

VERO BEACH TREE AND BEAUTIFICATION COMMISSION MINUTES

Thursday, April 22, 2021 – 9:30 a.m.

Council Chambers, City Hall, Vero Beach, Florida

PRESENT: Chairman, Marilyn Black Dussault; Members: Fran Robinson, and Katherine Booth **Also Present:** Assistant City Attorney, Jenny Flanigan; Grounds Maintenance Manager, Nanette Haynes; and Senior Administrative Assistant, Rita Hawkins

1. CALL TO ORDER

Chairman Dussault called today's meeting to order at 9:30 a.m. and the Senior Administrative Assistant performed the roll call.

2. APPROVAL OF MINUTES

A) March 18, 2021

Mrs. Robinson made a motion to approve the minutes of the March 18, 2021 Tree and Beautification Commission meeting. Mrs. Booth seconded the motion and it passed unanimously.

3. PUBLIC COMMENT

Mrs. Marta Porter, City resident, stated that she came to today's meeting because of the potential changes to the Tree Protection Ordinance. She said it looks like the Commission covered that at their last meeting, but she was not able to attend. She explained that she has been in Vero Beach for 11 years and she is part of a group called "Save the Trees", which has been around since the 1970's. There was a lady that passed away two (2) years ago who was relentless in her fight for the Live Oak trees in her area. She is in the process of going through and scanning all of this ladies paperwork, so she can get a history of what has taken place. She said when she saw the Tree Protection Ordinance was up for review she thought it might be a good time to attend their meeting. She said what her group has seen in the last two (2) years and specifically in the last three (3) months is terrifying. If this continues, they will lose the tree canopy in the next 20 years, so something drastic needs to happen. She knows things have been attempted in the past and her neighborhood has fought it. It has become open season on the trees and they lose one (1) or two (2) almost weekly. Some of these trees are over 300 years old. They don't know for sure how old some of them are, but they will lose them and something needs to be done. She explained that as the population ages, homes are being sold. They are selling for over a million dollars and they are being torn down along with the trees so they can rebuild. In 10 years Vero Beach will not be a Tree City USA community, because there will be no significant trees left.

Mrs. Dussault thanked Mrs. Porter for coming to the meeting even though the Commission has already done their part in making their recommendations. She encourages anyone to come and support what they believe in. The Commission also believe that these beautiful and marvelous trees should not be removed. She said it would be helpful if her group would make a presentation to City Council. She stated that the Tree and Beautification Commission is still going to work on this and they have not given up, because it is devastating to see the unnecessary destruction.

Mrs. Robinson stated that they discussed this same thing at their last meeting. She explained that she walked the Central Beach area with a friend and looked at some of the recent trimmings. It was awful.

There are two (2) lots on Holly Way that are so beautiful and they are either for sale or have been sold. She said the builder is Lifestyle Homes, which builds homes utilizing solar power. They cannot have solar power with a tree canopy, so either the lots will not sell or the trees will be taken down.

Mrs. Dussault explained that the Legislature in Tallahassee, Florida is making it more and more difficult for home rule with respect to private property rights. They passed a piece of Legislation this past session, which states that local governments cannot interfere with private property owner's rights on how they treat the lots they own. They have members on City Council who share this concern, so she encouraged Mrs. Porter to have her group go before them.

Mrs. Porter stated that there is a petition floating around and they have written to City Council. She said if a home is deemed to be historic it cannot be torn down, so what is the difference between that and a 300 year old tree.

Mrs. Booth asked if the bill states that single family lots cannot have landscape restrictions.

Ms. Jenny Flanigan, Assistant City Attorney, replied that she believes the Bill that Mrs. Dussault was referring to was one (1) that passed in 2019.

Mrs. Dussault said there was another one (1) that was introduced this session.

Ms. Flanigan replied yes, she believes there were two (2) sets of Bills introduced this session. One (1) was to undue the one (1) from 2019 and the other one (1) was to make it even harder for local governments to regulate trees. The 2019 law basically bans local governments from regulating private property rights.

Mrs. Booth said the one (1) that was going to exempt single family homes from regulations for landscaping and tree protection did not pass.

Ms. Flanigan explained that the 2019 preemption is still in place and both sets of the new tree Bills have not moved. It looks like they will be left with the 2019/2020 preemption. This subject came up at the last City Council meeting and the City is seeking to address tree trimming by utilities in the City's public right-of-ways, because they have the ability to control permitting in the right-of-ways. In terms of private property, it is more difficult to regulate. Legislature can change it, but it would take a lot of citizen lobbying to make that happen.

Mrs. Dussault stated that the 2019 piece of Legislation immediately created litigation which is still on going. It shows the differences and the opposing views between those who want to keep the trees and the strength of those organizations who are lobbying to be able to do what they want. It involves all kinds of people that are interested, from a business perspective on enhancing their ability to do what they want on private property.

Mrs. Booth said the way she understood the 2019 Bill is that an Arborist needed to sign off on the paperwork to remove a tree. It made it harder for someone who wanted to preserve a tree, because if an Arborist said it needs to go it can be taken out for whatever reason. In the most recent pending Legislation it states that municipalities could not interfere with landscaping that homeowners want to do. It did not pass, so there might still be some hope that the Bill could be repealed. They should continue their efforts to save the trees. She said at their last Commission meeting, the Planning Director mentioned they were considering creating a historic tree designation. She showed two

pictures from a Vero Beach Magazine of companies advertising the normal look of Live Oak trees in their photos, but these trees have been severely over pruned. It is an uphill battle against a big industry and people who have a chainsaw who promote themselves as a tree pruner. If a tree declines because of aggressive pruning, then they get to remove it.

Mrs. Porter asked how can she get a copy of the recommendations their Commission made.

Ms. Flannigan replied that it is a public record and anyone can request a copy of it from the City Clerk's office. They are the recommendations that the Commission made to City Council, as an Advisory Board. They have not been discussed or adopted by City Council.

Mrs. Dussault thanked Mrs. Porter for attending their meeting.

4. NEW BUSINESS

A) Dedicatory Tree Application – Mr. Michael Cotter

Mrs. Dussault reported that they received an application for a dedicatory tree from Mr. Michael Cotter for an existing Oak Tree in Riverside Park near the Riverside Theater.

Mrs. Robinson made motion to accept the dedicatory tree application from Mr. Michael Cotter. Mrs. Booth seconded motion and it passed unanimously.

5. OLD BUSINESS

A) Finalize Plans for Arbor Day Celebration - April 30, 2021

Ms. Nanette Haynes, Grounds Maintenance Manager, stated that the location for the Arbor Day tree has been staked out and the tree has been ordered.

Mrs. Dussault said she wants to send a public invitation to City Council even though she spoke about it when they received the Arbor Day Proclamation at the City Council meeting. They will try to get something out to the press, because this is a different style for their Arbor Day celebration and a different type of tree. She said that Mrs. Booth suggested planting a Pine tree. They will be planting the tree this year on 20th Avenue between 24th and 25th Streets. She asked if there are any parking restrictions along the side streets.

Ms. Haynes replied just past the tree planting site is where the old County Administration building parking lot was and she believes people can park along the right-of-way.

Mrs. Dussault asked what time do they want to hold the ceremony.

Ms. Haynes replied whatever time they want, because the tree will already be partially planted.

Mrs. Dussault suggested they set it for 9:30 a.m.

Mrs. Booth asked if they ever thought about holding it later in the afternoon or early evening.

Ms. Haynes replied that she cannot have her staff there, because it would be after hours.

Mrs. Booth asked what type of tree was chosen.

Ms. Haynes replied that she chose a Slash Pine. They are only planting one (1) on Arbor Day, but they can plant more later on. There are already Pine Trees at that location, so that is why she chose a Slash Pine.

Mrs. Robinson said that they discussed inviting the Forester.

The Senior Administrative Assistant stated now that the time has been set, she will send him an invitation.

6. TREASURY REPORT

Mrs. Dussault reported that they did not receive an updated Treasury Report, but they should have one (1) for their next meeting.

7. CHAIRMAN'S MATTERS

Mrs. Dussault reported that she and the other Commission members attended the April 6th City Council meeting to accept the Arbor Day Proclamation.

Mrs. Dussault announced that she will not be able to attend their next meeting on May 20th.

Ms. Flanigan stated that they will not have a quorum, so she suggests that they set their next meeting for June 17, 2021, which is their next scheduled meeting date.

The Commission members all agreed with canceling the May 20, 2021 meeting and scheduling their next meeting on June 17, 2021.

8. MEMBER'S MATTERS

Mrs. Robinson said she thought they were encouraged to attend the Planning and Zoning Board meeting when they were going to discuss the recommendations, but she did not see the meeting scheduled for April 15th.

Ms. Flanigan said she will check to see when that meeting is scheduled and have the City Clerk's office notify the Commission.

Mrs. Dussault said she thought that Planning and Development would wait until the Legislative session was done at the end of April, so they could tell City Council where they stand with respect to the 2019 home rule. She believes they will not hold the Planning and Zoning meeting until May.

Mrs. Booth said she noticed that their goals for 2020/2021 year were the same as the prior year. She asked if they finalized their Annual Report.

Mrs. Dussault replied yes, that report was submitted. She explained that the goals were the same because 2020 was interrupted due to the pandemic.

Mrs. Booth stated that she has some thoughts for their 2021/2022 goals.

Mrs. Dussault replied that is great. They can put them on the agenda in a couple of months, so they can be discussed.

Mrs. Booth stated that with the Commission trying to start a recognition program, she would like to invite Mr. Brian Bobbitt from Keep Brevard Beautiful to one (1) of their meetings to speak about what they are doing. She explained that Brevard County has different programs than the local Keep Indian River Beautiful (KIRB). Brevard is promoting some very innovative efforts to preserve the tree canopy and to try to restore the Lagoon.

Mrs. Dussault stated the problem she has with that, is that it is about Brevard County. They have so much to do in the City and they have nothing to do with the County.

Mrs. Booth replied that they should be able to get ideas from other places. These programs could be good for the ecology, landscaping, beautification, etc. for the City of Vero Beach.

Mrs. Dussault explained that they have a County program and if she thinks this is important perhaps she should bring it to the County Commissioners.

Mrs. Booth stated that if their Commission is looking for ideas for a recognition program, why not look at what other entities or municipalities are doing regardless of whether it is a program from a City, the State, a County, etc. It is just about finding ideas from other areas that are doing good work on things to help protect the lagoon, improve landscaping, etc. She thought they could find out if there was anything that could be implemented in the City of Vero Beach.

Mrs. Robinson suggested that it might be better for Mrs. Booth to pick out several of the suggestions and present them to their Commission. If they want to delve into it further they can invite the person from Keep Brevard Beautiful to a meeting so they can ask questions.

Mrs. Dussault said that sounds good. She asked Mrs. Booth to be ready to give them a presentation in June.

Mrs. Booth asked for an update on the status of the dedicatory tree list.

Ms. Flanigan reported that the City Attorney's office is working on the Resolution to update the list, so hopefully by their next meeting it should be done.

Mrs. Booth asked if they met their Tree City USA requirements for this year.

Ms. Haynes replied yes, she turned in all her documentation to Ms. Gayle Lafferty, Senior Planner. She said that Ms. Lafferty is the person who submits it to the Arbor Day Foundation.

Mrs. Booth asked if she could get a copy of what was submitted.

Mrs. Dussault stated that nothing is presented to their Commission to be voted on or anything like that. This is something between the City of Vero Beach and the Arbor Day Foundation. She said Mrs. Booth can certainly ask Ms. Lafferty for a copy of it. Their Commission is just part of the requirements of keeping the Tree City USA status.

9. NEXT MEETING DATE

A) Next Meeting Date – May 20, 2021

The next Tree and Beautification Commission meeting will be held on June 17, 2021.

10. ADJOURNMENT

Today's meeting adjourned at 10:19 a.m.

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