

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

Naples, Florida, May 21, 2014

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 North Horseshoe Drive,  
Naples, Florida with the following members present:

CHAIRMAN: William Dempsey (excused)  
VICE CHAIRMAN: Matthew Betz (excused)  
Patricia Huff  
Sharon Kenny  
Elizabeth Perdichizzi  
Rich Taylor  
Craig Woodward (telephone)

ALSO PRESENT: Ray Bellows, Planning Manager, Zoning Services  
Fred Reischl, Zoning Services  
Cristina Perez, Code Enforcement

**I. Roll Call/Attendance:**

**Sharon Kenny** offered to chair the meeting in the absence of both Chairman and Vice- Chairman. **Craig Woodward** requested attendance via tele-conference call.

**Acting Chairman Sharon Kenny** called the meeting to order at 9:30 A.M.  
Roll Call was taken; a quorum was present.

*Elizabeth Perdichizzi moved to accept the attendance of Craig Woodward by telephone conference. Second by Patty Huff. Carried unanimously, 4-0.*

*Patty Huff moved to appoint Sharon Kenny as Acting Chairman for the meeting. Second by Elizabeth Perdichizzi. Carried unanimously, 5-0.*

**II. Addenda to the Agenda:**

**ADD: Under Old Business – G. Update on the Letter to the BCC regarding the consolidation of Advisory Boards and HAPB being folded into the Planning Commission.**

*Elizabeth Perdichizzi moved to approve the Addenda item G. to the Agenda. Second by Patty Huff. Carried unanimously, 5-0.*

**III. Approval of the Agenda**

*Rich Taylor moved to approve the Agenda, including the addenda item G– Letter to the BCC Update - under Old Business. Second by Patty Huff. Carried unanimously, 5-0.*

**IV. Approval of Minutes: March 19, 2014 (April 16, 2014 -canceled- no quorum)**

Amended – Page 2. Last line is to read... “road not wide enough for passing vehicles.”

*Elizabeth Perdichizzi moved to approve the minutes of March 19, 2014, as amended. Second by Rich Taylor. Carried unanimously, 5-0.*

**V. Old Business:**

**A. Pepper Ranch Update – Alex Sulecki**

*This item was moved to the June meeting. Ms Sulecki was not available.*

**B. 318 Mamie Street Update**

**Fred Reischl** stated the report from staff he received today stated there had been no final inspection to date.

**Patty Huff** noted she had also received an e-mail from staff stating they would not do a final inspection until assurances were presented that a Certified Archaeologist was present on site.

**Ray Bellows** stated he received an e-mail from Code Enforcement today stating they would need a list of what activities were done (permits pulled). He responded there were two—a vegetation removal permit and a demolition permit. Code will investigate to ascertain if Florida Georgia Grove (FGG) had exceeded the

parameters of the permits. He also stated documentation will be required that a Certified Archaeologist was present at any ground disturbances.

**Patty Huff** noted the FGG had hired their own archaeologist who had reported there were no significant materials on the property; even though the GIS maps say the whole island is historically significant. She did not have confidence in relying on their appointed archaeologist. She stated the grounds have already been disturbed and asked if the HAPB could request an independent archaeologist be present there. She brought to the attention of HAPB the fact that the FGG *application* added *remove to finished grade property* which was not the same wording on the permit. The permit was for vegetation removal only and did not provide for any grading. She stated they not only graded the property; but also filled in the marina. In light of those actions, it was agreed FGG had already exceeded their permit parameters as well as violating other County and Code of Engineering requirements. She commented the HAPB should be leery of further permitting on this site if violations continued. She asked how the County handles this type of situation. Her concern was how the HAPB or any other Board will be able to protect this or any other property in the future, if Codes and Ordinances can be blatantly ignored.

**Fred Reischl** will see that staff re-checks the wording on the application and on the permits.

**Ray Bellows** stated the HAPB could initiate Historic Designation procedures on that particular parcel providing it met the proper criteria. Justification to support that action would be an Archaeology Report and Cultural Assessment stating its historical and/or cultural significance. Or, if already excavated to the point that artifacts had been lost or disturbed, that report also would go to the BCC with the HAPB's recommendation that it should be designated historical, along with the FGG's archaeologist's report stating it shouldn't. The BCC would decide. He cautioned the BCC may be reluctant to approve historic designation procedures the owner was not on board with; and, their own archaeologist deemed the property to have no historical significance. However, should the HAPB choose to push forward with the historic designation process, any additional buildings or further construction by FGG, would require (under the LDC) a new Cultural Assessment to be presented to the HAPB, who could deem it sufficient or not sufficient. The Site development Plan (SDP) would not be approved until everything was resolved. The BCC could accept or deny the report if inadequate information was submitted. *(It was noted that the original submission document was not a true Cultural Assessment, but a "Cultural Observation." It was not sent to the Corps of Engineers, who would have required additional documentation and maps)*

**Patty Huff** asked to hear from the Code Enforcement staffer present at the meeting.

**Cristina Peres**, Code Enforcement, stated the Department was looking into the Code to determine if it could be required to include the archaeologist's report as part of the vegetation removal permit. Staff just received the archaeologists report and she will get a copy after the meeting and pass it on to all members. She stated the site was visited yesterday. She was asked for confirmation the archaeologist

was present daily and about grading and clearing violations.

*Cristina will check on the Codes regarding clearing, grading/re-grading. She will also review the archaeologist's report and the information on the application and on the permits. She will also check with the Corps of Engineers for their reports.*

**Ray Bellows** provide a background on the clearance permit to tear up the road. Through a legal process it was determined the road was to remain a public road and is still a legal issue regarding a settlement agreement. As part of that legal process the demolition permit and vegetation permits were suspended; but, had recently been re-activated. His question to Code Enforcement was, were they complying with the scope of work and was an archaeologist monitoring all the required activities as per the HAPB's recommendations. And, did they exceed the boundaries of the permit.

**Cristina Peres** explained what should occur if unpermitted activity was discovered. The owners would have to rectify the problem or apply for an after-the-fact permit. Code Enforcement can only address violations of Codes. *Ray Bellows commented a whole new issue would be generated since it would mean a cultural resource was destroyed.*

**Elizabeth Perdichizzi** stated the amount and depth of grading should be accounted for in the permitting. They should be required to say how many feet they took off. She asked how FGG can be denied further work at the site if they were found to be in violation of their current permits.

*Ray Bellows responded the Codes allow a hold to be put on future permits if they are found to be in violation of past permits through the Building Dept. In addition any future development would require a SDP, which would need to go through the Zoning Department, of which he and Fred Reischl are a part.*

**Patty Huff** read from a 1922 Smithsonian Institute report on the abundance of relics, bones, tools and Indian artifacts on the mound and the surrounding area. Despite the development and ground disturbances, the historic significance of the whole island remains intact and could be proved, according to her research. She stated the fill that was put in the marina was taken from the mound.

Patty, also reported, according to the Corps of Engineers, there were still some unresolved violation from prior permits involving the marina boat basin.

*Craig Woodward left the meeting at 10:02 am.*

**Sharon Kenny** requested information from the elevation survey to compare with the last known elevation survey, to see if there was a violation of the permit.

*Cristina Peres will research the elevation survey filed on the property.*

**Ray Bellows** said they are in violation if it was not part of their permit for re-grading or excavation and was not specified on the permit. He suggested the best approach for HAPB was to declare the site historic by starting the process with a letter of that intent sent to the owner from HAPB, inviting them to come before the HAPB.

*Patty Huff moved to recommend the HAPB begin the Historic Designation process by sending a letter of that intent to the current owners of the 318 Mamie Street property; and, inviting them to an HAPB meeting. Second by Elizabeth Perdichizzi. Carried unanimously, 4-0.*

*At this point Woody Hanson, a speaker on the subject, was introduced.*

**Mr. Hanson**, currently a nationwide real estate consultant with a degree in Architecture, has provided expert testimony on many Land Management cases. Serving on several Historic Preservation Boards, the Board of the Edison Ford Winter Estates, the City of Ft. Myers Museum Advisory Board, and current Chairman of the SW Florida International Airport Special Management Committee are among the many aspects of his expertise. He has given expert testimony for Collier County Land issues and for the U.S. Congress on matters pertaining to the Bureau of Land Management. He stated he has been following and researching the situation on Chokoloskee Island and was offering his expertise and assistance to the HAPB in reference to the Mamie street property and FGG. He made the following points and observations.

- There exists a challenge to the coordination of the various departments of local government on what was happening with the property in question.
- Internet investigations show inconsistencies by various divisions of local governments.
- There was absolutely no question of the historical resources of the two most significant islands in Southwest Florida- Chokoloskee Island and Mound Key.
- Activities of concern, found on line-- inconsistent with the LDC
- Cited FGG's history of non-compliance--minutes October 2013
- Cited FGG's economic stake
- Cited current vegetation permit, reissued; ambiguous wording. Multiple permits - unshared information
- Presumption of record -is in an area of significant archaeological probability
- Corps of Engineer reports indicate potential to creep into wider area.
- Their permitted species for vegetation removal-not near the area of excavation.
- Corps of Engineers documents show removal of vegetation was not where FGG was working.
- Geodesic survey could be accessed on internet for defined information
- Cited the Corps permit for removal specifies # of cubic yards that can be removed-- 400 linear ft.- seawall and 1, 456 cu. yds. -vegetation. In actuality more than that amount was removed in violation of the permit.
- The responsible local government must demand compliance.
- Establish a fact pattern of FGG's non compliance to show willful intent.
- Difficult to adhere to HAPB's Mission Statement and defend the rich cultural history of the area.
- The Board and County need not to react to; but to anticipate future encroachment.
- Given all the facts and the information attainable, coordinated observation and working together to defend those resources with high probability of historic archaeological artifacts to prevent destruction, should be the immediate goal.

**Mr. Hanson** encouraged the HAPB in starting the Historic Designation process, stating "the process may be long but you must start somewhere." He offered his experience and expertise and provided his contact information to Sharon Kenny, who thanked him for his input on behalf of the HAPB.

Lengthy discussions followed regarding the various aspects of enforcing the code, denying further work, involvement of the Corps of Engineers and an independent archaeologist.

*Ray Bellows explained the County cannot tell a property owner who to hire and what they can do on their own property as long as they follow proper procedures, laws and comply with County codes and regulations. Code Enforcement will review everything and report to him.*

**Patty Huff** reported there will be a Mediation on June 9 at 1:00pm with the Smallwood's attorney, the Collier County's attorney and FGG's representatives.

**C. Historic Guide Printing Update**

**Patty Huff** announced the Historic Guide was finished and 10,000 copies printed with the funding provided through the cooperation of Ron Jamro, Collier County Museum Director and Jack Wert, Tourist Development Council. Several copies were available for the members to distribute to the various organizations in their districts. Each Museum and Chambers of Commerce as well as all of the sites in the brochure will receive copies. Inventory of the Guides will be stored in Ray Bellows' office.

*The HAPB applauded Patty Huff for all her work to complete the project; and, Ray Bellows and Fred Reischl for their contribution to a job well done.*

**D. Interlocal Agreement with the City of Marco Island**

**Fred Reischl** announced Tammy Scott was the new Planner at the City of Marco Island. Craig Woodward will be working with her on this item.

**E. Mar-Good County Park Historic Designation Revised Application**

This item was postponed until the next HAPB meeting.

**F. Horse Creek Estates Historic Designation Update**

**Fred Reischl** announced there was no Update at this time.

**G. Letter to BCC regarding Advisory Board consolidation**

**Ray Bellows** noted there was to be comments by the HAPB on the last draft of the letter and Matthew Betz would sign it.

*Fred Reischl will see that the letter is signed by Matt and presented to the BCC for their current discussion of the issue.*

**VI. New Business**

**A. Argo Manatee Cultural Assessment**

**Ray Bellows** stated copies of the Cultural Assessment had been previously e-mailed to the HAPB of the proposed re-zone of the property. He cited portions of the property contain an archaeological site.

Anita Jenkins, Director of Planning for J.R. Engineering, representing the applicant for Argo Manatee PUD rezone, provided an update. Phase I historic survey had been provided. She stated Bob Carr, the on site archaeologist has continued to study the probable site. Changes will be made to the PUD Master Site to preserve the historically significant area and provide for archaeologist's oversight during construction. The site in question will now be part of the Preserve. The project will come before the HAPB again when the revised PUD will be presented.

**VII. Public Comment**

*Mr. Hanson previously spoke under Old Business*

**VIII. Board Member Announcements**

Patty Huff announced Jennifer Perry was the new Manager at the Museum of the Everglades. She has instituted several new programs.

- The Museum will be open Monday through Saturday.
- Movies Day during the summer months
- Evening at the Museum once a month
  - Rick Majors gave a talk on his book "Ghost of Chokoloskee"
  - Jeff Whichello spoke on his book "What Happened to Ochopee"
- June 28 "Celebrating our History" event with a 4<sup>th</sup> of July Parade and fireworks


Elizabeth Perdichizzi announced the Marco Historic re-enactors will participate in the parade at the June 28<sup>th</sup> event .

**IX. Adjournment**

*The next scheduled meeting will be held on Wednesday June 18, 2014 in Room #610 Collier County Development Services Division, 2800 N. Horseshoe Drive.*

**There being no further business for the good of the County, the meeting was adjourned on a motion by Rich Taylor, with a second by Elizabeth Perdichizzi. Motion carried, 4-0. The meeting was adjourned at 10:51 A.M.**

**HISTORICAL/ARCHAEOLOGICAL  
PRESERVATION BOARD**




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Acting Chairman, Sharon Kenny

These meeting notes approved by the Board/Committee on 6/17/14 as presented or as amended.

*P.S, "Core" to "Corps"*