

**MINUTES**  
**FRENCH MARKET CORPORATION**  
**BOARD OF DIRECTORS MEETING**  
**Wednesday, December 7, 2022; 12:00 p.m.**  
**New Orleans Jazz National Historical Park**  
**916 N. Peters St.**  
**New Orleans, LA 70116**

**CALL TO ORDER**

The meeting was called to order by the President, Ms. Tusa at 12:10 p.m.

**ROLL CALL**

Members Present: Mr. DeLong, Mr. Doucette, Mr. Ince, Mr. Johnson, Ms. McClendon, Councilmembers Green and Thomas, and Ms. Tusa

Members Absent: Ms. Burns, Ms. Hale, and Councilmember King

Staff Present: Ms. Alley, Mr. Gurtner, Ms. Watson, Mr. Smith, Ms. Ducre, Ms. Robison, and Ms. Robinson

**A. REVIEW AND APPROVAL OF MINUTES - August 30, 2022**

Councilmember Thomas moved and Councilmember Green seconded a motion to accept the minutes of the August 30, 2022 Board meeting. The motion carried unanimously.

**B. REPORTS**

**1. Executive Director's Report**

Ms. Alley introduced Mr. Michael Ince (new Board member). Mr. Ince formerly worked as an Urban Planner with the City of Kenner and he has a significant amount of experience working with public entities; including public markets and vendors. He is currently the Lieutenant Governor's Director of Inter-Governmental Affairs. His offices are on Jackson Square.

There are a lot of ideas on things we can do together and we have a lot of issues in common.

Mr. Ince stated that he is really excited to be a part of the French Market Corporation's Board of Directors. He does have a little bit of experience with farmers markets, vendors, historic districts, main streets, etc.; as well as grant writing and management. His current role is Inter-Governmental Affairs Director for the Lieutenant Governor. They are very excited to be a part of the French Market Corporation and are looking forward to being really good neighbors.

Ms. Alley stated that the Board has not met since the end of August, 2022.

**MARKETING EVENTS**

We closed out the month of September with the *International Arts Festival* in Crescent Park, which was the successful return of an event that had previously been held in City Park, prior to Hurricane Katrina. We moved on with the *FMC Boo Carre Halloween Haunt* on Saturday, October 15<sup>th</sup> which had kid-friendly activity in Dutch Alley and trick-or-treating throughout the Market. The weather was great and we had a big turnout. We received very good feedback from the event.

Unfortunately, the rain caused us to cancel our *Fall Harvest Fest* on Saturday, November 5<sup>th</sup>. Our holiday decorations went up the week before Thanksgiving in Jackson Square and along Decatur and N. Peters Streets, including the new tree atop Oscar Dunn Park. This weekend we were a sponsor of the new *Children's Hospital Holiday Parade*. We were glad that some of the Board

members had an opportunity to participate in the event or view the event. We were looking forward to this, as we believe this will become an annual event. We were also looking forward to improving the opportunities to promote our tenants and vendors through the parade; and also for opportunities to bring kids down to enjoy the Market.

This weekend we are having our annual *St. Nick Celebration* with music, kids' activities, and our St. Nick second line. We also have an *African Drum and Dance* presentation by the New Orleans Jazz National Historical Park. We will round out the year with our *Sugar Bowl Parade* and *Dick Clark New Year's Rockin' Eve* and fireworks in Crescent Park.

#### HOUSELESS POPULATION – CEA's

On November 5<sup>th</sup> the Staff signed the CEA between the City of New Orleans and the French Market Corporation, the French Quarter Economic Development District, and Travelers Aid Society of Greater New Orleans to provide two (2) street-level caseworkers in the French Quarter to connect with individuals on the street who needed services. The Staff is waiting to receive the fully executed CEA from the City, and Travelers Aid advises that when it is received, they can train caseworkers on the streets within thirty (30) days. In addition, we have been doing our regular twice a week cleaning sweeps along Decatur Street and the French Market with the City's Health and Sanitation Departments. In the next couple of weeks, Code Enforcement will join the team and will address graffiti building maintenance, zoning violations, and other code deficiencies along the Decatur and N. Peters corridors.

We are encouraged that the Department of Public Works has been responding to our requests regarding challenges that we're having with people parking in the walkways. We are seeing more ticketing and enforcement along that corridor. We are also working to schedule a neighborhood walkthrough with Chief Thomas, Department of Public Safety, and Captain Ganthier with the 8<sup>th</sup> District, along with the State Police to coordinate efforts around Jackson Square and address some complaints that we are hearing from residential and commercial tenants.

#### FLEA AND FARMERS MARKET

The additional maintenance staff from Job1 continue to work well with our team and their contributions are visible, particularly their recent work in the Flea and Farmers Markets. We are pleased with their performance and are working to transition them to our permanent team once their Job1 funding expires.

We are also excited to have executed the contract with Yeates Mancil Architects. The project is for the Flea Market restrooms and the project was delayed due to a lengthy procurement process. We will see the first concept drawings for the Flea Market restrooms next Friday. When we receive the drawings we will review them and present them to the vendors and other stakeholders to get their input prior to bringing them to the Public Markets Committee for the Board's input and then approval.

We have historically contacted for outside janitorial services to support the Flea and Farmers Markets. We recently bid those services through the City's Procurement Office and the bid opening date was October 12, 2022. Three (3) companies bid on the contract. ART Janitorial Services was the low bid, Ramelli Janitorial Services was next, and 4A ERA, LLC was the third bid and the City certified those bids in mid-October. There have been no secrets, and it was disclosed during the bid solicitation that the French Market has been concerned with ART's performance during the past several months, particularly related to their capacity to secure trained

supervisors. The City's bid documents detailed the obligations of the contractor and stressed the issue of qualified supervisors. It was made sure that we had that information included in the documents.

As we move forward with the contract negotiations with ART, we are going to ensure that the contract holds them responsible for strict compliance with the obligations in the contract. The new contract anticipates an initial one (1) year term, and allows the option of four (4) one (1) year extensions, at the French Market's discretion.

The consideration of the proposed contract is not on the agenda, but rather will possibly appear on the January meeting agenda. The Staff needs the time (we are going to meet with ART and Ray Lewis) to walk through the details of the contract to make sure they understand the expectations and obligations of all parties. We are also going to ask that they come to the Board meeting to answer any questions and address any concerns that the Board has.

#### MANDEVILLE STREET WHARF

We signed the contract with Cycle Marine the first week of November for the repairs to the wharf and the railing from the Danny Mayes barge allision. We anticipate issuing the notice to proceed by the end of the week and they will begin the work next week. The river is very low, which should facilitate the repair. This is the last needed repair to the Mandeville Street Wharf that is associated with a recent maritime allision.

#### FUTURE OF CRESCENT PARK AND THE ELYSIAN FIELDS PARKING LOTS

At our last Board meeting, the Staff advised the Board of the last conversations with the Department of Parks and Parkways and how Crescent Park and other FMC managed parks fit into the Citywide Parks and Recreation Masterplan. The Staff has also been meeting with Ron Foreman and Audubon Institute regarding Audubon's plan for the Governor Nicholls and Esplanade wharfs. Audubon is interested in including Crescent Park in their development proposal for the adjacent wharfs. Audubon advised that they must provide the City Council with their proposal by August, next year. Audubon's renewed interest in Crescent Park comes as we enter the last phase of our Elysian Fields parking lot study. Our team with **treppwise** and Bright Moments are wrapping up their research and they are doing outreach with residents and business leaders in the surrounding neighborhoods. The last public meeting is tonight. The Staff will also be meeting with Audubon and the City this Friday to further the discussions.

The Board may have seen reports regarding the damage to the electrical and plumbing infrastructure at Crescent Park. Due to the historically low river levels, thieves have been able to access underneath the wharfs, which is an area they typically would not be able to access because it would be underwater. The damage began with the theft of the plumbing for the restroom at the Mandeville Street wharf. We quickly made the repairs and two (2) days later the thieves struck again, taking away everything we had repaired. They stole the copper electrical wiring that powers the elevators, the sewer lift station, the lighting to the wharf, in the upriver portion of the park; as well as the fire and emergency alarm system to the Mandeville Street wharf.

Our Staff and security team contacted NOPD. We also contacted the Port of New Orleans and Harbor Patrol and we toured the area under the wharf with them. The thieves appeared to gain access from under the Governor Nicholls wharf at this end, and walked completely under those two wharfs because the water is so low and there is beach underneath there now, over to Mandeville wharf where they have been able to destroy the infrastructure.

We have been waiting for the river to begin to rise because law enforcement officials told the Staff that they are not going to be able to secure this end to push the people out from under the wharf until they secure the end of the wharf near Governor Nicholls. If they push them out they will come back in and we believe that a lot of the people who are there now came from the Naval Support Activity Station because the damage we have seen underneath the wharf is the exact same damage that occurred at the Naval Support Activity.

The Staff will meet with law enforcement again so that they can give us their short and long term plan. We need to get the people out and be able to secure the area. In the meantime we are at the point where the water is starting to rise again, so we are going to start to make the repairs to the underside of the wharf. We are also going to have to have security there at the same time with our people so that the repairs are not ripped out as we make them; but we have to make the repairs before the water comes up, and the cost will be at approximately \$100,000.

The final hydration station has been installed. We know that the residents have been concerned about the hydration station near the dog park. It is now working and all of the soft surfaces on the linear path that had been torn up were repaired yesterday. We are addressing the things that we can and as soon as we can address the situation underneath safely and with losing a tremendous amount of money by them taking out what we've just put in; we are going to move forward with those repairs.

#### HURRICANE IDA REPAIRS

We signed the contract with Eagle Eye Resources for the replacement of the roof and rear balcony of building C and the construction began on it last week. We have re-tarped the roof at the Upper Pontalba Building (UPB) and administration building. As we push forward to finish those drawings and to get those repairs out to bid, we are on schedule with Trapolin Peer who are finalizing the plans for the work on the administration building as well as the work on the UPB.

We are also finalizing our tax credit extension application with the State and are amending it to include all the Hurricane Ida related damage to the building. We are on schedule with the plans for the administration building and we anticipate that both of the buildings will be bid in early 2023. We recently received approval from the Board of Building Standards and Appeals to grant us permission to repair the administration building at the current building elevation, which will save us a lot of money because we will not have to raise the building and reconfigure all of the entrances. That was the last part we needed for the plans, so we should be able to get it out to bid soon.

Unfortunately, we had to meet with WWOZ and advise them of our timeline. It will be necessary for them to vacate the building during the repairs, as the repairs include moving all of the brick from the exterior face of the building and rebuilding all of the exterior walls. WWOZ is currently on a month-to-month lease. They are going through their process for deciding whether they wish to return to the building once the repairs are made, or if they want to take this opportunity to perhaps find a permanent home with the space they want ideally. They would like to have approximately 10,000 sq. ft., which the FMC does not have a space that size. They are actively looking for a space in a prominent location.

#### OSCAR DUNN PARK

We removed the platform from Oscar Dunn Park where the cannon once stood. The Mayor's Office of Cultural Economy is working with us to convene a stakeholder group at the beginning

of the year, where we will decide how we will memorialize Oscar Dunn on this site. The site also served as the main broadcast location for the Christmas holiday parade this weekend. It will serve the same purpose for the Sugar Bowl parade, as well as Dick Clark's New Year's Rockin' Eve this year.

## COMMITTEE MEETINGS

We appreciate all the work the Committees have done since we last met.

### Real Estate Committee

The Real Estate Committee met on September 7, 2022 and considered four (4) requests on the Consent Agenda. In addition to amendments to correct the square footage of the space at Hop On Hop Off, to memorialize the current use at Socks on the Square, and to add heart-healthy ABO sales to Meals from the Heart. We are also very excited to welcome Dirty Coast, a homegrown New Orleans retailer, to the Upper Pontalba on Chartres Street, in the space formerly occupied by PJ's.

### Marketing Committee

The Marketing Committee met on September 19, 2022 and considered two (2) requests for sponsorship which will be on today's regular agenda. We had some challenges establishing a quorum that morning due to Bayou St. John overflowing into the District D homeowners' backyards. Once we did have a quorum, the Staff forgot to call the meeting to order, so we continued the meeting.

We do have votes on both items but we did not put them on the Consent Agenda; instead, we put it on the regular agenda because the meeting was never called to order. They did include a \$2,500 sponsorship for the International Arts Festival and the request by Children's Hospital and Kern Studios for a sponsorship to allow them the use of Oscar Dunn Park as well as 111 parking spaces to serve in conjunction with those events. Both events were approved by the Marketing Committee, but they will be on the regular agenda.

### Public Markets Committee

On October 17, 2022 Concordia presented their updates to the Public Markets Policy. Additionally, the Committee heard a request by the Flea Market Vendor Committee to provide a standing agenda item for the Committees to report to the Board of Directors. The Committee decided that as per the French Market Bylaws, the appropriate body to receive the report would be the French Market's Public Markets Committee, and the decision is on the Consent Agenda.

### Finance Committee Meeting

We held a Finance Committee meeting this past Monday and reviewed the 3<sup>rd</sup> Quarter Financial Statement, which are encouraging and is also on the Consent Agenda.

## PUBLIC RECORDS REQUESTS

Regarding the recent public records requests and inquiries about the use of the apartment in the Upper Pontalba Building, over the past few months, the French Market has received several public records requests for records related to the Mayor's use of an apartment in the Upper Pontalba Building. The French Market's Staff has responded to all requests where the French Market is the custodian of the records and provided the records to all the requests where appropriate.

The Staff has consulted and referred requests to the City, where the City is the custodian of the records. The French Market does not keep records regarding the general comings and goings of our Upper Pontalba tenants, or their guests. It should be noted that in the course of responding to the requests, the Staff has been unable to locate any historical documents or written policies that memorialize an agreement between the French Market, or its predecessors and the City. Determining the historical arrangement between the City and various entities that have managed the UPB over the years has been like unraveling a puzzle. The Staff focused our research on the following areas:

1. Is there are a document that memorializes the agreement between the City and the UPB; or any managing entity at any point during the City's ownership?
2. What is the use of the property and is it currently allowed by law?
3. Is this use currently listed as "permitted by right"; or is this use legally non-conforming?
4. Is the current use of the property inconsistent with the aforementioned; if so, what is the remedy?

There are several things that complicate our research. The UPB was completed and put into service in the early 1850's. The building is a mixed-use, multi-tenant, multi-story building that is located on the single lot of record in both local and national historic districts. It is the oldest, continuously operating apartment building in the United States that is particularly relevant, as continuous occupancy is a determining factor in establishing the legal, non-conforming use of any use. The building has been renovated multiple times over the years with multiple changes to many of the different units. The building and its use pre-date the City's zoning laws, which were first enacted in 1929 with major revisions in the 1940's, 1950's, 1970's, 1990's, and again in 2014. At each of these milestones, as well as during the periods in between, there were opportunities for changes in the zoning classifications, use provisions, and the use definitions that govern the site that could impact the legal non-conforming status of the use of the site.

This is in addition to the changes in the State's prescriptive laws that have also occurred over time. Further, based on the current building codes, the UPB is not considered one building, but rather a series of sixteen (16) townhouses. However, it was built one lot of record and pre-dates the establishments of the City's subdivision regulations. The City took ownership of the building in the 1930's to facilitate its restoration, due to its rapidly deteriorating condition. The City struggled to maintain the building through decades of minor revisions until the late 1980's and early 1990's, when a major renovation occurred. Additionally, a series of management entities managed the property until the 1990's, when the Vieux Carre Commission (VCC), later followed by the Upper Pontalba Commission, and then the Upper Pontalba Building Restoration Corporation, and finally, in 2013 the French Market Corporation assumed management when the Upper Pontalba Building Restoration Corporation was merged with the French Market Corporation.

The permitted use of the site is governed by the VCC 2, Vieux Carre Commercial District regulation, which allows a mix of residential and commercial uses. Given the complexity of the issue, the Staff reached out to its advisors to assist; including Ray Lewis (FMC Legal Counsel), the Upper Pontalba Historic Restoration Tax Credit Consultants, the Legislative Auditors, and the City's archives in the Louisiana Collection in the main library where we reviewed the records of former mayors back to the 1930's and we did not find anything. Absent this guidance, the question

will then fall to the City, as the property owner, to advise the French Market on any additional directions or restrictions that we need to place on the property.

## ETHICS REQUIREMENTS

The annual ethics reports are due. For the members who have not turned in their ethics certificate, please do; and for the members who submit certificates to the City, we can use the same certificate and the State as well.

## Q&A

Mr. Johnson asked that when it comes to Crescent Park relative to the wharfs, there was quite a community that had been built there when he took a tour of the wharfs. With the understanding that the wharfs will cost \$100,000 to repair and knowing that we cannot begin the work until we get security; how is it affecting the FMC as far as renting out the facilities for events for revenue?

Ms. Alley stated that the problem lies in discovering how to move forward with renting the facilities for future events. We are wrapping up things for the end of the year and most of the events are over here, as it gets cold; but we already have people asking to book early next year and we are hoping that we will be able to get in and do the work. The Staff is talking to the electricians, but they were under the wharf yesterday and told us that there is more stuff that has been stolen. We will have to hire private security to be down there with them while they are doing the work, as well as to watch the work until the next day that they can get in.

We talked to Property Management and the challenge for them is that they see the repair project that has to happen to the Governor Nicholls wharf as a capital project, which will not be cheap. There is a grading along the side of the wharf that has been pulled back where people can get in. There is concrete that has been disturbed over time that people can get in. The only thing that will stop people from getting to our stuff is the water; but we need to fix it before the water comes back. At this point, we are getting with them to come up with a strategy. They have given us an estimate to come up with a strategy for how they are going to do the work and then we will have to watch to see what happens with the water, but we have to get started. There are storms happening up north and when the snow melts, the water will rise and we will not be able to access the area to make the repairs.

If there is anything any of the Board members can do to encourage Property Management and Capital Projects would be helpful because the situation continues to compound. They are a little befuddled as well because they understand that Governor Nicholls is not a wharf that is under the French Market Corporation's control, it is leased to TCI. We are trying to work with Jeff Schwartz, etc. to get them together to do it. It has to be short-term and long-term. The access to get in under the wharf has been there for years, it is not a new problem. If we continue to have the low river levels in the future, we are going to see the continuance; so we have to come up with a solution now so that we do not have this problem.

Ms. Alley responded to a question by Councilmember Thomas, stating that she can't see where anyone has done anything since the City has taken the wharf; however, the Port of New Orleans had it for years. The timeframe would have been right before COVID-19 and when we were looking forward to Audubon coming and were looking to redeveloping the wharf. Having Audubon involved in the redevelopment plan of the wharf is going to help, but it will take a couple of years. In the meantime, we need them to do it. We are hoping having both Capital Projects and Property Management go down there, that we do not have a situation where they are pointing

fingers at each other, saying, “It is your responsibility.” They are both going to have to work on the project together because we do not have any control over it, but we are affected by it. They will have to make the repairs or pass them along to their tenants in their contracts.

We have been talking about this back and forth for a while and it is one of the reasons we are bringing aboard outreach workers from Travelers Aid because the size of the encampments that we saw under the wharfs were a lot bigger than we expected and we do believe that given how so similar to what happened at the Naval Support Activity Station... and they are cutting hot electrical lines so they know what they are doing, which is what we are being told by our electricians.

We also do not want to do to our neighbors what we feel like the Naval Support Activity Station did to us; we knew where they were going to go when they pushed them out of that site. They are going to go into the areas that are next to them. We know that when we push people out from under the wharf (there are around 100 people); will they go into the neighborhood? When we go down there we bring UNITY, Odyssey, and other groups with us, but there are only a small percentage of them who are willing to accept their help. The rest of the people, when moved from underneath the wharf are going to perhaps land on someone’s stoop, Claiborne Ave., or the Tchoupitoulas onramp. We just do not want to push our problem on to someone else.

There is also the mystique of New Orleans, which we hear from the unhoused population and there is not a one-size-fits-all as to why they are here. Some of them have probably been in the neighborhood for a while and really do not cause any problems. They may have family nearby and are having issues getting along and can’t be in a “regular” family situation. However, the people who came in and stole the wiring knew what they were doing. It is our biggest problem right now.

Mr. Johnson thanked Ms. Alley for all the work the Staff did on the issue and for setting up the tours, etc.

## 2. 2023 Proposed Committee Membership

Ms. Tusa was doing quadruple duty on many of the FMC’s Committees when we did not have members who were able to participate. Mr. Ince has indicated that he is willing to participate on the Finance Committee, so we are adding him to the Finance Committee. There is no action required of the Board on this matter; it was just for the Board’s information.

### C. PUBLIC COMMENTS

Ms. Tusa read the following public comment protocol:

Request to make a public comment may be submitted on a *Request for Comment* card provided at the meeting. Public comments will only be accepted for items on the Agenda in accordance with the attached FMC Protocol for Public Comment at Public Meetings. Public comments on an agenda item will be acknowledged when the item is discussed.

### D. CONSENT AGENDA

#### 1. Real Estate Committee

- A. Consideration – Meals from the Heart – 1100 N. Peters Street – Farmers Market Bay 11 – Request for Lease Amendment to Add Sales of Alcoholic Beverages
- B. Consideration - iNewOrleans, LLC D.B.A iNewOrleans City Tours – 700 Decatur Street – Request for Lease Amendments to:

- Update Leased Area Calculations
  - Restructure Compensation for Public Restroom Custodian Expenses
  - Modify Lease Performance Standard
- C. Consideration - Review & Selection of Proposal for Leasing of 630 Chartres Street - Request to Lease to Dirty Coast, LLC
- D. Consideration - Just Fun Socks, LLC – 504 St. Peter Street – Request for Lease Amendment to:
- Rescind Change of Use
  - Change Trade Name

## **2. Public Markets/Ad Hoc Committee**

- A. Consideration - Request by Dana Tharp on Behalf of the Vendor Committee for a Formal Regular Opportunity to Report Flea Market Vendor Concerns to the FMC Board of Directors

## **3. Finance Committee**

- A. Consideration - Review of FMC Unaudited Financial Statements 3<sup>rd</sup> Quarter 2022;
- B. Consideration – Promissory Note Schedule Review

Ms. Robison stated that there was a public comment request submitted related to Consent Agenda item D, 1, A.

### **Public Comments**

Will Mizell (Representative for Alberto’s Cheese & Wine Bistro) stated that he appreciates the Board allowing him to speak and Ms. Serrano (owner) is also present. She is an owner of Alberto’s and she asked him to speak on her behalf. She is concerned that she might become nervous and not be able to convey her reservations regarding the issue before the Board today.

It is Alberto’s position that the Board should not permit Meals from the Heart Café to sell alcohol at the French Market. The permit would adversely impact the French Market as a whole, and it will also directly impact Alberto’s as well.

#### **The Impact to the Market as a Whole**

It is his understanding that the Board has had a long standing policy limiting the amount of vendors who can sell alcohol in the Market, which makes sense. There should be diverse offerings in the Market and vendors selling alcohol should not (for the lack of a better term) “cannibalize” one another’s sales. Currently, as he understand it, Alberto’s and Organic Banana are the only vendors who are allowed to sell alcohol. These two vendors are located relatively far from one another, while Meals from the Heart Café is almost directly across from Alberto’s; therefore, allowing Meals from the Heart to sell alcohol would go against the Board’s past practices of avoiding an environment of non-diverse offerings.

#### **The Impact to Alberto’s (Individually) as a Business**

The permit will have a direct negative impact to their sales. Alberto's has been a vendor in the French Market for over a decade. When it first opened it was barely meeting minimum sales, but eventually, it obtained a permit selling beer, sangria, mimosas, etc. and then overall sales doubled.

Alberto's has a limited menu. From what he understands, Alberto's does not have access to gas nor does it have a full kitchen. They cannot transition to offering more traditional and popular menu items like red beans, gumbo, etc. Their alcohol sales now account for at least 40% of the overall sales. It is right to say that anything that impact the alcohol sales will impact Alberto's immensely.

In conclusion, the Board should deny Meals from the Heart Café's request so that the current balance in Alberto's offerings in the French Market is maintained.

In response to a question posed by Councilmember Thomas, Mr. DeLong explained that at the Real Estate Committee considered this request and they heard from Mr. James Doucette (Meals from the Heart Café) and asked him the same questions. It was the Committee's understanding based on his testimony before the Real Estate Committee that the types of alcoholic beverages he offered would be geared to having a lower glycemic index and calorie count to be a more healthy alcoholic beverage option.

Ms. Alley stated that she has actually seen the menu and she wanted to speak to about mixers, types of beer, or beverages that do not have high sugar content as it relates to FMC policy.

Several years ago there was a prohibition built into the City code that did not allow the City of New Orleans to issue any more alcoholic beverage licenses in an area that was specifically carved out for the French Market. Several years ago (at least four) those laws were changed and the laws that prohibited the sale of additional alcoholic beverages in the French Market were taken out of the city code and all of the laws that regulated alcohol were put into the zoning code so that it was all in one place. As long as a vendor could meet the standards of a standard restaurant, like any other standard restaurant, they are now permitted by right to provide those sales.

At one point in time, the Department of Safety & Permits were concerned about whether or not Meals from the Heart Café met the standard definition for a standard restaurant. They have worked with them to the point where they have satisfied the requirements. We can control what happens in the Market, but every single vendor across the street from the Market on French Market Place also sells alcoholic beverages; so a customer could just as easily walk across the street to grab a drink from any of those businesses.

We do not want to see every single vendor in the Market sell alcohol, but this is a niche group and we think it is appropriate.

Councilmember Green stated that while he recognizes Alberto's concern, he served on the City's Planning Commission and many times the scenarios that someone thinks is going to happen does not happen and everyone does more business most of the time. Everyone winds up doing more business because there would be more people in the Market to go to Meals from the Heart Café who would decide later to perhaps go to Alberto's.

Councilmember Thomas pointed out that some businesses thought that bringing Walmart to the Garden District area would shut down Magazine Street.

Ms. Alley stated that Alberto's Lease is up for renewal and the Staff is happy to work with them on their menu to see if there are other opportunities for them as well. Everyone needs to evolve a little bit, so we are happy to help them with their menu as well.

Councilmember Green moved and Mr. DeLong seconded a motion to approve the Consent Agenda. The motion carried unanimously.

## **E. NEW BUSINESS**

### **1. Consideration – International Arts Festival 2022 Sponsorship Request**

Ms. Alley reported that the 2022 International Arts festival took place at Crescent Park on Saturday, October 1 and Sunday, October 2, 2022. The International Arts Foundation is sought financial and in-kind support of the event in Crescent Park.

The Marketing Committee recommended approval of the International Arts Foundation's sponsorship request of \$2,500.00 in support of the 2022 festival taking place at Crescent Park. The meeting is on the agenda because the meeting was not officially called to order.

The Staff recommends approval of the International Arts Foundation's sponsorship request of \$2,500.00 in support of the 2022 festival taking place at Crescent Park.

We are trying to find ways to bring the festival into the Market a little bit more because sometimes the events at Crescent Park compete with the Market area; but we think there are lots of opportunity for the festival organizers to cross some of the festival into the Market.

Councilmember Thomas moved and Mr. DeLong seconded a motion to accept the Staff's recommendation to approve the International Arts Foundation's sponsorship request of \$2,500 in support of the 2022 festival taking place at Crescent Park. The motion carried unanimously.

### **2. Consideration – Kern Studios Holiday Parade 2022 Sponsorship Request**

Ms. Alley reported that the inaugural Children's Hospital New Orleans Holiday Parade took place on Saturday, December 3, 2022 in partnership with Kern Studios. Oscar Dunn Park platform was used as a media site for WDSU. They also used 111 of our parking spaces in the riverfront parking lot.

The Marketing Committee recommended approval of the Kern Studios sponsorship request to support of the 2022 Children's Hospital New Orleans Holiday Parade with an in-kind sponsorship valued at thirty-one thousand nine hundred dollars (\$31,900.00), which was the rental fee for Oscar Dunn Park and the riverfront parking. There is no financial component, it is a waiver of the fee for the use of the property.

Councilmember Thomas moved and Mr. Doucette seconded a motion to accept the Staff's recommendation for approval of the Kern Studios sponsorship request to support the 2022 Children's Hospital New Orleans Holiday Parade with an in-kind sponsorship valued at thirty-one thousand nine hundred dollars (\$31,900). The motion carried unanimously.

**3. Consideration – Authorizing the Executive Director to Execute an Amendment to the Cooperative Endeavor Agreement ("CEA") between the City of New Orleans ("CNO") and the French Market Corporation ("FMC") to transfer supplemental funds to FMC to make repairs to the Mandeville Street Wharf caused by the vessel Dani Mayes**

Ms. Alley reported that this is the last repair needed to the Mandeville Street Wharf. The FMC received a settlement check from the City and bid the project. When we bid the project we realized that we would be about \$150,000 short. We then asked the CNO to go back to the wharf fund they created through the Piety Wharf settlement and to use those dollars to fund the gap and the City agreed to do so.

The FMC Staff requests that the Board of Directors authorize the Executive Director to execute an amendment to the existing CEA with the City of New Orleans to facilitate the transfer of supplemental funds to FMC to facilitate the necessary repairs.

Mr. DeLong moved and Ms. McClendon seconded a motion to authorize the Executive Director to execute an amendment to the existing CEA with the City of New Orleans to facilitate the transfer of supplemental funds to FMC to facilitate the necessary repairs. The motion carried unanimously.

**4. Consideration – Amendment 3 to Contract between French Market Corporation (“FMC”) and Twin Shores Landscaping and Construction Services**

Ms. Alley reported that Twin Shores Landscaping and Construction Services provides the FMC’s landscaping and maintenance services and they were selected through the City’s bid process. This is the third amendment to their contract. We are satisfied with their services and they have reaffirmed the price included in their original bid.

The FMC Staff requests approval of Amendment 3 to the Contract between FMC and Twin Shores Landscaping and Construction Service, LLC to allow one (1) additional year.

Mr. DeLong moved and Mr. Doucette seconded a motion to accept the Staff’s recommendation to approve Amendment 3 to the Contract between FMC and Twin Shores Landscaping and Construction Service, LLC to allow one (1) additional year. The motion carried unanimously.

**5. Consideration – Proposed 2023 FMC Regular Meeting Schedule**

Ms. Alley reported that as per FMC Bylaws, at the last meeting of every year, we are required to adopt a new schedule for the upcoming year. We will begin the meeting schedule date with a meeting at the end of January since Mardi Gras is in February, which will give us the opportunity to skip that month. We differ from our last day in Tuesday schedule in May because of the holiday weekend that will occur the next month. We are also not going to meeting in October or November so that we can completely straddle council budget hearings so that we will not have any issues.

If at some time the schedule becomes problematic during the year, we are allowed to change it by vote of the Board.

**2023 PROPOSED MEETING SCHEDULE**

JANUARY 31, 2023; 12:00 PM, at 916 N. PETERS STREET

MARCH 28, 2023; 12:00 PM, at 916 N. PETERS STREET

MAY 23, 2023; 12:00 PM, at 916 N. PETERS STREET

JULY 25, 2023; 12:00 PM, at 916 N. PETERS STREET

SEPTEMBER 26, 2023; 12:00 PM, at 916 N. PETERS STREET

DECEMBER 5, 2023; 12:00 PM, at 916 N. PETERS STREET

Mr. Johnson moved and Mr. Doucette seconded a motion to approve the 2023 proposed Board meeting schedule. The motion carried unanimously.

**6. Solomon Group New Year's Rockin' Eve Sponsorship Request Introduced to Lay Over**

Ms. Alley reported that this sponsorship would be our last big event of the year. The Solomon Group is going to use Oscar Dunn Park and possibly the parking as well. The Kerns are coming back to do the Sugar Bowl parade, so this event will work well in conjunction with the Kern event.

Per FMC Bylaws, "Any requests for sponsorship shall be introduced to the Board at the next regularly scheduled meeting after receipt and shall lay over until the next regularly scheduled meeting for action by the Board." Sponsorship Request for the Solomon Group's New Year's Rockin' Eve is being introduced to lay over for action by the Board at the next regularly scheduled Board Meeting.

The Marketing Committee will meet prior to the next Board Meeting to consider the request and provide a recommendation to the Board. There is no Board action needed on this item at this time.

**F. ADJOURNMENT**

Councilmember Thomas moved and Mr. DeLong seconded a motion to adjourn. The meeting adjourned at 12:57 p.m.