

Roll Call

I. CALL TO ORDER AND ROLL CALL: A special meeting of the Town Council was called to order by President Heeke at 5:09 PM on June 25, 1990 in the Town Hall Council Chambers. On roll call, the following elected officials were found to be in attendance: Mayor Marix, President Heeke, President Pro Tem Ilyinsky, and Councilman Weinberg. (Councilwomen Douthitt and Wiener were absent). Also attending were Acting Town Manager Elwell, Acting Town Attorney Monaghan, Town Clerk Peters, Director of Public Works Dusey and Building and Grounds Manager Uqi.

Invocation

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Mrs. Peters gave the invocation. Pledge of Allegiance was led by President Heeke.

Appr. of
Agenda

III. APPROVAL OF AGENDA. Mr. Ilyinsky moved the agenda be approved as printed. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Ficus Trees

IV. FICUS TREES ALONG NORTH COUNTY ROAD BETWEEN WELLS ROAD AND MIRAFLORES DRIVE - CONSIDERATION OF ALTERNATIVES FOR TRIMMING AND/OR REPLACEMENT. Mayor Marix reported she wished to apologize for being difficult and having this Special Meeting, however, she believes these ficus trees are very important to the residents of this Town and are a part of Palm Beach. She recalled them being considered for landmarking, therefore when the subject came up about some twenty trees slated for removal, she received many calls. President Heeke reported there is a quandary here and it does look that whatever is done would have far reaching implication to the appearance of the Town at this point.

Mr. Elwell summarized the memorandum he sent dated June 25, 1990, recalling there were discussions at the June 12, 1990 Town Council Meeting and 23 trees were authorized to be removed. He noted there were concerns about the fact that some of these trees could survive if trimmed appropriately, rather than removed, so staff retained four recognized tree professionals: Mr. Haehle, Dr. Moore, Mr. Wedge and Mr. Zimmerman to examine and assess the entire site and determine if trimming could indeed save some of the trees. He noted the reports of those four individuals have been received and are attached to his memorandum. He stated the staff believes if three of the four agreed to the removal, that would be considered a consensus. He noted there were 12 trees which all agreed should be removed but an additional seven are not in good shape, but would possibly survive if cut back and given an opportunity to grow. He stated of the original 23 trees recommended, they are now looking at 12 to be removed and 7 to be inspected by the County Extension Agent and the possibility that they would be trimmed severely with the hopes they will come back and an additional four not be considered for removal.

Mayor Marix noted there has been a bad winter and a drought and she believed the trees have not been looked after at all and have not been watered nor received proper attention. She referred to the report received from David E. Wedge which states "...be aware that trees may die through decline over 12-24 months for loss of canopy and environmental stress." She felt environmental stress could relate to the fact that the trees have never been watered. She has gone to the site and noticed there are some trees that are really dead but since we have had some good rains recently, several of the trees now have some green showing and she knows some of the experts state that doesn't mean anything and they may die eventually, but it may also be that they might live and perhaps we have to pay more attention to them and we get the dead wood off and perhaps cut them twice. She wanted to ensure that the ones that are not removed have good supervision as to what is cut and when and how, since that is very important. She felt this was a specialized area and she did not fault the Public Works Department one bit as they have many other problems they have to handle. She believed the experts who have given their opinion are offering only guesswork and she thought they needed to get rid of the trees that are really dead and they do all they can to save the others.

Mr. Dusey noted from the reports, they all agree that there are six trees which should be removed. Mayor Marix noted there were three trees at Kawama that have a red "X" on them and one of them now has quite a bit of green on it, and she believed that Dr. Moore felt if it were cut back, it might survive. Mr. Elwell noted of the four reports, Dr. Moore's report was the most conservative and recommended removing the least number of trees and trying to save whatever remained and his list included six that should be removed and there was consensus from the others on those six trees.

Mr. Ilyinsky stated he believed that Dr. Moore's report made the most sense from all the reports received. Mrs. Leslie Smith speaking for the Garden Club stated they believe the minimum amount of trees should be removed and if they have a consensus that it is six, that is what it should be. She felt if they were cut back now, it would be a tremendous help for the others and she believed there was a crisis with the utility company as the Garden Club does believe the Town should coordinate with the power company in the trimming of these trees. She noted the whole east side of the trees are cut too half the size of the other and they might have to sacrifice the canopy effect over County Road at this time to bring the trees back into a proper shape. She felt the Town should not try to save any money on this canopy and they should be trimmed every year as once these trees go, they will never be able to be replaced.

Mayor Marix recalled being nineteen when she lived there and these trees were never trimmed in this peculiar fashion as they are today. Mrs. Smith indicated the trees have grown tremendously over the years and they are survivors, but the cutting back they had several years ago, set them back and now the time has come to bring them back but it will take some time. She didn't believe the arch we have enjoyed over the road will be able to be continued as the weight is so dramatic that the trees might split. Mrs. Smith felt there should be proper feeding and watering and in fact, had asked the Fire Chief if there was some way watering could be done on those trees and he did not tell her "no".

Mrs. Smith noted one of the recommendations in one of the reports was there should be a Town beautification program in that area and she indicated there was one, but because of the fact there is a medium and it is a public road, one cannot put plantings there and the trees are the beautification in that area. She advised it will take a couple of years, however, she thought it should be commenced now. She thought it would be a idea to join together with the power company that they not do the random cutting.

Mayor Marix asked if the Town had to allow the utility companies to come in and do the cutting, without proper supervision? She wondered if the Town could not work with the and provide adequate cutting on their own, so this wouldn't end up as a disaster area. Mr. Dusey stated his hesitancy to have the Town employees cut around the wires due to the hazard involved. Mayor Marix asked if we could offer advice? Mr. Dusey stated he could try. Mrs. Smith noted they use As-

plundh and they are a tree-cutting firm and perhaps they might take recommendations from the Town. Mr. Dusey stated that was a possibility. Mayor Marix recalled in the past, the canopy went right over the road and it was lovely but they were never cut like they are now. Mrs.. Smith stated the trees have grown tremendously.

Mayor Marix asked if the six trees recommended for removal were totally dead? Mr. Dusey stated they are, although some have green on them but the experts do not think that is worth anything. Mrs. Smith noted the report stated even those with green on them are dying from the ground up as they have hollow trunks. Mayor Marix asked how many trees had the large dead branches? Mr. Dusey stated there are some that are in fairly good shape and need minor trimming but the benjamina have large dead limbs and it is a serious problem. Mayor Marix believed if there was good supervision in cutting the dead branches, as she knows they must be cut back to some live wood and if they cut too far into the live wood, the tree will be shocked and may die. Mr. Dusey stated they do not have the expertisethat the Mayor is talking about, especially in this sensitive area. Mayor Marix stated Dr. Moore indicated he would be happy to work with us at a fifty per cent rate of what he usually charges. President Heeke noted he is also a resident of the Town.

Ficus Trees

Mr. Elwell recalled at the June 12, 1990 Town Council meeting, it was decided, based on what was known at that time, to hold up on the trimming. Mr. Dusey stated he has had the Town employees remove the dead wood, not realizing that in many cases, it was the better part of the tree. He is concerned about the dead wood on all of these trees, and the liability. Mayor Marix felt all of those trees are somewhat sick, we need a knowledgeable tree person in attendance. Mr. Dusey stated he would welcome that at this point.

Mr. Elwell recalled \$35,000 was appropriated by the Town Council for what was to be the removal/replacement program and given that there will be a reduced number of trees now to be removed, he believed there would be sufficient funds available to hire someone who will give guidance to this process. He noted to go to the 46 trees which were originally contemplated to not have anything done to them at this time, and as Mr. Dusey indicated, trimming out the dead wood but now we find the dead wood is very substantial and we need to go in and have a thorough trimming of those trees, which was not anticipated when the Council made its decision on June 12, 1990.

Mr. Heeke asked if Dr. Moore supervised it, could the Public Works Department do the trimming? To which Mr. Dusey responded it would be difficult. Mayor Marix asked if they could hire some temporary people to do the project? Mr. Ugi indicated they would have to be experienced. Mr. Dusey reported he would like to go out to contract on this and it would cost about \$750 per tree and there are about 30 trees which fall into this category.

Mrs. Smith thought the trimmingshould be put out to contract to recognized experts who will be able to handle the job and she pointed out this is an emergency hearing about the trees that need to be taken care of right away and she didn't believe they had the time try and find additional help with expertise in tree trimming. She believed that Mr. Ugi could handle the trees which need the light trimming and the other trees should be put out to a recognized tree expert who will be up in the tree. She suggested they make a decision as to which trees need major help and those be contracted out and the Town handle the minor trimming. Mayor Marix felt someone like Dr. Moore needed to be there to give his good advice. Mr. Ilyinsky agreed. Mr. Dusey explained it may take about 30 days to do this trimming work. President Heeke suggested a cap be put on the amount at \$3500. Mr. Dusey advised there are sixteen trees there which the Public Works employees can trim.

Mrs. Smith advised the Garden Club has a Town Beautification Fund and will contribute to the replacement of the trees which have to be removed.

Mayor Marix asked how many trees need to be replaced and further, how will we take care of the rest of the trees which need fertilizer and water. Mr. Ugi responded the fertilizer is no problem, but the watering is a problem. Mayor Marix suggested the Fire Department is close by there and perhaps they could do it.

Mr. Dusey stated there are six trees which definitely should be removed and they will not have to replace 17 that they originally planned on, which will pay for a good deal of the trimming and he believed that an additional \$15,000 should be able to handle the removal of the six trees, and the trimming of the entire project. He stated the six trees to be removed will be approximately \$1400 for each tree, or \$8300; forty-seven trees need trimming at \$750 for each tree or a total of \$35,000; for Dr. Moore would come close to \$49,000. Mr. Elwell noted sixteen trees that the Town will trim are not included in that figure. Mr. Ugi stated critical. Mayor Marix asked if the contract trimmers would need supervision also? Mr. Dusey stated they would want that. Mrs. Smith believed if they hired a recognized tree cutting firm, she was not sure they would need Town supervision, other than Mr. Ugi, as this is their business. Mr. Ugi stated that with the dead wood, the tree is in shock, and we must ensure that the right cut is being made, and not everyone is qualified to do that. Mrs. Smith agreed but believed there were companies in the business that knew exactly what they were doing and if they have to pay more to get the best company, they should do so as this is a major catastrophe. Mayor Marix thought perhaps the Town could use their staff and do this with the supervision of Dr. Moore and they could rent a bucket truck if more than one is needed. Mr. Dusey stated he was sure they could do a good job, especially with the expertise they wish to hire, but he has a problem with timing as now they are extremely busy and they are into trimming of the Royal Palm trees. Mayor Marix suggested the Royal Palm trimming be contracted out and the personnel needed for that trimming could be used for the North County project. Mr. Dusey felt the Royal Palms were important also to which the Mayor agree, but felt perhaps this was an alternative solution. Mr. Dusey noted this work must be completed by August 2nd, by ordinance.

Mrs. Smith stated this is prime growing time and we need to act on this as the trees are getting into poorer condition and something must be done now. Mayor Marix felt they should hire someone to do the palm trees and use their own people with Dr. Moore's help, to trim the trees on North County Road and rent the extra equipment they might need. Mr. Dusey felt basically they would be hiring someone to do it as they have to rent the equipment operator with the truck. Mayor Marix felt that was the best deal,

After further discussion, President Heeke called for a motion to increase the authorized expenditure to \$50,000, (\$35,000 being authorized earlier at the June 12, 1990 Town Council meeting) and recognizing the Garden Club will be contributing towards the payment for the six replacement trees; and also direct that Dr. Moore be retained for an amount up to \$3500 and if needed, there could be another Special Town Council meeting called and this would be to advise

us as our lead consultant. Mr. Elwell asked if they wished to have in the motion the specifics on the trees? Mr. Heeke indicated that should be incorporated and recalled it was to contract out for the removal of the six trees; sixteen trees which would be trimmed by the Town and we contract out the trimming of the remaining forty-seven trees. Mayor Marix asked if there should be a time frame stated in the motion? Mr. Ilyinsky felt it should be as soon as possible. Mr. Heeke noted this is an emergency situation and it should be made known to the outside contractors that this cannot go beyond a certain date and it should be done as soon as possible. Mayor Marix asked if it could be conditioned that the work must be completed by August. Mr. Dusey stated they will try to do that but they have to make sure they can find someone. Mr. Ilyinsky made a motion that the Town Council increase the authorized expenditure to \$50,000, which is an additional \$15,000 to the amount granted at the June 12, 1990 Town Council meeting; accept the Garden Club's offer to contribute towards the payment for the six replacement trees; authorization is given for retaining Dr. Bart Moore, a Horticultural Consultant who lives in the Town and who would be the lead consultant, for an amount not to exceed \$35,000; contract out for the removal of the six trees which are totally dead; contract out the trimming of forty-seven trees; and sixteen trees will be done by the Town's Public Works Department; and all of this work be completed as soon as possible, preferably by August 1. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

V. ANY OTHER MATTERS. None.

VI. ADJOURNMENT. There being no further business, the meeting was adjourned at 6 PM.

Grace T. Peters, Town Clerk

MINUTES OF THE TOWN COUNCIL MEETING OF JUNE 12, 1990

Roll Call

I. CALL TO ORDER AND ROLL CALL. President Heeke called the June 12, 1990 Town Council Meeting to order at 9:32 AM in the Town Hall Council Chambers. On roll call, the following elected officials were found to be in attendance: Mayor Marix, President Heeke, President Pro Tem Ilyinsky, Councilwoman Douthit, Councilman Weinberg and Councilwoman Wiener. Also attending were Town Manager Doney, Town Attorney Randolph, Town Clerk Peters, Chief Terlizzese, Chief Elmore, Mr. Elwell, Mr. Jakubiak, Chief Frazier, Mr. McPhail, Mr. Moore and Mr. Dusey.

Invocation

II. INVOCATION AND PLEDGE OF ALLEGIANCE. Invocation was given by President Heeke. Pledge of Allegiance was led by President Pro Tem Ilyinsky.

Appr. of Minutes

III. APPROVAL OF MINUTES OF APRIL 11, 1990. Minutes of April 11, 1990 were approved with corrections on motion of Mrs. Wiener, seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

Appr. of Agenda

V. APPROVAL OF AGENDA. Motion was made by Mrs. Wiener, seconded by Mr. Weinberg, to defer Item XII, C-11, Special Exception 6-90, 337 Worth Avenue Corp. to the July Town Council meeting. On roll call, the motion carried unanimously.

Motion was made by Mrs. Douthit, seconded by Mr. Ilyinsky, to defer Ordinance 12-90. On roll call, the motion carried unanimously.

Motion was made by Mrs. Douthit, seconded by Mr. Ilyinsky, to add Resolution 56-90 and Resolution 61-90 on Landmark designations as Items IX C-2 and 3. Motion carried unanimously on roll call.

Motion was made by Mr. Ilyinsky, seconded by Mrs. Wiener to approve the agenda as amended. Motion carried unanimously on roll call.

Comments of the Mayor

V. COMMENTS OF THE MAYOR: Mayor Marix indicated she would make her comments during the meeting.

Public Hearing Res. 35-90

VI. PUBLIC HEARING:

A. Resolution No. 35-90 - Stipulated Settlement with the Department of Community Affairs Regarding the Comprehensive Plan. Mr. Heeke called for public comments and there were none.

Mr. Randolph read the Resolution by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE TOWN OF PALM BEACH AUTHORIZING OF THE STIPULATED SETTLEMENT AGREEMENT BETWEEN THE STATE OF FLORIDA AND THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE TOWN OF PALM BEACH; AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO UNDERTAKE THE NECESSARY MEASURES TO EFFECTUATE THE TERMS OF THE SETTLEMENT AGREEMENT.

Motion was made by Mrs. Douthit to approve Resolution 34-90. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Licenses & Permits

VII. LICENSES AND PERMITS:

A. Charitable Solicitations:

1. Jewish Federation of Palm Beach County, Inc. No. 22-91.
2. The International Society of Palm Beach, No. 232-91.
3. International Game Fish Association, No. 235-91.