

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
MINUTES OF THE COMMERCIAL REAL ESTATE COMMITTEE MEETING  
THURSDAY FEBRUARY 6, 2014 – 3:30 P.M.

The regular monthly meeting of the Commercial Real Estate Committee of the Non-Flood Protection Asset Management Authority was held on Thursday, February 6, 2013 at 3:30 p.m., in the Lake Vista Community Center, 2<sup>nd</sup> Floor, 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Commissioner Ernst called the meeting to order at 3:36 p.m. and led in the Pledge of Allegiance.

The roll was called which constituted a quorum.

**PRESENT:**

Chairman Greg Ernst  
Vice Chair Robert E. Smith Lupo  
Commissioner Eugene Green

**ABSENT:**

Commissioner John Trask

**STAFF:**

Louis Capo, Executive Director  
Sharon Martiny, Non-Flood

**ALSO PRESENT:**

Gerard Metzger – Legal Counsel  
Al Pappalardo – Real Estate Consultant  
Joe Kassler – Counsel for Ancient Order of Hibernians  
Judge McCabe – Ancient Order of Hibernians

**APPROVAL OF AGENDA**

Commissioner Lupo offered a motion to adopt the Agenda, seconded by Commissioner Brien and unanimously adopted.

**APPROVAL OF PRIOR MINUTES**

Approval of the December 5, 2013 Commercial Real Estate meeting minutes has been deferred until March 6, 2014.

**NEW BUSINESS**

**1) Discussion of issues involving the lease approved by the Management Authority for the New Basin Canal Park Hibernian Memorial**

Mr. Metzger advised that the New Basin Canal Park lease is on property that is not in a reclamation zone so the Board does not have plenary authority to lease without going to public advertisement under the Louisiana Public Lease Law. The reclamation zone was built in the 1930's and runs from Robert E. Lee to the seawall. This Board was granted authority to lease or sell all property in the reclamation zone without compliance with the Louisiana Public Lease Law. West End Boulevard to the south of Robert E. Lee is not within that zone, but there are other alternatives. The Board approved a lease in August of 2013, but the lease has not been signed. The Resolution approving the lease can be rescinded and a separate transaction can be authorized. The Board has no authority to approve a lease without advertising. The transaction could be restructured into a cooperative endeavor agreement for maintenance and use. The Authority would enter into an agreement with the Ancient Order of Hibernians to maintain the park for a fixed period of time. Another option would be to grant a permit for the Hibernians to renovate the memorial and maintain the premises. The duration would be limited and a structure would have to be prepared.

Mr. Metzger noted that the previous structure granted for the site was before his time as legal counsel. The former Levee District did not issue a lease. A Resolution was adopted stating the memorial could be placed on the site. The maintenance (grass cutting) has been done by the Orleans Levee District.

Patrick McCabe, Ancient Order of Hibernians, informed that maintenance of the cross was the responsibility of the Irish Cultural Society who erected the cross. The Hibernians were asked to maintain the area as some Irish Cultural Society members were members of the Hibernians. Judge McCabe suggested a five (5) year Cooperative Endeavor Agreement or permit to give the Hibernians five years to solve the issue. The Hibernians would proceed with the plans with the same people, money and structure. Plans have been made for a dedication in November in which people from Ireland will come to New Orleans to assist with the dedication. The people from Ireland will be in New Orleans for several days on other issues, but the highlight is the ceremony on Sunday.

Commissioner Lupo advised that the correct route to take is legislation. This piece of property involves the Irish contribution to the original canal. The legislature would be comfortable with granting permission to the Hibernians because of the history. Judge McCabe added that legislation would grant the Hibernians the right to the existing monument and for monetary and maintenance purposes for this non-profit organization. The legislature could grant permission for a lease and that the property would remain in the name of the Non-Flood Authority.

Mr. Metzger advised that the legislation would be amending the Public Lease Law, Title 41, which has many exceptions. Mr. Pappalardo noted that the Authority granted the Corps a multi-year permit to build pumping stations, which is basically the same as giving the Hibernians a permit to build a monument.

Mr. Kassler noted if the Authority granted the Hibernian's a permit development of the area can begin. Mr. Metzger advised that the Hibernians do not need anything from the City except for the permit which could be obtained by providing plans and specs to the City illustrating what construction will be performed in the area. The Levee District owns the property and this Board is the body that will grant them the right to use the property and issue the permit of use. Commissioner Lupo noted that the Board would have to be very strict on the definition of fundraising.

Mr. Metzger suggested that the Committee move to recommend the Board rescind the Resolution adopted in August of 2013 authorizing the lease. In lieu of the lease, the Committee can recommend the board issue a five year permit for maintenance and use of the New Basin Canal Park and Hibernian Memorial.

Commissioner Lupo offered a motion to recommend issuing a permit for the New Basin Canal Park Hibernian Memorial, seconded by Commissioner Green and unanimously adopted.

Mr. Pappalardo noted that the language in the lease would remain the same. The lease has to be changed to a permit and the legal meets and bounds will be required. This issue was first discussed approximately 15 years by Peppy Bruno to recognize the Irish. Mr. Bruno stated that the area was an Irish graveyard, and due to the graveyard the area has a certain status. The issue first came before the Orleans Levee Board and was led by Commissioner Janet Philpot who was the driving force for the Irish Community and served on the Board from approximately 1988 through 1992.

Chairman Ernst advised that the website lists four statues that came up, two of which involved the Levee Board. One has to do with the original transfer from the City of New Orleans in 1936. Mr. Metzger noted that the Board may have adopted a Resolution authorizing construction of the memorial.

Mr. Metzger advised that the lease would be converted into a permit and a property description will be needed along with the survey. The Hibernians will have the obligations of maintenance and grass cutting in the permitted area. The document will address each party's responsibilities. Mr. Pappalardo advised that if the meets and bounds description was used, that would be a benefit. Mr. Metzger advised that the bonding process requires a bond for the general contractor only like under the Public Works Act.

**ANNOUNCEMENT OF NEXT MEETING**

Chairman Ernst announced the next scheduled Commercial Real Estate meeting is Thursday, March 6, 2014 at 1:30 p.m.

**ADJOURNMENT**

Commissioner Green offered a motion to adjourn, seconded by Commissioner Lupo and unanimously adopted.

The meeting adjourned at 4:05 p.m.