

BOARD OF COMMISSIONERS

Regular Meeting of Monday, May 7, 2018

**DRAFT MINUTES**

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| **Commissioners Present:** |  |  |
| David Bilbe | Susan Klein | David Speights |
| Steve Caputo | Nicholas Musso | Robert Watters (Lv 3:30) |
| Brian Furness | Darryl Berger (Arv 2:15) | Jim Oliver |
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**Absent:** Jeremy DeBlieux, Christian Pendleton, Kim Rosenberg, Ted Young (resigned)

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| **Executive Director:** Emily Remington  **Committee Co-Chairs:** |  |  |

Bob Simms, Security & Enforcement Committee Gail Cavett, Infrastructure Committee

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| **Guests:** |  |
| Beverly Fulk, FQMD SEC & IFSC  Brittany Mulla, FQBA  Jodi Poretto, FQC | Meg Lousteau, VCPORA  Albin Guillot, FQMD SEC  Ellen Davis, LA Restaurant Assoc. |

1. CALL TO ORDER, ROLL CALL. Chair Nick Musso called the meeting to order at 2:00 pm. The roll was called and a quorum was present.
2. EXECUTIVE SESSION for consideration of matters related to Executive Director Remington - Mr. Furness motioned **(M1)** to “adjourn to Executive Session for consideration of matters related to Executive Director Remington”, seconded by Mr. Oliver and unanimously approved at 2:05 pm. Mr. Musso reconvened the regular meeting at 2:15 pm by declaration.
3. INTODUCTION OF ATTENDEES & PUBLIC COMMENT – Mr. Musso asked for introductions of those present and reminded members of the public wishing to address particular items to record their interest on the sign-up sheet. The Agenda was noted.
4. APPROVAL OF MARCH MINUTES – Ms. Remington noted that she was absent from the last Board Meeting while on parental leave. With that correction made, Mr. Watters motioned **(M2)** - to “…approve the Minutes of the March 12, 2018 Regular Meeting…” seconded by Mr. Oliver, and approved unanimously.
5. CHAIRMAN’S COMMENTS- Mr. Musso

1. MEETING TIME GUIDELINES – Presentation of individual Committee Reports shall be limited to 7 minutes and comments to 3 minutes following the report presentation, unless there are extenuating circumstances which Mr. Musso will determine. This is to endeavor limiting routine meeting times to 1.5 hours. Three Commissioners had to leave prior to the last few meetings which could eliminate a required quorum for the voting of motions. Chairman Musso may bump Committee Reports up on the agenda at any meeting to facilitate necessary time accommodations. Mr. Watters motioned **(M3)** - to “…approve the following guidelines: 1) to limit the individual Committee Report(s) to 7 minutes, 2) to limit comments to 3 minutes per individual and to follow the Committee Report(s) presentation, and 3) the Committee Report(s) shall be moved up on the Agenda….” seconded by Mr. Jim Oliver, and approved unanimously. Chairman Musso reiterated he may extend these time guidelines for extenuating circumstances. Also, Mr. Oliver noted that the Financial Report must be approved with a quorum, should it be moved down the Agenda.
2. FESTIVAL TRAFFIC & STF - Mr. Musso said that he received comments regarding traffic & vehicular violations during the high-impact festival times by the STF; he invited those persons to this meeting and they are not present. There were particular concerns with roadway blockage. Mr. Musso will ask those concerned to attend again. Ms. Lousteau suggested that any comments or concerns be submitted in writing, especially, if those concerned are unable to attend the FQMD meetings. Mr. Musso will ask those concerned parties if he may present their summaries, if they are unable to attend in the future.
3. CITY COUNCIL VCC OVERRIDES – The VCC has been overridden twice recently without denial determinations, prior to the new City Council taking office. If they so choose, normal protocol for a VCC applicant receiving a denial is to petition the City Council to overrule the VCC decision. This particular applicant did not receive a denial, but due to their inconsistent follow-up and last minute changes to their submission, was given a deferral. Currently, the case is awaiting what action the plaintiff will take following the last decision. Mr. Watters noted there is no process other than City Council appeals and the court system currently. Mr. Furness added that the City Council perhaps needs a better understanding of the VCC process. Ms. Lousteau concurred with Mr. Musso’s assessment of the totally inapplicable presentations by the defendant to the court. As an example, the defendant noted they had undergone a year process, however there was a six month lapse where they didn’t show up for any meetings or hearings, and when they were present, did not present any of the previously requested revisions. The past City Council viewed the deferral as a denial, which it is not. Complex applications must be reviewed by the Architectural Committee and the full VCC due to the nature of the application and the limited VCC staff. Mr. Musso suggests that we amend the State empowering language of the VCC to redefine and a definition of *deferral and possible time limits.* Past attempted forums of applicants and the VCC have never been able to occur. However, Mr. Musso noted that now with the Vieux Carre Commission Design Guidelines and other published regulations there are no longer vast area’s of subjective determination. The Council should recognize that the VCC is not anti-commerce and as long as the regulations and guidelines are followed, they should not rule against VCC decisions. The Vieux Carre’ is an economic engine in part because the VCC has safeguarded it’s architectural authenticity. The VCCF and the FQMD has also proved to be a good steward of this community. It was pointed out that some VCC applications lack substance and rational & put New Orleans in compromising situations regarding safety and quality of life, stressing City management requirements.
4. EXECUTIVE DIRECTOR REPORT: Ms. Remington thanked the officers and Brittany Mulla McGovern for work during her leave and welcomed the new the Administration and City Council.
5. AUDIT RESULTS - The audit noted the following must be completed for compliance: 1)Written financial policies and procedures. Currently, all financial reports are approved as required. Ms. Remington will present those required policies and procedures at the September Board Meeting; 2)Ms. Remington must also take the LA State Ethics Course. Mr. Speights pointed out that the revised course noted that even volunteers must complete the course. Mr. Watters suggested that Ms. Remington contact the LA State Ethics Board for clarification regarding our non-board committee members. Mr. Musso noted that anyone is permitted to take the course and if interested to contact Ms. Remington for the website link.
6. BOURBON STREET, PHASE II - Ms. Remington requested the Department of Public Works (DPW) to send a representative to this meeting to provide FQMD with an update of this project. Being the first day of the new administration, that was impossible. On March 29, 2018 Entergy held meeting at the Bourbon Orleans Hotel. However, it was poorly attended because Entergy, nor the City provided any public notice regarding the date or time of the public meeting. Entergy will not open up any new part of Bourbon until the Mississippi River level goes below 13 feet. New construction could be postponed until the end of July. Mr. Musso encouraged review of bidder qualifications and accountability for this future work pursuant to the new RFPs. Entergy is a source of the problem; they are using dated techniques, some from the 1950’s. They should contractually be accountable to the City Council.
7. LA STATE BOARD ON ETHICS - Financial Disclosure Forms are due by all Board Members by May 15.
8. COMPLAINTS ON SOUND - The NO Health Department enforces sound. Former Mayor Mitch Landrieu did not take any action on this problem. About 75% of the conversation in the Security & Enforcement Committee is regarding sound and vagrancy. Ms. Klein noted pursuant to former Board Meetings that FQMD should not be the author of a new noise ordinance, but an engaged stakeholder working with the City Council to develop enforceable and balanced legislation. Mr. Simms added that the current ordinance of sound level coming down after 8 PM outside of the Entertainment Zones has not been enforced during former Mayor Landrieu’s tenure. Mr. Musso would like some entity such as the Vieux Carre Commission Foundation to perhaps be a “neutral” party to negotiate & support a sound study and he will follow-up with this. Mr. Furness noted that the extensive New Orleans Sound Ordinance and Soundscape Evaluation and Recommendations by David Woolworth (sent to the City Council August 5, 2013) was never acted on. Mr. Furness suggested that we contact Council Member Palmer to ascertain if the City is serious about tackling this serious community issue. Mr. Musso felt that the community should be involved, if the City Council does not see this as a priority and the defeated ordinance should be revisited. Mr. Caputto stressed that *our priorities are sound, vagrants and filth.*
9. TREASURERS REPORTS: Mr. Oliver distributed the financials for March & April. Credit cards are not itemized on reports, but all required documentation is on file. FQMD & STF expenses are listed separately; all expenses are submitted for review & approval. There were minimal items in March corresponding to Ms. Remington’s parental leave. The bank statements balance when you reduce the amount by the outstanding checks. The $100,000 CVB funding was received in March. In April checks were written for STF administrative fees. A $5,000 check represents 50% of the State required audit cost; including an initial payment of $2,500, a final payment of $2,500 is outstanding. These audits must be performed by firms certified by the State. Mr. Caputomotioned **(M4)**, seconded by Mr. Speights to “approve the March and April reports as submitted,” and they were unanimously approved.
10. INFRASTRUCTURE COMMITTEE REPORT: Gail Cavett, Co-Chairman
11. HOP-ON/HOP-OFF BUSSES - These tour vehicles hit the streets in 2014 and began coning off RTA bus stops for their personal use which created a public safety issue by forcing transit riders to enter and leave in the street; Council Member Palmer passed an ordinance in 2014 to mitigate this and in 2015 former Councilmember Ramsey revoked this ordinance & issued another permit. In 2016 Councilmember Ramsey tried to assign all of the Jax Brewery business freight zones exclusively to the Hop-on/Hop-off Company. The Infrastructure Committee notified all of the FQ business & residential organizations, with all opposing and DPW (Department of Public Works) did not issue the permit. In 2017 without any public notice DPW took away all the freight zone space on Decatur in front of the Jax Brewery and gave it to this private entity for exclusive use. Knowing that the sitting District C Councilmember would not be receptive to intervening, the Infrastructure Committee waited for the instillation of the new City Council. Prior to her leaving office, former Councilmember Ramsey introduced an ordinance that would give a special CPNC designed exclusively for the Hop-on/Hop-off Company, noting it had to have 6 buses, hold over 30 people, with 3 operating at any one time. Ms. Cavett with other stakeholders noticed this on the City Council Agenda and brokered a meeting with the owner, his attorney, future Councilmember Cantrell and future Councilmember Palmer. The owner, Mr. Valentino, said “was not having any operational problems, but just wanted to be acknowledged for our presence”. Upon reviewing the ordinance it was obvious that it codified Hop-on/Hop-off to be the only company to have use of all public transit stops. Ms. Rosenberg reviewed the document and agreed with Ms. Cavett’s understanding of the ordinance. Ms. Sharonda Williams, the sitting RTA Chairman and Councilmember Palmer was made aware of the situation. It was supposed to be deferred on the City Council Agenda, which was confirmed with Mr. Valentino’s attorney. However, it was heard, voted on and passed, because no one was there to oppose. After meeting with future Mayor Cantrell and future Councilmember Palmer, the ordinance was repealed, but reintroduced to allow review by the City Council Transportation Committee and for public/stakeholder comment. FQMD has constantly been on record since 2014 in opposition to these Hop-n/Hop-off attempts to commandeer public right of ways and transit stops. The way the current ordinance is crafted, it removes any authority from the RTA and the City Council and gives total authority to DPW. It also allows a single private company to takeover any RTA & City stops that they want for $50.00 per month, when another hospitality bus company like Hotard Tours pays hundreds of thousands of dollars for their bus bays. The inequity is huge. Mr. Speights & Mr. Oliver noted that a previous Board motion gives Ms. Cavett the authority to continue to negotiate and represent FQMD on this issue. Mr. Musso said that the VCC is also opposed to this and Ms. Cavett could represent that entity. There is no final redraft of the ordinance at this time to be able to share with the Board. Ms. Cavett will be working with Councilmember Palmer’s office on this.
12. ST. LOUIS STREET BIKE CONTRAFLOW – Ms. Cavett met with City Hall’s bike initiative representative Dwight Norton. Following a Vieux Carre’ 2 hour walk, she was able to convince him for safety and business interruption reasons to not burden St. Louis Street with bicycle contraflow. The north/south bike route will now flow with traffic on Conti Street.
13. BLUE BIKES – With a coalition of FQ business and resident organizations, Ms. Cavett through the Infrastructure Committee was able to keep 30 interior FQ private, for profit bike corrals out of the interior of our Federal Landmark District. She negotiated with Mr. Norton to use the unused taxi stand on Wilkinson Row & by Jax Brewery. Mr. Musso expressed that he is not anti-bike, but hopes Mayor Cantrell will be more sensitive to community needs versus monopoly gain for a single, private entity. The City agreement was that the FQ would also have public access bike racks and that has not happened. Ms. Cavett will monitor this, as she was told they will be coming in late May. It was noted that these bikes are not being returned to their corrals, but being left everywhere. Ms. Lousteau added that once these bikes are left by the rider, their wheel mechanism locks and they can’t be rolled away from your property; they are heavy and must be lifted. There is only a $1.00 penalty charged to the renter, if not returned to a corral.
14. LIGHTING – Ms. Klein reported for Ms. Fulk that the last complete survey done by Beverly Fulk and Robert Simms was in November of 2017. There is slow, but positive movement, as all lights have been converted to LED’s. No long-missing posts had been re-installed as of March & that number was growing. However, at the beginning of April Ms. Fulk noticed All Star (City contractors) installing a post and was told they were given a work order to install 16 (about the same number known to Ms. Fulk and Mr. Simms). As of this week's check, 4 have been installed.
15. SECURITY & ENFORCEMENT COMMITTEE REPORT: Bob Simms, Co-Chairman
16. CRIME – 1st quarter = 6 armed robberies, no homicides, 16 simple robberies & 1 shooting that was drug related. The down-river FQ was somewhat calm due to FQTF. A lot of shootings and homicides occurred throughout City. An AK-47 was used in a FQ robbery and a Warehouse District attempted car-jacking. The perpetrator is in jail. In the 1100 block of Decatur someone opened fire on people he knew, missed them and hit 3 bystanders; this occurred at 2 AM. FQTF was the first on the scene and secured the area until NOPD arrived.
17. TAFFIC ENFORCEMENT – January-April = over 200 violations, with greater than 25% being oversized vehicles. Some purveyors have downsized their vehicles following Ms. Cavett’s initiative of $500.00 fines for violators; second offence increases the fine to $1,000.00.

Because there are not as many oversized vehicles to police, NOPD has more time for other traffic enforcement, such as driving down the wrong side of the street, running stop signs, trucks, taxi and Uber/Lift drivers parked in fire lanes to unload, sidewalk parking, etc. Parking enforcement is digital now and this Committee will focus on traffic enforcement. Mr. Speights pointed out that bike traffic is a problem with driving against traffic. Mr. Musso said he has noticed more drinking and biking, which everyone acknowledged.

1. SECURITY TASK FORCE – There have been STF app improvements, including notifications. Acting on the Boards directive, Mr. Simms found an electric car for $6,950.00 at Mercedes-Benz. Including the necessary equipment increases the price by about $5,000.00. The LED lights & radio can be used from Polaris. Pursuant to the Bylaws, The Chairman and the Treasurer has the authority to approve up to $5,000.00 for an expenses item. Mr. Simms will coordinate with Ms. Remington to proceed with outfitting this new vehicle.
2. NEW BUSINESS
3. BOARD MEETING DATE CHANGE - Ms. Klein noted that due to holidays, half of our meetings are held on the second Monday of the month. She proposed that all our Board meetings be held on the second Monday of the odd numbered months. Ms. Klein motioned **(M5)** to “…hold all future FQMD Board Meetings the second Monday of odd months…” seconded by Mr. Watters, and approved unanimously. Mr. Musso tasked Ms. Remington to circulate an updated dates notice this years remaining Board Meetings. Ms. Remington informed the Board that Rosh Hashanah is the 2nd Monday in September, so for that month FQMD will meet on Monday, September 17.
4. CEA AGREEMENT WITH THE CITY OF NEW ORLEANS – Mr. Oliver motioned to “create a CEA with the City to provide them with a vehicle to be used exclusively by the FQMD Security Task Force patrols…” seconded by Mr. Speights. It was noted that Mr. Torres owns the first 2 smart cars. The remaining patrol vehicles are owned by the City.
5. FUTURE MEETING: July 11, 2018 (location to be announced)
6. ADJOURNMENT : Ms. Klein motioned **(M6)** and Mr. Oliver seconded “…that the meeting be adjourned…” and was approved by acclamation at 3:38 pm.

Respectfully submitted,

Susan Klein (signed original available)

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Susan Klein, Secretary

List of Attachments:

* Committee Reports