

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

April 6, 2005 Meeting Minutes

Task Force Members Present

Jim Spratt-Primary Representative, FL. Nurserymen and Growers
Lynn Girling-Primary Representative, Int.Society of Arborists
Billy Kempfer-Alternate Representative, Florida Forestry Assoc.
Robert Day-Primary Representative, Brevard Nature Alliance
Rochelle Lawandales-D-2 Representative, Commission District 2
Thomas Schuller-Primary Representative, Florida Farm Bureau
Jackie Gregory-D-1 Representative, Commission District 1
Dick Thompson-D-3 Representative, Commission District 3
Lisa Smith-Primary Representative, Florida Native Plant Society
James Payne-Primary Representative, Cattleman's Association
Brad Smith-Primary Representative, Am. Society of Landscape Architects
Don Hawthorne-Primary Representative, Garden Club

Facilitator – Marilyn Crotty, Director, Florida Institute of Government

Task Force Members Absent

Steve Brown-Alternate Representative, Fl. Nurserymen and Growers
Susan Hall-Alternate Representative, Am. Soc. Landscape Architects
Dan Zrallack-Alternative Representative, Am. Soc. Civil Engineers
Bud Crisafulli-Alternate Representative, Farm Bureau
Maureen Rupe-D-5 Representative, Commission District 5
Rob Lee-Primary Representative, Am. Society of Civil Engineers
Bo Barnavon-Primary Representative, Homebuilders and Contractors Assoc.
Earl Underhill-Primary Representative, Forestry Assoc.
D-4 Representative

County Staff Present

Ernie Brown-Director, NRMO
Amanda Elmore-Supervisor, NRMO
Dan VanGenechten-Environmental Specialist, NRMO
Leslie Snyder-Secretary I, NRMO

Signed in Citizens

None present

The meeting was called to order at 3:15pm by Ernie Brown, Director of the Natural Resources Management Office. Mr. Brown welcomed the members of the task force and informed them that Marilyn Crotty, Facilitator, was unavoidably detained but would be joining as quickly as possible. He then introduced members not present at the first meeting, namely; Rochelle Lawandales, at large representative of District 2; Jim Payne of the Cattleman's Association, and Billy Kempfer, representing the Florida Forestry Association as an alternate representative. Mr. Brown then asked for the approval of the last meeting's minutes and they were approved.

Amanda Elmore then introduced the replacement of the previous Landscaping/Land Clearing Code Comparison Matrix with an updated version. She also informed the members of the addition of information regarding the task force online on the Natural Resources website: <http://natres.brevardcounty.us/landscaping.cfm>. Ernie further clarified the objectives of the taskforce – to determine what is and what isn't working, topically, line by line with existing ordinances. Lisa Smith said that before the group discusses specific items, maintain focus on what the commission wants; that is, the discussion that resulted in the two codes, and the intent behind them.

Ernie also brought up three items: betterment plans, tree removal permits, and agricultural exemptions, how they each fit into the ordinances. Billy Kempfer suggested a 'roll-back' in agricultural requirements for agricultural exemptions. Tom Schuller brought up the fact that many people lease land for growing, and this could be construed as a misuse of an Ag Exemption. Rochelle said that maintaining bonafide lands and exemptions should be the goal, as Ag Exemptions are extremely important to the agricultural industry. Bob Day added that Agricultural Exemption and agricultural use should be present, as abuse could still occur. Brad Smith brought up the need to facilitate zoning requests that will not preclude development strategies, that is, don't tie the landowner's/agricultural producer's hands.

As Marilyn entered the meeting, Ernie reminded the group that the discussion needed to move back to the goals of the group. Dick Thompson brought up the point that the ordinances should really be streamlined into one solid, working ordinance. Amanda stated that the first ordinance was an 'emergency' ordinance, introduced in 1985, then later refined in 1989. She also said that the ordinances were kept separate, but she did not know the reason. Dick Thompson wondered if the whole ordinance needed to be completely started over, or simply reworked. He also added that the average citizen had a very hard time with the language of the ordinances. Amanda reminded the group that the 1985 research was extensive and said she'd try to find the original paperwork and drafts, if they were still available for the group to look over.

Brad Smith suggested that rather than a 'recipe', optimize preservation of existing vegetation on any given property/project. He said that different sites should dictate preservation strategy. He conveyed that the spirit of the law should definitely outweigh the letter of the law in some cases. Rochelle stated that there is not enough staff for site visits, and giving the staff the ability to negotiate and authorize each instance as they saw fit. Brad thought this would compromise integrity and possibly make staff feel like they had to cut deals with developers to pass through projects. He also asked if there could be a committee created just for developers and homeowners to help with landscaping? Ernie said no, that that would just create more unnecessary judicial hoops. Currently, the chain of disapproval and appeals is Staff → Director → Board.

Brad Smith brought up that another intention is to keep habitat for species that don't do well as edge-species. He posed the question of how to optimize key habitat, without fragmentation. Ernie agreed with this, said it was important for continuity, but development can't stop. He did agree that somehow impacts had to be offset. Lisa Smith said that tree preservation isn't geared toward habitation preservation but rather heat island mitigation. Ernie also said that groundwater recharge area needs mentioning. Lisa then asked about xeriscaping, Amanda said it wasn't mentioned but could be an incentive. Rochelle said this was perhaps starting to build an incentive-based ordinance. Marilyn added that instead of punishing, doing a better job should be encouraged.

Marilyn then asked about public input and that time needed to be set aside in each meeting for that. Brad Smith reminded the group that great public input was gathered at the January and February workshops and shouldn't be ignored. Billy Kempfer said that, regarding the public, if there's something that they don't like, they'll muster their forces. Additionally, they might not comment until all the work is done, then rip apart the committee's good work, if public input was not encouraged. Jackie Gregory made the point that the people who are interested are already informed and would already be involved. Ernie reiterated to the group that this will be a consensus-driven process, and it would be hard to refute if such a large cross-section were represented.

Marilyn then announced that it was time to wrap up the meeting and reviewed the items that were going to be discussed for the next meeting. Staff would research whether the 1985 (again 85 or 1998, need to review) files for the original ordinance draft(s) were still available in archives or whether they had been destroyed in accordance with public records laws., . Staff would also provide minutes of the January and February Board workshops if they were available yet and provide the materials given to the Board. Billy Kempfer commented that he didn't feel this entire process should take anywhere near the six months timeframe as was introduced in the first meeting, and most agreed. Brad Smith asked if there might be other incentive-based ordinances, and could the staff possibly locate prior to the next meeting. Bob Day asked for a list of public comment, which Rochelle said was on the last two pages of the two workshops. Tom Schuller asked if there was information on any other ordinances that didn't work so well, and if they could also be included.

Marilyn then asked if there were any other issues, and there weren't. The meeting was then adjourned with a reminder that the next meeting was Wednesday, April 20, 2005 at 3 pm in the Atlantic Room of Building C.

The meeting was adjourned at 5 pm.