

January 21, 2022

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

January 21, 2022

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

CHAIRMAN: Eugene Erjavec  
Elizabeth Perdichizzi (excused)  
Barry O'Brien  
Patricia Sherry (excused)  
George Thompson  
Austin Bell

ALSO PRESENT: Andy Youngblood, Operations Analyst  
Sean Kingston, Senior Planner  
Timothy Finn, Principal Planner  
Mike Bosi, Planning Director  
Amanda Townsend, Museums Director  
Mike McNees, Marco Island City Manager  
Dan Smith, Marco Island Director of Community Affairs  
Patricia Kammerer, Marco Island Environmental Planner

*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 9:31 a.m. Roll call was taken and a quorum was established.**

(Four members were present.)

**2. Additions to Agenda**

None

**3. Approval of Agenda**

*Chairman Erjavec moved to approve the agenda. The motion was carried unanimously, 4-0.*

**4. Approval of Minutes: Dec. 17, 2021**

*Mr. Bell moved to approve the Dec. 17, 2021, minutes. Second by Mr. O'Brien. The motion was carried unanimously, 4-0.*

**5. Old Business**

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

**Mr. Bosi** said he spoke with Ray Bellows and Tim Finn and they were agreeable to an individual proposal and can work with Marco Island. They feel the city should be driving the initiative because the county doesn't want to give the impression that it's trying to overstep the city's authority. The county provided city officials with past interlocal agreements that can provide the framework for a potential interlocal agreement.

Hopefully, with the city in attendance today and their willingness to fill in details on an interlocal agreement, we can formulate an interlocal agreement that best fits the needs of Marco Island. Then the official request would come from the Marco Island City Council to the HAPB. It would be reviewed by city attorneys and the County Attorney's Office and then we would take it to the Board of County Commissioners and ask them to ratify a local agreement. That's the overall framework of how it can be done.

It would be preferable that it would be an official request by City Council to entertain an agreement that will be reviewed by the County Attorney's Office and approved by the Board of County Commissioners.

**Mr. Erjavec** noted that Marco Island City Manager Mike McNees presented a letter to the city council and suggested an interlocal agreement would be the best way to handle this.

**City Manager Mike McNees** said the Marco Island City Council was approached by the Marco Island Historical Society, which asked if the city would be willing to enter into an interlocal agreement for services related to historical and archaeological preservation. City Council said it sounded like a good idea and asked what that would look like, a question they probably got from him.

My question is what would that look like? Fast forward to now, today with this board and staff asking what we want, we don't know. So we looked at other interlocal agreements and thought some boilerplates were fine, but they were very far from Marco Island's needs and services. So maybe the next step would be for the two staffs to sit down together and hammer out an agreement.

**Chairman Erjavec** said it's good that they're opening up discussions to clarify what an interlocal agreement would be. Most people agree that's been a gray area and there's been some confusion. He noted there are Realtors, lawyers, potential buyers and sellers all coming to this point, and when it gets to the point, like even in the comprehensive plan (if it's still in there, I'm not sure,) the city will actively pursue partnerships with the HAPB, other public and private agencies to protect and promote its historical and cultural resources. He believed that was still in the plan.

**Mr. McNeas** said city officials recognize that Marco Island has some very important resources and it would be beneficial if the city could do more to protect them.

**Chairman Erjavec** noted that he had about 20 years of experience on this issue, is a resident of Marco Island, a member of the Historical Society, a museum founder, a working archaeologist and has chaired the HAPB for several years. He said he gets a lot of phone calls from people who are interested or confused about these issues. He said what everyone should try to do is agree to establish some policies and work out details. The main concern is state statutes, with preservation being No. 1.

He noted that when Marco Island became a city in 1997, there was a county employee who oversaw issues like this and reviewed the overlay map to tell a developer, Realtor or attorney that they were within the red zone of the overlay map and that area would require a Phase 1. The county made it clear that was the standard practice for most cities, counties, states and federal entities.

The other statute involves human remains and Marco Island has several lots with human remains and for-sale signs. They researched and discovered that one was an ancient burial ground that still exists. Years later, they learned at one time there might have been a larger mound there, but through development, possibly in the 60s, 40s, 20s, or the pioneers, some were disturbed. Some people buried there 2,000 years ago still remain. He cited concern over what Realtors were telling people who ask about such properties. He said dirt often was dug up for road base, disturbing historical sites.

He said he gets phone calls daily and weekly from concerned people who want to do the right thing. He wasn't certain how the city approaches and answer those concerns. Maybe there aren't any policies in place. He believed they should go forward with addressing these issues for those reasons and because development is going so fast, the island is going to get built out. He noted that the Seminole Tribe is the federal entity the city needs to deal with, and that the city has a museum and historical society.

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Working with the tribe, he knows that if human remains are discovered, a report goes to the state and the state says to call the feds and the tribe reviews it with their board and museum. The Seminole Miccosukee tribe has five to six archaeologists in the field, a review board, and a museum.

He cited a case in which they worked with Marco Island on a property. They said you can't move the remains, but you could put the house over there, move the house. This became a great expense for the landowner, who was paying taxes. A Realtor represents him and they're kind of stuck. Everybody calls him because of the confusion and now he's not clear that if that lot were to sell and someone tried to develop it without the policies in place, if it went back to review with the Seminole Tribe, with so many staff changes, would it be buildable? Four years ago, you could build there with conditions, but now that he bought it, we're telling him he can't build, so it creates a situation.

He said everyone needs to work together to create policies. He also cited a need to leave some green space for people to enjoy in the future. The city can't do it alone, the county can't do it alone. It takes others and there's funding available, possibly federal or organizations.

He was the lead field archaeologist when the sewer project went through, a 12-year project with seven phases. As the field archaeologist, he represented two different companies over the years and they all realized the boundaries of the overlay map and historic and archaeological overlay maps were off. He noted that there's an interlocal agreement between Marco Island and the Otter Mound Preserve and it's not on the overlay maps. It was probably one of the wealthiest archaeological sites at one time, including North Marco.

He also cited the push by the Audubon Society to preserve property for tortoises.

**Mr. Thompson** said green space was good, but urged the board to focus on historical preservation. How much decision making is going to be with the city and how much decision making is going to come from the board as a part of the agreement?

What decisions does the city want to take part in and what does the county want to get involved in? He said HAPB could act as a review board, an appeals board from a decision made by the city when someone found property that's gone through Phase 1 and some historical artifacts were discovered, so they have to apply to the city. The city makes a decision and if the property owner doesn't like it, then it gets appealed to the HAPB for a final decision. That's probably how the city wants to do it.

**Mr. Bell** agreed.

**Mr. Smith**, who handles the city's planning, development and zoning, said the city doesn't have anything in its Land Development Code that requires inspections. In ST Districts, which there are very few of, the only time those come is if it's seaward of the

coastal construction line. Or even commercial for that matter, that meets those thresholds. There's really not a review process for any of that on Marco Island.

The city just completed its comprehensive plan, which was approved in October, and some of the wording is in the plan. In six to eight months, the city's Planning Board will be reviewing the city's Land Development Code, so the city will be implementing that to be consistent with its Comprehensive Plan. One of the bigger issues city officials mentioned is archaeological inspections, so that's coming up in the next year.

To meet those thresholds, the city didn't have a review process. As far as the state is concerned, when the city did its Comprehensive Plan review six months to a year ago, it encountered these problems and city officials talked to the state. They said it's up to individuals and professionals to notify the state about these archaeological areas. We've looked at the maps, which are 10 years old and have not changed in the last 10 years. Even though we've heard people say that this happens, it's up to the experts in the field to alert the state about archeological and historic findings so they can verify that information. If it's verified by an expert, the state will put that on the map. But the city's map has not changed in the last 10 years.

He's in charge of handling this, he has a staff of six and the city's new environmental planner, Patricia Kammerer, who started recently, will be doing archeological reviews.

**Chairman Erjavec** noted it's in everyone's best interests, before they buy a \$1 million lot, to do due diligence to see if there is any historic significance. He said the City of Marco Island should be involved and utilize the overlay map and recommend due diligence because it's a small price to pay for a \$2 million lot to build a \$5 million house on. He said there are many firms that could help. He asked how they wanted to go about starting the process.

**Mr. Thompson** said it appears the city is trying to do the right thing by setting up its Comprehensive Plan and including historical factors. He agreed that probably should include people interested in starting construction and requiring a Phase 1 plan. He commended the city for taking great steps forward to address the issues.

But how do we put together this agreement, set the parameters about initial decision-making being with the city? He said that's likely what the city prefers, and the HAPB could then act as the appeals board or review board if there's a dispute. Once they know the parameters, it will be easy for the county attorney to put together an agreement.

**City Manager Mike McNees** said the next step is determining what the mechanics are, how it will work, the flow, what resources does the county offer, either through the Planning Department or the HAPB, and how do we merge the city and county resources.

**Marco Island Director of Community Affairs Dan Smith** said within the next year, the city will have put together a plan outlining how to review archeological sites. Once that's completed, then moving forward there may be an instance where there might be an

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appeal in which the City Council may ask the HAPB to review it and give city officials a recommendation before it goes back to City Council. He said the HAPB also could be used on an interlocal agreement for outreach efforts if there's funding available to alert the public about these historic sites.

**Mr. Thompson** noted that once the interlocal agreement is worked out, it opens up avenues for homeowners or developers to receive state funding.

**Mr. Smith** said the advantage of an interlocal agreement is that there will be funding available to update maps if the city needs to find an expert and map a site.

**Mr. Thompson** said the county just finished updating its maps. Everyone can work together to add sites to maps to make it easier for people and developers, if they find bones, which can then be placed on maps.

**Mr. Erjavec** said anyone could call him any time for advice.

**Mr. Bosi** said the framework of what they're speaking about seems reasonable. Now is the time because Marco Island is working on its Land Development Code in concert with this Interlocal Agreement. There's a lot of synergy between the two. The proper motion for this board would be to say county staff will work with city staff to formulate an agreement.

He noted there's a lot of synergy, camaraderie, and knowledge with Ray Bellows and Dan Smith. They can work on it as the city develops its Land Development Code. He said there is no overstepping home-rule authority. The county understands that Marco Island will make the final decision and the HAPB could be an advisory, review or appeals board.

We can get something together within the next month or two and arrive upon a final draft. Marco Island can take that draft to City Council, then we can take it to the BCC.

***Mr. Erjavec made a motion to recommend that county staff to work with City of Marco Island staff to formulate an Interlocal Agreement. Second by Mr. Thompson. The motion was carried unanimously, 4-0.***

#### **B. Indian Hill Site on Marco Island**

**Chairman Erjavec** reported that Conservation Collier has recognized the site and the status with Amanda Townsend and County Museums staff remains about the same. Zoning staff reported to the HAPB last month that the Board of County Commissioners approved, in concept, acquiring the two parcels. He checked with real estate services about a week ago and they've drafted the quitclaim deed and an executive summary for the BCC and we're waiting for a response from the landowner.

He said he'd then strategize with real estate services and zoning staff about whether the deed should be brought forward and recognized for a historic designation simultaneously,

or whether it should be done sequentially. He expected it to be brought up on the BCC agenda, possibly in March. Everything was moving forward and they're making progress.

**C. Rosemary Cemetery (Plot W) historic designation**

**Mr. Erjavec** reported that the public got involved recognizing these sites, the county had taken responsibility and is addressing the issues the NAACP was involved in. He said the NAACP donated funds toward it.

**D. Vacancy status**

**Mr. Finn** reported that the staff vacancy is still being advertised and there have been no applications. They're seeking someone in the engineering field.

**6. New Business**

None

**7. Review of Project and Activity Log**

The Board reviewed the "*Collier County Historic and Archaeologic Preservation Board Project & Activity Tracking Log (Revised on 1/6/2022).*"

- **Mr. Erjavec** reported that the Indian Hill site is still for sale. The owners are interested in selling the lot.
- **Mr. Kingston** reported that they are now printing the Activity Log on larger pages to make it more readable. The active projects are listed on the 8x11 pages, while the completed projects are on the larger pages.

**8. Public Comments:**

**Ms. Townsend** said she'd reviewed the last board minutes and saw that Bill Odrey spoke to the board by telephone about his efforts to preserve the Train Depot in Everglades City (the former Atlantic Coast Line Railroad Depot).

She wanted to the board to know that museum staff has been in contact with Mr. Odrey and attempted to give him all the technical assistance they could. The difficult position he's in is that the property and building are privately owned in a for-profit business model and that makes it extremely difficult for him to be eligible for public assistance. Museum staff and others want to help him, but his business model is not conducive to funding. To receive funding, the building would need to be in a non-profit status.

**Chairman Erjavec** called that unfortunate, but said it takes a group to get the ball rolling. He asked if the property could be rezoned.

**Ms. Townsend** said she wasn't certain that would be a good path for Mr. Odrey to take. The best path would be to create a business model to get a loan or forfeit an investment to move forward as a non-profit business model.

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**9. HAPB Comments**

**Mr. Thompson** commended the HAPB for working with Marco Island, calling it a big step forward and noting that more was accomplished today than in the past three years.

**Mr. Bell**, who is curator of collections at the Marco Island Historical Society, reported that a new exhibition is opening there on Feb. 21, *Courting Style: Women's Tennis Fashion*.

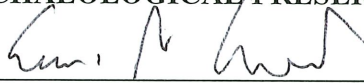
**10. Adjournment**

**The next HAPB meeting will be held on Feb. 18, at 9:30 a.m.**

*Mr. Thompson made a motion to adjourn the meeting. Second by Mr. Erjavec. The motion was carried unanimously, 4-0.*

**There being no further business for the good of the County, the meeting was adjourned by order of the chairman at 10:16 a.m.**

**HISTORIC/ARCHAEOLOGICAL PRESERVATION BOARD**

  
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**Chairman, Eugene Erjavec**

These meeting notes were approved by the board on February 18, 2022, as presented (check one) , or as amended \_\_\_\_\_.