

**BREVARD COUNTY LANDSCAPING, LAND CLEARING
AND TREE PROTECTION TASK FORCE**

May 11, 2005 Meeting Minutes

Task Force Members Present

Billy Kempfer, Alternate Representative-Florida Forestry Association
Robert Day-Primary Representative, Brevard Nature Alliance
Thomas Schuller-Primary Representative, Florida Farm Bureau
Jackie Gregory- Primary Representative, Commission District 1
Brad Smith-Primary Representative, American Society of Landscape Architects
Don Hawthorne-Primary Representative, Garden Club
Earl Underhill-Primary Representative, Forestry Association
Maureen Rupe-Primary Representative, Commission District 5
Lisa Smith-Primary Representative, Florida Native Plant Society
Rochelle Lawandales-Primary Representative, Commission District 2
Bo Bar Navon-Primary Representative, Homebuilders and Contractors Association
Dick Thompson-Primary Representative, Commission District 3

Facilitator-Marilyn Crotty, Director, Florida Institute of Government

Task Force Members Absent

Robert Lee-Primary Representative, American Society of Civil Engineers
Charlie Moehle- Alternate Representative, Commission District 2
Jim Spratt-Primary Representative, Florida Nurserymen and Growers
Lynn Girling-Primary Representative, International Society of Arborists
James Payne-Primary Representative, Cattleman's Association
Susan Hall-Alternate Representative, American Society of Landscape Architects
Dan Zrallack-Alternate Representative, American Society of Civil Engineers
Bud Crisafulli-Alternate Representative, Farm Bureau
District 4 Representative

County Staff Present

Ernie Brown-Director, NRMO
Amanda Elmore-Supervisor, NRMO
Sherry Williams-Special Projects Coordinator, NRMO
Liz McDuffee-Secretary I, NRMO

Signed in Citizens

None

Call to Order

Marilyn Crotty, Facilitator, called the meeting to order at 3:05 pm and noted that a quorum was present. After discussion to clarify some items, the minutes from the April 20, 2005 meeting were approved as written. It was noted that the definition of “linear projects” was included in a memo distributed at the task force’s last meeting.

Miscellaneous

Earl Underhill entered Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers into the minutes (copy attached). This disclosure was made in accordance with the conflicts of interest memo from Christine Lepore (County Attorney’s Office) that was distributed to the task force at its first meeting. Staff will meet with Christine Lepore to clarify when it is appropriate for task force members to submit Form 8B.

Marilyn Crotty reviewed the following items with the taskforce:

- The task force will be making recommendations to the Board of County Commissioners.
- All decision making is by consensus. Once a decision is made, it is usually final, and the taskforce moves on to the next issue; however, the task force can revisit a decision at the end of the process if new information is presented.
- Any members who weren’t at the first meeting should review the Sunshine Law memo distributed by Christine Lepore.
- There can’t be any discussion among members between meetings-either directly or through an intermediary.

District 4 has appointed a task force representative whose name was not known at the time of this meeting. It was noted that District 2 is the only district that has an alternative representative on the task force. It is recommended that each county commissioner appoint an alternate for his or her primary task force representative.

Legislative Intent Agricultural Exemptions

The task force reviewed and discussed the “Legislative Intent Agricultural Exemptions” document that was previously developed by Staff for the County Commissioners. The task force discussed the definitions of Domestic Agriculture and Commercial Agriculture. It also discussed that bonafide agricultural operations are determined by the Property Appraiser’s Office and are outside the focus of this task force. The task force obtained consensus for the following changes to the exemptions document:

- No changes to item #1.
- Eliminate “domestic agriculture” as an exemption. (It is referenced but not defined in the current regulation.) Also clarify that no zoning, permitting, etc., activity can occur during the 3-year period.
- Rewrite item #3 and give examples of incentives and disincentives with regard to illegal land clearing.
- Items #2 and #3 are clarifications of item #1 and should be a subset of it.

- Delete items #4, #5, #6 and #7.
- Combine the rewritten section with Section 62-3634. Exemptions.

Staff will rewrite the “Legislative Intent Agriculture Exemptions” verbiage and combine it with the general exemptions in the draft regulation.

Section 62-3635. Violations

Marilyn Crotty began a discussion on Section 62-3635, Violations. Ernie Brown stated that the task force can't change the county-revised enforcement code; however it can add to it. Staff will supply a copy of the revised code enforcement regulations and penalties to task force members before the next meeting.

Other Items

Ernie Brown asked Staff to start identifying potential conflicts with other county departments (e.g., the task force may want a representative from stormwater to attend a future meeting).

Ernie Brown stated that another issue that the task force may want to address is regarding raising property up to the flood line. What should be done if, as a result of this action, the existing trees will be dead within a year? The task force may want to look at developing a happy medium.

Maureen Rupe asked that space be put on the agenda for public comment. The task force discussed that while its meetings are required to be open to the public, they are not required to have public comment at them because the meetings are not public hearings. The task force agreed to add 15 minutes for public comment on the agenda with a 3-minute maximum time limit per person. Marilyn Crotty reminded the task force members that if citizens address the task force, members should listen only and not respond. It was also noted by Marilyn that people can send in written comments if they are unable to attend the task force meeting.

Next Meeting

Marilyn Crotty stated that in the next meeting, the task force will review the Staff-revised exemptions document and then move into discussion of the violations section. Members were asked to think about how violations should be defined.

The next meeting will be held on May 25th at the same location (Brevard County Agricultural Extension Office). The meeting was adjourned at 5:00.