

City of Marco Island Florida

*51 Bald Eagle Drive
Marco Island, Florida
cityofmarcoisland.com*



Meeting Minutes - Final

Wednesday, December 15, 2021

1:30 PM

Community Meeting Room

Hideaway Beach Tax District Board

HIDEAWAY BEACH TAX DISTRICT BOARD

Chair: Dick Delawder

Vice-Chair: John Barto

Members: Paul Fernstrum, Linda Ryan, Steve Zinkan

Hideaway Beach Tax District Board Attorney: David Tolces

City Staff: Timothy Pinter, P.E., Tracey Barnett

(1) CALL TO ORDER

Chair Delawder called the meeting to order at 1:30 P.M.

(2) ROLL CALL

Present: 3 - Chair Delawder, Member Ryan and Member Zinkan

Absent: 2 - Vice-Chair Barto and Member Fernstrum

Also Present

*Mohamed Dabees, Vice President & Senior Coastal Modeler, Humiston & Moore Engineers
Duane Draper, Attorney, Bryant, Miller, Olive P.A. Bond Counsel (via telephone)
Marielle Nageon De Lestang, Senior Biologist/Ops Manager, Turrell Hall & Associates, Inc.
Michael Poff, President, Coastal Engineering Consultants, Inc.
Christopher Roe, Attorney, Bryant, Miller, Olive P.A., Bond Counsel (via telephone)
Tom Ryon, Director of Land & Environmental Management, Hideaway Beach Association
David Tolces, Attorney, Weiss, Serota, Helfman, Cole & Bierman*

CITY STAFF:

*Timothy Pinter, Director of Public Works
Laura Litzan, City Clerk
Martin Luna, Video/Broadcast Technician
Jim Kornas, Recording Specialist*

(3) PLEDGE OF ALLEGIANCE

Led by Chair Delawder.

(4) APPROVAL OF THE AGENDA

Public Works Director Timothy Pinter requested that Items 9c (Final District Referendum Request Resolution with ILA Exhibit) and 9d (Referendum Procedure) be addressed by the Board immediately after Item 5 (Approval of the Minutes).

Board Member Ryan requested that Item 9e (Tigertail Issues) be removed from the Agenda.

MOTION by Member Ryan, seconded by Member Zinkan that the Agenda be Approved as Amended. MOTION CARRIED BY A VOICE VOTE:

Yes: 3 - Chair Delawder, Member Ryan and Member Zinkan

(5) APPROVAL OF THE MINUTES

[ID 21-2003](#) Approval of the Minutes from HBTDB meeting held on 11/10/21

MOTION by Member Ryan, seconded by Member Zinkan, that the Hideaway Beach Tax District Board Minutes of November 10, 2021 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 3 - Chair Delawder, Member Ryan and Member Zinkan

(6) STAFF COMMUNICATIONS

a. *Near Shore Borrow Area Expansion Permitting (Poff)*

Mr. Michael Poff, President, Coastal Engineering Consultants, Inc. reported that, though the permit for near shore borrow area is technically complete, his organization is awaiting updated language on the permit draft from the Florida Department of Environmental Protection (FDEP). Mr. Poff also indicated that the permit release from the U.S. Army Corps of Engineers (COE) remains the critical-path item at this point as it awaits the issuance of the biological opinion from the US Fish and Wildlife Service and the Nearshore Borrow Area Expansion Area Permit from FDEP.

b. *Tigertail Lagoon/ Sand Dollar Island Permitting (Dabees)*

Mr. Mohamed Dabees, Vice-President & Senior Coastal Modeler with Humiston & Moore Engineers, reported that he expects the Florida Department of Environmental Protection (FDEP) to release an "intent to issue" notice on the draft permit for the Tigertail Lagoon/Sand Dollar Island project during the week of December 20th. Once issued, this will allow his organization to review and respond to the proposed conditions and stipulations in the permit document. Following an agreement with FDEP on the language of that draft permit, the Public Notice period can begin and, assuming no significant challenges raised, a final notice order will be issued.

Chair Delawder communicated the concerns raised by citizens in the Hideaway Beach tax district regarding the duration of the process and the uncertainty as to when the project can begin. Mr. Dabees explained that, though the permit applications were completed and filed in April, 2021, the Tigertail Lagoon/Sand Dollar Island wildlife area is unique and is receiving "unprecedented" scrutiny from the U.S. Corps of Engineers (COE), the Florida Fish and Wildlife Conservation Commission (FWC), and the Florida Department of Environmental Protection (FDEP). He also noted that, though the responsible agencies have proceeded with their reviews with dispatch, there is no statutory requirement as to when USACE must issue its permit. Without that permit issuance, no construction activity may begin.

Mr. Dabees indicated that all agency processes continue to move forward, and that an estimate as to when the final permit could be released should be ascertainable during the first quarter of 2022.

Mr. Dabees concluded his report with an acknowledgement that, should severe weather conditions during the 2022 storm season necessitate emergency action, a scaled-down project that complies with the agreed-upon conditions of the permit could be undertaken in advance of the overall project initiative to mitigate the weather-induced damage.

Public Works Director Pinter cautioned the Board about communicating anticipated construction start and potential end dates in light of the severe shortage of labor, construction materials and equipment that is anticipated to continue into the upcoming calendar year.

c. *Environmental Monitoring & FWC Coordination (Dabees)*

Ms. Marielle Nageon De Lestang, Senior Biologist/Ops Manager with Turrell Hall & Associates, Inc., presented the key findings of her organization's biological assessment of the Tigertail Lagoon and Sand Dollar Island environmental area, and she shared her understanding of the "incidental take" permit application timetable under which the Florida Fish and Wildlife Conservation Commission (FWC) is allowed to: 1) request additional information before accepting the application (up to 30 days from initial submission), and; 2) provide a response in approving the application (up to 90 days after the acceptance of the application).

(7) PUBLIC COMMENT

No members of the public came forward to offer comment.

(8) PRESENTATIONS

No other presentations were brought forward at this meeting.

(9) OLD BUSINESS**a. Erosion of Beach 6000 Building (Chair Delawder)****ID 21-2011 Erosion of Beach at 6000 Building**

Chair Delawder shared his assessment that the sand erosion near the 6000 building appears to have abated and reversed slightly, and Mr. Michael Poff of Coastal Engineering Consultants, Inc. recommended that monitoring and measuring be continued into the upcoming year. Mr. Poff also indicated that, should action be needed to renourish the area, the existing permit allows the Board to have sand trucked-in to address problem 'hot spots'.

b. Sand at Flap Gate (Chair Delawder)**ID 21-2010 Sand at Flap Gate**

Mr. Tom Ryon, Director of Land & Environmental Management, Hideaway Beach, reported that the Florida Department of Environmental Protection permit to bring the swale from the flatgate rock out across the beach to the water had been received, and that the work was completed prior to Thanksgiving. He also noted that he will be pursuing a yearly permit to continue regular maintenance of that area. With this project completed, regular beach raking will continue without modification.

c. Final District Referendum Request Resolution with ILA Exhibit (BMO Chris Roe)**ID 21-2012 Final District Referendum Request Resolution**

Public Works Director Pinter introduced Messrs. Draper & Roe from Bryant, Miller, Olive P.A. (BMO) who, via telephone, outlined their proposed draft of a Resolution and its accompanying ballot wording in support of the Board's initiative to solicit Hideaway Beach Tax District citizen authorization to continue the levy of up to 2.6 mills annually through 2032. Upon receiving Board input on the prioritization of the elements of the Resolution and its ballot description for the voters, Messrs. Draper & Roe agreed to engage with Board Attorney Tolces and Marco Island City Staff prepare revised drafts for Board review at its January, 2022 meeting.

**MOTION by Member Ryan, seconded by Member Zinkan, that decision on the Final District Referendum Request be continued to the Board's January meeting.
MOTION CARRIED BY THE FOLLOWING VOICE VOTE:**

Yes: 3 - Chair Delawder, Member Ryan and Member Zinkan

d. Referendum Procedure (Laura Litzan, City Clerk)**ID 21-2013 Referendum Procedure**

City Clerk Laura Litzan outlined three alternative approaches, and their accompanying costs, for the Board to consider in preparing and bringing forward a referendum for a vote to the citizens of the Hideaway Beach Tax District. In line with the Board's direction, Ms. Litzan will return to the Board's January meeting

with the Collier County Supervisor of Elections' timeline to facilitate a referendum that can be placed before the voters in concert with the August, 2022 statewide primary election.

e. *Tigertail Issues (Member Ryan)*

[ID 21-2014](#) Tigertail Issues

As noted under Item 4 (Approval of the Agenda), this item was removed from the Agenda.

(10) NEW BUSINESS

a. *2022 Meeting Schedule*

[ID 21-2004](#) 2022 Meeting Schedule

The Board asked Public Works Director Pinter to revise the Board's proposed 2022 Meeting Schedule to: 1) revise the January meeting date to Wednesday, January 12, 2022 at 1:30 P.M.; 2) delete the proposed July, August & September meeting dates on the calendar, and; 3) schedule the Board's remaining monthly meetings to begin at 1:30 P.M. on the first Thursday of each month.

(11) COMMITTEE COMMUNICATIONS

a. *Confirmation of Board Member Availability for the Next Meeting January 12, 2022 at 1:30 P.M.*

Board Members Delawder, Ryan & Zinkan indicated their ability to be available for the proposed January 12th, 1:30 P.M. meeting date.

b. *Sharing of Thoughts on Topics of Board Interest (All Members)*

Member Ryan advised the Board of her recent presentations to the Hideaway Beach Board on November 17th and the Hideaway Beach Condominium Boards on December 1st. She also reminded her colleagues that Hideaway Beach member information sessions are scheduled for January 11 and January 22, 2022.

(12) ADJOURNMENT

There being no further business before the Board, Chair Delawder adjourned the meeting at 2:57 P.M.

Jim Kornas, City of Marco Island Recording Specialist