

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

October 26, 2005 Meeting Minutes

Task Force Members Present

Bo Barnavon-Primary Representative, Homebuilders and Contractors Association
Kathleen Burson-Alternate Representative, Florida Native Plant Society
Robert Day-Primary Representative, Brevard Nature Alliance
Billy Kempfer-Alternate Representative, Florida Forestry Association
Robert Lee-Primary Representative, American Society of Civil Engineers
Maureen Rupe-Primary Representative, Commission District 5
Thomas Schuller-Primary Representative, Florida Farm Bureau
Brad Smith-Primary Representative, American Society of Landscape Architects
Earl Underhill-Primary Representative, Florida Forestry Association
Facilitator-Marilyn Crotty, Director, Florida Institute of Government

Task Force Members Absent

Steve Brown-Alternate Representative, Florida Nurserymen and Growers Association
Bud Crisafulli-Alternate Representative, Florida Farm Bureau
Lynn Girling-Primary Representative, International Society of Arborists
Jackie Gregory-Primary Representative, Commission District 1
Susan Hall-Alternate Representative, American Society of Landscape Architects
Don Hawthorne-Primary Representative, Garden Club
Vaughn Holeman-Primary Representative, District 4
Anthony Koromilas-Alternative Representative, District 1
Rochelle Lawandales-Primary Representative, Commission District 2
Charlie Moehle-Alternate Representative, Commission District 2
James Payne-Primary Representative, Cattleman's Association
Lisa Smith-Primary Representative, Florida Native Plant Society
Jim Spratt-Primary Representative, Florida Nurserymen and Growers Association
Dick Thompson-Primary Representative, Commission District 3
Dan Zrallack-Alternate Representative, American Society of Civil Engineers

County Staff Present

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

Signed-in Citizens

None

Call to Order

Marilyn Crotty called the meeting to order at 3:17 pm; however, no official business could be conducted because the required quorum was not present.

While waiting for a quorum to arrive, Kathleen Burson shared some information regarding a parcel of land consisting of 24 acres that has significant canopy. The owner is selling part of the property for the development of a shopping center. The potential purchaser was told about the significant canopy that the owner wants preserved when it is developed. The potential purchaser asked an engineer to develop a site plan; however, the tree survey was being conducted at the same time that the site plan was being developed. Now the potential purchaser has unrealistic expectations regarding project density because no attempt was made to preserve any trees in the site plan. Kathleen stated that this issue results in purchasers/developers having unrealistic expectations with regard to site density because there is no consideration given to preserving canopy when the site plan is developed.

At 3:24, when the eighth member arrived, making a quorum, the LLTP Task Force was officially called to order. After a short period of discussion, the 10/10/05 minutes were approved as written.

The task force reviewed a memo from Ernie Brown providing information that was requested by the task force (copy attached).

Proposed new language Section 62-3637, Land Clearing Performance Standards, Item 2d.

Staff distributed a memo (copy attached) from Jim Spratt who was unable to attend this meeting. The task force reviewed the following language that was proposed by Jim for Item 2d, Section 62-3637.

Vegetative buffers or other ground covers which retard erosion must be established or installed within thirty (30) days after final grade of a commercial, industrial or multifamily project has been obtained and within thirty (30) days after clearing and grading of a subdivision has occurred. A minimum of sixty (60) percent of the total altered area must contain either a vegetative buffer or other ground cover. Vegetative buffers or other ground covers may include seeding, sprigs, sod, mulch or other plant material or products which can be placed on the ground and maintained or managed to slow the movement of water offsite.

The task force approved the proposed draft language with the following changes:

- Replace “slow the movement of water offsite” with “minimize erosion.”
- Add “subdivision” to the list consisting of “commercial, industrial or multifamily” and delete the separate listing of subdivision.
- Add language referring to final grade or cessation of construction activity for 30 days or more.

It was noted by staff that flooding issues could be addressed with an administrative waiver.

The task force agreed to discuss Jim Spratt’s other comments at a later meeting when Jim is present.

Rural Stewardship Program

Marilyn Crotty told the task force that Glen Storch, an attorney with Miami Corporation, had some initial reservations concerning impediments in the proposed code to the Rural Stewardship Program. After reviewing the direction that the task force is taking, Mr. Storch now believes that there is nothing in the proposed code that would preclude the Rural Stewardship Program. Marilyn suggested that if the task force members wanted to learn more about the Rural Stewardship Program, they could search the Internet for “rural land stewardship.”

Section 62-3638, Canopy and Tree Preservation Standards, Item (1), Option 1 and Option 2

The Task Force began its discussion of Option 1 and Option 2 (see page 13, Section 62-3638, Canopy and Tree Preservation Performance Standards, Draft Regulations). The task force approved Option 2 after the following votes/consensus testing were completed.

Kathleen Burson felt that the tree preservation requirement was too low in both options. The task force voted on whether to keep or discard the options.

<i>Should both options be discarded?</i>	
Yes	2
No	6
Result: the task force will discuss Option 1 and Option 2.	

After much discussion concerning the preservation percentage requirements in both options, the following consensus testing was conducted.

<i>Should Option 1 be adopted?</i>	
5. Wholehearted support	4
4. Support	1
3. Can live with it	0
2, Minor reservations	1
1. Major reservations	2
Result: More in favor than opposed, but less than 75% is in favor so an addendum would need to be added to the proposed ordinance when it is presented to the Board.	

<i>Should Option 2 be adopted?</i>	
5. Wholehearted support	0
4. Support	0
3. Can live with it	4
2. Minor reservations	2
1. Major reservations	2
Result: More were opposed or lukewarm than in favor.	

Tom Schuller suggested voting on Option 1 again with a straight yes/no vote. Bob Day seconded the motion.

<i>Should Option 1 be adopted?</i>	
Yes	5
No	3
Result: More in favor than opposed, but less than 75% is in favor so an addendum would need to be added to the proposed ordinance when it is presented to the Board.	

Rob Lee suggested that the task force vote again on Option 2 with a straight yes/no vote. Bob Day seconded the motion.

<i>Should Option 2 be adopted?</i>	
Yes	5
No	3
Result: More in favor than opposed, but less than 75% is in favor so an addendum would need to be added to the proposed ordinance when it is presented to the Board.	

The task force discussed the fact that the only choices under discussion were Option 1 and Option 2 because the task force had reached consensus on them at an earlier meeting and in the re-vote during this meeting, 75% of the voting members still supported keeping them as choices. Some proponents of Option 1 stated that they would be willing to support Option 2 in the interest of achieving 100% consensus. Bo Barnavon asked the task force to reconsider Option 2. Bob Day seconded the motion.

<i>Should Option 2 be adopted?</i>	
Yes	8
No	0
Result: 100% consensus. Option 2 will be incorporated into the draft ordinance.	

Section 62-3638, Canopy and Tree Preservation Standards, Item (1a)

The task force discussed and voted on changing item 1a as follows:

<i>Should item 1a be changed from “No more than twenty-five (25%) of planted trees shall be of any one species...” to “No more than fifty (50%) of planted trees shall be of any one genus (Quercus, Pinus, Acer, etc.)...”</i>	
Yes	5
No	3
Result: More in favor than opposed, but less than 75% is in favor so an addendum would need to be added to the proposed ordinance when it is presented to the Board.	

Section 62-3638, Canopy and Tree Preservation Standards

Tom Schuller asked that a note be added to this section or to the buildable area definition, stating that trees located in the 15-foot buffer that is required by Land Development can be counted toward canopy requirements. Staff explained that trees in the 15-foot buffer can already be counted towards canopy requirements as long as they don't fall in a drainage or utility easement or other area where they may be removed. This is already addressed in the existing buildable area definition.

Citizen’s Comments

There were no citizen comments.

Next meeting

Our next scheduled meeting is on Wednesday, November 9 from 3pm to 5pm at the Brevard County Agriculture Extension Office. The task force will resume its review of the draft regulations on Page 13, Section 62-3638, Canopy and Tree Preservation Performance Standards, Item (1)b.

Because the task force has been struggling to achieve a quorum at its meetings, the task force asked staff to approach the organizations of representatives who have not been attending and discuss whether new representatives should be appointed.

Please let staff know if you will be unable to attend any of the task force meetings. Also, your prompt arrival would be appreciated. If a quorum of eight members is not present for the meeting, then no official business can be conducted. Alternative Representatives are encouraged to attend all meetings - not just when the Primary Representative is unable to attend so that they will have an understanding of progress to date. Staff will continue to make reminder calls to task force members the day before meetings.

The meeting was adjourned at 5:01 PM.