

June 8, 2011

MINUTES OF THE MEETING OF THE COLLIER COUNTY
HISTORICAL/ARCHAEOLOGICAL PRESERVATION BOARD

Naples, Florida, June 8, 2011

LET IT BE REMEMBERED, that the Collier County Historical/
Archaeological Preservation Board in and for the County of Collier, having
conducted business herein, met on this date at 9:15 A.M. in REGULAR
SESSION at the Collier County Growth Management Division – Planning
and Regulation, Conference room #610, 2800 N. Horseshoe Drive, Naples,
Florida with the following members present:

CHAIRMAN: Craig Woodward

VICE CHAIRMAN: William Dempsey (excused)
Pam Brown (absent)
Patricia Huff
Sharon Kenny (absent)
Elizabeth Perdichizzi
Rich Taylor

STAFF PRESENT: Ray Bellows, Planning Manager- Zoning Services
Steve Williams, Assistant County Attorney
Glenda Smith, Budget Analyst
Fred Reischl, Staff Liaison, Zoning Services

ALSO PRESENT: Bob Carr, John Beriault and Edward Barberio of the
Archaeological and Historical Conservancy (AHC)
Jenna Buzzacco Foerster, Naples Daily News

I. Roll Call/Attendance:

Chairman Craig Woodward called the meeting to order at 9:17 A.M.
Roll Call was taken and a quorum established.

II. Addenda to the Agenda:

1. **ADD: -Under Old Business –Item E. -Pam Brown Position on HAPB**
2. **MOVE: - Under Old Business – Item A. Bula Mission to Item D and Item D. Chokoloskee Island Update to item A.**
3. **ADD: Under New Business – Item B. Discussion of language revision to the LDC regarding the triggering mechanism that requires an Archaeological Survey and Assessment**

III. Approval of Agenda:

Betsy Perdichizzi moved to approve the Agenda, as amended to include the Addenda to the Agenda. Second by Patty Huff. Carried unanimously, 4-0.

IV. Approval of Minutes: March 23, 2011 *(No formal minutes were taken at the April 20 and May 11, 2011 meetings, due to lack of a quorum. However, notes of the discussions at those meetings were taken for the record.)*

Rich Taylor moved to approve the minutes of March 23, 2011, as presented. Second by Patty Huff. Carried unanimously, 4-0.

Fred Reischl arrived at 9:23am.

V. Old Business:

A. Chokoloskee Island Update (handouts)

BACKGROUND, with explanation by Patty Huff:

The handouts consisted of copies of a series of letters from Florida Division of Historical Resources dated:

- September, 2008 from the Director and State Historic Preservation Officer to the Florida Department of Environmental Protection
- May 1, 2009 from the Director and State Historic Preservation Officer to the Fort Myers Regulatory Board Jacksonville U.S. Army Corps of Engineers (USACE)
- July 29, 2009 from USACE to the Deputy State Historic Preservation Officer
- August 17, 2009 a reply to the USACE
- January 21, 2011 from the Deputy State Historic Preservation Officer to the Fort Myers Regulatory Board Jacksonville USACE

All regarding the Applications from Florida Georgia Grove LLC for

- a. *Blue Heron Basin Reconstruction*
- b. *Seawall Replacement*

And from Ted Smallwood Store, Inc for Smallwood Store Driveway

Assistant County Attorney Steve Williams briefed the Board Members on the progress of Collier County's nine-count complaint in joint action

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with Ted Smallwood, Inc. in a lawsuit against Florida Georgia Grove LLC and their lenders. No response had been received to date. The Judge had not granted the injunction requesting correction to, and replacement of, the damaged Mamie Street road. He stated the 20-day waiting period from the May 26 filing, servicing and mailing dates were not up yet. He will send copies of the complaint to the Board Members.

Discussion followed on the permitting that took place, the requirements for ground disturbances in designated areas of probability and the need for cultural assessment of the property in question.

Ray Bellows explained the demolition permit and other County permits issued and the current requirements that generate an archeological survey.

Patty Huff supplied copies of a letter from Marsha Chance, an Archaeological and Preservation Consultant, hired by the Developer, which stated her observations and opinions on the historical and/or archaeological objects, shell mounds and black earth middens, etc. discovered in her search. The letter briefly referenced two articles "Certain Antiquities of the Florida West Coast" reprinted from The Journal of the Academy of Natural Sciences of Philadelphia, Volume XI, Philadelphia, 1900 and "The Anthropology of Florida", the Smithsonian Institution, Washington D.C., published by The Florida State Historical Society, 1922. Both publications referenced the numerous artifacts and relics found and many references to Indian habitats. Conflicting statements regarding sacred wells were stated.

Patty Huff strongly commented a full assessment was needed as many violations appeared to be occurring.

At this time Bob Carr and John Beriault from AHC, were invited to speak.

Bob Carr commented the State of Florida had specific requirements regarding archeological site surveys and assessments; a Reconnaissance Level and a Phase I Assessment, which he explained. In most Counties, ground disturbing activities must stop if an archaeological discovery site was uncovered. He noted *all* of Chokoloskee Island was an area of archeological significance.

In this case, no stop order was issued; nor did the County request a Phase I Assessment. In his opinion, it was not consistent with State or County codes. According to an Archeological and Historical Conservancy, Inc. Newsletter published in the fall of 1997, Collier County did issue a stop order and require an archaeological assessment on Chokoloskee Island; so there was an actual precedent set.

He did state that Ms Chance did what she was asked to do, namely report on human remains findings. However, it was his opinion a Phase I Assessment was in order to set out guidelines to minimize the impact to the parcel concerned. Three different components to consider examining were the shell mounds, the black dirt (earth) middens and the wells –done in accordance with existing County codes and requirements.

John Beriault gave a background on the wells' history. They were artesian wells dug by the Smallwoods and should be culturally identified on plans.

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Assistant County Attorney Steve Williams commented on Marsha Chance's "Conclusions" paragraphs – noting the reference to her *client* and the citing of *opinions* and *hearsay* was not typical in a cultural assessment report; to which, Bob Carr concurred.

Assistant County Attorney Steve Williams left at 9:57 am.

The HAPB members asked what they could do to institute a Phase One assessment.

Ray Bellows responded it would be generated only if the developers apply to build as written in the County Codes. He noted that demolition had stopped at this time.

Bob Carr stated it was clear that an archeological site had been disturbed. He suggested the HAPB go on record that the Report of Observations was not a Phase One Assessment; also, to look at revising the Code to conform to other Counties' Codes. The triggering words to generate that assessment should be "ground disturbing activity", the same as other Florida Counties' Ordinances.

The HAPB readily agreed.

Patty Huff moved to recommend the acknowledgement of the Report of Observations by Marsha A. Chance, Preservation Consultant, to Dr. Ryan Wheeler, Florida State Archaeologist, as an opinion only, of her observations; and not a Phase One, Official Reconnaissance Level nor Cultural Assessment. Second by Elizabeth Perdichizzi. Carried unanimously, 4-0.

Assistant County Attorney Steve Williams returned at 10:10 am.

Chairman Craig Woodward asked Bob Carr if Will Dempsey had contacted him about his Rock Creek findings.

Bob Carr replied he had received an e-mail but had not yet discussed it.

John Beriault commented there was a burial mound found in that area near the NE side of Shadowlawn and Estey. Mr. Dempsey and Mr. Carr will confer on the find.

The AHC representatives left at 10:11 am.

B. Interlocal agreement Draft Document

Chairman Craig Woodward had contacted Kris Van Lengen, City Planner for Marco Island on their progress with creating the City's Ordinance. From there, Craig and Will Dempsey will work on the Interlocal Agreement language. The goal was to get an Agreement in place by the end of the year.

C. Corkscrew Settlement Update

Patty Huff noted in the updated copy of the Brochure, she had added the Corkscrew Settlement along with photos. A copy of the updated Brochure will be e-mailed to Mr. John Ban. She had also added a third cemetery in Chokoloskee, the Santini Cemetery.

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Chairman Craig Woodward mentioned a plaque once erected across from Monroe Station denoting the historic meeting of the Copelands and the Seminole Indians which took place there in the 1930's or 1940's. He suggested that item and Turner River could also be added to the Brochure. **Patty Huff** asked that any other additions be e-mailed to Ray Bellows. Then she will add them in.

D. Bula Mission Update

Patty Huff reported on her contact with the Edgerin James Foundation and will be speaking with him next week. His Orlando Foundation works with a summer camp in Immokalee. Other contacts for support she had contacted were the New Hope Ministries who agreed to mention the project in their bulletin and the Triumph Church, which Annie Mae Perry was connected with.

E. Pam Brown Attendance – Addenda Item

Patty Huff requested the Board to take action regarding the lack of attendance at HAPB meetings over the months of her term. Following a brief discussion:

Patty Huff moved to recommend that a letter be sent terminating Pam Brown's tenure on the HAPB and a new application for the Archeologist category be advertised. Second by Elizabeth Perdichizzi. Carried unanimously, 4-0.

Assistant County Attorney Steve Williams left at 10:26 am.

VI. New Business:

A. Webpage Improvements

Chairman Craig Woodward pointed out the problem with the scanning in numerical order.

Ray Bellows explained the Publisher Program was the problem. The IT employees will be working on it with Patty Huff.

Assistant County Attorney Steve Williams returned at 10:29 am.

B. Discussion of LDC Language Revision – Addenda item

Chairman Craig Woodward stated the “ground disturbing activity” wording suggested by Bob Carr sounded very good. He asked if a special meeting was needed.

Ray Bellows suggested contacting Bob Carr to ascertain which Counties had Ordinances with the proper wording that he knew of, looking at those and go from there.

Assistant County Attorney Steve Williams spoke to the matter, stating the language change itself would not be a problem with careful wording.

VII. Public Comments

Ray Bellows noted the owners of the Historically Designated Hart Cottage were having problems rehabilitating the property. They have obtained some professional assistance and provided with information on administrative variances. He will keep the Board informed on their progress.

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He also informed the HAPB that all Officially Designated Historical sites as well as those of Historic Significance were now listed on the website.

Patty Huff asked if any e-mails had come to Mr. Bellows from any of the Tribes. If so, she would like them forwarded to her.

VIII. Board Member Announcements:

Chairman Craig Woodward spoke about a speaker series at the Marco Island Museum in the Rose Auditorium. Rob Davis of Florida Atlantic University, professor of movies, talked on movies made about the Everglades. Two of the old movies being shown at 7PM were:

1. Tonight - "*Wind across the Everglades*", inspired by Kappy "Bud" Kirk who (according to Elizabeth Perdichizzi) had given "technical assistance" (snake handling) to the cast. For its 50th Anniversary, the movie had been shown in Miami.
2. Tomorrow night - "*Distant Drums*", filmed in Naples with many familiar local sites shown.

Rich Taylor stated Nick Penniman was out of town until the Fall and will be invited to HAPB at that time.

Patty Huff reported on the Kid's Art activities in Everglades City.

IX. Adjournment:

There being no further business for the good of the County, the meeting was adjourned by order of the chair at 10:45 A.M.

*Ray Bellows will contact the HAPB members regarding their summer schedule plans for Board Meetings. Barring any notice to the contrary -
The next scheduled meeting will be held Wednesday July 20, 2010 at 9:15 AM.*

**COLLIER COUNTY
HISTORICAL/ARCHAEOLOGICAL
PRESERVATION BOARD**



~~Vice-Chairman Craig Woodward~~

William J. Dempsey

These minutes approved by the Board/Committee on 8-17-11
as presented _____ or as amended _____.