

Town of Melbourne Beach

TOWN COMMISSION WORKSHOP

April 2, 2025 at 6:00 p.m.

COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Alison Dennington
Vice Mayor Dawn Barlow
Commissioner Robert Baldwin
Commissioner Anna Butler
Commissioner Tim Reed

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown

1. Call to Order

Mayor Alison Dennington called the meeting to order at 6:00 p.m.

2. Roll Call

Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Alison Dennington
Vice Mayor Dawn Barlow
Commissioner Anna Butler
Commissioner Tim Reed

Staff Members Present

Town Manager Elizabeth Mascaro
Building Official Robert Bitgood
Town Clerk Amber Brown

Commission Members Absent

Commissioner Robert Baldwin

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. Public Comments

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business, not on the Agenda.

5. New Business - 2:35

A. Environmental Advisory Board presentation on recommendations to amend the Town Code of Ordinances Chapter 9A: Landscaping and Trees and Chapter 11A: Environmentally Sensitive Lands

EAB Member Karen Fenaughty presented the Board's recommendations and priorities. Their priorities are to protect our legacy by preserving the native canopy, enhance replacements when preservation is not possible, and remove invasive species that threaten the native plants. Showed pictures of new builds and their lack of canopy trees. Spoke about the dominant canopy tree being the sand live oak. Their recommendations include retaining a landscape officer, requiring on-site inspection prior to issuing a certificate of occupancy or a tree removal permit, heighten measures for protecting retained trees during land clearing, and requiring protected tree removal requests to be accompanied by a mitigation report. Said they have a high estimated value rate of \$200 an hour for a bonded and insured tree specialist, which might cost a builder \$1,000 per build. Their recommendations for enhancing replacements is to require 1 canopy tree and 7 shrubs for every 2,000 square foot of area, with a 70% native species requirement, increase replacement tree size to 4 inches at 4.5 inches above the ground, and 3-year tree survival or be replaced, 3-year out inspection by code enforcement. Their recommendations regarding the removal of invasive species are to remove all high-damage invasive trees from all properties in town, including: Austrian Pine, Brazilian Pepper, Carrotwood, Melaleuca, and Schefflera.

Mayor Alison Dennington suggested having P&Z present before the Commission asks any questions. Also referenced an applicable Statute that could limit the Town. - 19:30

B. Planning and Zoning Board presentation on recommendations to amend the Town Code of Ordinances Chapter 9A: Landscaping and Trees of the Town Code of Ordinances - 20:50

P&Z Member Dan Harper presented a document with the Board's recommendations. Gave some background info on P&Z and said that the previous requirements were to have 3 trees on the property, and the ordinance was changed in 2023 to say that any tree removed during new home construction had to be replaced. That is impossible for some properties. One home had 40 trees prior to construction which would not work after a home is built. Provided a handout of a property in Town, said that the EAB's proposal would require 12 oaks and 77 shrubs to be planted on site, and explained how that is not be possible. There is very limited plantable area after the swales are in. P&Z takes into account the community desires, homeowner desires, and what actually fits on the lot. The majority of homes in Town have traditional landscaping not native landscaping. To be consistent with the Melbourne Beach Comprehensive Plan, you have to take into account what the citizen wants.

Mayor Alison Dennington asked about the percentage of a new build property that can be impervious, to which Dan Harper said 70%. - 31:58

Commissioner Tim Reed asked for clarification on the recommendations.

EAB Member Karen Fenaughty said the requirement is one canopy tree per 2,000 sq ft, not specifically oak trees, unless that is what has been taken away. The hope is that if people know about a 2 to 1 oak tree replacement, they might leave some of the oaks.

Mayor Alison Dennington spoke about State Statute 163.045, which speaks about if a tree has an unacceptable risk to persons or property. Would like to provide a tax abatement for tree preservation. Suggested having a fee for new builds to start creating a tree inventory, and have pictures taken when the Building Official does an inspection. Suggesting taking the tree aspect of the review and moving it from P&Z to EAB - 42:25

Vice Mayor Dawn Barlow thanked the individuals who worked on this. Would like to explore supporting what the EAB has said on Town property.

Commissioner Anna Butler said the Charter talks about preserving the character of the Town. Does not want everyone to max out their lot. Wants the people's opinion who live in the Town to be heard, not just the people building the new homes.

Mayor Alison Dennington spoke about having EAB hold an info workshop, recording a video on the topic of native landscaping, and if the Town could require new build owners to watch it as part of the permitting process.

Bill Deluccia – 416 Melbourne Ave – Said he is the Vice Chair of the Sustainability Board for Indialantic and has been running a program for the Surfrider Foundation called Ocean Friendly Gardens. Spoke about the importance of capturing water above ground and planting native plants in the swales. - 56:15

Vice Mayor Dawn Barlow spoke about wanting to explore bioswales.

Town Manager Elizabeth Mascaro spoke about a bioswale not working on Sunset.

Mayor Alison Dennington spoke about wanting to task EAB with looking into the ability of doing bioswales to meet the tree requirements.

P&Z Member Dan Harper spoke about how swales get soil samples and are designed to hold 8 inches of water.

Mayor Alison Dennington spoke about wanting EAB to come back with a one-page proposal that includes the options to get a variance, or pay a very large fee to start a tree fund or landbank fund to not have to adhere to the requirements, and a one-page list of plants that can go in the swales.

EAB Member Leslie Maloney spoke about the problem with allowing people to pay to not follow the requirements, is we will still have the same issues because people who are building here have money.

Vice Mayor Dawn Barlow asked if there could be a tree fund through permit fees.

Mayor Alison Dennington said there are limits to what you can charge as fees. Said there are state grants to match funds for trees, and people could also donate to a fund.

Building Official Robert Bitgood spoke about how a tree fund could not come from building permit fees, but there could be a separate fee for that. If the Town would like to go this

route, then the Building Department should not be involved at all. It could be sent to EAB to do the inspection.

Mayor Alison Dennington spoke about providing more than one option to homeowners, the number of arborists in the area, and how there are different types of certifications.

Commissioner Anna Butler spoke about how paying a fee would not be a deterrent, and does not like the idea of a variance.

Mayor Alison Dennington said she is worried about the legislature coming in and taking away the Town's power; that's why she wants to provide different options.

Commissioner Tim Reed spoke about not being in favor of allowing someone to pay a fee to not meet the requirement. There needs to be a minimum standard, no matter what.

Crystal Cain – 309 Surf – Spoke about how people coming to Town don't know about native landscaping. Usually, it's the contractor making the landscaping decisions. Several municipalities in the County have a native plant requirement. - 1:20:20

Vice Mayor Dawn Barlow asked if there is an opportunity to meet with and educate individuals on native landscaping.

Building Official Robert Bitgood said his meetings are typically with the contractors, and it is billable time through the permitting process.

Mayor Alison Dennington suggested requiring that the homeowner watch a video about native landscaping. Asked EAB about creating an educational video.

EAB Member Karen Fenaughty said a video would be great, but requiring a meeting with someone to go over the current landscaping and their options is important.

Mayor Alison Dennington said she is in favor of the EAB proposal with modifications.

Town Manager Elizabeth Mascaro spoke about having a professional to do the meetings and reviews, so it's not just up to somebody's discretion.

Mayor Alison Dennington spoke about doing an RFP for a few qualified professionals.

Commissioner Tim Reed spoke about how there needs to be some type of criteria that would have to be spelled out in the ordinance.

EAB Member Karen Fenaughty said palm trees do not count towards the requirements.

Curtis Byrd – Environmental Advisory Board Chairman spoke about residents going to them when lots were being clear-cut. Around Town, most have some type of native plants. Educating people on native plants is important. We need to preserve the Town. - 1:34:22

P&Z Member Dan Harper said they surveyed 214 properties from the front yards, and 80% of the residents had traditional landscaping.

Gary Lutchansky – 323 Third Ave – *Spoke about how the canopy here is beautiful, so there needs to be some type of compromise.*

Mark McBride – 310 Second – *Spoke about a Town that has lost its charm to cookie-cutter housing and landscaping, and does not want to see the same thing done here. At least our ordinances have made people stop and rethink before cutting. Support the EAB's proposal.*

Mayor Alison Dennington said Florida Wildlife has federal funds that are supposed to be allocated to cities for grants for tree inventory. Spoke about how there is a bill in the legislature right now that would prevent municipalities from regulating turf.

Vice Mayor Dawn Barlow spoke about the permitting process, having an EAB or arborist meeting, improvement on the Town property, and getting information on the bioswales.

Mayor Alison Dennington spoke about doing a fee schedule and information on variances. There is a UF study from 2023 where Florida leads in the loss of canopy coverage.

Curtis Byrd - *Spoke about wanting to talk to an engineer about plants for bioswales.*

Building Official Robert Bitgood said planting in the swales would have to be factored in prior to the civil engineer doing drainage calculations.

P&Z Member Dan Harper spoke about having EAB contact a tree expert about the idea of having a tree in the 15-foot setback swale. - 1:53:25

Leslie Maloney – 1403 Pine – *Spoke about the allowed footprint size for new homes is driving the problem. If that is looked at, then other things will resolve themselves.*

Mayor Alison Dennington spoke about getting the pervious and impervious ratio from other municipalities.

Bruce Larson – 1507 Pine – *Spoke about the character of the community and that no single development should be able to ruin that. Set the standards up front, and then everyone will meet them. There are canopy trees that can be planted in the swales. Spoke about the importance of preserving the legacy trees the Town has.*

Mayor Alison Dennington spoke about wanting it to be as strict as reasonably possible, but also have a way out for people with competing views.

P&Z Member Dan Harper said oak trees that are being taken down need to be replaced by the current ordinance. Asked for anyone to provide an example of a new build where they took down an oak tree and did not replace it.

Mayor Alison Dennington asked if pictures are taken when he inspects tree replacements.

Building Official Robert Bitgood spoke about not taking pictures. Clarified that the only thing he needs to protect himself from is the building codes. If the Commission would like that, then the Commission should vote on that.

Vice Mayor Dawn Barlow asked if any photos are taken during inspections.

Building Official Robert Bitgood said typically no photos are taken unless something fails.

Mayor Alison Dennington said people would potentially have less of a privacy issue with pictures being taken during the permit inspection compliance process of trees which are outside areas of their properties versus the pictures taken during permit inspections of the home interior.

Bruce Larson – 1507 Pine - The current ordinance on replacement says with a like species. When a replacement is done it is only 2 inches and will take 150 years to get to the same size. You can't replace a century-old tree. - 2:10:48

EAB Member Karen Fenaughty spoke about not losing track of the removal of trees on all properties, not just new construction.

Mayor Alison Dennington spoke about how sometimes what is required and the public perspective of what is actually done differ, and it would be nice to have proof through pictures to say this is what was actually done.

Building Official Robert Bitgood said one of his peers who works at Satellite Beach put one of their Public Works employees through the arborist training program, so that is handled through them, not the Building Department.

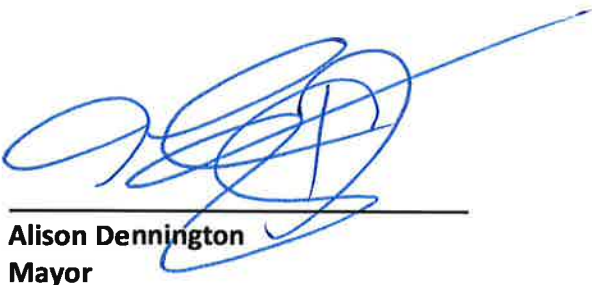
Vice Mayor Dawn Barlow said she would like to know what the certification process looks like, and if their existing Public Works Staff had absorbed that, and the Building Official said he could find out.

Gary Lutchansky - 323 Third Ave – Spoke about when the word community is used, it needs to include everyone in Melbourne Beach, not just someone doing new construction.

6. Adjournment


Commissioner Anna Butler moved to adjourn; Vice Mayor Dawn Barlow seconded; Motion carried 4-0.

Meeting adjourned at 8:16 pm.



Alison Dennington
Mayor

ATTEST:



Rachel Pembroke
Transcriptionist

