



Monday, December 9, 2019; 2:00pm  
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 (Lv. 4:35)  
David Bilbe  
Matthew Emory  
Daniel Taylor

Juliet Laughlin  
Gail Cavett  
Steve Caputo (Lv. 4:30)  
Robert Watters (Arv. 2:10)

**Commissioners Absent:** *All present.*

**Executive Director:** Karley Frankic

### Guests:

Beverly Fulks, FQMD SEC  
Michael Ince, Lt. Gov, Dir. Intergov. Affairs  
Jonathan Rhodes, CNO, Dir. Of Utilities

Brittany Mulla-McGovern, FQBA  
Andrew Sullivan, CM Palmer, Chief of Staff

- 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 NOVEMBER MINUTES – Ms. Klein corrected the translation for the VCPORA acronym, which is Vieux Carre’ Property Owners, Residents and Associates. Discussion regarding clarification of Sec. XII. b. regarding Ms. Laughlin’s request for FQMD to take a position to support VCPORA’s action to uphold the CZO regulation regarding the standard restaurant designation. It was noted that pursuant to LA Rev Stat § 25:799, while FQMD does not have jurisdiction over zoning or land use, the 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. Mr. Speights motioned to **(M1)** ”approve the November Minutes as corrected including the LA Rev Stat § 25:799 clarification as stated by Ms. Klein for FQMD’s ability to take positions on zoning, land use and permitting...” seconded by Mr. DeBlieux and unanimously approved.
- IV 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 with some entries

resulting from timing within the reporting cycle. In total, the net income is \$202,663.73 with assets of \$820,731.23. The accounting fees reflect the new accounting management. Mr. Caputo motioned (**M2**) to “approve the November financial reports as distributed and explained by Mr. Deblieux...”, seconded by Mr. Speights and unanimously approved.

## V CHAIRMAN’S COMMENTS

- a. Licensing with SDT Productions, LLC – Chairman Pendleton had two brief conversations. He requested that any Commissioners with a relationship with Mr. Torres to reach out to him. Ms. Cavett volunteered to reach out to Mr. Torres. Mr. Pendleton feels FQMD should stay with SDT, if the new pricing is competitive. Currently, FQMD’s agreement with SDT is month-to-month. If the app for the FQTF was pulled, the smart cars could still roll, but be less responsive. Commander Baldassaro noted that police response time would be delayed without the app, because it is interactive and goes directly to the FQTF officer. Without the FQTF app, any calls would have to be routed through 911 which is not as fast. A meeting with Mr. Torres is scheduled for this Thursday at 2pm.
- b. Update on Supplemental Police Program Administrator search – The candidate vetting is on hold pending a designation of classified versus un-classified. Ms. Frankic shall seek guidance from the State for classification on this position. It was suggested that since this person would be reporting to the Executive Director, the position may qualify for un-classified. This shall be discussed in Executive Session. A discussion began regarding sustainable funding from the State. Mr. Pendleton noted that he, Ms. Laughlin, Ms. Cavett, and Ms. Klein met with the Lieutenant Governor and Mr. Ince and Lieutenant Governor Nungesser was very amenable to supporting FQMD for State funding. Therefore, FQMD does have an advocate in Baton Rouge who is willing to assist with funding requests. Mr. Ince noted that the Lieutenant Governor’s office is willing to lobby for security measure funding and other programs that benefit the French Quarter; that they are here to assist in any way possible. Mr. Ince stated FQMD should produce a document that highlights what the organization’s goals should be over a five-year period and not to focus strictly on tourism, but area’s that include residential, maritime, transportation corridors. He noted he would also be available to assist in drafting the “ask” and coordinate meetings with legislators. It was also noted that Mr. Walter Leger is now with New Orleans & Company as the Senior Vice President for Strategic Affairs and General Counsel. It was agreed that Ms. Laughlin would be the contact person for the Lieutenant Governor, making sure Chairman Pendleton was aware of, and in agreement with any initiatives.
- c. Update on Security Assessment by Interfor International – Mr. Pendleton shall be contacting Interfor for an update. The next step is receipt of the final draft which will be available to Mr. Pendleton this week. Commissioners may review the document at Mr. Pendleton’s office. Ms. Laughlin asked if Interfor’s call to Lt. Governor Nungesser had occurred. Mr. Pendleton noted that it had not, but if she felt his comments should be included, he was happy to do that and schedule the call.
- d. Chairperson’s goals for 2020 – Mr. Pendleton requested that each Committee present three actionable, measurable goals at the January, but no later than the February meeting for discussion and Board approval. Ms. Fulks noted that the Downtown Development District (DDD) does not provide adequate services to the downriver side of Canal and the upriver side of Iberville. Mr. Pendleton noted conversations with Councilmember Palmer, Ms. Frankic and Ms. Raines on how to use the over \$1,000,000.00 collected by the DDD for security and sanitation measures in those areas currently under-supported by them.

AMENDED AGENDA: Mr. Emory motioned (**M3**) to “amend the Agenda to allow Commander Baldassaro to report on NOPD 8<sup>th</sup> District activity...”, seconded by Mr. DeBlieux and unanimously approved.

Commander Baldassaro discussed security for special events. In addressing the Bayou Classic

shootings, he noted there were six officers, one supervisor and mounted police present in the block location. There were also traffic officers and the two groups were not local. All the shooters have been identified and arrests are forthcoming. Otherwise, it was a safe event with twenty-one gun arrests within the two day event. It was noted that gun-sniffing dogs are ineffective in dense crowds and with weapons that have been cleaned of gun powder. He has spoken with Councilmember Palmer regarding metal detector placement, but this would create bottlenecks to enter the entertainment zone and questions its cost effectiveness. It was noted that an attitude of “anything goes” promotes bad behavior and some of the laws are written in a way to inhibit enforcement.

Captain Baldassaro believes there needs to be more severe laws for arrest, bail, and incarceration. Mr. Emory asked for more severe penalties within the French Quarter, as is on parade routes. It was suggested that Bourbon Street be a gun-free zone for illegal carry. Ms. Laughlin questioned whether hosting events that generated more violence was worth having. Mr. Emory noted that events like this do not generate the normal revenue and that sometimes, it’s not even worth being open. However, businesses will receive negative feedback if they are closed during minority events. Therefore, in agreement with Captain Baldassaro, the laws we have now need more “teeth”. Mr. DeBlieux noted that while some businesses may suffer, it generated money for the City overall. Ms. Laughlin reiterated the human factor, putting lives at risk. Mr. Pendleton noted FQMD should discuss any difficult and unpopular topics, even if our body decides to take no action. Mr. Watters suggested that FQMD query the Hospitality Industry on requesting a meeting with Mayor Cantrell and Ms. Cavett suggesting the Captain review national best practices on special events.

Mr. Watters asked about the use by Jefferson Parish of an infrared device that would register concealed weapons. However, Captain Baldassaro was unfamiliar with this. Ms. Klein and Mr. Pendleton asked how FQMD could assist the 8<sup>th</sup> District with combating French Quarter violence. The Captain reiterated tougher illegal gun law legislation. The Captain also verified that arrests are made under the State law versus the City law because a second State offence has more severe consequences.

For special events, only first responders, residents and businesses shall be allowed to cross the Bourbon Street Promenade. The question of the booking van from the Sheriff’s Office came up. The Captain said he has a good contact in the office to arrange whatever he needs. The Commissioners noted they would like the booking van every week from Thursday night to Sunday morning.

AMENDED AGENDA: Mr. Speights motioned (**M4**) to “amend the Agenda to allow Mr. Johnathan Rhodes, the Mayor’s Office, Director of Utilities to address 5G technology for our area...”, seconded by Mr. Zumbo and unanimously approved.

Mr. Rhodes noted his presentation was informational and “most importantly” to hear from the French Quarter community how this new infrastructure project would affect the area. He will share our discussion with the Mayor tomorrow. Power Point visuals were presented.

- It will add speed and allow more users on networks. The carriers are promoting this in part due to all the “smart” technology that uses interconnectivity with cars, homes, appliances, et cetera.
- Smaller, lower to the ground, but more towers for connectivity (every 300 feet).
- Some can be installed on streetlight and utility poles.
- The Federal Communication Commission (FCC) issued regulations that mandated very restrictive terms to cities that are awaiting a February 2020 trial. However, the language the FCC included that prohibited use of the Environmental Protection Act and the Historic Preservation Act has been overturned. As a result, a Section 106 Review must take place on all

new placements prior to instillation *and* all existing small cell poles placed without a Section 106 Review. This means the State Historic Preservation Office (SHPO) must review each instillation request by every carrier BEFORE instillation in the French Quarter (FQ) and the existing ones.

- The City is currently rewriting our wireless codes to comply with new FCC requirements, reviewing all permits and working proactively with community groups to mitigate concerns.
- Currently there are seventy-five (75) small cell poles in the French Quarter. Two of the four carriers are proposing one hundred (100) additional poles each, so that could result in four hundred and seventy-five (475) poles for the French Quarter. Mr. Rhodes verified that the City can legislate co-location of equipment between carriers, so that poles may be shared. Also, as small cell technology advances, more poles will be required without moving the existing poles, because that technology will still be in use. That is why the existing 75 poles will not be removed.
- The poles will allow external ambient connectivity and not penetrate buildings to improve service there. It was suggested that temporary, mobile trucks be utilized for special events versus adding additional permanent poles. It was also suggested to use streetlight placement first.
- Taller and larger poles must be used to co-locate carriers and integrate the 4G wiring.
- Mr. Rhodes verified that 5G is currently for street traffic and not internal use.
- The City could investigate carrier co-location, of security cameras, additional lighting and standing water sensors.
- Mr. Pendleton questioned reporting and repair of damaged equipment due to vehicle strike or malfunction.
- Ms. Frankic reported Mr. Rhodes presented at the last VCC public meeting where a coalition of FQ residential and business representatives have been working with the City on this issue and public statements were made. The VCC made a non-binding resolution to the City put on hold all permitting until there is a smart plan for the 5G program. This includes review by the VCC Architectural Review Committee (ARC) of all locations, design and co-location possibilities.
- Carriers are looking at FQ, CBD, Superdome area and Uptown on parade routes, in that order. It's these areas, because the carriers are targeting visitors on public right of ways. The Superdome area does not have the same issues, so existing light poles shall be modified for 5G resulting in placement that is not physically or visually intrusive.
- Mr. Hammer noted that in the past, VCC requests for a comprehensive plan by the carriers have been ignored, and the current towers are not being maintained. Mr. Rhodes stated that pre-funded maintenance and repairs via a surety bond shall be part of the franchise agreement with the carriers. Also, Mayor Cantrell created the Director of Utilities position, because utility management of franchise agreements have been almost non-existent over the past twenty years. The FQ is on the front line for this and hopefully, we can be a model for historic districts moving to "smart city" conversion.
- Besides the visual and physical impact, each location shall require street and sidewalk cuts and bores. Timelines will be subject to Section 106 review (2-12 months).
- The City receives a franchise fee of \$300 per pole per year and a \$1,000.00 per new pole permit fee. These fees are slated for the General Fund. FCC guidelines probably will not allow an "impact fee" to recover damages from this project.
- Mr. Rhodes walked the FQ with VCC staff and realized there are already three lamp posts per block. He feels replacing those lampposts with ones of historic design that would incorporate the technology might be the solution. Then, the carriers would maintain these lampposts. Mr. Rhodes said he could share the specs with FQMD from an interested light pole manufacturer. Lampposts could incorporate security cameras, standing water sensors and pedestrian counters.
- The City could get its fiber run along with the carriers.
- A Realtime Crime Center tie-in was also suggested.

## VI EXECUTIVE DIRECTORS REPORT

### a. Mayor's Director of Transportation – Ms. Frankic met with Laura Bryan, CNO Director of Transportation.

- Traffic calming on North Rampart is a hot topic amongst residents and businesses alike. Traffic calming tools implemented in the 3200-3300 Magazine Street are low cost and highly effective in slowing traffic and improving pedestrian and bicyclist safety. Ms. Bryan will talk with Keith LaGrange in DPW to inquire about traffic calming plans for North Rampart Street in the French Quarter and assessing a budget for implementation.
- North Rampart Street is not a State highway and the Port no longer owns the wharves at Governor Nicholls and Esplanade. Any industrial uses in the Treme, or Marigny requiring oversized trucks would be traversing I-10, N. Claiborne, and Elysian Fields. Therefore, there does not appear to be any obstacles to removing the truck route designation from North Rampart. Next steps include
  - Ms. Bryan is confirming the above assumptions with DPW
  - With City Council, crafting the ordinance to amend the City Charter Chapter 154 Section 154-1561 Truck Route designation list. FQMD is happy to assist with this effort.
- Ms. Bryan is supportive of better No Truck Route signage on the perimeter of the Quarter. She will gather the curb use study and recommendation that the FQMD Livability Committee compiled for FQMD to discuss with DPW.
- Ms. Bryan is also supportive of the City sending a letter to Google Maps and Ways to notify them, and any other wayfinding apps, that over-sized trucks are banned within the boundaries of the French Quarter. The FQMD Livability Committee will draft a letter to this effect that meets the requirements of the wayfinding apps.

### b. City Department of Homeland Security & Emergency Preparedness

- She met with Ross Bourgeois, Mike Antoine, Colonel Terry Ebbert, and Carlos Muniz
  - Discussed their asks in the French Quarter Improvement Fund
  - The main take-away was convening the many policing and security patrols in the Quarter to assess where alignment of the patrols to be better coordinated and effective to take place in mid-late January 2020.

### c. New Orleans & Company

- She met with Mark Romig of the New Orleans Tourism & Marketing Corporation and he agreed to include the \$75,000 contribution to FQMD in their fiscal year (FY) 2019 expenditures despite, FQMD having not requested it this year. FQMD must look at funding this portion of the budget for FY2020. The check was received today.
- She will meet with Stephen Perry and staff (Mark Romig, Kristian Sonnier, and Walt Leger) this week to discuss opportunities for additional funding as a result of the Short-Term Rental Tax earmarked for their organization; they are projected to get \$1,200,000.00. They may not want to be accountable to the City for that money, so perhaps it should come to FQMD to further our mission, making it more attractive to visitors. The City receives 75% of the collected funds and New Orleans & Company receives 25%.

### d. 5G Cell Towers

- The Executive Directors of French Quarter Business Association (FQBA), VCPORA, and VCC Foundation have been working closely to gather and disseminate information on the four carriers proposing to install 35' towers in the French Quarter.

- The tower on Iberville is actually an 18' 4G tower. The 5G towers would be twice as tall.
  - The Vieux Carre Commission approved a non-binding recommendation to the City that there be a hold on permitting applications for 5G towers until a complete plan is created for their placement and design. And, that the Vieux Carré Commission Architectural Committee be involved with specific design recommendations.
- e. Reminder to complete your Ethics Training by the end of the year. Commissioner Klein has emailed about the link to all board members a number of times.
- f. French Quarter Improvement Fund (FQIF) – Ms. Frankic presented the revised FQIF budget.
- In 2018 there were four budget line items; 2019 has twenty-eight.
  - Eric Smith, CAO analyst for the FQIF noted the total budget for the Sobering Center was \$1,431,000.00 and the FQ share is 29% or \$413,000.00. The Public Intoxication Transportation (PIT) Van would be dedicated to the FQ and not the entire 8<sup>th</sup> District, since most of the population of the Sobering Center is from the FQ.
  - Noise monitoring was removed, because Mr. Watters said it is not covered in the Cooperative Endeavor Agreement (CEA). However, the explanation from the City to Ms. Frankic does not mention the exemption for sound. Also, it was questioned why sound monitoring would be removed, since it is aligned with the FQMD empowering legislation and mission, and approved by the District voters. Also, sound monitoring is not just for commercial interests, but also for the residential areas. Therefore, for any future CEA, it was recommended that sound monitoring should be included. Ms. Frankic stated that sound monitors would not be purchased or implemented until the new sound ordinance is drafted. The current CEA expires in 2020. In the November meeting, Dr. Avegno explained how sound monitor training and enforcement would work. Minutes leading up to the current CEA should be posted on the FQMD website, or will be added, if not there.
  - Mr. DeBlieux asked if explanations of stricken items would be sent with new budget. Ms. Frankic stated the remittance will show how some items do not comply with the CEA or the FQMD mission.
  - While Armstrong Park is within the FQMD footprint, the current security officers (2 officers for three 8-hour shifts) question the need for additional staffing. It is a benign park with little traffic. Ms. Cavett suggested that if FQMD does assist with funding, it should be by expanding the French Quarter Task Force (FQTF). This requires a conversation with Homeland Security to investigate adding the FQTF with additional vehicles to that footprint. Carving out almost half of the FQIF for this one City line item seems to be over-kill.
  - Ms. Frankic recommended that FQMD have a conversation with the staff of the Mayor, CAO and District C before the final budget is approved, to explain why some things have been taken out of the proposal.
  - Ms. Laughlin questioned that FQMD was asked to vote on an issue where the details were not presented until this meeting. Chairman Pendleton asked everyone to read the document now to keep the process moving,
  - Any fund surplus is not lost and may be carried over.
  - NOPD Quality of Experience (QOE) Officer is for all code enforcement, not just Sanitation.
  - A question arose regarding the capture of any funding that is allocated, but not utilized for the stated purpose.
  - Ms. Laughlin and other requested the sound equipment be added back into the budget, including amending the CEA, if necessary.

- Mr. Zumbo believes FQMD must abide by the CEA; equipment could be bought, but it can't be used for enforcement. Mr. Caputto stated that the sound ordinance cannot be enforced as written.
  - Mr. Bilbe noted the original intent for the fund was not to pay for basic City services and parts of the CEA should be amended.
  - Ms. Klein requested the negotiation include returning the enforcement language to the CEA as it was in the original 2015 document (to improve resident and visitor quality of life without being onerous to businesses), a timeline for a new enforceable sound ordinance, and an amended CEA, if a new sound ordinance can be crafted before the December 31, 2020 expiration.
  - Ms. Raines said it should be understood any awarded allocations not in alignment with the original intent of the FQIF, is a one-time occurrence versus reoccurring funding. Additionally, some notes require revision before submittal. Funding for program oversight and monitoring was also suggested, if allowed by the CEA. Mr. Watters stated this may not be allowed, but the document must be checked.
  - Mr. DeBlieux motioned (M5) to “authorize Ms. Frankic and Mr. Pendleton to begin conversations regarding the FQIF budget allocations with the document presented, including suggestions made today, to the City (Mayor’s Office, CAO, and Councilmember Palmer)”, seconded by Mr. Watters and approved by all the Commissioners present, with the exception of Ms. Laughlin who voted nay. Mr. Pendleton stated any Commissioner is welcomed to attend and Ms. Cavett volunteered.
- g. Office of Information Technology (OIT) – Ms. Frankic requested the CNO, OIT to attend the FQMD January meeting.

VII SECURITY AND ENFORCEMENT COMMITTEE – No report.

VIII LIVIBILITY COMMITTEE – No report.

IX GOVERNMENTAL AFFAIRS COMMITTEE – No report.

X FINANCE & DEVELOPMENT COMMITTEE – Ms. Raines met with the Finance Manager, Mr. John Foard. Invoices shall now be sent to New Orleans and Company. The Financial Reports reflect some category clarifications. The 2020 Budget shall be input into the accounting software.

XI 2020 COMMITTEES – Note Chairman’s comments in Section V. d.

XII SPECIAL EVENT SECURITY PRESENTATION – Commander Octavio Baldassaro, Jr. (Reported above via amended agenda.)

XIII 5G PRESENTATION – CNO Utilities Director, Mr. Jonathan Rhodes (Reported above via amended agenda.)

XIV. NEW BUSINESS

- a. Mr. Speights introduced Ms. Jane Cooper who shall represent Vieux Carre’ Property Owners, Residents and Associates (VCPORA) on the Commission beginning in January 2020.

- b. Mr. Speights shared that personal travel plans shall keep him out of the country for most of 2020 and so notified VCPORA that he could not be reappointed for a new term. He stated he enjoyed his tenure and hoped FQMD would continue to work to find common ground between business and residential interests and that it is done in a cooperative and civil manner. Also, if he can ever be of assistance to please call him.
- c. Willie’s Chicken Shack has been deferred by the Board of Zoning Adjustments (BZA). Mr. Bilbe shared this business is in violation of at least half of the “standard restaurant” qualifying criteria. Mr. Bilbe suggested that FQMD support the existing laws that regulate restaurants. It was also suggested we don’t seek out land use positions, but if requests are made to FQMD, we can consider, discuss and come to a non-binding decision to support or not. This will be considered at the January meeting.

XV EXECUTIVE SESSION – Not convened.

XVI NEXT MEETING: Wednesday, January 15, 2020

XVII ADJOURNMENT: Ms. Raines motioned at 4:52 pm (M6) that “the meeting be adjourned...”, seconded by Mr. Speights and unanimously approved by those Commissioners still present.

Respectfully submitted,

Susan Klein (signed original available)

Susan Klein, Secretary

## ***ADDENDUM A***

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

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#### **§ 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)