

TREE AND BEAUTIFICATION COMMISSION MINUTES

Thursday, July 21, 2022 – 9:30 a.m.

City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Katherine Booth; Vice Chairman, Fran Robinson; Members: Rebecca Siplak and Opal Nelson **Also Present:** Grounds Maintenance Manager, Nanette Haynes; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

1. CALL TO ORDER

Today's meeting was called to order at 9:30 a.m.

Mr. John Turner, City Attorney, said that he has a point of order that he would like to raise with the Commission. He advised the Commission members that they are an Advisory Commission and they are to advise the City Council on matters that they want advice on. He said they are not a creation Commission. They are not to go out and raise their own issues. Today's agenda is a robust agenda that would probably take three (3) hours to get its full vetting. He asked that they remember that they have City staff present and this takes staff's time. He requested that their meetings not last longer than one (1) hour. He said if they have not covered everything on their agenda they could continue those items to their next meeting. He said not to contact staff of the City Clerk's office about issues that the City Council has not given them to review. He said the City Clerk's office's responsibilities cannot be devoted to one (1) or two (2) Commissions. He asked that they please use their best efforts to keep their meetings under one (1) hour. If they have any objections, now is the time to say so.

Mrs. Booth said that she does object. She said to her knowledge they have not received any kind of mandate from the City Council about what they want the Commission to review.

Mr. Turner explained that the City Council wants the advisory commissions to advise them on matters that they need advice on, not a creation of ideas from the commissions.

Mrs. Booth said then what she is hearing is that they are not needed here today.

Mr. Turner said that is not what he said. What he wants them to do is to try to keep their meetings to one (1) hour and that they are respectful to City staff and to the City Council. He asked that they follow what it is that they are supposed to do.

Mrs. Booth said they are to advise the City Council on all things regarding beautification and what they are currently doing is looking at ways to encourage the citizenry to beautify their properties in ways that are compatible with protecting their quality of life and the Lagoon.

Mr. Turner said that is fine for the City and for City residents. He said the City is protective of their properties through the City Council, not through advisory commissions. Advisory commissions are to function at the direction of the City Council. He explained that he was not here to debate with them, but to advise them as the City Attorney on the proper functioning of commissions. They cannot have commissions acting as miniature city councils. He said this is a serious matter about how much time their emails, requests, and demands takes of City staff when they have other projects that

they are working on. He said they expect special treatment and consideration when their job is outside of their authority.

Mrs. Booth said it would have been good if they had received an email about this prior to today's meeting so that this was not done in front of the public. She said this is a new Commission and the new members need to understand the work that the previous Commission has done that still has not been approved, such as the recommendations that were made to the City Council on Landscape Ordinance revisions. She said in order to get the new Commission members up to speed they were provided with documents and emails so that they are not starting from scratch.

Mr. Turner said this is a good time to have this discussion as to what the City Council is expecting of advisory commissions.

Mrs. Booth asked the Commission members if they had any objections to what they have been discussing in their previous meetings.

Ms. Nelson said that she had no objections.

Mrs. Booth asked the Commission members if they felt that they should be going in a different direction.

Mrs. Siplak did not think they had clear direction from the City Council.

Mrs. Booth agreed. She said that the Mr. Jason Jeffries, Planning Director, has been involved in previous Commission meetings and they have had discussions on items since 2019 that still has not gone before the City Council. She said that Mr. Jeffries did state that he felt there was a gap in getting information for the residents as to an incentive program that guides the citizens in best management practices for landscaping. She said the Commission is undertaking that, which requires a great deal of bringing together different programs that are already in existence and adding any new ideas that they might have. She said it is the function of a Commission to have a diverse set of members who have ideas to bring to the table. She said they want to give everyone the opportunity to share their ideas, that no one is shot down, and no one gets their hands slapped for doing their best effort.

At this time, the Deputy City Clerk performed the roll call.

2. APPROVAL OF MINUTES

A) June 16, 2022

Mrs. Robinson made a motion to approve the minutes of the June 16, 2022 Tree and Beautification Commission meeting. Mrs. Siplak seconded the motion and it passed unanimously.

3. PUBLIC COMMENT

Mr. Jackson Stewart said a friend of his wanted trees planted on the southeast side of 14th Avenue many years ago and was told that anywhere on a City right-of-way where a tree was planted near a sidewalk opened the City up to too much liability. He said the trees ended up being planted by the Cemetery where no one could see them. He said in front

of his house there is an old road base and trees would have a hard time there so he wanted to plant trees in the right-of-way, but the City was giving him a hard time. It was his understanding that the City passed an Ordinance where you can't plant any trees in any City right-of-way. He said the City also passed a four (4) foot clearance zone. He said other cities, such as Naples and Coral Gables have trees planted in the right-of-ways and they have trees planted within the four (4) feet.

Mrs. Sue Gromis, Executive Director of Mainstreet, reported that Dr. Todor Scridon, of Scridon Cardiology, stepped forward and replanted new plants in the two (2) planters that are in front of Rio Coco on 14th Avenue and stated that he would maintain them. She said they are going to place Dr. Scridon's logo of a heart with the rhythmic lines going through it on the planters with the statement, *Volunteerism is the heartbeat of the Downtown.*

Mrs. Booth said that Mr. Stewart requested additional trees on the southeast corner of 14th Avenue. She asked Ms. Haynes if she was familiar with this location.

Ms. Nanette Haynes, Grounds Maintenance Manager, said that she would need to review the Ordinance. She said if it is located in the right-of-way and it violates the Ordinance they could not plant trees there. She asked Mr. Stewart if he was talking about the area in front of the businesses on the right side of the road as you are heading towards the Cemetery.

Mr. Stewart thought that was the area.

Ms. Haynes said that she would look at it, but she did not think it was a viable area. She said that she would also look into Mr. Stewart's property.

Mrs. Booth asked Ms. Haynes to discuss with the Commission why they are not permitted to plant trees on school property.

Ms. Haynes explained that City funds could only be used for City property, therefore they could not use City funds to plant trees on school property. She explained that the School Board is its own entity with their own funding.

4. NEW BUSINESS

A) Mr. Mark Spiess of the Environmental Learning Center to give a Presentation on Garden and Tree Preservation

Mr. Mark Spiess, of the Environmental Learning Center, gave a Power Point presentation entitled *Beyond Concrete – Urban Landscaping with Native Trees* (attached to the original minutes).

Mrs. Booth said this presentation was really part of their unfinished business because they want to know more about native plants and the City's actions being compatible with what is going to be helpful for the health of the citizens and the Lagoon going forward. She said they have talked about incentive programs and recognition for those who beautify their grounds. Because they have been given the directive that they need to wrap up today's meeting within an hour, everything else on today's agenda would have to wait. She asked Mr. Turner if a workshop meeting was something the Commission could hold for themselves.

Mr. Turner said the problem with a workshop is that staff would have to be in attendance who are going to have to prepare for it.

Mrs. Booth said then it is no different than having a meeting.

Mr. Turner said that is correct.

Mrs. Booth said because they can't talk about all the information they have coming in about different incentive programs to encourage the citizens to beautify their property in a way that is compatible with the health of the citizens and the Lagoon outside of a meeting, they would have to discuss it in parts. She said this is going to take a lot longer than they anticipated.

Mrs. Siplak asked why would staff need to be present if they were to hold a zoom meeting that was publically announced.

Mr. Turner said zoom meetings are not allowed unless there is a medical or an emergency has been declared. All meetings are to be held in person.

Mrs. Siplak said the University of Florida is also under the Sunshine Law and they are allowed to hold zoom meetings regularly. She felt that was an outdated rule that could be amended in the future.

Mrs. Robinson asked if she was correct that after the pandemic, the Governor declared that they would have to meet in person.

Mr. Turner said that is correct. He said they are no longer authorized to have zoom meetings.

Mrs. Booth said they would do their best to try to understand all the different programs that they might be able to have in conjunction with Beautification Weekend at their next meeting. She asked the Commission members to review the emails they have received and the table that she created on the different recognition programs. She said there has traditionally been a Beautification Weekend and they are looking to see if they could do more with this opportunity, as well as partner with other organizations.

Mrs. Robinson said the Hibiscus Festival is the last weekend in March. She said it might be possible to partner with them.

Mrs. Booth asked that Ms. Gayle Laferty attend their next meeting because she does have some questions on the Treasury Report.

Ms. Haynes said they receive the Treasury Report from the Finance Department.

Mrs. Booth said then she would send an email with her questions to the City Clerk's office to be forwarded to the Finance Department. She said that she appreciates all that City staff does to assist the Commission. She believed that the City intends for the Commission to move forward. She said that they are doing the best they know how to make a difference for this community.

Ms. Haynes reported that the dedicatory tree list would be updated and on the website soon.

Ms. Nelson said to clarify, their next meeting starts at 9:30 a.m., so they should be finished by at least 10:30 a.m.

Mr. Turner asked that they try to keep staff in mind. He said it is okay if they have to meet longer than one (1) hour, but would ask that they try to hold it within the one (1) hour range.

5. OLD BUSINESS

- A) Landscaping Award / Recognition Program**
- B) Beautification Weekend**
- C) Goals 2022**
- D) Attendance at Commission / Board Meetings**

The above items were not discussed.

6. TREASURY REPORT

None

7. CHAIRMAN'S MATTERS

None

8. MEMBER'S MATTERS

None

9. NEXT MEETING DATE

- A) August 18, 2022**

The next Tree and Beautification Commission meeting will be held on Thursday, August 18, 2022 at 9:30 a.m. in the City Hall, Council Chambers.

10. ADJOURNMENT

Today's meeting adjourned at 10:37 a.m.

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