

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
March 13, 2014

LET IT BE REMEMBERED, that the Collier County Hearing Examiner, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER MARK STRAIN

Also Present: Heidi Ashton-Cicko, Managing Assistant County Attorney
Ray Bellows, Zoning Manager
Nancy Gundlach, Senior Planner

HEARING EXAMINER STRAIN: Morning, everyone. Welcome to the slightly delayed Collier County hearing examiner's meeting. It's March 13th at 9:15. All please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: General announcements: The individual speakers will be limited to five minutes unless otherwise waived.

All materials used during presentation of the hearing will become a permanent part of the record.

Decisions are final unless appealed to the Board of County Commissioners. And a decision will be rendered within 30 days.

And as I explained to some of the folks here, that's usually a lot shorter, but statute requires 30 days as a maximum.

The review of the agenda. We have one advertised public hearing. As far as approval for prior meeting minutes, there's minutes issued for January 13th, 2014, I find those fine, so they'll be considered approved.

We'll move right into our first advertised public hearing. It's Petition No. SV-PL20130002213, Petitioner Larry Pronovost of Infilaw Corporation and American Monumental Building on a sign variance.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(All speakers were duly sworn.)

HEARING EXAMINER STRAIN: Disclosures on my part. I reviewed the staff report. I also met with various people who wrote that report, various staff members and numerous meetings. I've had some communication with the applicant's representative, Mr. Hancock, in regards to some changes that will be needed and we'll be putting all those on record today.

And with that, we have some exhibits I want to announce first. The first Exhibit A will be our legal advertisement. I think the court reporter was handed that.

Exhibit B will be the staff report.

And as we go through this discussion this morning, there are going to be several other exhibits added as a result of correspondence prior to the meeting.

And so with that, Tim, I've read the staff report, so it's your option for presentation or whatever else you may want to get on record. And we'll work with the exhibits at your discretion.

MR. HANCOCK: Thank you, Commissioner Strain.

For the record, Tim Hancock with Davidson Engineering.

Here with me today also is director of facilities, Larry Pronovost with Infilaw System. And also the CFO, Ted Blankenship.

I will bypass my typically long-winded 35-minute presentation and just say that this is a nice opportunity for Infilaw System to add to building signage in a character that's consistent within Pelican Bay.

But the overall size of the three signs that will result will be less than what the two permitted signs would be. So it's simply a matter of math, three smaller signs instead of two larger ones.

We have presented to the Pelican Bay Foundation, as well as a facilities committee within the Foundation, and received unanimous statement of no objection from them, which anywhere else is what you'd call an approval. And we are -- have extended the goodwill with them and kept them in the loop every step of the way.

With that, we're really just here to answer any questions and to clarify any matters that need so.

The only point I do need to mention is I have requested, with respect to the staff report, that this body consider an amendment to the second stipulation with respect to a reverse --

HEARING EXAMINER STRAIN: You need to slow down a little bit. It's like at the Planning Commission, she's still got to type everything you say as fast as you say it.

MR. HANCOCK: No matter how long we do this, Cherie', I keep talking too fast.

HEARING EXAMINER STRAIN: Well, she got here a little late, (laughter) so I imagine she just woke up. So I'm assuming she's having a hard time keeping up with your fast vocals.

MR. HANCOCK: I was going to say something about Cherie' being late, but I decided not to.

But in any event, the second stipulation about illumination, result about there being no illumination

was my fault. The original cover letter said the sign would not be illuminated. That is actually reverse channel illumination or what's called halo lighting.

I just wanted to make sure that this body understands the Pelican Bay Foundation did consider the fact that the sign would be illuminated as a part of their consideration and their recommendation.

HEARING EXAMINER STRAIN: When you presented the package to the Pelican Bay Foundation, did it include the same set of plans that you provided to staff?

MR. HANCOCK: Yes, sir, it did.

HEARING EXAMINER STRAIN: Because that set of plans did have reverse illumination indicated on it.

MR. HANCOCK: Yes, sir, it did.

HEARING EXAMINER STRAIN: Okay. So I'll ask staff then, do you have any staff report that you --

MS. GUNDLACH: Just that --

HEARING EXAMINER STRAIN: I mean a verbal of any kind.

MS. GUNDLACH: Good morning.

Staff is recommending approval of the Infilaw sign variance, and it's subject to the following conditions of approval:

Number one: That the additional building wall sign is limited to the south facade above the American Momentum building.

And number two: We will revise that to state that the additional building wall sign may be illuminated with reverse channel lettering. And in parentheses, halo lit.

HEARING EXAMINER STRAIN: Good. Thank you.

Do you have any objections to that revised stipulation, Tim?

MR. HANCOCK: No, sir.

HEARING EXAMINER STRAIN: Okay. Let's clear up the exhibits then.

I received what I believe were four separate documents, and I wanted to list them so that as we walk through them they're provided to the court reporter in the order that we discussed them.

The first one was a letter, an email from the Pelican Bay Foundation, clarifying their position on the illumination. And that will be Exhibit C. And it's here in this packet.

MR. HANCOCK: Starting on the second page of the packet, provided pages two and three.

HEARING EXAMINER STRAIN: Exhibit D will be the legal description, excluding the list of exceptions that we receive in the staff report. And that would be --

MR. HANCOCK: That's the last page.

HEARING EXAMINER STRAIN: That would be Exhibit D.

Exhibit E will be the copy of the legible aerial that was all blacked out in the staff report.

And Exhibit F will be additional sign locational information with the point that sign number two is not one for consideration at this hearing. It was only sign number one that this should be referring to.

Is that okay with you, Tim, do you --

MR. HANCOCK: Yes.

HEARING EXAMINER STRAIN: -- have any objection to those?

The other item I'd like to mention, you had made a point that the three signs in total in aggregate would not exceed 400 square feet. Do you have any problem with that being listed as a stipulation?

MR. HANCOCK: No, sir.

HEARING EXAMINER STRAIN: Okay. Then that will be done that way.

And staff's recommendations will be included.

I believe that is all the issues. They're all resolved and new exhibits are brought into the record. So that ends it.

Anything else you want to say?

MR. HANCOCK: Thank you.

HEARING EXAMINER STRAIN: Okay, with that, we'll close this hearing and a decision will be provided to you within 30 days.

And based on the activities we've had previously, it usually happens within a week, but 30 days is maximum. So thank you very much for attending, we appreciate it.
And there's no members of the public here, so I know there's no one here to speak against you or in favor.

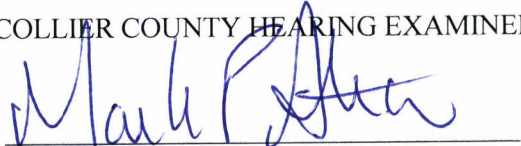
So with that, is there any other business from staff's perspective?

MR. BELLOWS: I have no additional.

HEARING EXAMINER STRAIN: Okay, with that we adjourn the meeting.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:20 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST:
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on April 10 as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
GREGORY COURT REPORTING SERVICES, INC.
BY CHERIE' R. NOTTINGHAM, CSR, COURT REPORTER AND NOTARY PUBLIC