



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

REGULAR TOWN COUNCIL MEETING

Thursday, December 17, 2015

9:00 a.m.

PRESENT: Brian M. Barefoot, Mayor
Gerard A. Weick, Vice Mayor
Richard M. Haverland, Councilman
Michael B. Ochsner, Councilman
Thomas F. Slater, Councilman

STAFF PRESENT: Robert Stabe, Town Manager
Chester Clem, Town Attorney
Lt. Mark Shaw, Public Safety
Sgt. Shawn Hoyt, Public Safety

Laura Aldrich, Town Clerk
Heather Christmas, Finance
Darlene Wiltzius, Finance

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 Slater
- 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. Discussion regarding removing an item from the agenda resulted in no action, as the Town Attorney advised no one has the right to do so.

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

3. **Consent Agenda**

- a. Acceptance of November 9, 2015 Planning, Zoning & Variance Meeting Minutes
- b. Approval of November 19, 2015 Regular Town Council Meeting Minutes
- c. Approval of November 23, 2015 Attorney Client Session Minutes
- d. Approval of Invoice from L-3 Mobile-Vision for *In-Car* traffic Camera
- e. Approval of Invoice from Town Attorney dated November 30, 2015
- f. Approval of Invoices from Holland & Knight dated December 3, 2015 & December 16
- g. Approval of Invoice from Advanced Data Cabling & Consulting, Inc. (connectivity to Public Works)
- h. Approval of Invoice from Kempf's Site Development, Inc. for Fred Tuerk Drainage Repair

A question resulted in confirmation that the Advanced Data Cabling invoice is part of the new phone system. A **motion** from Councilman Slater with support from Councilman Ochsner **to approve the consent agenda as presented passed 5-0.**

4. **Town Attorney**

- a. Final Reading of Ordinance 523, Charter Amendment for Election Date Change

Mr. Clem said if this ordinance is approved, it will go on the March 15 Presidential Preference Primary ballot, for which the language has already been drafted and provided to the Council and Supervisor of Elections. He performed the second and final reading by title as follows:

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, AMENDING THE CHARTER OF THE TOWN OF INDIAN RIVER SHORES ARTICLE 2, MAYOR AND TOWN COUNCIL, SEC. 2-2 CHANGING THE TERM OF OFFICE BEGINNING IN NOVEMBER OF EVEN YEARS, AND MAKING MINOR ADMINISTRATIVE

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.

(Title of Ordinance 523 continued)

CLARIFICATIONS IN SEC. 2-8 AND 2-12; AMENDING ARTICLE 3, SEC. 3-3 TO CLARIFY THE TOWN MANAGER PROVISION AND MODIFYING SEC. 3-4, ORDINANCE ADVERTISING PROVISION; AMENDING ARTICLE 5, FINANCIAL PROCEDURES TO REMOVE SEC. 5-7 COMPETITIVE BIDDING; AND MODIFYING ARTICLE 6. ELECTIONS, SEC. 6-3(b) RELATING TO CHANGING TOWN COUNCIL ELECTION DATES FROM THE SECOND TUESDAY IN MARCH TO THE GENERAL ELECTION DATE BEING THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN YEARS; REQUIRING A REFERENDUM ON THE MARCH 15, 2016, PRESIDENTIAL PREFERENCE PRIMARY BALLOT; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE.

A motion to approve the second reading and Ordinance 523 was made by Councilman Slater with support from Councilman Ochsner. Minor discussion followed before the motion passed 4-1, with Vice Mayor Weick dissenting. Mayor Barefoot instructed the Town Clerk to widely publicize this.

b. First Reading of Ordinance 524, Cell Tower Height

Mr. Clem said our current cell tower ordinance is very restrictive with a 50' height limit. With today's need, it has been determined that this may not be sufficient. He then performed the first reading of Ordinance 524 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.

The Land Development Code, in Section 161.17, Definitions, is modified by this ordinance by adding the following exceptions, which Mr. Clem continued to read:

Communication tower shall mean a tower greater than 35 feet in height (including antenna) that supports communication (transmission or receiving) equipment. The term communication tower shall not include amateur radio operators' equipment, licensed by the Federal Communications Commission (FCC). 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.

Essentially what we are now proposing is a Not To Exceed (NTE) height of 135' to correct this serious deficiency that can only be obtained through this height, based on a presentation made to the Council (by communication tower experts). All four conditions (a-d) or criteria must be met, Mr. Clem concluded.

The word "minimal" in item 1c was questioned, which was clarified that minimal adverse effect on surrounding and nearby residences would be determined by the Council. It was also discussed why a PZV Board variance isn't enough to cover this, which Mr. Clem said is due to such a great difference between 50' and 135' height. It will not necessarily have to go through the PZV Board, Mr. Clem said, the Council would act as the determination mechanism.

There was more discussion regarding the process. The 50' height limitation still remains for everything other than for communication towers that meet the specified criteria listed a-d above, Mr. Clem concluded. A

motion made by Councilman Slater with support from Councilman Haverland **to approve the first reading of Ordinance 524 passed 5-0.**

5. **Mayor's Items**

a. Town Manager Revised Evaluation Process

Mayor Barefoot thanked Councilman Haverland for the time he spent in offering suggestions, which were largely used in consolidated form for four broad categories: General Management, Budget, Communication and Public Safety so there is flexibility to determine what is important to each elected official under those broad categories. The Council agreed the revision was a huge improvement. Mayor Barefoot said he had also discussed the new format with Mr. Stabe.

b. Town Manager Salary Adjustment

The Mayor said he is recommending a 2.3% increase to be effective January 1. He noted that Mr. Stabe did a very good job based on his evaluation. A **motion** by Vice Mayor Weick, seconded by Councilman Ochsner, **to approve the recommended 2.3% increase for the Town Manager passed 5-0.**

c. Proposed Increase to Per Diem Pay Rate

As mentioned by Chief Rosell in a previous meeting, it is increasingly difficult to attract and maintain quality personnel to fill in part-time for Public Safety Officers, and our rate has been set at \$18 since the program was started late 1990's. Mayor Barefoot recommended an increase to \$20 minimum, and if they are triple certified (firefighter paramedic with law enforcement), a \$24/hour rate as recommended by the Chief.

Discussion regarding the large difference between an EMT and a paramedic ensued, with Mr. Stabe explaining to the Council that someone who is a firefighter paramedic responds to all but police calls. A triple certified officer responds to fire and emergency call, but also has an 8-hour shift on road patrol. If the per diem officer has paramedic certification, he also has passed the EMT level. Mr. Stabe suggested having a firefighter paramedic at \$22, and the firefighter/EMT or police only at \$20. The \$24 is for police/firefighter with either EMT or paramedic. Mayor Barefoot asked for a memo to the Chief and Lieutenants and copy the Council with these three pay levels explained.

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

a. Retiree Buyout of Current Employees (Councilman Haverland)

Councilman Haverland had proposed to offer an option to existing employees to give up the right to be included in the medical insurance plan upon retirement in return for a lump sum payment. He asked for the Finance Committee Chairman, Bob Auwaerter, to convey the results of their meeting regarding this.

Mr. Auwaerter said the Finance Committee met and discussed this for about an hour and a half, and generally agreed it made sense to have such a package from the Town's perspective. From an employee's perspective, however, they wondered if the employee would do the analysis in this situation, and at what legal risk for the Town. For instance, would a requirement be made that the employee has an opportunity to speak with a financial planner from a group of planners. At the end of the meeting the Town Manager was directed to ask a labor relations attorney if there are legal risks for this type of program and second if there is a risk if we specified an eligible age cut-off. A catastrophic illness years later and tax implications were other concerns.

The Chairman happened to be in the office and listened in with the Town Manager when he received a call from the labor attorney, and recapped that the attorney had not seen such a package offered to non-retirees. It is generally more for someone who is retiring or has retired. The attorney noted that these are "statutorily required benefits," and then used terms like "very risky" and "big risk." The attorney also advised that buying out someone's retirement benefits today may not work if someone experiences a subsequent spouse through divorce or remarriage, which could also have implications to that employee who has waived the right.

Councilman Haverland said he is working with the governor of Rhode Island on this, and their attorney has pointed out these same types of risk. Divorce and remarriage with retirees is the same as with younger employees. Councilman Haverland said we can "hide behind the attorney" and say we don't think it's a good idea. He asked Chairman Auwaerter how he would price this and mentioned the template he had provided for pricing. He added the Committee makes the recommendation, and the Council makes the decision. Mr. Auwaerter reiterated that it would be a good deal for the Town, based on a fairly substantial analysis by Heather. With that rough idea it did not look good for the employees. Councilman Haverland said it is potentially good for some employees, and not particularly good for someone else. Mr. Auwaerter said if there was a spouse who had a good retirement plan, it might be advantageous. Councilman Haverland agreed it was not for everyone.

b. Public Safety FOP Solicitation (Councilman Haverland)

Councilman Haverland addressed a letter received by the residents every year asking for money, and recounted that he inquired about this practice using the number to the State at the bottom of it and discovered that there is an investigation in process because the Department has not had authorization for two years. This fundraiser takes in between \$30,000 - \$50,000 per year which is used for meals, lodge dues, etc. Some interpret the decal given in return for donation as a "pass" when you are stopped. He suggested that the Council should ask them to return the funds from the years as they were not authorized.

Vice Mayor Weick said the permit expired December 2013, and believed it was simply an oversight. He discovered it is not tax deductible, and was also upset with the wording that the Town doesn't pay for their training or medical. Councilman Haverland opined if the Department disregards the request for not sending the letter, they should say where the money goes and get rid of the decal. He believes they should have some type of financial accountability, as there was \$65,000 sitting in the bank in 2010 while they were asking for more money.

Mayor Barefoot said he discussed this with Sgt. Crosby, who is the President of the Fraternal Order of Police (FOP). Reregistering was strictly an oversight, and he has had discussions with the union attorney accountants. Mayor Barefoot agreed it can be misleadingly interpreted. He understood that if everything was done properly, it is not a designated charity and not tax deductible. These are common letters nationwide, including from departments who are well compensated. Mr. Stabe will report back what Sgt. Crosby reports.

7. **Town Manager**

a. Land Development Code Revision Status

The PZV Board approved the revised LDC at their meeting this Monday, and it is now being proofed by the Executive Assistant and Town Clerk. There will have to be an ordinance drafted which will have the required two readings, so this will be a potentially long process. He asked if the Council would have Mr. Clem construct that ordinance. Mr. Clem said it would be a small Ordinance with a lengthy attachment, although the changes were relatively minor.

Similarly, Mr. Stabe advised that the Town's Comprehensive Plan is also in need of updating, which will be a large undertaking. Mr. Clem said this needs to be done to be in State compliance, as there have not been any updates since its initial creation in 1990. The Town Clerk reminded them that the LDC has important additions such as dogs allowed in the courtyard area of the Village Shops restaurant, parking restrictions, stormwater drainage and the cell tower change. The last revision to the LDC was 2006, and it has never been codified. It was agreed that an annual update or one done more frequently in order to stay as current as practical would be done in the future, and this version of the LDC will be the first to be codified.

b. Fred Tuerk Drive Drainage Update

Town Manager Stabe reported that this project has been completed, and the drainage system is now working perfectly. A minor delay was caused by heavy rains just one day after the system was in place, and the contractor had to relay the asphalt.

c. Telephone System Install Update.

The primary technology has been installed and tested, and the system will be fully installed on December 22. All of our numbers will stay the same, and there will be a new recording with different options.

d. 5-Acre Market Analysis Update

Mr. Stabe reported that the market analysis from Treasure Coast Sotheby's for the Town property at the south end of A1A has been obtained, and asked for direction from the Council. Vice Mayor Weick said it was for reference. Mayor Barefoot said the range of value provided is from oceanfront property south of Vero, and these two lots are not oceanfront. Mayor Barefoot asked if the Council wanted to list the property at some number. Councilman Haverland asked if the process required an appraisal.

Mr. Clem said the property is zoned for R1a, so the value has to follow zoning. Comparing it with hotel zoning derives an improper value, as it would have to be rezoned. You can't use just any zoning to maximize the value, it has to be in conformance with the Comprehensive Plan, and the property flanking this is R1a and R2a. The County owns the strip of land that separates the property from the ocean, and the County has the first right of refusal.

Councilman Haverland recommended that since there is no current or future use intended for the property it is a good time to sell it. He added it should be rezoned for the ideal and allowed zoning for it, and then be appraised for its value. Councilman Slater agreed that an official appraisal is necessary for the true value, as an appraiser looks at zoning and all other factors.

Mr. Clem said the Comprehensive Plan allowed use comes first, then the LDC that implements the Comprehensive Plan. Vice Mayor Weick commented that the northwest area (about 300 square feet) of the property has equipment on it possibly from the City of Vero Beach electric utility. Mayor Barefoot asked that the steps be laid out with Mr. Clem and Mr. Stabe for rezoning or appraisal. Mr. Stabe referred them to the analysis that suggested potential zoning for condominiums and single family homes.

Mr. Auwaerter said he has walked the property, and the gate goes to the Tracking Station Park to access the beach. The Town Clerk noted that there are many residents who use that property to access the beach.

e. Pension Board Update

At the Police-Fire Pension Board meeting last week, the most recent actuarial valuation was reviewed. An analysis of the document by the Town Manager and another from Councilman Haverland had both been forwarded to the Council. In January a budget adjustment will be ready.

Councilman Haverland noted that the Pension Board continues to use the assumption of 6.25% return after management, actuarial, legal and other expenses, so the assets will generate in excess of 7.25%. He opined that with investments set at 60% equities and 40% fixed income, there is no chance it can achieve those returns, when historically over last 10 years it's been 5.4%. He suggested that the Council advise the Board to reduce the assumed rate of return (ROR) to 5.75%, and similarly reduce the General Employees Defined Benefit Pension assumed rate of return. Mr. Stabe said the agreement this Board has with the money manager is a 60-40 split, but they have latitude to invest up to 70-30.

The results even with this latitude are still substandard, Councilman Slater noted, continuing that the Town has to fund based on the recommendations of the Pension Board. He agreed that they must reduce their assumptions. We increased the unfunded liability, and we are not assuring the participants that there is money enough to cover them in the long run. After discussion, Councilman Slater thought they should recommend 1) reduce the assumed return to 5.75% and 2) recommend that they go to 65/35 or as close to a 70/30 split. There was more discussion before a **motion to encourage the Police-Fire Pension Board to reduce the assumed rate of return to 5.75% and to move towards the asset allocation to 70%-30% equities-to-fixed-investments portfolio** by Councilman Haverland with a second from Councilman Ochsner **passed 5-0**. Mr. Stabe will draft this memo to the Board.

Councilman Haverland continued that the level of fundedness went to 85% from 90% as a result of the market being bad, and we are using an outdated mortality table. The new required table next year will be another negative impact according to the actuary. Another important element is the assumption about salary increases that are built in, and the number they are using he said is clearly inadequate. He said the funding is probably closer to 75%. He also noticed when reading the report that this appears to be a closed plan, and if so we are required to be 100% funded by 2025. He suggested that if this is the case, we should change to an open plan. The Town Manager explained that it is closed to new participants. On page 35, the Councilman noted, it says the remaining amortization period is 10 years as of 2014. Ms. Christmas agreed to get clarification on the definition of a closed plan.

One other thing that also concerned Councilman Haverland was that the vesting period for the 175/185 monies was changed from 10 years to 7-year vesting. He found that the Council had voted on this twice (as an ordinance), and has talked to two members of the Pension committee (Board) who had no idea this was changed. They were told the two plans were being combined for the sake of convenience, and these two people said they didn't know what the other plan was. When the Council approved it, there was no discussion. He suggested that they retroactively "undo" this action. This is the Council's call, and it is a compensation issue. A council member asked what it was they would undo, and the Town Manager said it was Ordinance 517.

Mr. Clem said this Ordinance was an Adoption Agreement for the Town of Indian River Shores Defined Benefit – Public Safety Plan, and the way he understood it was that it took the 175/185 funds and put them with the Defined Benefit funds so that they would have the same vesting period in the plan. To unravel the plan would be much more difficult than he would care to be involved with, he added. A labor attorney would be more knowledgeable in this matter. In Paragraph N it said this section is to implement the 175/185 to pay required benefits to the PSOs. Councilman Haverland said his point is that it was "snuck through the Pension Committee and snuck through the Council without anybody understanding it." He said he didn't care what it costs, he thinks the Council should reverse it because he viewed it as "close to criminal."

Mr. Clem said these funds come through the State, and are supplemental. They should not have any relation to the amount the Town puts in towards the Public Safety Officer's pension benefit. The Pension Board agreed that these 175/185 funds would have 7-year vesting. Councilman Haverland argued that nobody agreed with it because nobody understood it. Vice Mayor Weick said he did not recall seeing that in the

ordinance, either. Councilman Haverland discussed the difference this change has caused as giving the Council more control as an employee would be less likely to leave the Town's employ before being fully vested. Mr. Clem said he said he didn't understand the effect these funds have on our plan. There were different vesting periods, and when we combined these State funds with our Town's plan funds, it conformed with our 7-year vesting. It doesn't affect any Town costs, they agreed, but Councilman Haverland's concern was giving up the one control the Council has in the entire plan. He said he realized the two plans have been combined for 7 years, and this change was implemented last year.

Councilman Haverland made a **motion to do what is required to retroactively put in place the 10-year vesting on the 175/185 funds as it was previously in the plan**, which was seconded by Councilman Ochsner. Discussion ensued regarding the process, which resulted in a request from Mr. Clem to first consult with a pension attorney, and then make a motion later. Councilman Haverland said it has nothing to do with the ability to allocate this money, as the monies are invested together and accounted for separately. **He reworded the motion to change the vesting for the 175-185 plan on a retroactive basis to 10 years from 7 years as it was previously**, which was seconded by Councilman Ochsner. Mayor Barefoot suggested that the Plan attorney (Bonni Jensen) be consulted to find out what it takes. The **motion was withdrawn** and an agreement was reached to have the Town Manager investigate this and get back with the Council in January, with the agreement that the Council wants to have this done.

f. Town-Wide Master Stormwater Drainage Plan / Issue of Septic Tanks' Effect on Lagoon

Mr. Stabe referenced the memo to the Council describing the need to have a Town-Wide Master Stormwater Drainage Plan created by our engineering firm. Most other municipalities have them, and they include Department of Transportation drainage and private stormwater plans, while ours currently only has the Town's portion of the stormwater plan. He asked the Council to consider this as part of next year's budget.

The Town Manager clarified for a councilman that the two issues are septic and stormwater drainage, who suggested that we should get with the City of Vero Beach's Water Department to see what they have done, and also get an idea of what the hybrid system they proposed would do and the potential costs involved. Discussion about the expense for septic improvements for the homeowner or sewer line expense to the Town ensued, with protecting the Lagoon from septic tanks mentioned (the Town has 150 septic tanks, of which only 24 are on the west side of A1A).

The discussion was brought back to stormwater plans, which have been provided to the Town for each subdivision as it was built but have not been compiled into a database. The Building Official said he does have these plans, and Mr. Clem said there are about 30 developments in Town that have not had anything updated since the plans were filed with us in 1970. We don't have a professional engineering department, he added, and said we need to reach out now to have a local engineer develop this. Part of our Comprehensive Plan is that we have to control the drainage to the lagoon. Councilman Haverland said we could identify every outlet, and the Mayor and Manager said we haven't got the staff nor the time to do this.

A **motion was made** by Mayor Barefoot **to have a professional engineer come back to the Council to tell us what the cost and scope of work for this would be with Mr. Guanch's assistance**. Mr. Stabe said he has a proposal from MBV Engineering with a plan to do a master stormwater map and an inspection on every outflow within the Town limits, with a written report. The total for this was \$28,750. If there are deficiencies, the Town Manager would address this with the homeowner for corrective action, under the state or national authority given by the NPDES, SJRWMD or other agencies/programs. First we need a map and an inspection.

The Mayor asked what he is recommending, and rather than causing a budget amendment this year, we will plan for this action next budget year. Councilman Haverland asked if they shouldn't go ahead with this now rather than wait for October if there is a problem with the Lagoon.

Chairman of the Planning, Zoning & Variance Board, Chris Hendricks, said the State has determined that the stormwater runoff is one of the major contributors to the Lagoon pollution, adding that some grant money may be available. He agreed that the responsible party will be the homeowners or specific associations.

Mayor Barefoot instructed the Town Manager to get with MBV for details, and bring it back to the Council for approval to proceed in January.

g. Cell Tower Update.

The Town Manager met with DataPath, the surveyor and consultant at the property near the substation, and were pleased to find that there are no gopher turtles on that property. They have identified an exact location on the substation property that has a footprint which would not impact any wetland areas. Markers are in place for a survey should this property be the one that is chosen as the best site. Datapath will be ready to give an

updated presentation in January to either the Council or the PZV Board. Mayor Barefoot said that any location will probably receive objections from someone, and asked that it be widely advertised.

h. **Commercial Range Hood / Community Center Replacement**

It was recently brought to the Town Manager's attention that fire code requires the installation of a fire extinguishing range hood in the Community Center, since it is used as a commercial establishment. The cost is about \$2,500. In our capital budget 5-year plan, we included the replacement of the Community Center building. When and if the Council decides to replace the Community Center, this range hood could be removed and installed in a new building.

One other thing, a Council member had requested to get agenda packets sooner. We will make every effort to get them out no later than Monday before the Thursday Council meeting rather than Tuesday. This month, for example, had five agenda/packet revisions in two days. The likelihood for things to be added after it is delivered may entail emailing or providing copies of additional backup material after the packets have been delivered.

i. **Departmental Reports (Building, Financial Balance, Public Safety).**

No questions or comments.

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

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

Chairman Hendricks said that at the December 14 meeting they approved two requests for variances, a 1.6' encroachment of the east property line of a home constructed in 1987 at 4731 Pebble Bay Circle that is now being sold, and a boat dock structure construction without a primary structure for 34 Sago Palm, John's Island, which was sent back for additional information including approval by nearby homeowners.

1) **2' Variance for Pool Screen Enclosure**

A 5' variance for construction of a pool screen enclosure on 1202 Isla Verde Square was requested, for which the Board has authority to approve 3'. Therefore it is forwarded for consideration by the Town Council to approve the 2' variance, as other homes in the community had such an enclosure. **A motion to approve the 2' pool screened enclosure variance at 1202 Isle Verde Square** was made by Councilman Ochsner with support from Vice Mayor Weick, which **passed 5-0**.

Mr. Hendricks also mentioned the Land Development Code had been approved for review by the Council after much hard work and input. The Board considered it to be an honor, and appreciated the support given by the Town Manager, Town Council, the Building Official and staff. He pointed out that the leadership and heavy lifting by the Town Manager is what brought this product to fruition.

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

TCCLG. Councilman Haverland said there was nothing of significance to report.

MPO. Councilman Haverland said there was nothing of significance to report.

EDC. Vice Mayor Weick said they reviewed the annual report, which was nicely done. They were told that the television show "How It's Made" has an episode featuring Piper Aircraft that is scheduled to air on December 17th at 9 p.m., however it wasn't listed this week.

Beach & Shores. No report.

TCRPC. No report.

TCRLC. No meeting.

9. **Call to Audience**

Comprehensive Plan. Linda Bolton, PZV Board, asked the Council to take a sense of urgency to get the Comprehensive (Comp) Plan updated. She reiterated reasons already mentioned today (length of time since its publication, compliance with new the revised LDC, drainage issues, how the 5-acre Town property will be used).

She also said as part of the Planning & Zoning effort they have been investigating pollution of the Lagoon and received all sorts of reports from Harbor Branch Oceanographic Institute, Dr. LaPointe, Dr. Baker with the Audubon Society, and from Vero Beach Water Department Manager Rob Bolton with hybrid systems. She said there is a need to investigate septic tanks as a potential source of pollution, and suggested when revising the Comp Plan a universal implementation date is included to have septic systems eliminated.

Cell Tower. Linda Lemmon, resident of The Estuary, spoke regarding the proposed cell tower potentially at the end of Fred Tuerk. Her opinion is that a 13-story tower doesn't belong in the residential neighborhood no matter where it is, believing that it will negatively affect all of the property values and be an eye sore. She

stated that two smaller towers will preserve the beauty of the neighborhood, and even the flagpole towers work at the Moorings and Sea Oaks. She asked the Council members to fulfill their responsibilities and do what is best for their constituents rather than what is best for Datapath.

Anita Kolini, resident of the Estuary, agreed that there is an interest in the aesthetics. She agrees most people have an interest in improving their cell phone coverage. With 32963 as one of the wealthiest zip codes in the country, she believes they live in one of the most beautiful neighborhoods and wants it to remain so. One of the features that attracts people to our area is the height limitations and natural beauty. This proposed tower looks industrial and fits in industrial zones or low-rent areas. She mentioned a Vero Beach resident who was founder of Cellular One who would be willing to speak with the Council that told the Estuary residents there is no cell phone tower that cannot be camouflaged. Datapath is entitled to a fair profit but not an egregious one, she concluded, and asked the Council to consider a camouflaged tower two separate towers as an option.

10. **Adjournment.** With no further comments, the Mayor wished everyone a Merry Christmas and Happy New Year before adjourning the meeting at 11:18 a.m.

Respectfully submitted,

/s _____

(Approved by the Town Council at the January 28, 2016 meeting)