

**MINUTES OF THE MEETING OF THE COLLIER COUNTY
HISTORIC/ARCHAEOLOGICAL PRESERVATION BOARD**

Dec. 17, 2021

LET IT BE REMEMBERED, the Collier County Historic/Archaeological Preservation Board in and for the County of Collier, having conducted business herein, met on this date at 9:30 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: Eugene Erjavec
Elizabeth Perdichizzi
Barry O'Brien
Patricia Sherry
George Thompson (excused)
Austin Bell
James Bennett (excused/resigned)

ALSO PRESENT: Andy Youngblood, Operations Analyst
Sean Kingston, Senior Planner
Timothy Finn, Principal Planner
Mike Bossi, Planning Director
Heidi Ashton, Managing Assistant County Attorney
Colleen Greene, Assistant County Attorney

Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Department.

1. Roll Call/Attendance:

Chairman Erjavec called the meeting to order at 9:32 a.m. Roll call was taken and a quorum was established.

(Five members were present; Board Member James Bennett resigned and was excused.)

2. Addenda to Agenda

None

3. Approval of Agenda

Mr. Austin moved to approve the agenda. Second by Ms. Sherry. Carried unanimously, 5-0.

4. Approval of Minutes: Oct. 15, 2021

Ms. Perdichizzi moved to approve the minutes of the Oct. 15, 2021, meeting as presented. Second by Ms. Sherry. Carried unanimously, 5-0.

5. Old Business

A. Interlocal Agreement with the City of Marco Island

Mr. Bosi noted that the board agreed at the last meeting it would invite the Marco Island City Manager to this meeting, or in lieu of the city manager, Dan Smith, Marco Island's director of community affairs. Neither are in attendance. A request for an interlocal agreement with Marco Island must be generated by the City of Marco Island, so it's hard to move forward without their input.

Chairman Erjavic agreed, saying they'd hoped they would attend.

Attorney Ashton said the county attorney indicated this board could propose an agreement, as another option. But for efficiency, it should come from Marco Island directly. Once the board agrees on the terms, she could draft an agreement.

Chairman Erjavic said they'd discussed this before, that Marco Island would initiate it. He wanted to know if Mr. Smith or the city manager planned to attend.

Mr. Bosi said the board was at a disadvantage because without Marco Island's input, it could not move forward. The board can't impose an interlocal agreement on the city that Marco Island hasn't participated in. Their presence is needed to discuss the parameters.

Ms Perdichizzi inquired if it was possible or more convenient for the board to meet on Marco Island, if that's part of the problem.

Chairman Erjavic asked again there this item was going and whether Marco Island representatives planned to attend.

Mr. Bosi said he wanted to provide clarification. He's had no conversation with them, but understood that Marco Island was interested in an interlocal agreement. Until they show up, engage in a discussion, or schedule a meeting with the county staff, the board is at a disadvantage and can't move past this issue. He didn't believe the county had any indication that Marco Island was not willing to participate. But until they can attend a

board meeting or schedule a meeting with county staff to discuss the contents of an interlocal agreement, the board can't move past this issue.

Chairman Erjavec said he understood.

Attorney Ashton said she reviewed Marco Island's ordinance but there was nothing regarding board review to give guidance on history and preservation. There are some requirements in Marco Island's land development for staff to do a review. We would have to consult with their attorney. It may require Marco Island to adopt an ordinance that the board could review.

Chairman Erjavec said that would be even better. That's one of the things the board needs to discuss with them, the comprehensive plan, the wording, the objectives. He didn't know where the board could go from here.

Mr. Kingston said Mr. Smith had no objection but stated that he couldn't attend. It was just a scheduling problem.

Chairman Erjavec said this matter will remain until they get cooperation from the city of Marco Island. There's a need for it. It's in their comprehensive plan. He wanted to ask questions about any rewording in their plan and their willingness to follow through with actions. There are state statutes and laws the county abides by. We have certificates of appropriateness that go forward, there's grant-writing and monies involved. The situation on Marco Island is that there are some sensitive archeological and historical areas. Its comprehensive plan details how to address cultural and historic issues.

The county had done it in the past until Marco Island was incorporated as city and this is where the problems started. They had certificates of appropriateness. They don't have an archeologist or a review board. He wasn't certain they had an environmentalist now, or who is handling these situations. It's publicly known there's a need, particularly because of the human remains that were found. Marco Island should be asking for help. They should have an agreement with us or sign an ordinance. They need help from the county, the state and even the federal entity. He asked if the board would continue to invite Marco Island representatives until they show up?

Mr. Bosi said he understood that Mr. Smith is more than willing and wants to come to the board meeting, but had a conflict, a funeral he had to attend. He asked that the board continue this to the next meeting. We need the benefit of the board asking these questions of Mr. Smith. He said they could set up a meeting with Attorney Ashton, himself, Marco Island's attorneys and Mr. Smith.

Chairman Erjavec asked Mr. Finn to invite Mr. Smith to the next meeting. He said he and other board members have questions and it was uncertain what their status was or what their opinion was. He said he'd been in communication with a council member who is interested in preservation and can continue to deal with him. If Marco Island signs an interlocal agreement, he also will have to schedule a meeting to consult with the tribe – the federal entity – and get its input. Hopefully, the board will have more input on this when a city representative attends a meeting.

Ms. Perdichizzi asked if the board could reach out and see if someone from Marco Island can attend the next board meeting. If they can't, the board could ask when they could and the meeting could be rescheduled.

Chairman Erjavec said after that discussion, there's been much talk on how to word the interlocal agreement. He said he'd looked at examples of interlocal agreements. The best one was a basic interlocal agreement. The board could fill in the words about preservation, cultural resources and history. He asked if Marco Island is a certified local government.

Mr. Bosi said Marco Island is not a certified local government under Florida statutes. That's a government that has a historical preservation ordinance.

Chairman Erjavec said there are requirements to be certified as a government so they could be eligible for assistance. He said he'd been reviewing that. Updating the probability map is one of the first requirements to be certified. He said he had letters of support from the state, from several departments, and archeological firms, cultural resource firms. A lot of people are aware of this activity now, including one councilman. He said he'd try to meet with the tribe and review this file to hash out any potential obstacles so this doesn't drag out for another year or two.

Ms. Sherry asked if there was any way the board could create a subcommittee.

Chairman Erjavec said a subcommittee probably would be formed. That's part of the requirement to be certified. He said he'd be willing to deal with the councilman and the tribe. In the meantime, he'd ask Marco Island to review the interlocal agreement. This is something they haven't dealt with and it's going to require a lot of activities and reviewing. The possibility of an agreement or an ordinance might be better. He said he'd share details afterward.

Attorney Ashton said they could look at this further and follow with Sunshine Law requirements for a meeting.

Chairman Erjavec said these activities were common and handled by Collier County until Marco Island became a city. He apologized for the delays but said a lot of activity and reviewing will be involved.

Attorney Ashton said the board would still need an agreement but the board might want to require an action by Marco Island City Council.

Mr. Bosi said Mr. Smith is a former Collier County employee and, unfortunately, he just could not attend today.

Chairman Erjavec said they understood and thanked them for attending. He said he'd attended a comprehensive plan or planning meeting and obtained a letter the Historical Society wrote to the Marco Island city manager, who presented it to City Council and suggested that council go along with an interlocal agreement. He said he'd continue to collect the file and hopefully, everyone would be more educated, have more questions, answers and solutions.

B. Indian Hill Site on Marco Island

Chairman Erjavec reported:

- There has been some activity.
- Councilman Rich Blonna teamed up with the Audubon Society.
- There has been some biology activity with gopher tortoises recently.
- Rental and real estate agencies are going crazy and the buildout of Marco Island is expected to be complete in three to five years.

- Conservation Collier started up 10 years ago after a tourism tax, a penny tax, was developed and was very successful. Collier County residents voted on it and re-established Conservation Collier, which had a lot of money collected this year. Their committee will decide how to best spend the money.
- Conservation Collier might consider acquiring properties adjacent to preservation lands, asking owners to get on the program. Some already donated property and others offered property due to activity in the area.
- Conservation Collier has reviewed thousands of acres and many properties. Its staff has been working diligently and recently developed a property ratings list.
- Councilman Blonna and the Audubon Society offered some properties to Conservation Collier to preserve gopher tortoises and reached the top of the list. That will go before the BCC for approval of some offers. There's a good possibility that two Marco Island properties will be acquired for gopher tortoise preservation.
- The Indian Hill property was also among the mix; Councilman Blonna had recommended that property.
- Some properties weren't recognized, while some were. Two were on the list for A-List acquisitions and Indian Hill is on the B-List, meaning it's still active until sold or it's withdrawn. Hopefully, they will acquire it. There were some problems, a hefty price tag and appraisal value, maintenance problems and the sea wall might need work. It was presented to Conservation Collier at the last hour and they did recognize it and kept it on the list for next year, for review. They read the archeological report. Some liked it, some didn't. With all the money that Marco Island puts into the fund, with tourism, they're entitled to some money back. That's probably the No. 1 property to be preserved, as far as history, archeology and cultural resources.
- The owners contacted him last week to understand how the process works. He'll be able to discuss more about it openly and he'll meet with the tribe, the federal review board, to discuss their views. They were involved in that property and have a final say about developing it or not.
- The property has been recognized by Conservation Collier.
- If the interlocal agreement goes through, there may be issues about how to arrange that.
- He said it's inching along, until they come to another roadblock.
- He hopes the public will hear more about it.

C. Rosemary Cemetery (Plot W) historic designation

Mr. Kingston said he had a message from County Museums Director Amanda Townsend regarding the status. She said the Board of County Commissioners approved, in concept, the acquisition of Plots W and N of Rosemary Cemetery on Dec. 14, Agenda Item 16.D.23. The museums will now work with real estate services to accomplish acquisition. Once it's acquired, it will need a second BCC approval. Ms. Townsend will bring this to HAPB to acquire historic designation.

Chairman Erjovec said it was good news it was moving forward. He said there also was assistance from the NAACP. He didn't want to discuss it further without Ms. Townsend at the board meeting.

6. New Business

A. Presentation on Sunshine Law – Assistant County Attorney Colleen Greene

Attorney Green provided a PowerPoint presentation on the Sunshine Law for new board members who hadn't seen it and noted:

- Florida's Sunshine Law was enacted in 1967, Chapter 286 of Florida Statutes.
- The basics involve offering access to most boards and meetings, whether formal or casual.
- As a board, you're required to observe and abide by the Sunshine Law.
- Sunshine Law applies to any gathering of two or more members of a board, who cannot discuss anything outside a publicly noticed meeting that foreseeably will be discussed by the board.
- Three main requirements: Meetings must be open to the public; reasonable notice of such meetings must be given; minutes must be taken.
- The public must be able to attend the meeting, it must be accessible, in a facility that's a sufficient size for a large turnout, and in a facility that cannot discriminate based on age, race, etc.
- Reasonable notice is two weeks, but what's timely can be 72 hours, which is sufficient.
- Written minutes must be taken and available promptly. They can be a brief summary, with a record of the votes. Sound recordings can be used but are in addition to written minutes.

Chairman Erjovec asked if a board member was at an event and two other board members were there, what would be the best way to protect themselves under the Sunshine Law?

Attorney Green said they could talk about the weather, nothing meeting-related or that could be foreseeably discussed by the board. She continued with her presentation:

- Subcommittee members can only come from the board membership, but others can be invited to attend as guests.
- No pre- or post-meeting discussions, no private conversations on the dais, and avoid texting on the dais.
- Board members cannot use a non-member as a liaison between board members to discuss matters.
- A board member can send documents on matters coming before the board to other board members provided there are no responses or interaction prior to the board meeting. A staff liaison is recommended and should place a note at the top saying it's a one-way communication.
- Inspection trips are not recommended because they're hard to do. Such meetings must be open to the public, public notice must be given and minutes taken. Depending on the nature of the trip, it might be hard to include the public. The board should work with the County Attorney's Office to ensure all requirements are met.
- Public records: the definition is very broad. Each version of a document that gets tracked back and forth must be maintained, including draft documents. For example, each version of the pending interlocal agreement with Marco Island must be maintained. All communications, letters, notes and emails are subject to the public records law.

- Don't put anything in an email that you don't want to read in the Naples Daily News.
- Anything you put in your email involving government business becomes a public record and is subject to disclosure.
- Government records must be maintained. The best way to keep your own records is to email them to your staff liaison. Records must be kept for seven years.
- Any records a board member creates can be kept in a three-ring binder and when a board member finishes his/her term, they can be turned over to the board liaison.
- Exemptions: Discussions of litigation are exempt from public records until litigation is closed. Social Security numbers of employees are exempt.
- Penalties can be criminal and/or civil and carry fines.
- Social media and the comment trap: there's an increased risk of running afoul of the public records law if a board member comments on social media, especially if another member comments/replies. Nothing that could foreseeably come before the board should be discussed. Using your own personal social media is advised against for board work.
- Board members are subject to state and county ethics laws. Board members cannot accept anything of value that would influence a vote or is a reward. The state's gift-value limit is \$100; the county's is \$0. Free lunches cannot be accepted.

Chairman Erjovec asked if there are agencies that secretly test for Sunshine Law violations. **Attorney Green** said she had not heard of that happening, but if a board member did receive a free lunch, it can be repaid in 90 days.

B. Discussion on resignation of James Bennett, "Engineering" category HAPB member
Mr. Finn said the vacancy has been posted on the county's website but he didn't know if there had been any response.

Chairman Erjovec said they're looking forward to applicants, possibly in engineering, and the board will review applications at the next meeting.

Mr. Finn said he'd share that information once he has it.

7. Review of Project and Activity Log

The Board reviewed the "*Collier County Historic and Archaeologic Preservation Board Project & Activity Tracking Log (Revised on 12/2/21).*"

8. Public Comment

Bill Odrey spoke to the board via telephone to report on his efforts to preserve the Train Depot in Everglades City (the former Atlantic Coast Line Railroad Depot). He reported that:

- He took possession six years ago and overcame every obstacle put before him.
- He got it open, but then Hurricane Irma hit and he wasn't able to get insurance because it hadn't been properly maintained for years.
- He called several museums and historic centers to garner support.
- He told a bank it could be a restaurant again.
- He said he'd called all the county museums for their help and input but has gotten nowhere. He called the Secretary of State Historic Preservation Board. He called it a difficult situation.
- He found it would cost \$74,750 to tear down, a figure he received from potential buyers who want to tear it down to build condos.

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- He's been holding off because he wants to preserve the 15,000-square-foot building and the replacement cost to build something like that is \$4 million.
- The 100th anniversary is coming up.
- The building would make a great hosting and events space.
- If he can't get interest in the next year, it will have to be sold and torn down in 2023.

Chairman Erjavec asked if it was occupied now. Mr. Odrey said it was not, and continued:

- He spoke to Patty Huff about the Bank of Everglades building being restored. He wants to work with the county Tourism Department. If he could open the depot, events could be hosted there.
- He is seeking a letter stating the building's value so he can take it to financial lenders. The building is stable, but needs a roof. He wants to save it and the last thing he wants to do is tear it down.
- There are so many historical buildings in Everglades City so it would be insane to let this building go. He just needs a little financing.

Chairman Erjavec said he understood his struggles and said he'll research what can be done and look at it from any angle that would assist him. He noted that Mr. Odrey had attended the board meeting before.

9. HAPB Comments

(None)

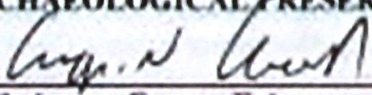
10. Adjournment: The next HAPB meeting will be held on Jan. 21, 2022, at 9:15 a.m.

[Two members reported having conflicts with that date.]

Ms. Sherry made a motion to adjourn the meeting. Second by Ms. Perdichizzi. The motion carried unanimously.

There being no further business for the good of the County, the meeting was adjourned by order of the chairman at 10:43 a.m.

HISTORIC/ARCHAEOLOGICAL PRESERVATION BOARD



Chairman, Eugene Erjavec

These meeting notes were approved by the board on January 21, 2022, as presented (check one) X, or as amended _____.