

VERO BEACH TREE AND BEAUTIFICATION COMMISSION MINUTES

Thursday, October 15, 2020 – 9:00 a.m.

Council Chambers, City Hall, Vero Beach, Florida

PRESENT: Chairman, Marilyn Black Dussault; Vice Chairman, Cynthia Schwarz (via GoToMeeting); Members: Fran Robinson (via GoToMeeting), Neal Roe, and Katherine Booth **Also Present:** City Attorney, John Turner, Planning and Development Director, Jason Jeffries, Senior Planner, Gayle Lafferty, and Senior Administrative Assistant, Rita Hawkins

1. CALL TO ORDER

Chairman Dussault called today's meeting to order at 9:00 a.m. and the Senior Administrative Assistant performed the roll call.

This discussion took place prior to item 2-A).

Mrs. Dussault asked if there were any objections to allowing Ms. Schwarz to discuss her items prior to discussing new business, because she has another appointment at 9:45 a.m. There were no objections from the other Commission members.

Ms. Schwarz said on the issue of Arbor Day and trying to involve the children, she thought they could have them present what Arbor Day means to them in an artistic way. They could draw a picture, write a poem, make a sculpture, etc. To give the children recognition, she thought that they could have a showing of their work at the Art Museum, but she found out that the Art Museum is not holding any events until 2022. She said if they wanted to pursue this, they could talk with the schools to see if they would display the artwork at their schools.

Mrs. Robinson said it is educational and thinks this is a good idea. She said she remembers schools displaying artwork on the fence outside of the school so people can drive by and see it.

Ms. Schwarz said that in regards to Keep Indian River Beautiful (KIRB) she knows they are one (1) of the sponsors for the International Coastal Cleanup on Saturday, October 17th from 9:00 a.m. to 11:00 a.m. in Wabasso. They are looking for 100 volunteers and they will have all the supplies available, but they ask that the participants wear masks. Volunteers can just show up and register at the site. They are not using trash bags because they are trying to send the message about reducing plastic, which is one of the most collected items.

Mrs. Robinson said she received an email from KIRB stating that there are five (5) beaches in the area and she believes they are asking people to go on line and register in advance.

2. APPROVAL OF MINUTES

A) September 17, 2020

Mrs. Booth made a motion to approve the minutes of the September 17, 2020 Tree and Beautification Commission meeting. Mr. Roe seconded the motion and it passed unanimously.

3. PUBLIC COMMENT

None

4. NEW BUSINESS

A) **Required Site Landscaping and Tree Protection Ordinance Research – Mr. Jason Jeffries, Director of Planning and Development and Ms. Gayle Lafferty, Planner**

Mr. Jason Jeffries, Director of Planning and Development, said he provided the Tree and Beautification Commission with the results of the research that the Planning Department did on the City's Tree Protection Ordinance and the City's landscape requirements (attached to original minutes). He explained that when a site is developed in the City it has to meet the minimal site plan requirements for landscaping. They looked at the City's standards along with what other comparable cities do for tree protection and landscaping requirements as part of a site plan. They also looked at Indian River County since the City is in their jurisdiction. They came up with what are the best practices from the Code among the other municipalities and they compared them to the City's Code. He explained that the City requires a major site plan for properties being developed that are more than 10,000 square feet. The site plans undergo City staff review and then they go before a hearing with the Planning and Zoning Board, which has the final approval of site plans. In the past, some of the Planning and Zoning Board members have voiced their concerns about the lack of and the design of landscaping when reviewing plans. They can only enforce what is in the City's Code. He continued discussing other requirements they might look at as improvements. He will take the Tree and Beautification Commission's recommendations to the Planning and Zoning Board for discussion. Any changes to the City's Land Development Code requires the Planning and Zoning Board's review and approval as the designated Local Planning Agency under Florida Statute.

Mrs. Dussault said that in looking at the various topics it looks like this is for commercial and multi-family properties.

Mr. Jeffries explained that when it comes to site plans, cities typically only have landscaping requirements for commercial and multi-family developments, but tree protection applies Citywide. The City also requires landscaping of open space on residential properties, but they do not have to submit a landscape plan to the City.

Mrs. Dussault said that the Tree and Beautification Commission has a problem with single-family residential properties when a property is completely gutted in order to build a home or add an extension.

Mr. Jeffries stated that Mrs. Dussault's comment is pertaining to tree protection. The City Code allows for trees that are within the buildable area to be removed. The City has to weigh the balance between the property rights of someone developing the property and tree protection.

Ms. Gayle Lafferty, Senior Planner, said that she has been employed with the City for 21 years. The Planning Department takes great pride in protecting the trees in the City. Many tree removal applications are denied, because they do not meet the list of requirements. They will ask people to redesign pools, patios, homes, etc. in order to save trees. In regards to single-family properties, Naples does not regulate trees at all on single-family properties. In Deland if a lot is less than 7,500 square feet 100 percent of the trees can be removed and lots up to 10,000 square feet can have 75 percent removed. In Ormond Beach, if a request to remove a tree is not approved it can still be removed, but they have to do mitigation. Based on this information, she thinks the City of Vero Beach has a very good tree preservation policy. They do not let people completely clear lots.

Mr. Jeffries stated that what the City has for tree protection on residential properties already meets and exceeds all of these other communities.

Mrs. Booth said she heard Mr. Jeffries use the term “best management practices” several times. When they did the comparison chart with the other cities, how did they determine what the best practices were.

Mr. Jeffries replied that it is based on their own professional analyses. When they look at the City Code, especially the Land Development Code he determines the best practices. Several communities are comparable to the City of Vero Beach, so he looks to see if they are all following the same best practices. Ormond Beach is a similar community, because it is a higher end beach community and is very protective about its growth. Deland is comparable in terms that it has a historical downtown similar to what Vero Beach is trying to develop on the mainland. Naples and Vero Beach have always been compared to each other, because both are quality coastal communities. They always look to see what Indian River County is doing, because the City of Vero Beach is part of them. The City has their own land development regulations, but everything developed around the City is controlled by the land development regulations of Indian River County.

Mrs. Booth said it sounds like they just compare themselves with other communities and not necessarily what the scientific best management practices are for tree protection and preservation.

Mr. Jeffries answered that they also use resources from the American Planning Association as a basis for establishing the best practices. Part of that is the 21st Century Code, but several of the comparable communities have gone beyond what the 21st Century Code requires. This is about development controls and how people develop their properties. They look at what is legally permissible under the property owner’s rights and how far the Government can go to restrict the development. It is not about scientific figures, it is about development controls.

Mrs. Booth asked how do they determine what trees are important to protect.

Mr. Jeffries replied the types of trees that are protected is based on research done by the University of Florida. They did not look at the types of trees in the comparison, because some communities have different trees they protect. Ms. Nanette Haynes, Grounds Maintenance Manager, is the City's best resource on what species of trees to protect. There is a specific list of protected trees in the City Code.

Ms. Lafferty explained that the Tree Protection Ordinance applies to all trees except for invasive exotics. The specific trees in the Ordinance are the specimen larger trees.

Mrs. Booth said that she does not see in the Ordinance that there is a definition of a protected tree.

Ms. Lafferty replied there is. She read the Section from the City Code pertaining to protected trees.

Ms. Nanette Haynes, Grounds Maintenance Manager, stated that just because there is a protected tree on a property does not mean it cannot be removed. The mitigation costs are just different.

Ms. Lafferty said that is correct, the mitigation is different for protected and specimen trees.

Mrs. Booth stated that there is not a definition or a reference for historic trees in the City Code.

Ms. Lafferty answered not in the City Code. They have specimen trees.

Mrs. Booth said that on the handout it notes that they could include additional protection for Oak Trees in the City Code. If they make changes to the City Ordinance, she would like to see the Sable Palm included in the protected trees. She stated that the Audubon Society also has a comparison using plants from the Florida Native Plant Society (FNPS). She said there is no protection for native plants in the Code either.

Mrs. Dussault asked how would they regulate plants.

Mrs. Booth read section nine (9) from the FNPS that is titled "Protection of Rare, Threatened, and Endangered Plants".

Ms. Lafferty stated that the FNPS is addressing rare and endangered plants and most native plants would not fall into that category.

Mrs. Booth replied your right they might not.

Mrs. Dussault said the section Mrs. Booth read has to do with what the property owner does with the land. As an Advisory Commission, they help and advise the City Council, but this is talking about land use. The Commission cannot deal with land use, because everyone is entitled to have a certain amount of freedom in the use of their land.

Mrs. Booth replied that it is in reference to a landowner who provides protection, so it is the owner's decision and not a requirement.

Mr. Jeffries stated that they have to be careful. The City has regulations and minimum requirements that have to be met when developing land. Through the site development, if a person is told they have to add an easement to their property because of an endangered species, then that can be considered the government taking property.

Ms. Schwarz noticed on the comparison sheet that Deland requires 75 percent of native plants in their landscaping requirements. She looked up Deland's Tree Commission and saw where they get involved with a lot of historic and native tree issues. Based on what she read, she believes Deland is now requiring 100 percent native trees.

Mr. Roe said the City will start seeing more homes being torn down and rebuilt, especially on the Island. He asked if a person bought a home and tore it down to build a new one (1) would that still be considered development.

Mr. Jeffries replied yes. There are properties throughout the City that have never been built and they are considered infill development. The City receives a lot of permits for redevelopment. He said very few properties in the City are developed to their full capacity. As people are redeveloping properties or doing substantial improvements, they want to make sure that what is being done meets the character of Vero Beach.

Mrs. Booth asked will they be able to comment on this again so she has time to look at it further.

Mrs. Dussault said she is fine with that. It will give the Commission time to look it over and prepare their questions.

Mr. Jeffries stated that he will come back to their next meeting and provide more feedback. If they feel they have completed their discussion and have a consensus on their recommendations at their next meeting then he will take it to the Planning and Zoning Board.

Mrs. Booth asked Mr. Jeffries if they plan to improve the areas on the comparison sheet that are marked with the word "No" under Vero Beach.

Mr. Jeffries explained that it just indicates those provisions are not in the current City Code. When the City developed its Landscaping Code, they only required landscaping around parking lots and storm water areas. Other cities follow the 21st Century Code and require landscaping around the property and the building perimeters. It is ultimately up to the City Council where they want to require landscaping. They are looking for the Commission's feedback and direction from the Planning and Zoning Board to take to City Council.

Mrs. Dussault thanked Mr. Jeffries and Ms. Lafferty for all the work they did and taking time out of their busy day to meet with them.

5. OLD BUSINESS

A) **Beautification Weekend February 13 & 14, 2021 - Community Involvement and City Project**

Mrs. Dussault said she read Mr. Roe's outline on the Beautification Weekend and he did an outstanding job.

Mr. Roe said the idea is to invite the City to participate in the Beautification Weekend as well as the neighborhoods and communities in the City of Vero Beach. The concept would be for each of the Commission members to invite people, organizations, or businesses to spearhead a plant swap in their neighborhoods or a neighborhood of their choice. They can give them the invitation and information and then allow them to run it as they wish. It should not involve any expense on the City's part.

Mrs. Booth added that she would encourage people not to trade invasive plants and stay with native plants.

Mr. Roe agreed and said this would be educational as well. They can put together a one (1) page outline of what the event is about and distribute it to places like Main Street Vero Beach, churches, the Garden Club, Cultural Council, etc., and get the groups involved who are already out working in the community. Give them the framework and let them run with it. He is not sure if people will have to make a reservation to use a pavilion if they chose to use a Park for their plant swap. They might also see about putting up a table in a Church or business parking lot.

Ms. Haynes asked if the concept is for people to dig up plants from their yard and put them in a pot to give to someone else, or could they also share cuttings that they started rooting.

Mr. Roe replied that is exactly the idea.

Ms. Haynes said she agrees with Mrs. Booth that they do not want people sharing invasive plants just because they do not know what type of plants they have.

Mrs. Robinson explained there is a Flexi brochure that lists the category one (1) and category two (2) invasive plants and she can probably get several of them.

Ms. Haynes asked if it has pictures of the plants.

Mrs. Robinson answered no it does not, but she believes the Native Plant Society has photos of the worst offenders.

Mr. Roe suggested that they put together a list of websites and provide brochures to help verify plants.

Mrs. Dussault stated that instead of making it a negative list of plants why not make suggestions on alternative plants.

Ms. Haynes suggested they make it a native plant swap and encourage native plants.

Mrs. Booth commented that there is a document that lists the invasive species along with an alternative.

Mrs. Robinson stated this should definitely be used as an educational event. Many people move here with plants and find out they will not survive in this climate or soil.

Mrs. Dussault said if they become too preachy they will turn people off and they will not want to participate. They want to teach, but they also want this to be a neighborly event.

Mrs. Robinson asked if the Tree and Beautification Commission members would be allowed to work a site and introduce themselves as a Commission member, or should they recruit someone else.

Mrs. Dussault explained that if there will be more than one (1) Commission member at a site they cannot discuss with each other anything that will come before the Tree and Beautification Commission. There would not be a problem with the Commission members introducing themselves as a Commission member and that this is one (1) of their projects.

Mr. John Turner, City Attorney, explained that the law prohibits two (2) or more members of the same Committee, Commission, or Board from meeting outside of the Sunshine and discussing issues that might come before that Board, Commission, or Committee. They can only discuss issues with other members at a public meeting when the meeting is advertised, open to the public, and minutes are taken. If members are at a social function, it is perfectly acceptable for them to talk as long as it is not about issues that might come before them.

Mrs. Dussault reported that she was able to meet with Mrs. Tammy Bursick, City Clerk, about the Mayor's Award and she will give the Commission a full report on it at their next meeting. It was interesting to find out that it was called the Mayor's Live Oak Award, but it had categories. She would like to discuss how they could incorporate this award into the Beautification Weekend. Her thought was to reach out to landscape companies and ask if they would donate a gift certificate to present to a winner. This might encourage people to make improvements to their property. They can invite the winners to their meeting so they can show and discuss their project that won an award. They would have to put together a very organized proposal to present to City Council.

Ms. Haynes asked in reference to the Mayor's Award, did people reach out to the City asking that their project or property be considered for the award, or did the City make the recommendations based on what they saw.

Mrs. Dussault replied that it was a nomination process and there was criteria that had to be met, but any citizen could make a recommendation and then it was looked at by City Council. She was thinking that the Tree and Beautification Commission could take over that part of evaluating the property.

Mr. Roe asked what is their next step and their timeline.

Mrs. Dussault replied that their next Commission meeting is November 19th and if they wanted to present it to City Council at their first meeting in December they should still have plenty of time.

Mrs. Booth asked if the groups or businesses they reach out to need to be in the City limits.

Mrs. Dussault answered yes. If people outside of the City limits want to participate they can, but they would not be eligible for an award.

Mrs. Robinson asked how do they get the word out other than on social media.

Mrs. Dussault said it would be a marketing campaign so anyone that is participating would be the biggest impetus in sharing the information. The Commission members can share the information with businesses, individuals, organizations, landscape companies, etc.

Ms. Haynes suggested talking to City Council, because that would give them a lot of publicity.

Mr. Roe said he was thinking that once they had the information and documentation approved it would be available for the Commission members to give out to organizations. The organizations already have their own network of people and social media to help spread the word. The only thing the Commission has to do is provide them with the invitation.

Mrs. Dussault stated that by February 2021 there will probably be a lot of people who want to be involved. So many events have been canceled right now, so it is important for them to really promote this event.

Ms. Haynes asked if they would only be judging properties/projects and giving awards to the people who participated in the Beautification Weekend.

Mrs. Dussault replied that is the idea.

B) Arbor Day Celebration/Tree Planting – Friday, April 30, 2021

Ms. Haynes explained that she was trying to think of way to have the Arbor Day tree planting without involving the children. An idea she found was doing a virtual tree planting where they would actually plant a tree with the Commission members and City staff. They would record the event, but verbally explain step by step the correct procedures for physically planting a tree. The recorded video could then be available on the City website or where appropriate. She has a location to plant a tree at Troy Moody Park.

Mrs. Dussault said she would have to speak with the City Clerk about having it recorded. She will ask if they could show the video at the Tree Commission meeting that is before Arbor Day, because she does not know if they can show it on the City's website. She likes the idea because it is instructional. We will discuss this again at their next Commission meeting.

Ms. Haynes said another idea she found was doing a tour of the historic and significant trees in the City.

Mrs. Dussault replied that she would love to see that done. The City has some of the most beautiful trees, so doing a tour would be a wonderful thing for them to do.

Ms. Haynes wanted to share her idea for the City's Beautification Weekend project. She explained that at the entrance to Charles Park there is a median where the flagpole is located. She would like to take the grass out of there and do something different. Her thought was to plant a series of Palm trees and do some landscaping underneath them. She would plant Elliot's Love Grass, which is a fluffy grass, under the trees and use Carissa plants around the perimeter. The expense for the trees would come out of the mitigation account and she could provide the rest of the landscaping from her budget.

Mrs. Dussault said she would like Ms. Haynes to think about another location where she could do a raingarden.

Ms. Haynes replied that she was thinking about Troy Moody Park because it already has a natural swale and water retention areas. She wants to get the raingarden at City Hall established before they take on another one.

6. TREASURY REPORT

The Senior Administrative Assistant reported that there have been no changes to the Treasury Report since their last meeting.

7. CHAIRMAN'S MATTERS

None

8. MEMBER'S MATTERS

Mrs. Robinson thanked Ms. Haynes for her use of native plants because they are special to this area.

Ms. Haynes said you are welcome. She explained that it is a little more challenging to get the right visual design with native plants and make them look attractive.

9. NEXT MEETING DATE

A) Next Meeting Date – November 19, 2020

The next meeting of the Tree and Beautification Commission is scheduled for November 19, 2020.

10. ADJOURNMENT

Today's meeting adjourned at 10:38 a.m.

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