



MINUTES
THE TOWN OF INDIAN RIVER SHORES
6001 North Highway A1A, Indian River Shores, FL 32963

REGULAR TOWN COUNCIL MEETING

Thursday, January 28, 2016

9:00 a.m.

PRESENT: Brian M. Barefoot, Mayor
Gerard A. Weick, Vice Mayor
Michael B. Ochsner, Councilman
Thomas F. Slater, Councilman
ABSENT: Richard M. Haverland, Councilman (Excused)
STAFF PRESENT: Robert Stabe, Town Manager Laura Aldrich, Town Clerk
Chester Clem, Town Attorney Heather Christmas, Finance
Lt. Mark Shaw, Public Safety

OTHERS PRESENT: Bob Auwaerter, Chairman & Bill Cull, Finance Committee; Chris Hendricks, Chairman, Barbara Palumbo, Vice Chair, & Linda Bolton, PZV Board; Bermuda Bay resident Nick Schaus, Estuary residents Dave Crawford, Linda Lemmon & David Haynes; JI residents Caroline Irvin & Dennis Longwell; Bruce Barkett + 2; David Heuberger, IRLT

1. **Call to Order**

- a. Pledge of Allegiance
- b. Invocation – Councilman Ochsner
- c. Roll Call – Town Clerk

The meeting was called to order by Mayor Barefoot at 9:02 a.m. The Pledge of Allegiance and invocation were recited and the roll call is as reflected above.

The Mayor asked if anyone had an objection to reordering the agenda to have 7.e. Cell Tower Research Update moved ahead to be part of the discussion on Item 4.a. before the second reading of Ordinance 524 regarding the cell tower height. All approved of the request.

2. **Proclamations / Presentations.** None.

3. **Consent Agenda**

- a. Acceptance of March 26, 2015 Defined Benefit General Employee Pension Board Minutes ✓
- b. Acceptance of December 14, 2015 Planning, Zoning & Variance Meeting Minutes ✓
- c. Approval of December 17, 2015 Regular Town Council Meeting Minutes ✓
- d. Approval of January 8, 2016 Special Call Electric Utility Legal Counsel Meeting Authorization ✓
- e. Approval of Invoice from Berman Hopkins Wright & LaHam Progress Billing Towards Audit ✓
- f. Approval of Invoice from Town Attorney dated December 31, 2015 ✓
- g. Approval of Invoices from Holland & Knight dated January 21, 2015 ✓
- h. Approval of Speed Trailer With Message Board Using FDLE Grant Funds ✓

Upon request to discuss the Speed Trailer, a **motion to approve items 3a – 3g received 4-0 approval** following a motion by Councilman Slater with support from Councilman Ochsner. Councilman Ochsner then stated that we have a speed cart now, and asked Lt. Shaw if the difference is the ability to convey messages. Lt. Shaw said our current trailer is rusted and inoperable, making this a necessary replacement. **A motion to approve item h. of the consent agenda passed 4-0.**

7. d. Cell Tower Research Update

Mr. Stabe referenced his memo dated January 27 regarding research/development on cell tower camouflage options which was provided to the Council. Datapath Towers, selected by Council to build the tower once it has been decided what type and where we will build one, has been functioning in a dual role as a consultant

Please Note: The Town of Indian River Shores does not routinely keep verbatim minutes. Any party interested in such an appeal relating to any decision made by the Council with respect to any matter considered at this meeting is responsible to record the meeting and include the testimony and evidence upon which the appeal is to be based.

providing details surrounding the cell tower. They have focused on the electric substation site primarily because it is the only location that is not located within a flood plain, but also based on the required environmental study that it is an area that is already disturbed, and there is no evidence of gopher tortoises on the property. They have also been moving forward with the permit application process through several agencies, and have spent in excess of \$20,000 researching this location. He has shared individually with Council that they are looking at all other options that may minimize or eliminate the issues regarding aesthetics, as the 130' monopole with arrays is deemed not very pleasant by many to view. Recently he has been exploring sign or bell tower, which is a type of structure that can hide or camouflage the cell tower and its arrays. There are many varieties of types of this tower.

Mr. Stabe recommended that Council consider approving Datapath to conduct further research to determine all cell tower camouflage options that would maintain the lowest height possible while still providing adequate data and cellular services throughout the Town with the least offensive solution to the largest number of residents. This has been brought to him as an option that was not researched previously, he added, and asked for Council to allow not-to-exceed (NTE) an additional \$10,000 in expenses for Datapath to explore options to mitigate the aesthetic issue. Mayor Barefoot asked if this includes the possibility for other locations, and Mr. Stabe affirmed.

Councilman Ochsner stated that since we've selected Datapath as provider, they may guide the consultation towards something that benefits them, and suggested that the Town should contract with someone other than Datapath.

Councilman Slater suggested that a focus group comprised of a neutral, knowledgeable person and residents be formed come up with the best possible solution, to stop the back and forth. We have to have cell phone service, and what we have is untenable. He wants more than adequate, the residents want the best we can get for this Town with no compromise on aesthetics or performance. He urged everyone to work hard to get to the fastest possible solution, and believes the people who are involved in this decision will buy into this, knowing they have achieved the best that can be done.

Mayor Barefoot emphasized the Town is not in this to make money. He noted that the Finance Committee Chairman, Bob Auwaerter was in the audience, and invited his comment. Mr. Auwaerter said this Committee vetted the three (3) proposals submitted, and Datapath was the most promising builder. They proposed building and maintaining the tower in return for a revenue split of approximately 60% for the Town. The Mayor reiterated he is much more concerned with getting the best possible service than he is with the Town receiving revenue. He spoke with the Town Manager about the need to do more research, and even giving some of the revenue back to Datapath to get a tower that is in a location within appearance expectations that is least offensive. He asked the Town Manager to speak with Ron Creider and get a suggestion of who to employ to site the tower. Hundreds of people are interested in this, and there will likely be some concern from the residents near the general site area. The Mayor suggested that they give leeway in case \$10,000 is not enough. Councilman Slater and the Mayor discussed having residents help or another workshop before agreeing to giving more latitude to research.

Mr. Stabe elaborated that since the last meeting, he has met with an individual representing Lost Tree Village who recommended a number of alternate locations in and near John's Island. They researched all of those options, and only one was a possibility, just inside the peninsula gate of John's Island, which is limited in size and is in the flood plain, so everything would have to be elevated. There was also no way to hide the equipment right by the gate, and a real potential for insurmountable hurdles right by the wetlands. They spent a considerable amount of time exploring several locations, and none of them panned out.

Mayor Barefoot proposed finding an independent third party to assist with research and authorizing up to \$15,000. A **motion to hire another independent consultant to recommend the type of tower and best location** was made by Councilman Slater and seconded by Councilman Ochsner, which **passed 4-0**.

Vice Mayor Weick felt like they were starting over. T-Mobile advertised on television they go twice as far with their signals. Councilman Slater said they haven't seen all of the alternative types of towers.

Mayor Barefoot asked if the tower is aesthetically pleasing, does location matter? There will not be any FAA considerations with a maximum 130' tower, as it would have to be 150' to need a light. Our 40' oak canopy in the Town definitely affects the arrays.

Mr. Stabe reminded them that the palm tree tower was brought to the Council in the beginning, and after researching them, found that they were not the best option due to such factors as they minimize the number of arrays that can fit inside, lower the signal strength and a 130' tall palm tree isn't a realistic view. Councilman Slater said its fake and obviously so. Mr. Stabe continued that we have been told repeatedly it has to be 130'

and have external arrays, which is what ATT and Verizon have told Datapath. They will not go with anything less for business reasons. The palm fronds on this type of tower could also be a problem, Vice Mayor Weick added, as they can interfere with the signal and could be damaged with hurricanes. The Town Manager said the sign tower is nicer to look at and serves the purpose.

Mayor Barefoot said it doesn't matter who the builder is, but more so that the carriers won't put equipment on substandard towers. Vice Mayor added that they built the Moorings tower 9 years ago, and it took four years for the second provider to come. There is still room for more carriers but no one wants to be there. Councilman Slater said the sign tower isn't a fake tree, but not bad looking either. He doesn't think we're starting over. Mr. Stabe will take it from here.

AUDIENCE COMMENTS

Attorney Michael O'Haire said he represents about 20 families within the sightline of one of the proposed locations. He said we have already followed many of the recommendations he came prepared to offer, and added that he had spoken with Community Development Director Stan Boling at Indian River County. They require a mandatory review by a professional, and he obtained from Mr. Boling information on who they would use for an objective, independent and professional assessment, offering to provide this information to the Town Manager. They do not provide construction or other services, just an independent assessment. He did not believe the consultant should be the researcher, as Datapath has neither a contractor's nor an engineer's license. He emphasized the presence of a committee to work with the consultant would be beneficial, and that one of his clients, Sandy Kasten, would be interested in serving on this committee.

Discussion about County, Town and City recommendations for towers ensued between Vice Mayor Weick, Mr. O'Haire and Councilman Slater, who noted that every situation is different, the Council will set the Town's guidelines.

Ken Grudens, Indian River Land Trust Executive Director, said the Land Trust fully supports the installation of a cell tower or what is needed to provide residents with the required and deserved service. The Board and staff wants the Council to consider all options using the Fish & Wildlife Services (FWS) guidelines on siting the tower with location and height. He said it is well established that large towers have significant impact especially on birds, especially the large ones. The Land trust preserves the wildlife habit specifically along the Indian River Lagoon and protects the views while providing sometimes unfettered, other times limited access to their properties such as to Bee Gum Point. The Land Trust invested significant resources in Bee Gum Point in 2011 to protect and enhance wetland habitat for migratory birds, which primary purpose caught the attention of the U.S. Fish and Wildlife Service (USFWS). He continued that over 135 birds use this property, including the federally threatened wood stork, and likened the Atlantic flyway to I-95 for birds with Bee Gum Point as one of the rest areas for migratory birds. He summarized that the Land Trust is asking the Council to take this into account and hopefully find a neutral site.

The Audubon Society website doesn't list anything near our Town, Vice Mayor Weick said, and they are involved with birds. Our area is not shown as in the path, they are west of the barrier Island. The Pelican Island Audubon Society is involved with this site, and they identified the 138 species. Bob Bruce, Vice President of Pelican Island Audubon Society, lives at north end of Orchid Island north of Windsor. He wanted to go on the record that the Board of Directors of Pelican Island Audubon Society opposes having a tower anywhere near the height of this proposed ordinance. He believes the speed of technology will leave us with a white elephant of a cell tower that will not be necessary in the not too distant future. Vice Mayor Weick also talked to Stan Boling about the number of bird kills, and there have not been any in the County or the City from cell towers. Guy wires and glass windows are much more deadly to birds, he added.

Mayor Barefoot said the Town only has so much property on which we have to build a tower. The municipal complex or the end of Fred Tuerk is it. One of the reasons Datapath and the type of structure was chosen is because we don't want to own the tower, the contract will be specifically written that the tower will be removed when technology improves and it isn't needed. We don't want to be in the cell tower business. Unfortunately, he doesn't want to see anyone offering to build a cell tower on their property. The residents are complaining more loudly and frequently, and we have to and will do something. There will always be somebody who is not happy with that decision.

Dennis Conlon, resident of the Estuary said some of the cell tower companies think it's possible to have a tower service the Town from the other side of the lagoon. Vice Mayor Weick said there is a 149' cell tower across the Lagoon from Old Winter Beach Road on 69th Street that none of the carriers will locate on. Mayor Barefoot added that we have looked at this, the carriers say the airwaves bounce off the water, and the islands in the Lagoon may have electricity but not a land connection for trucks to use to service the tower and adjust

the arrays. We aren't sitting here trying to make a decision in the dark, Mayor Barefoot added. The carriers have done RF studies at the request of Datapath, and have come to the conclusion of what it takes to penetrate the unique characteristics of the landscape in the Town. The concerns of lack of cell service and the aesthetics are the major ones. We have very few options, the Mayor said, and asked them to rest assured that we are trying to do the best we can. We will expedite the process mentioned this morning, and invite the residents and concerned parties to be involved.

Paul Kaneb, Stingaree Point in John's Island, liked the idea of (siting on) the plot in front of the Chambers. He has lived in the Town since 1981 and for 15 years on Stingaree Point. He wholeheartedly believes Ordinance 524 should be withdrawn, calling it inappropriate to have a 135' tower in an area of high end real estate. He said it will be seen from everywhere, is a large eyesore, and that it will desecrate inarguably and reportedly the best small town in Florida. He thanked the Council for the enlightened approach mentioned today, and espoused solutions used in Longboat Key, Florida and Carmel, California. He said the Fred Tuerk Drive location is not a good one, and asked if the location could be changed to in front of Bermuda Bay.

Sandy Kasten and his wife Nancy have lived on Sago Palm Road inside the back gate of John's Island for 20 years. He asked if the Council still intended to pass the ordinance today, and Mayor Barefoot said they will vote on the second reading of the ordinance. Mr. Kasten said he echoed what Paul Kaneb said, and showed a rendering of Datapath's photo with three arrays rather than one. The arrays are 12 feet top to bottom. He said that Sprint has gone to small cell technology, with all of the equipment on a utility or light pole, and that towers are already obsolete. He encouraged the Town to have a consultant look into this. A 130' tower is a 13 story building like the Spires. We have a 50' height limit everywhere else. Mr. Kasten agreed with the Town's recommendation for the shortest height, with the best possible signal that is least intrusive, and that making money is the lowest objective. The flagpole at Sea Oaks and the Moorings flagpole were mentioned again, and not paying Datapath to be the consultant. He said he was agreeable to a sign tower or a flagpole, just get it done.

Vice Mayor Weick said this is the third time he's been involved in cell tower discussions, once on the PZV Board and twice on the Council. There is a demand for the cell service. He is against them for aesthetics, but understands the need for cell service.

Councilman Slater asked everyone to consider the value of one life if someone can't get through to the emergency personnel because they don't have a cell phone signal in their home. We have to have service, and going to court would delay service. The ordinance says up to 130', it does not require that it will be that height. We have to find the best solution. He agreed with most of what everybody said, and said the area across the River won't work. We have been working on this steadily for months.

Mayor Barefoot said there are right-of-way issues and many other considerations that have already been explored, and the Council does invest a lot of time to do the right thing. This ordinance has four criteria that has to be met, and this gives us the ability to build a cell tower.

4. Town Attorney

a. Final Reading of Ordinance 524, Cell Tower Height

Mr. Conlon asked why we need this ordinance, and if it is being taken out of the normal PZV Board process. Mayor Barefoot explained that we already have an ordinance that limits height, and this very narrowly focuses on cell tower criteria. If it were to go to the PZV Board, they would listen to all of this, and then recommend that the Council listen to it all again. We had a petition this summer asking the Council to just give the residents what they deserve. We don't want a touch football game between those who want it and those who don't, so we are trying to get to a formal recommendation made by the independent consultant.

Mr. Kaneb and the Mayor discussed the independent consultant, with the Mayor stating there was a great amount of work done by the Finance Committee in vetting the proposals for a builder. Vendors know what the carriers want and need, they won't place equipment on something that won't work. Mayor Barefoot asked Chairman of the Finance Committee, Bob Auwaerter, to briefly describe the process the Committee went through. He said they had a request for proposal with basic parameters for cell phone service and reviewed the responses. All three vendors were interviewed and knowledge was gathered, while the Committee also did independent research. They were not in the hip pocket of any of the vendors, they considered monopoles, financials, considered if the Town were to own a tower, what risks there were to the Town, and came up with the recommendation that the Town not own a tower. They chose to recommend Datapath because they felt this company would do the best job for the Town. These meetings were publicized and open to the public, Mr. Auwaerter concluded. Dunn and Bradstreet credit checks were also done, Mayor Barefoot added.

Mr. Clem said the Town has had 161.17 for sitings on Communications Towers in place for about 15 years, which was passed after the extensive Government law was passed preempting municipal law. The current provision is 50', which is unworkable today. It was suggested that we increase the height, and after research, set it up to 135'. The first reading was passed and it was published. He read the ordinance by title as follows:

AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, RELATING TO SECTION 167.17 (SITINGS OF COMMUNICATIONS TOWERS AND ANTENNAS) OF THE LAND DEVELOPMENT CODE (LDC) REGARDING TOWER HEIGHT; PROVIDING FOR TOWER NOT TO EXCEED 135 FEET UNDER CERTAIN CONDITIONS; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Clem expounded on the details of the Ordinance further contained in the body, and read them as follows (additions to Code are underlined):

“No tower shall exceed 50 feet in height (including antenna) when free-standing, or 40% over the building height when placed on top of buildings, except as provided in (1) below:

(1) A tower not to exceed 135 feet in height may be permitted by the Town if all of the following criteria are met:

(a) The Town determines that a serious deficiency in coverage exists that can only be corrected by adding cell tower coverage.

(b) The Town determines that the height needs to be increased over the 50 foot level to obtain reasonable coverage within the Town.

(c) That location of a tower of up to 135 feet is placed to have minimal adverse effect on surrounding and nearby residences.

(d) That location of a tower of up to 135 feet in height has coverage advantages for the Public Safety Department of the Town.”

Mayor Barefoot noted that Section 2 states this ordinance remains in effect until it is not needed, such as if some other solution is available. A **motion to approve the second and final reading of Ordinance 524 as presented** was made by Councilman Slater with a second from Councilman Ochsner, **which passed 4-0**.

Mayor Barefoot suggested that Paul Kaneb should provide the Town Manager with any potential consultant names, and promised to keep everyone up to date via the website. We will try to provide the best service and least adverse effect on the residents and birds.

(seventeen – 17 - residents left the building)

b. First Reading of Ordinance 525, Turtle Signs at Beach Access Points

Mr. Clem said we recently became aware that years ago a requirement to post signs about turtles was instated that didn't make any sense. We have removed some language to that ordinance, and he read the new ordinance without the language.

AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, REVISING SEC. 91.45 OF THE TOWN CODE OF ORDINANCES ENTITLED “STANDARDS FOR BEACH ACCESS POINTS” REGARDING SEA TURTLE SIGNAGE; PROVIDING FOR CONFLICT, SEVERABILITY AND REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

We have simply stricken some language: “(1) Permanent sea turtle information signs shall be posted by the town at all public ~~and multi-family and single-family private~~ beach access points provided with dune crossovers. The signs shall be standardized by the town and positioned to be conspicuous to persons accessing the beach.” He said it would be very difficult to keep the single and multi-family residential signs in good condition, and the Town can offer this program with anyone who wants to have these. We as a Town, however, should not be responsible to install and maintain these signs. Councilman Slater discussed the scope of the sign being so full of information, and suggested that the amount of information be limited so it is readable. These are for public access points. Mr. Stabe said we had worked closely with the County and the turtle protection group and this is what was determined should be on the sign, but it is a lot of information to read. A **motion to approve the first reading of the Ordinance 525 passed 4-0** upon motion by Councilman Ochsner with support from Councilman Slater.

Mr. Clem also informed the Council that the rezoning matter pending with the Gandolfo's was dismissed. There is a window for an appeal to be filed, but as of now, the Town has prevailed.

5. **Mayor's Items**

a. Electric Utility Litigation Update

Bruce May, Terry Deason and Bob Auwaerter met with Schef Wright and his team in Tallahassee, and will have a written report within a couple of weeks regarding this discussion. This was not to negotiate, but we wanted to better understand how the City came up with the \$64 million number to buy the Shores' customer base. The Mayor was told by Mr. May that the meeting was friendly and informative. Some of the calculations were not done by experts but by City staff. The important thing is that channels of communication are open, as the change in leadership in the City has led to improved communication. The Mayor is still hopeful that our residents will become FPL customers. A five-point update will be posted to the Town's website.

6. **Discussion with Possible or Probable Action**

a. Municipal Elections Agreement (Town Manager/Town Clerk)

Mr. Stabe said this is a routine annual agreement with dates of March 15, 2016 and November 8, 2016 if needed to use the Supervisor of Elections office to conduct the Town elections. A **motion to approve the agreement** was made by Councilman Ochsner and seconded by Councilman Slater, **passing 4-0**. Mayor Barefoot said we have to get the word out as much as possible about our Charter amendment on the ballot. Mrs. Aldrich said the ballot has been on the bulletin board and website for almost a month, which is not a guarantee that people understand it. This Presidential Preference Primary ballot has been sent to the property owners associations and they also receive news alerts, she added.

7. **Town Manager**

a. Public Safety FOP Solicitation Update

Mr. Stabe provided a memo dated January 28 regarding the Union's response to the solicitation letter that was mentioned at a previous meeting. This memo includes a genuine apology for their failure to renew the permit, admitting to the accountant's oversight. They have since renewed their license and paid the late fees and penalties. They intend to draft a different letter in the future, and will take the Council's suggestions into consideration. Mr. Stabe had also shared with the Council statutory language as to what is and what is not required from anyone who is licensed to issue a solicitation letter in the state.

b. Update on Town 5-Acres Property

Town Manager Stabe reported that this property is on his and Mr. Clem's list of projects to address, with research regarding possibly rezoning it before an independent appraisal is done. Vice Mayor Weick asked about the zoning, which Mr. Stabe said is R1 (residential) to north of the property and R2 south of it, the multi-family Pebble Beach Villas. It is currently zoned R1 low density, and could be rezoned to medium density. This will affect price of property, the Vice Mayor noted, and Mr. Clem said it should be vetted by PZV Board as it must be compatible with the Comprehensive Plan. Vice Mayor Weick asked if we could have two appraisals, one for R1 and the other R2, and Mr. Clem affirmed. The Town transferred almost 40 acres of property across the river plus \$125,000 for this land. Mr. Clem mentioned both deeds have a provision that if the Town wants to sell it the County has the first right of refusal. Discussion ensued about this, which resulted in a recommendation to get an appraisal with it zoned both ways. Each appraisal would be approximately \$3,000 - \$4,000, according to the Treasurer. A **motion to get two appraisals with a "best use provision"** was made by Mayor Barefoot with support from Vice Mayor Weick, which **passed 4-0**.

c. Follow-Up on 175/185 Vesting Change

Continuing, Mr. Stabe addressed the emailed memo from Bonni Jenson, Attorney for the Defined Benefit Police-Fire Pension Board regarding the 175/185 Pension change in vesting. Mr. Clem and the Town Manager were on a conference call with her, and it was put in writing and agreed by them both that this was accurate. Ms. Jensen gave five specific reasons why it was changed from 10 to 7-year vesting and why it should not be changed back to the 10-year vesting. Councilman Ochsner agreed, the change to 7 years made sense then and still does.

d. Town-Wide Master Stormwater Drainage Plan Update

Mr. Stabe is in the process of obtaining additional estimates for a Master Stormwater Drainage Plan. He found a reputable firm who has done John's Island Master Drainage Plan and other plans in town, and obtained a quote, which was just a few thousand higher than our first bid. He will continue to obtain quotes and present the results to the Council for a determination of whether to have the work completed this or next budget year.

e. Cell Tower Research Update (*covered before 4.a. above*)

f. Departmental Reports (Building, Financial Balance, Public Safety).

A memo regarding overtime in the Public Safety Department was provided by the Treasurer and mentioned, which addressed its primary causes and the recent changes to the per diem rate of pay. They are widely advertising the new rates, and are in the process of bringing on five (5) additional per diem employees, one of which is triple certified. Since there has always been an extraordinarily difficult time finding per diem to cover Public Safety Officers (PSOs) overtime on weekends and especially holidays, Mr. Stabe made a recommendation that they consider adding a weekend and a holiday rate. A full time employee averages \$32-\$35/hour, and if overtime and holiday pay are attached, earns double time and a half for working on a holiday.

Mayor Barefoot added this seems to be a very good idea, financially and fiscally responsible, and asked what process we go through to obtain per diem help. The Town Manager explained that in our current contract, they can use overtime for our PSOs to cover sick leave. In the future contract this may be eliminated. Vacation requested during holidays is only allowed for one officer at a time. This is pensionable compensation, Mayor Barefoot added, and per diem hours are not. In order to get holidays covered, for an employee to come work here on his day off, it has to be a significant hourly rate, the Town Manager added, even though we have not gone through a holiday with the new rates yet. Mayor Barefoot said the question is do we wait or anticipate the problem, which is inevitable from Thanksgiving through New Year's. Mr. Stabe suggested we at least implement holiday rate, and the weekend rates may be postponed while we see if the increased rate makes a difference. Councilman Slater made a **motion to change per diem PSO holiday rate of pay only to the recommended \$31, \$33 and \$35**, seconded by Councilman Ochsner, which **passed 4-0**.

8. **Council / Committee Reports or Non-Action Items**

a. Planning, Zoning & Variance Board Meeting 12-14-15 (Chairman Chris Hendricks)

Chairman Hendricks said that he appreciated the need for a cell tower, as he did have a family member who was not able to get emergency help with a cell phone.

There were two requests for variances at the January 9th meeting, one for removal of a tree at 360 Island Creek Drive. It was approved, and being in excess of 36" required mitigation of two 4" diameter trees.

The Board also approved a request for modifications to the Palm Island Plantation project as approved in 2001, which reduces the number of units to 25 from 31 due to eliminating two-story units in favor of single story. The Town Manager and Fire Marshal will address any technical issues at permitting.

b. Council Committee Reports (MPO, EDC, TCCLG, TCRPC, TCRLC, Others)

TCCLG. Councilman Haverland had no report.

MPO. No report.

EDC. Vice Mayor Weick said they met and had a presentation by the two local airports, Sebastian and Vero Beach. Sebastian is asking permission to enlarge their taxiway. The Vero Beach Airport reported that they are in good shape. Mayor Barefoot noted that they are asking for electric rate relief.

Beach & Shores. Councilman Ochsner said this meeting was cancelled.

TCRLC. Councilman Slater said he was impressed with this League's successful lobbying in Tallahassee with the FLC's assistance against all local elections being mandated for November, and three or four other bills involving Home Rule rights. The All Aboard Florida rail service will begin between Miami and West Palm Beach next year. The guest speaker was the President of FLC, and Councilman Slater concluded that he will pay a lot more attention to the Florida League of Cities as they do an amazingly good job for municipalities.

The Town Manager said he did not mention before that they saved \$10,000 on the speed cart using a grant.

9. **Call to Audience**

None.

10. **Adjournment.** With no further comments, the Mayor adjourned the meeting at 11:02 a.m.

Respectfully submitted,

/s _____

(Approved by the Town Council at the February 25, 2016 meeting)