

TOWN OF PALM BEACH

Office of The Town Clerk

SPECIAL TOWN COUNCIL MEETING HELD ON JANUARY 17, 2002, REGARDING YARD TRASH COLLECTION REGULATIONS

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:30 a.m. by President Jack McDonald. On roll call, the following Elected Officials were found to be in attendance: Mayor Lesly Smith; President Jack McDonald; President Pro-Tem Sam McLendon; Councilman William Brooks; Councilman Norman Goldblum; and Councilman Allen Wyett.

Also attending for all or part of the meeting were: Town Manager Peter Elwell, Public Works Director Al Dusey; Public Works Service Division Manager Lloyd McCoy; Public Works Trash Supervisor Robert Kennedy; Director of Planning, Zoning and Building Robert Moore; Chief Code Compliance Officer Brian House; Police Law Enforcement Major Mike Mason; and Town Clerk Mary Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Town Clerk Pollitt. The pledge of allegiance was led by President McDonald.

III. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilman Wyett and seconded by Councilman Goldblum. On roll call, the motion carried 5-0.

IV. Consideration of Potential Changes in Yard Trash Collection Regulations

Public Works Director Dusey reported from his memorandum dated December 4, 2001, to Town Manager Peter Elwell as follows:

The current level of service provides for yard trash collection once per week at each property. From May to November, the set-out schedule allows 3 days before pick-up and from November to May, the set-out is one day prior to pick-up. This November,

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the Town began servicing properties with on-street set-out on Tuesday through Friday. Mondays are used to service "stash" areas at the large properties.

We collect about 170,000 cubic yards per year. The yard trash is brought to either our Skees Road compost facility or the Okeechobee Road compost facility where the material is allowed to decompose naturally. This process saves the Town about \$354,000 in disposal fees at the Solid Waste Authority.

Over the years, we have investigated various alternatives to make the collection process more effective as well as alternatives to get yard trash off the roads. We even surveyed our residents to try to determine their feelings about yard trash being placed on the streets. The following summarizes the results of the prior studies and surveys with respect to the placement of yard trash in the street:

1. We investigated the possibility of switching the Friday route and Monday route. Friday's route – (summer) runs from Jungle Road to the south Town limits. It was thought that the south-end condominiums may have less trouble with one-day Monday set-out than the north-end residents. All but three south-end condominium managers objected to the proposed change. No action was taken.
2. We investigated the possible siting of temporary yard trash storage areas in Town where gardeners and/or Town crews could bring yard waste for additional processing and transport. There are limited areas that are large enough for this purpose, including the Palmo Way Nursery and the area across from Phipps Ocean Park. At the time, the Pinewalk Transfer Station was also considered but is no longer available for this purpose. These areas are in residential neighborhoods and the amount of activity and associated noise was thought to be too intense for these neighborhoods. Staff had other concerns, such as the possibility of off-island trash being delivered to the site.
3. In 1995, a field survey was done on the major north-south corridors of Ocean Boulevard, County Road and North Lake Way to determine the feasibility of constructing trash pads to eliminate the placement on the street. Trash pads were feasible for 48 single-family properties and 44 condominium/commercial properties but impractical for 17 single-family home properties. At the time, the Town Council chose not to pursue this alternative further. My recollection was that there was some concern about requiring pads on certain north/south streets but not the remainder of the Town.
4. In February 1997, the Town's residents were surveyed to determine their

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opinions about certain solid waste issues including the placement of yard trash on the streets for pick-up. A copy of the survey results for the yard trash is attached for reference.

5. Beginning November 1, 2001, we began collecting yard trash from the street system on a four-day schedule, Tuesday through Friday, to eliminate the weekend set-out on the traditional Monday route.
6. Beginning around mid to late January 2002, a pilot project will be conducted from Coral Lane to Country Club Road to service the small yard clippings, grass clippings, and leaves with a containerized system. The primary intent is to keep this small trash debris off the street to minimize drain clogging. The specialized collection vehicle has been received and prepared for field use. Operator training will begin the week of December 10, 2001. Containers have been ordered but are not expected to be delivered until the end of December. Distribution and resident education will begin upon container receipt.
7. Consideration has been given to requiring that lawn services remove yard trash from the Town as part of the property maintenance services. This change would provide much benefit to the set-out issues but also has some down sides as follows:
 - a. Some residents maintain their own properties and have no practical way to dispose of their trash themselves.
 - b. Some larger properties have their own full-time gardeners with no practical way to dispose of their trash themselves.
 - c. The Town's compost landfills save our residents over \$350,000 per year.
 - d. Many of the lawn services currently serving our residents are part-timers or sole proprietors and do not have vehicles to haul trash.
 - e. The inclusion of this service as part of the tax structure of the Town makes it tax deductible for many residents.

If the Mayor and Town Council wish to head in the direction of avoiding the set-out of yard trash in the Town's streets by requiring that the trash be hauled away at the time it is produced, staff believes the Town should continue to be involved in order to ease this transition. It is suggested that the Town continue to offer trash removal services at a fee to

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take care of those properties where the current yard services cannot haul trash, for those properties that wish to continue to have the Town provide the service, to give time to the lawn service industry to obtain more hauling equipment, and to allow Town forces to be reduced, via attrition, as the workload changes. Since we don't know how much continued demand there would be for Town trash collection services, we would have to work toward a point of equilibrium.

How to convert to this level of service has not been fully explored since we don't know if there is interest in doing so. If the Mayor and Town Council want us to pursue this option, we would fully explore the development of the program and bring back specific recommendations to our elected officials for approval.

At the Public Works Committee meeting, a possible alternative of placing communal dumpsters (roll-offs) on each street for the storage of small clippings, etc. was suggested. This idea would be very beneficial for keeping small trash debris out of the drainage system. It has not been fully explored, but there is concern as to the acceptance by one or more residents on each street having the roll-offs in front of their property every week. In addition, keeping foreign debris, including garbage, sofas, appliances, etc. out of the roll-off would be difficult. We will gladly explore this concept more thoroughly if Town Council so chooses.

The use of leaf blowers with the associated noise, etc. was also discussed at the Public Works Committee meeting. A suggestion to use a vacuum rather than blower was made. The leaf blower issue has been discussed on a number of occasions by the Ordinances, Rules and Standards Committee because of the connection to the noise ordinance. This question was not further explored for this Town Council meeting because of the emphasis on yard trash collection. If the Town Council wishes additional study, we will gladly do so.

End of memorandum

After discussing the pilot program referred to in Mr. Dusey's memorandum, Mr. Dusey said he would supply monthly updates to the Mayor and Town Council regarding the progress of the pilot program starting with the February 12th Town Council meeting.

Mr. Elwell mentioned that the Town learned from the survey that the aesthetic impact from the piles on the street was not of concern to the community; however, the concerns expressed at this meeting were for public safety and drainage.

Mayor Smith said the way to make any project like the pilot program a success was to present it to the Garden Club where the information is distributed among the members and spread in the neighborhoods. She offered to take a report to the Garden Club.

Major Mason agreed with the Mayor that the public safety concern is more of an issue for

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the north/south arteries where speed is a greater factor; however, after reviewing police records for the past two years, no incidents on the north/south arteries involving the trash piles were reported.

The following comments were made by members of the General Public and Town Staff.

Scott Lewis, landscaper, said changing the four day schedule back to a five day schedule in the summer time causes problems in the industry for scheduling with the residents. He suggested keeping the four day schedule although ten hour days may be necessary.

Mr. Lewis commented that the three day limit for placing yard trash in the streets from May to November could have the months reduced (earlier than November), but a tremendous amount of yard trash is removed during the summer months. He suggested that the Architectural Commission or the Landmarks Commission could require a yard trash area to be designated on plans brought before them and added those areas are a tremendous help to the gardeners. Mr. Lewis also suggested increasing the fines for illegal dumping as he frequently sees violations for illegal dumping.

Alberto Gano, property manager for 702 North County Road, stated his concerns were for security issues regarding the off-road trash pads and the aesthetic values for the properties where trash pads were close to the road. He said the Town provided bins work for small clippings; however, the large properties will need a large number of bins that may or may not be manageable.

Henry Bennett, landscaper, said he agreed with Scott Lewis' remarks regarding bins—one bin is not enough. He added his customers do not want to pay extra for trash hauling or removal.

Public Works Director Dusey said his department had a problem with 4 - 10 hour days year round because of available daylight hours and employees working an extended day during the hottest time of the year.

Robert Kennedy, Public Works Trash Supervisor, responding to questions from the Mayor and Town Council, said Town residents in order to be in compliance with the set out schedule usually place yard waste along the margin of properties near the curb, and in some cases, it is placed in the driveway approach; in other areas, it is placed in a small corner of the property near the right-of-way. He said that some of the larger estates have pads, and in a few cases, on very large properties that have major cutbacks, the Town's equipment can access and service the property, and this is arranged on an individual basis working with the property owner or the property manager. Mr. Kennedy said the trash bins are chest height and approximately 3' by 3' with lids, wheels, and the Town seal. He added twelve residents declined to use them for various reasons; however, the overall acceptance has been very high.

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Scott Lewis said he preferred the pads on private property, and his employees did work 4 - ten hour days and questioned if the Town employees would prefer that schedule too. He added that the 10 hour day was very productive with less down and travel time.

Councilman Wyett recommended Public Works Director Dusey study the practicability of reducing the set out time from three days to two; consider changing the six foot regulation from the property line of setting out yard trash in the street to three feet; encourage set back areas for yard trash on private properties; the wider use of yard trash containers for yard clippings; and utilize fines and/or Code Enforcement to increase compliance of the yard trash rules. Councilman Wyett also suggested the properties from Wells Road north to the Country Club either have inside pickup scheduled or use set back areas.

Councilman Brooks commented he would like to see a four day work week with a two day set out requirement in the summer time for the east/west streets; however, he was sensitive to the overtime and the heat concerns for the employees. He said he favored the use of containers; the safety issues on the north/south streets need to be addressed, however he suggested the six foot limit to set out yard trash from the curb be reduced to four feet. He also suggested a two day set out time with a five day work week as a compromise.

Mr. Dusey, responding to questions from President McDonald, said a survey of the Public Works employees was done a couple of years ago regarding the issue of 4 - 10 hour days, and the survey showed overwhelmingly that the employees did not want to do that. Mr. Dusey cited a problem with the supplementation of crews— yard trash crews supplement sanitation, and no crews on Monday would create a problem for the department.

Town Manager Elwell, responding to questions from President McDonald, recalled the issues to be discussed at this meeting were the potential changes to the set out period—three days to one day in the summer or perhaps two days; the possibility of requiring those larger properties in between Wells Road and the Country Club to not place any materials on the paved part of the right-of-way similar to the regulation imposed on DOT rights-of-way.

Councilman Goldblum said he would like to see the Town have an ordinance that states that all yard trash on any north/south road has to be placed on the property.

Councilman Wyett made a motion to reduce the set out time for yard trash from three days to two days. The motion was seconded by Councilman Brooks. (The motion was clarified to reduce the set out time for yard trash from three days to two days in the summertime—leaving the existing one day set out time in the winter.)

Mr. Elwell stated that schedule would be difficult for the reasons expressed at this meeting.

President McDonald added the issue was addressed, and the consensus was to have three

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days set out time in the winter.

Councilman Brooks said he thought most residents were accustomed to the existing schedule—one day in the winter; three days in the summer. He said two days was a reasonable accommodation.

On roll call, the motion failed 2/3 with Councilman Wyett and Councilman Brooks casting affirmative votes and Councilman Goldblum, President Pro-Tem McLendon, and President McDonald casting negative votes.

The schedule will remain at one set out day in the winter and three set out days in the summer.

President McDonald announced the next issue for consideration was allowing the larger properties to place plant materials on the right-of-way.

Councilman Wyett said the Town should be consistent with DOT on the north/south major roads, and the residents should not place yard trash on the street.

Councilman Wyett made a motion to follow the DOT rule for A1A; specifically the residents are prohibited from placing material on the paved portion of the right-of-way on County Road, Ocean Boulevard, and Lake Way. The motion was seconded by Councilman Goldblum and carried 5-0 on roll call.

Councilman Brooks made a motion to change the dates for setting out yard trash as follows:

from October 1 - May 31 - set out yard trash one day before pick up

from June 1 - September 30 - set out yard trash three days before pick up

The motion was seconded by Councilman Wyett.

Mr. Dusey said going to a four day schedule would be difficult to do if these changes were adopted because of the high volumes of yard trash generated in November and April as well as May and October.

After discussing the issues with staff during a ten minute break, Mr. Elwell stated the changes (as above) were not practical for implementation by the Public Works Department; however, the Town Council expressed clearly a general desire, if feasible, of providing a greater consistency in the schedule between the four and five day week, and the staff will study the issues and return to the Council with a recommendation. He suggested if the Town Council wishes to move forward with Councilman Brooks' motion, do that in isolation with the understanding that it is not connected to the 4 day/5 day switch, or it will add confusion

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rather than clarity to the situation. He added if the Town Council does not act on the motion, staff will study the 4 day/5 day issue, blending those concerns, and return to the Town Council.

Councilman Brooks withdrew his motion.

After discussing the possibility of a four day-ten hour work week, Mr. Dusey agreed to survey the Public Works employees and return with that input, possibly as early as February but probably later in the winter months.

Mr. Elwell added that staff will present at the February Town Council meeting a proposed ordinance change for first reading regarding extending the DOT right-of-way provision to the major north/south routes.

President McDonald asked if the Town Council would like to consider the subject of leaf blowers?

Councilman Brooks said Councilman Wyett worked on a noise ordinance with the usual objections and subjectivity that is built into those discussions. Mr. Brooks suggested some of the landscapers or professionals may have comments to make on the issue.

Councilman Wyett, quoting Attorney Randolph, said leaf blowers have been around for many years with no positive solutions to the problems. He said, at the last Public Works Committee meeting, leaf blowers were said to be somewhat quieter but the efficiency that is necessary would require additional manpower.

President Pro-Tem McLendon said he preferred a vacuum system and asked if the landscapers knew if it were possible to place mufflers on the leaf blowers?

Scott Lewis, landscaper, replied Echo had introduced a back pack model that is substantially muffled, and the industry is very aware of the complaints. He said there should be a time, in the not so distant future, where the decibel level could be established that would be tolerated by the residents. He said the vacuum method does not work inside the yards, and it is practical for driveway areas. The blower takes about a quarter of the time a vacuum model would take.

Brian House, Chief Code Compliance Officer, said, currently, leaf blowers register at 75 decibels at 25 feet if they are properly muffled and maintained.

Scott Lewis reported his firm recently purchased a new leaf blower that registered 65 decibels during operation.

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After the Town Council discussed the decibel level for lawn maintenance equipment, Mr. House agreed to investigate the issue of 65 decibels as the standard for lawn maintenance equipment.

Mr. Elwell added that as soon as the details are available, the staff will submit a change in the ordinance to a future Town Council meeting for first reading to include an amortization period for compliance.

V. ANY OTHER MATTERS

Councilman Wyett said the purpose of this meeting was accomplished and did not require two meetings—a committee meeting plus a full Town Council meeting. He suggested looking at having full Council meetings and less committee meetings in the future.

Councilman Wyett referred to an article in the Palm Beach Daily News regarding the Town's proposed location for the re-location of the Fire-Rescue station. He said the Landmarks Commission did not like the location the Council was considering and that would have to be discussed by the Town Council at a later date.

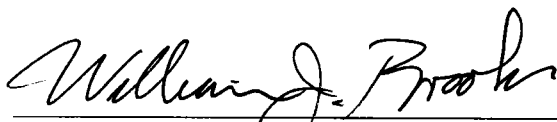
Mr. Elwell responded a more formal notification to the Town Council from the Landmarks Commission will be forthcoming.

Mr. Elwell announced a Special Town Council Meeting will take place on January 22nd to confirm the results of the Caucus. He noted he would be absent, and Assistant Town Manager Tom Bradford will attend the meetnig.

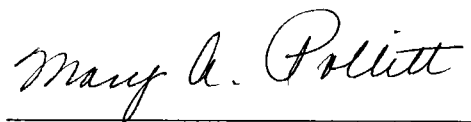
Councilman Wyett said he would also not be attending the meeting.

VI. ADJOURNMENT

The meeting was adjourned at 11:00 a.m.



William J. Brooks, President
(Signed on March 12, 2002)



Mary A. Pollitt, Town Clerk