



Monday, November 18, 2019; 3:00
Hotel Monteleone, Royal Salon
214 Royal Street
New Orleans, Louisiana

Board Meeting Minutes

Commissioners Present:

Christian Pendleton
David Speights
Heidi Raines
Frank Zumbo

Susan Klein
Jeremy DeBlieux
David Bilbe

Juliet Laughlin
Gail Cavett
Steve Caputo
Robert Watters

Commissioners Absent: Matthew Emory, Daniel Taylor

Executive Director: Karley Frankic

Guests:

Beverly Fulks, FQMD SEC
Erin Holmes, VCPOA
Donald Pierce, LA State Police
Courtney Story, CNO, CAO
Eric Smith, CNO, CAO

Bob Simms, FQMD FQTF
Brittany Mulla-McGovern, FQBA
Matt Tori, City of New Orleans, Sanitation
Ann McDonald, CNO, Parks & Parkways
Capt. Dean Behrens, LSP-N Commander

- I CALL TO ORDER – ROLL CALL: INTRODUCTION OF ATTENDEES.
- II PUBLIC COMMENT: It was announced all guests must sign in, and anyone wishing to comment on actionable items must indicate the item(s) on which s/he wishes to comment.
- III APPROVAL OF OCTOBER MINUTES – Mr. DeBlieux motioned to **(M1)** "approve the October Minutes as presented via email..." seconded by Mr. Caputto and unanimously approved.
- APPROVAL OF NOVEMBER AGENDA – Mr. Watters motioned to **(M2)** "approve the Agenda with one change, in Section XV.; substituting ratification of Executive Committee motions to action(s) following Executive Session discussions...", seconded by Mr. Caputto.
- Chairman Pendleton recognized the attendance of the State Police
- IV CHAIRMAN'S COMMENTS –
- a. Licensing with SDT Productions, LLC – A meeting shall occur before Thanksgiving with SDT to

receive a proposal regarding those services.

- b. Update on Program Administrator search – The candidate vetting continues. This shall be discussed in Executive Session.
 - c. Update on Security Assessment by Interfor International – Interfor called and were confirming the names from the second round of interviews, with the body of research to be completed by weeks end. The holidays may delay the draft document.
 - d. Chairperson’s goals for 2020 – Mr. Pendleton stated at the December Board Meeting, three-five goals per committee shall be discussed for approval.
- a) EXECUTVE DIRECTORS REPORT - Ms. Frankic thanked everyone for their understanding as she gets up to speed as Executive Director.
- a. FQMD has not received the New Orleans Tourism and Marketing \$75,000.00 donation for this fiscal year. This was not in their budget because it was not requested in 2019, but the monies are available. This request shall be made before the end of the year. The New Orleans & Company \$75,000.00 contribution was received.
 - b. Meetings with the City and AT&T regarding the larger and more prolific 5G cell phone towers yielded the following information:
 - Towers must be located 300 feet apart (unobstructed) from each other. This would result in one tower per intersection.
 - They shall be thirty-five to forty feet in height.
 - The 5G towers can incorporate the 4G within them, so removal of the 4G towers is a topic of conversation with the City.
 - There are many unknowns. AT&T has an application in for 40 towers, Verizon’s application is in, Sprint & T-Mobile have not applied to date. The City is pushing for co-location. However, it is possible that every provider would want their own tower.
 - Jonathan Rhodes, Director of Utilities, has been convening provider conference calls within the limits of anti-trust regulations.
 - Mr. Rhodes does have a map with existing and proposed towers that FQMD has yet to receive. FQMD has received a manufacturers rendering of the poles.
 - The Federal Communications Commission (FCC) came out with a ruling last year that cities cannot hinder the placement of 5G towers by concerns of public health or historic preservation; they cannot hold up the permits and city fees are capped.
 - Some cities are fighting this by denial, ordinance, or asking for studies prior to instillation. The Court of Appeals stated they have to adhere to Federal Section 106, because the FCC cannot override Department of the Interior standards.
 - Traditionally, the Vieux Carre’ Commission (VCC) oversees private, not public property.
 - Another challenge in the past has been the a of communication between the City its Departments.
 - Various Vieux Carre’ organizations are working together on this issue: VCC Foundation, French Quarter Business Association (FQBA), Vieux Carre’ Property Owners and Renters Association (VCPORA). The City reached out to these stakeholder for input.
 - No permits have been issued yet.

Ms. Cavett requested that before any instillation proceeds, the 5G providers agree in writing to repair all damage to streets, sidewalks, buildings, or other infrastructure damage, or alteration caused by the instillation of the towers and their components. This would be administered by an agreed upon, established procedure.

c. Ms. Frankic shared, as discussed in the Livability Committee, that the City Attorney sent a memo on sidewalk maintenance confirming that a property owner is only responsible to repair damage resulting from the property owner, while the City is responsible for damage from their departments or contractors. Ms. Cavett pointed out if videos or photos are taken, the City can access damage done by others; for example, delivery vehicles.

d. 2020 meeting dates were distributed and are:

- Board Meetings - 2:00 pm Second Monday of Month

| | | | |
|--------------|-------------|------------|-----------------|
| January 13 | February 10 | March 9 | April 13 |
| May 11 | June 8 | July 13 | August no mtg |
| September 14 | October 19 | November 9 | December no mtg |
- Security & Enforcement - 2:00 pm Third Monday of Month

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|----------------------|-------------------------------|-------------|-------------|
| January 20 (MLK Day) | February 17 (President's Day) | March 16 | April 20 |
| May 18 | June 15 | July 20 | August 17 |
| September 21 | October 19 | November 16 | December 21 |
- Livability – 2:00 pm First Wednesday of Month

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|--------------------|------------|------------|------------|
| January no meeting | February 5 | March 4 | April 1 |
| May 6 | June 3 | July 1 | August 5 |
| September 2 | October 7 | November 4 | December 2 |
- Finance & Development - 4:00 pm First Monday of Month

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|-------------------------|------------|------------|------------|
| January 6 | February 3 | March 2 | April 6 |
| May 4 | June 1 | July 6 | August 3 |
| September 7 (Labor Day) | October 5 | November 2 | December 7 |
- Government – As needed basis

e. The French Quarter Improvement Fund is designated funding for “public safety and law enforcement; quality of life enforcement measures, code enforcement measures, and violation identification, ticketing and court measures relative to ordinance compliance; sanitation; infrastructure repair or improvements; and lighting” (See Addendum A). There is some flexibility on submission of funding designations, since this fund is not tied to the City budget.

VI ELECTION OF 2020 FQMD OFFICERS:

- a. Mr. DeBlieux motioned (**M3**) that “Mr. Christian Pendleton be 2020 FQMD Chairman...” seconded by Mr. Watters with Mr. Pendleton abstaining and approved by all other Commissioners present.
- b. Mr. DeBlieux motioned (**M4**) that “Ms. Heidi Raines be 2020 FQMD Vice-Chairman...” seconded by Mr. Pendleton with Ms. Raines abstaining and approved by all other Commissioners present.
- c. Mr. Pendleton motioned (**M5**) that “Mr. Jeremy DeBlieux be 2020 FQMD Treasurer...” seconded by Mr. Caputto with Mr. DeBlieux abstaining and approved by all other Commissioners present.
- d. Mr. Pendleton motioned (**M6**) that “Ms. Susan Klein be 2020 FQMD Secretary...” seconded by Mr. Speights with Ms. Klein abstaining and approved by all other Commissioners present.

VII PRESENTATION ON THE FRENCH QUARTER IMPROVEMENT FUND (FQIF) 2020 BUDGET
 City of New Orleans City’s Chief Administration Office Analyst Mr. Eric Smith was hired specifically for supervision of the FQIF. These funds are generated from the 1.75% occupancy self-assessment by a CEA between the City, FQMD and New Orleans & Company and to be spent only within the FQMD boundaries. Last year there was a problem, in that the funds did not enter into the normal budget process. A new BRASS (budget reporting & analysis support system) system came on-line in June to

better track this. However, there have been a lot of bugs in working through this transition, one of which was that the FQMD appropriations did not make it over to BRASS. This was not remedied until October 9, 2019. As a result, many of the projects that were approved for 2019 must be rolled over into 2020.

2019 now has a balance of \$3,300,000.00. Only \$500,000.00 was spent in 2018 for the Louisiana State Police (LSP). Revenue as of June 1, 2019 is about \$1,000,000.00 and by the end of the year it should be close to \$2,000,000.00, with \$500,000 going to LSP, \$63,000 to the Department of Health and \$500,000.00 to the Sanitation Department.

Sanitation – Replacement of 85 iron litter cans, 40 liners, retrofitting big-belly cans, on-going graffiti removal, two full-time NOPD Quality of Life enforcement officers, sidewalk cleaning increased, purchase of mobile pressure washing equipment and special-event clean-up.

Jackson Square – Planting and electrical. The French Market Corporation (FMC) is responsible for the area outside the fence; the interior is the City's responsibility.

Public Works – Reconstruction of Conti Street, replacement of 55 streetlights; Armstrong Park decking and electrical repair.

Security – Increase hours for Supplemental Police Patrol (SPP), Sobering Center support and transport van, LEAD program and LSP staffing.

Mr. Smith recommended spending down the balance and then creating a budget that would be inline with the projected revenue. The City Council must approve the FQIF budget. Mr. Pendleton noted FQMD has many concerns with this current budget. Ms. Cavett shared the history of the FQIF with Mr. Smith and that FQMD would like to have more input on the front-end with this process to address our organizations priorities before it goes to a City Council vote. Ms. Frankic said the FQMD Executive Board would review this budget with our revisions, addressing commercial and residential concerns and present it to the FQMD Commissioners before it is forwarded to the City. She also noted the FQIF is to supplement the City budget, not to replace it. Mr. Pendleton noted that FQMD has already identified various entries in this budget that are redundant, already being covered with existing City contracts, and should not be in the FQIF budget.

Ms. Smith proceeded to explain how the City developed the 2020 FQIP budget, most of which were in the 2019 budget, but were unable to spend, as developed from City Department requests for about \$1,200,000.00. The majority of the fifty-five replacement lights are new lights. Ms. Faulk felt the existing damaged lights should be repaired first. Updates to Bourbon Street security cameras are also included. Other items include sidewalk repairs, place-based pedestrian crossing signs, especially on North Rampart and implementing traffic-calming equipment, decibel meters for the Health Department (coincides with the new 2020 noise ordinance in production) to include personal and installed, new 30 safety cameras (some in Armstrong Park) and staffing for bollard repositioning.

He felt the key point is to move this budget as fast as possible, so a supplement ordinance will not be needed. Most of these figures came from the 2019 budget. Various commissioners informed Mr. Smith that until currently, the FQMD did not have input into this process for 2018 and 2019. Also, that FQMD

has frequently been requested FQIP revenue and expense figures to no avail. Additionally, there are serious concerns regarding some of the line items in the currently proposed budget. Mr. Smith said that from now on these figures will be available to the FQMD and it will be on-going.

Since 2015, the FQIF has averaged an annual income of about \$1,600,000.00. For 2019, it will be closer to \$2,000,000.00. Ms. Frankic shall have a revised \$1,300,000.00 FQIP budget for the Board to review for approval at the December Board Meeting. Mr. Smith noted he has information documenting all the determinations from the City which he is happy to share with the FQMD as necessary. Also, because of the unspent 2019 revenue, there will probably be \$4,300,000.00 available to spend in 2020. Any money not spent in 2019 will roll-over but must be re-appropriated by the City Council. Currently, the FQIF balance is \$3,300,00.00.

Ms. Frankic noted that Councilperson Palmer wants to make sure that the funds are spent according to FQMD's wishes. Also, that Mr. Smith has been responsive to all her inquires and proving to be a great asset to FQMD and accountability going forward, which has been lacking in the past.

Mr. Smith noted that all special funds in the City should be passed at the same time as the regular City budget. This should be done for 2020 and beyond. Additionally, the CEA terminates at the end of next year, so hopefully, it will be renewed.

Ms. Ann MacDonald, Director of Park and Parkways noted why Jackson Square is to important and deserves our funding of repairs. The FMC is not responsible for Jackson Square, only the promenades surrounding the Square. She also noted the Congo Square fountain's design promotes flooding of its electrical vault and their department is investigating how it could be made operational again. Repairs to the lighted archway in Armstrong Park is in production and she will check why the Park post lights on North Rampart have not been working.

Ms. Courtney Story, CNO/CAO asked to notify the City of any questions or concerns regarding the budget and to make them as detailed as possible. She said the City want to be a good partner and that FQMD has all the information needed. Any items removed by FQMD on the FQIP budget can only be added to the City budget by amendment, because these items cannot be paid for out of the General Fund at this time. Ms. Raines noted that it appears some items were removed from the City General Fund budget and placed into the FQIP budget. Ms. Story said she would investigate any items of concern, if given the specifics.

VIII TREASURER'S REPORT – Mr. DeBlieux distributed the financials for the Operating and the Task Force accounts. All expenditures are acceptable with no odd or irregular entries except for the approved Interfor expense of \$20,220. In total, the net income is \$71,826.36 with assets of \$580,242.14. The issue of moving from a cash to an accrual basis has not be resolved but is in process. Mr. DeBlieux then submitted the budget for approval with no major differences between 2019 and 2020. The position of Security Administrator is included as it was in 2019, although it was not filled. Also, \$75,000.00 in revenue is budgeted which has not been realized from NOTMC even for 2019, but we have hopes of receiving for both years. There is a three percent increase in insurance costs based on the 2019 budget.

Ms. Klein motioned (M7) that “the October financial reports be approved as submitted...”, seconded by Mr. Speights and unanimously approved. Mr. Watters moved (M8) that” the FQMD 2020 budget be approved as previously published and presented today...”, seconded by Ms. Raines and unanimously approved.

BREAK IN AGENDA – Chairman Pendleton recognized the arrival of Dr. Jennifer Avegno, City Director of Health. She stated that she appreciates the FQMD funding, because her department has been very active in the French Quarter. The Sobering Center is a large part of this. The purpose of the Sobering Center is two-fold: 1) care of “sleepers”, at-risk individuals and 2) transport of those ill to the hospital. The FQTF app can be used for reporting of these individuals for transport to the Sobering Center.

Mr. Deblieux asked about the sound ordinance. She noted the current sound ordinance was written to not be enforceable and is unworkable. The Health Department has been reviewing other cities for best practices on sound. Hopefully with stakeholder input, sometime after the first of the year something can be crafted that is workable for the musicians and businesses, while being respectful to residents and visitors. One of the things in best practices has businesses get their own sound meters. Also, there can be real-time, recording meters with remote access. New Orleans Police Department (NOPD) officers and Safety and Permits (S&P) staff would be trained by the Health Department to utilize these meters. These meters and the training would happen simultaneously while the new sound ordinance is being crafted.

Ms. Klein asked about two public health issues not addressed, that being 1) perpetual private trash cans on sidewalks and 2) traffic mitigation to improve EMS, fire and law enforcement response time. Dr. Avegno agreed and said she would welcome a conversation on these items. She stated EMS is only reimbursed for transports to hospitals, but as a public service they would rather transport to the Sobering Center because their turn-around time is greatly reduced, allowing them to get back into the field. Also, there is no limitation on the number of times a person can be seen there. Dr. Avegno encouraged everyone to use the FQTF app for Sobering Center referral as much as possible.

IX SECURITY AND ENFORCEMENT COMMITTEE – Mr. Simms, volunteer coordinator for the French Quarter Task Force gave an annual recap of FQTF activities. Officers on the street total three hundred and fifty hours per week. Over a hundred officers have come through the Task Force. Turnover generally occurs from changes within their NOPD assignments. There are four zones that reduce to three zones at night.

Weekly sweeps have been very successful and include the SPCA versus the previous sporadic sweeps. The sweeps are done where most of the complaints are received. Mr. DeBlieux asked that a sweep be scheduled for the 600-900 blocks of Iberville. Most crime is down, with car break-ins being an exception.

Body-worn cameras are now part of the FQTF uniform and it can be recorded to their iPad. Digi-tickets are going to be required. This would be an added expense, but FQMD received a current exemption. Digi-tickets require a lot of maintenance and lease about \$300 per month. He recommended that these be provided by NOPD like bodycams and other police equipment.

Operational expenses continue to rise. All the equipment requires maintenance. He spent almost \$35,000.00 this year on reimbursable expenses. Mr. Simms noted that the street cams and other items budgeted through the FQIF for purchase has a maintenance cost which is not detailed. Currently, the Bourbon Street cameras are out because they need maintenance and repair.

Five of the six FQTF vehicles are driven by thirty-two drivers, sixteen hours per day. Vehicle number three is being used for parts. Maintenance costs are driven by air-conditioning repairs and damage due to street conditions and necessary stops every block on the routes. Mr. Simms detailed the mileage and condition of each vehicle. Any remuneration for damage to these vehicles from other vehicles goes into the City General Fund. Ms. Raines recommended these repairs be added to the FQIF budget. Mr. Simms shall research and recommend types(s) of vehicles for future purchase.

Ms. Klein shared the past month's crime stats by category, and it demonstrated that most of the crime was more prevalent off Bourbon Street. Therefore, security assignment should be equitable. Mr. Simms stated there are three officers per shift from 7p.m. -3 a.m. There are an additional two–six NOPD officers, but that is for the entire 8th District. A discussion ensued noting that the Security CEA with the City was to be supplemental, but it seems to have replaced the regular NOPD staffing. Mr. Simms noted an official request for NOPD staffing logs could be made. Mr. Pendleton shared that many residents have ceased reporting drug sales they witness because of a lack of response. He also noted that the entire graduating NOPD class is being sent to the 9th Ward, because the most complaints come from there. He stressed that everyone within the FQMD should promote crime reporting to validate our need.

X LIVABILITY COMMITTEE – Ms. Cavett reported that Ms. Frankic has experience with Geographic Information Systems (GIS) and that Ms. Cavett reached out to DPW and discovered they have all the street lighting mapped out. They also are currently installing a Simcom Controller System (SCS) with real-time alerts for light replacement or repair.

Ms. Frankic contracted the City Office of Information Technology (OIT) and discovered they have begun geo-locating issues that are initiated by a 311 call (lights, damaged signage, drainage, et cetera). The problem is, it is not tied into an asset management platform. For example, when a 311 call is made regarding a broken pipe, it does not go to the Department of Public Works (DPW). However, a FQ pilot program was initiated to map all the utilities, including the proposed 5G towers. There are a number of platforms that can be accessed, like a route page, Street Wise for parades, street closings, accidents, street flooding, et cetera. It is a problem that there are separate links to access these. Mr. Frankic would like to continue the discussions with OIT to craft a user-friendly interface. She asked OIT report to FQMD in December.

Ms. Cavett asked everyone to email any Livability issues or concerns to her. Mr. DeBlieux shall be sending her a list.

XI GOVERNMENTAL AFFAIRS COMMITTEE – Nothing to report.

XII FINANCE & DEVELOPMENT COMMITTEE – Nothing to report.

XIII NEW BUSINESS

- a. Ms. Klein motioned (**M 9**) that “Ms. Frances Hegenberger be approved as a member of the Security and Enforcement Committee...”, seconded by Mr. DeBlieux and unanimously approved.
- b. Ms. Laughlin asked if FQMD has a position on the current Willie’s Chicken Shack controversy. After some discussion, it was stated that FQMD is not able to take positions on zoning matters. *Amended notes, following legislative research: Pursuant to LA Rev Stat § 25:799, while FQMD does not have jurisdiction over zoning or land use, this legislation does not prohibit FQMD from taking a position on zoning, land use or permitting matters, just as FQMD did in the past with Rouge House. This correction was approved at the December 9, 2019 Commission Meeting.*
Mr. Pendleton stated the Commissioners could contact their representative organizations for positions on this matter.
- c. Ms. Cavett requested that the sound meters and recorders be placed back into the budget based on the information given by Dr. Avegno. Mr. Watters would like to know how the internal monitors will be installed and how they will function, before the French Quarter businesses agree to this.
- d. Following the FQIF budget information given by Mr. Eric Smith, Ms. Klein made a request to add a minimum of two additional Quality of Life/Experience (QOL/E) officers to the one currently in the budget, If two QOL/E officers are designated just for sanitation, at a minimum, there should be three more to enforce all the other issues combined.
- e. Ms. Cavett noted that in the 2019, the FQIF had added thirty-seven percent to Sanitation, and if it stands, Sanitation will be adding forty-three percent out of the FQIF. That would bring the contract up to \$2,834,000.00. With the existing amount the City pays (\$3,870,000.00), that brings the amount over what was being paid post-Katrina with much better service.
- f. Mr. Watters also remarked that the streets were being power-washed with brand new equipment, so why should that be a line-item in the proposed FQIF budget?

XIV EXECUTIVE SESSION

- a. Consideration of personnel matters.
- b. Pursuant R.S. 42:17 A. (3) to discuss the development of the course of action regarding security plans of the FQM.

Mr. DeBlieux motioned (**M10**) to ”adjourn to Executive Session to discuss security matters...”, seconded by Mr. Caputto and unanimously approved at 5:05 p.m.

ACTIONS FOLLOWING EXECUTIVE SESSION DISCUSSION – The Regular Meeting of the Board reconvened at 5:45 p.m. Mr. DeBlieux motioned (**M11**) to “reconvene the Regular Meeting...”, seconded by Mr. Speights and unanimously approved.

Mr. Pendleton motioned (**M12**) that “for himself, Ms. Frankic, Mr. Simms and one or two other Commissions to meet with Councilmember Palmer’s office, OPSE, CNO, NOPD to discuss security related matters in the French Quarter...”, seconded by Mr. Caputto and unanimously approved.

XVI NEXT MEETING: December 9, 2019

XVII ADJOURNMENT: Mr. DeBlieux motioned at 5:50 pm (M13) that “the meeting be adjourned...”, seconded by Mr. Caputto and unanimously approved.

Respectfully submitted,

Susan Klein (signed original available)

Susan Klein, Secretary

ADDENDUM A

FRENCH QUARTER IMPROVEMENT FUND (CHAPTER 70. Finance, Article III. Funds, Division 33)

§ 70-415.250. Fund created.

A fund is established in the department of finance, under the provision of [section 6-207](#) of the City Charter, to be known as the "French Quarter Improvement Fund". (M.C.S., Ord. No. 26074, § 1, 10-16-14)

§ 70-415.251. Funding and purpose.

All revenues collected by the department of finance from the New Orleans Convention and Visitors Bureau via cooperative endeavor agreement shall be used only for the repairs, improvements and services within the boundaries of the French Quarter Management District in any of the following categories: public safety and law enforcement; quality of life enforcement measures, code enforcement measures, and violation identification, ticketing and court measures relative to ordinance compliance; sanitation; infrastructure repair or improvements; and lighting. (M.C.S., Ord. No. 26074, § 1, 10-16-14)

§ 70-415.252. Reports.

The director of the department of finance shall keep detailed accurate books in the administration of the fund and shall make reports to the chief administrative officer and the city council, giving a complete accounting of the revenues and expenditures of the fund annually as part of the annual city audit. (M.C.S., Ord. No. 26074, § 1, 10-16-14)