. Addison seconded by C. Hammond. Motion carried unanimously.

ACTION ITEMS

1. Motion to approve Professional Services Contract with Bature Engineering for striping and parking control design at the point and other required areas by J. Addison. Seconded by R. Watkins.

-Jessica Addison recused self from vote and discussion due to personal/professional relationship with Bature Engineering.

B. Whited: Met with Bature to discuss several small projects including the east marina loading zone. There is no striping or signage, and people are parking in that area. I would like to get it professionally designed and striped. The point was a FEMA project that was delayed by the City so instead of having a controlled pedestrian zone, they ran out of time and just repaved it. There have been discussions about designing it so that it's more pedestrian friendly and creating a turn-around. I believe we can do that with some inexpensive materials for striping and steel bollards. Batture has landscape architects on staff that can design what we need. We want to stop random scattered parking which is not safe.

T. McConnell: Have they given us a price?

B. Whited: Not exact but it would be no more than \$15K. Speaking with him, he has stated that he can give us what we need for less than that.

K. Amacker: Were any other bids sought for this project?

B. Whited: we typically do not go out for bid for professional services under \$15K.

T. McConnell: Could you explain why you chose Batture?

B. Whited: They did a lot of work around the area. They did the survey for the west parking lot. They already know the area and have the drawings. The City also engaged them to do work out here.

Motion by R. Watkins, seconded by A. Turcuit. Motion passes with 6 yays – 1 recused.

T. McConnell: The striping and parking issue has come up several times especially during quality of life meetings and this is our way to address those concerns.

2. Motion to direct MYHMC Staff to create month-to-month leases for vehicle storage in the West parking lot at market rates and proceed with rental of this space when the procedures are completed by R. Watkins, seconded by A. Tircuit.

T. McConnell: This is another issue that we have been talking about for months. There was a security issue because people were just parking their things there. While we understand that this site will be developed, we also know that it's going to take some time. We are looking to increase revenues and be able to fund some of these projects. The City Council recently passed an ordinance that allows public benefit corporations to enter into leases less than a year.

Public Comment by Thomas Diehl: Wanted clarification on location of storage lot. Asked if the ladder that was previously outside of the admin office would be replaced.

B. Whited: We had a ladder that sail boaters could use to access the top of their mast. The letter was in disrepair and removed. There are not any plans to replace it. In order to have it safely we would have to require training and have a rest harness use and supervision at all times.

Public Comment by Stanton Murray: Has a comment on behalf of Michael Liebert who could not be present because of a medical condition. Mr. Liebert would like MYHMC to consider leasing the space below market rate.

R. Watkins: Do we lease the slips below market rate are we at market rate?

B. Whited: Most likely below market rate. Gauging the market is very complex but Pensacola is about 4 times our rates. We are similar to the Mississippi coast marinas.

R. Watkins: It seems that leasing the space at market rate would be difficult since this is only temporary. Does the board or Bryan determine the rates?

T. McConnell: Bryan he's doing some research to see what other places in a similar scenario are charging in the area. I don't think we should be pushing the limits but I do believe it is our responsibility as a board to get the maximum return. I think it is our responsibility to list them at market rate.

B. Whited: Market rate doesn't necessarily indicate what our neighbor is charging. It encompasses the month-to-month agreement and the fact that we are outside the flood protection system which means that whenever there was a storm you're going to have to get your trailer out.

M. Criddle: Will there be strict requirements of what can go in the lot? Will we be allowing broken cars to park there? Will the requirements to be in the lease?

B. Whited: Yes, there will be specific requirements and they will all be listed in the lease.

J. Addison: Will there be an "at your own risk" clause?

B. Whited: Yes.

T. McConnell: the lease agreement will be reviewed by our attorneys before anything is official.

C. Hammond: Will the lease come with enforcements.

B. Whited: Yes.

T. McConnell: The goal is to get the trailers off the street. There has been consistent complaints regarding trailers being parked on the street and taking up spots in front of people's houses. This we'll give those people with trailers viable options.

Motion passes unanimously.

INFORMATION AND DISCUSSION ITEMS

1. FINANCIAL REPORT by Roger Watkins

As of August 31st, MYHMC has total assets of \$17,480,000 with current assets of \$3,696,200 and the bulk of which is in the form of cash of \$3,495,000 in two accounts at JP Morgan Chase Bank. Fixed assets total \$1,317,000. Other assets include Leases Receivable of \$12,295,200 and Deferred Outflow of Pension Resources of \$166,100. On the liability side, MYHMC had total liabilities of \$13,173,800 of which \$490,100 are current liabilities consisting mainly of unearned revenues of \$176,600, accounts payable and accrued expenses of \$84,200 and accrued annual leave and sick leave of \$138,300. Long term Liabilities consisted of net pension liability of \$496,100 and \$12,268,700 for deferred inflow of long term leases. That leaves MYHMC with total equity of \$4,306,000 of which \$3,500,000 is unrestricted net assets. For the month of August, MYHMC had revenues of \$181,300 and operating expenses of \$168,100 which resulted in Net Income of \$13,200. Year to date revenues are \$1,482,000 with total expenses of \$1,177,000 resulting in a year to date profit of \$305,100. Current slip occupancy is at 93%.

Motion to accept the financial report by J. Addison, seconded by C. Hammond. Carried unanimously.

2. DIRECTOR'S REPORT by B. Whited

To address the ladder question again, because we are a public entity and not a private club, that ladder would be accessible by any member of the public. I don't think the City's Risk Manager would even let us have it. We do not plan on replacing the ladder. There are other ways of accessing the mast.

T. Diehl: There is risk climbing any ladder. It is much riskier when people are trying to get to the top of their masks without the ladder.

1. RFP was released for legal services for multiyear purposes. Our existing contract is limited to one year so we are using the city's procedure to ensure continuation of services. If there is a situation where our current legal counsel is not selected, any and all work in progress would cease and be transferred to the selected firm.
2. Cameras at the point are in process. The final parts were back ordered and are due this week.
3. Staff Hiring: Continuing to interview.
4. Parking pad for trailer storage – bid received – finalizing contract and notice to proceed.
5. Fishing pier: Plans 95% complete and being reviewed by FEMA 3 months before the next phase.

6. Lease of Boathouses: Procedure in place and approved by City Law Department. Staff will proceed immediately. They will be going to auction.
7. West End Park and Breakwater Park: We are looking at options to address the algae and other issues on the West End Park pond. I received two similar quotes and have reached out for electric quotes based on the aerator requirements. Second Electrical quote due this week.
8. Striping and traffic control in process for the point and east marina entrance using Batture Eng.
9. Marina: Wifi pole contract completed – design moving forward.
10. West End Development Expenses

Company	Invoice Date	Expense
Stone Pigman	2/28/2023	\$4,740.00
Stone Pigman	3/28/2023	\$4,870.00
Stone Pigman	4/25/2023	\$420.00
Stone Pigman	5/31/2023	\$2,160.00
Stone Pigman	6/26/2023	\$3,030.00
Stone Pigman	7/31/2023	\$480.00
Stone Pigman	8/30/2023	\$1980.00
Total West End Development Expenses		\$17,680.00

K. Amacker: Once the antennas are received for the cameras, how long do we expect before the cameras were operational?

B. Whited: A few days.

K. Amacker: Will the wifi network be on the same network as the security cameras?

B. Whited: No. Wifi will be completely independent.

K. Amacker: How long do we keep recorded data before it is erased?

B. Whited: 30 days.

K. Amacker: Will the cameras have the ability to engage with law enforcement?

B. Whited: Yes. RTCC already has access.

J. Addison: What is the August update from Stone Pigman? What is the \$1,980 for?

B. Whited: It is all for the development. I can send you the invoice breakdown.

J. Addison: You said striping and traffic control is in progress. Has it already started?

B. Whited: Yes, getting the Board's approval is starting the process.

M. Criddle: As it relates to the lease of the boat houses, will we need to do any repairs prior to auction? Are they currently doing damage to the neighboring boathouses?

B. Whited: Yes. We have been working with those neighbors to mitigate current issues.

M. Criddle: Are we leasing the boathouses "as is"?

B. Whited: Yes and we will continue to do repairs as needed to the boat houses we own to prevent further damage.

T. McConnell: Whomever comes in to lease these boat houses will be 100% responsible as any other boathouse owner. The only difference is instead of leasing the water bottoms and having bought the lease from somebody else, they will be leasing directly from us. We want to get this auctioned off as quickly as possible so that improvements can be made.

M. Criddle: Given its condition, do you think it is leasable? The sale amount would be significantly lower considering all the damage.

B. Whited: The auction will have a reserve which matches the appraisal. The appraisal is over six months old so we would need to have it done again prior to auction.

T. McConnell: When it goes out to auction it will have the reserve amount listed.

R. Watkins: It is our understanding that there will be demand for these boathouses.

C. Hammond: Can we get a camera overlooking the marina for public viewing?

B. Whited: Yes, but I would not tie that into the security camera system.

C. Hammond: During the Safety & Security committee, there were concerns regarding the homeless population moving into the area and camping overnight. Are there city ordinances and/or Marina rules and regulations that would prevent that from happening? Are our rules enforceable by levy district police?

B. Whited: The harbor rules state that there is no overnight camping in the park or anywhere on our facilities such as the Point or the boat launch. If they are in one of these locations, we can have them removed. The laws that govern the public road would be in effect if people are on the street. Law enforcement would use the existing laws for the public streets in the city to determine what can and cannot be done. Certainly, our security can ask them to move along if they're on the street. However, law enforcement has to rely on city ordinances.

3. RULES & STANDARDS COMMITTEE by Timothy McConnell

We had a meeting tonight at 6pm. There was a holdover from last month's meeting to approve plans for BH 86-88. We have a motion by committee in front of the board to approve the plans as recommended by our architect. Motion passes unanimously.

4. UNFINISHED BUSINESS: N/A

5. ECONOMIC REDEVELOPMENT COMMITTEE by T. McConnell

The contract between Stone Pigman and HR&A was signed last month (after the last board meeting). At last month's meeting, we were asked if the contract would be made public. It was my understanding that it would not be a public record. However, a public record request was made for a copy of the contract. The city attorney reviewed the request and the contract was released. I will get a copy to all of the board members for review. The contract is exactly as the proposal. The price is what they said it would be. There was an open-ended hourly rate to account for negotiations. Stone Pigman was able to get that capped at a maximum of \$40K. There was also a fee in the proposal for traveling and our counsel was able to get HR&A to include that amount in the contract. Stone Pigman and HR&A are preparing to have their first meetings. They are working to obtain all necessary documents including the last feasibility study. We believe somewhere towards the end of October we will be able to have our first public meeting to discuss their findings to-date.

M. Criddle: I have a comment from Charles via email.

T. McConnell: I almost shut down Mr. Murray's comment. This is a public meeting, and we have to be here. We cannot have remote meetings and therefore people cannot come and make

comments on behalf of other people. I would think we are setting a precedent before allowing people to send their comments in via e-mail.

M. Criddle: After this, I will not be taking any more virtual comments. The question is in regard to the relationship between Orleans and Jefferson Parish. Surely Jefferson Parish will benefit from the development once it's completed. Will they be sharing the cost of putting the contract together?

T. McConnell: We have struggled to get clarification on if there is an existing CEA. For sure, there is no CEA. The previous CEA expired. The State nor Jefferson Parish chose to renew it. At some point, there will have to be another discussion regarding costs. The City has a lease with the State for the property they have passed an ordinance for us to manage on their behalf. The State has property that is in Jefferson Parish that does not have a standing lease. There will have to be a conversation between all parties. It makes sense to move forward and when we have an idea of what we want to do, we can reach out to our council members and have them reach out to their counterparts. Both parties have expressed through the CEA that they would like to move forward. If we are going to ask money from Jefferson parish, we should probably be asking the City for money as well. They will have to enact a taxing district that will allow parties to collect revenue. I believe there will be another CEA, but right now there is none.

R. Watkins: During this step, we are not spending the City's nor Jefferson parish's money. We are using the capital from MYHMC.

M. Criddle: I think the concern was that we are spending money that Jefferson Parish would benefit from later. Should we have Jefferson at the table while we are having these discussions? I could see us spending the money and getting to a point where we know what we want out there and then inviting them to the table and they disagree.

Last question from Charles: Will the contract be made public?

T. McConnell: The contract has already been made public via his public records request. No comment as far as if Jefferson should be at the table discussing negotiations. We are in charge of this property and developing something there. We will have to deal with Jefferson Parish or not develop that portion. My recommendation would be to continue down our current path and decide what will be developed there. Then get City Council, Jefferson Parish and the State to work on what they believe the agreement should be. The CEA expired because everyone agreed that the space should be developed but no one knew what to put there which would dictate how much to ask for and how much the City's willing to give.

Public comment from Kerry Cuccia: I think the Board should keep in mind that people tend to use this platform for political purposes. They try to get people to say things that could be used to later be exploited in an ad against their political opponents. As it relates to the CEA, I agree that the project never moved along because the space was not ready for development. Jefferson Parish does not own any of that land. The land is located in Jefferson Parish but it is owned by the State Land Office. The land in Orleans Parish is also owned by the state but it is controlled by the City in an agreement. It would behoove the Board to consider solidifying that piece of land by seeing if this Board or the City could get a lease with the State Land Office. You may have to then deal with Jefferson's zoning rules but at least have control of the development in its entirety. It would make things much more manageable.

T. McConnell: I would like to be extremely careful. Politically, we don't want to seem like we're not team players. Ultimately, it's the State's decision. I do believe we'll come to some agreement given the history. Previously, all of the businesses were in Jefferson Parish and the parking lots

were in Orleans parish. We're looking to have our next public economic redevelopment meeting late October/early November.

6. QUALITY OF LIFE by Monya Criddle

I would like updates regarding the signage and pressure washing we discussed at the last meeting.

B. Whited: I've been in touch with a sign contractor to get the West End sign fixed so that it's not Parks and Parkways. We are still waiting to get the plumbing in the park fixed which will allow pressure washing. That is still in process under the Zeta FEMA claim.

Public Comment from Donna Berger: There looks to be an outdated sign at the beginning of Breakwater Dr. The sign advertises boating classes. It has been there since pre-Katrina.

B. Whited: That is for the Power Squadron and they are still active.

T. McConnell: I would urge everyone to be cautious when responding to emails. We have people come to these meetings and ask the same questions at every meeting while being recorded. Then a snippet of footage is uploaded to a website. An email was sent out stating that "these are all the emails that were sent to Tim McConnell". That was not true, it was portions of emails and not all of the emails.

J. Addison: We cannot respond to emails with a quorum as recipients, correct?

T. McConnell: The state statute states that we cannot respond with a quorum in an email. We cannot have people start answering questions with a quorum on the e-mail. To that point, I would like to add an agenda item to discuss a rolling quorum in emails. I would like to make a motion to discuss the item, seconded by R. Watkins.

From my experience on previous public boards, when we get questions in emails as we did within the past few weeks, with 20 emails attached to it. The emails also included 10 questions. Every single question had a leading of "it is my understanding that...", or "someone told me that..." or something to that affect which seems baited. For all other Boards, these types of questions are sent to the Executive Director. If the director deems it fit, he/she will bring it to the board to be addressed at a public forum. Board members should not be baited in emails to answer questions to be used against them later. Those emails could also be used to try to divide and conquer this Board. When members of the public are not happy with an answer they have received from Bryan, they bring those issues to our monthly meetings. This should be our continued practice. My motion is to direct Bryan to answer those questions. If he sees fit, he can bring those questions to the Board. If a resident of the city has a problem with Bryan not doing his job, they can bring it to a public meeting.

J. Addison: Do we need a motion? Doesn't the emails already go to Bryan?

T. McConnell: He was not on that email. It was sent to every board member and 17 other people.

R. Watkin: This discussion is only how we respond to these emails? It is not limiting citizens from contacting us?

T. McConnell: Correct. The proper response should be, "I and forwarding your question to Bryan and he will respond accordingly".

C. Hammond: I think there's a danger in making too many rules about how we do things. We can all agree operationally that if we receive questions via e-mail, we will then forward them to Bryan. Bryan will determine if those questions should come before the Board. When we put

motions on the floor and make it a rule, we could potentially box ourselves in with too many rules.

J. Addison: I agree with Chris. Mostly because I don't want to forget and end up violating a rule by responding to an e-mail and/or not forwarding it to Bryan.

R. Watkins: It is good to have best practices. I would still encourage people to still send us emails noting that we may not be able to answer every question. Even Charles' e-mail raised some questions that I wasn't sure. It allowed us to have good discussions.

M. Criddle: Some of the questions Charles asked, I wanted to know the answer. The questions could be completely political, but it also made me start thinking about different things. Maybe I could have called Bryan and asked him these questions, but I also feel like the questions were so loaded that I'm not sure if it would have been a quick response. There were several questions in the e-mail that I did not pose to the Board.

J. Addison: I also don't want to send a message to the public that we are not responsive, and that we only forward messages to Bryan. One of the reasons for creating these e-mail addresses was so that we could engage with the public.

Public Comment by Sonny Drouihet: Why would any of us come here if we could just send our concerns via e-mail? It is a way to circumvent the process. The purpose is to get true public opinions and not opinions that are steered anyway.

T. McConnell: I believe in getting lots of feedback from the public. When constituents send emails, it should be for informational purposes and not demanding that we answer questions that should be answered in a public forum. If you know people that sit on other public boards, I encourage you to ask them how they handle these types of situations. I am okay with not taking a vote on this item. I will withdraw my motion but we still need to be cautious about a rolling quorum. Let's think about this over the next month and we will put it under unfinished business for the next meeting. I still encourage the public to send us information so that we can make decisions. The specific e-mail that I am referencing, if printed out, is approximately 40-50 pages. The e-mail was a bunch of suppositions with links to news articles and his website. It included statements as, "I heard from this person... and I want an answer from you". It was 10+ questions of that nature. Questions regarding the State and Jefferson Parish should be sent to their representatives. If the question is for council member Giarrusso, it should go to his office. Motion is withdrawn.

7. SECURITY AND SAFETY COMMITTEE by Christopher Hammond

The committee met today at 5:30pm. There was a question whether the terrorist policy was required, and if so, what entity requires the policy.

B. Whited: I have to check to see if it is required. I know that it is recommended. We use the City's insurance agent and we typically take their advice as the expert. It's \$1,200/year which is 0.1% of the insurance budget.

C. Hammond: It was brought to our attention because many of the things in the policy exceeded the requirements but was prohibited by the actual policy. Although it's only \$1,200/year, it doesn't seem to cover any act of terrorism or war at all.

K. Amacker: I looked over the policy this morning. As it relates to acts of terrorism there are countless exclusions including: chemical, biological and radiological warfare. There is also exclusions of acts of war. In many cases an act of terrorism could be considered an act of war. I'm not sure what would be the purpose of having this coverage when in many cases terrorism is

considered an act of war and therefore not covered in the policy. I'm not sure if this coverage is mandated and canceling it is not going to save us an enormous amount of money but there seems to be no benefit. It doesn't have to be a declared war, it could be a war-like act. It is all excluded.

C. Hammond: We understand that currently the camera footage is in the cloud for 30 days. Once the new cameras are installed, would that affect the memory that allow for 30-day storage?

Royce Martin (security tech): The new cameras will not interfere with storage capacity. We have storage capacity beyond 30 days. There's plenty of storage space.

C. Hammond: I would like to go back to the overnight camping discussion. The city's homeless population is increasing and I want to be sure that we are prepared to deal with this issue in our area.

B. Whited: I'm not specifically aware of the city laws regarding camping on street right of ways. I know their vehicles need to be moved every 24 hours; which is not enforced. MYHMC's policies specifically prohibit camping on our property. That is something we can enforce, and I would encourage the community to call the levee district police.

Public comment by Kerry Cuccia: Previously, this Board passed a resolution putting in rules and regulations for the use of the park. I drafted a proposal for this Board to introduce to City Council to be put in the municipal code as an ordinance. It was copied almost identical from the ordinance controlling City Park with some modifications. It is my understanding that the City Attorney determined that we did not need a city ordinance because the MYHMC has a lease stating MYHMC control the area. MYHMC just needed to put some internal controls in place. I still have questions as to if MYHMC rules has the force of law equivalent to an ordinance.

Almost every other park in the city has an ordinance that regulates its use. Maybe that is something Stone Pigman could advise. If the Board can I put in parking regulations for the area it controls, the City Council certainly can. If there is a threat to the quality of life and safety for the use of the park, we should ask City Council to add a section for MYHMC under parking regulations.

T. McConnell: Bryan, please get Stone Pigman to do some research regarding our authority over parking regulations and enforcement. Due to the quality of life infringement, it may be worth looking into getting an ordinance passed that will allow us to enforce our parking regulations including angle parking.

Public Comment from Stanton Murray: This week we had a gentleman sleeping on the corner of West End & Lake Marina Ave. We've had multiple people sleeping in cars by shelter #1. We've called OLD regularly and their tone is that they do not want to do with it. We need to make sure that OLD and the people we hire know that they have the authority to move people along. If not, I'm afraid and then once it starts, we're going to have a real problem on our hands.

Motion to adjourn by J. Addison, seconded by R. Watkins at 7:58pm. Motion carried unanimously.

Date & Time of Next Meeting : Tuesday, October 10, 2023| 6:30 PM
NOYC 2nd Floor