

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: De-designate Historic/Specimen Tree - Ordinance No. 126-58
Resolution No. 40-2020

DATE: May 18, 2020

STAFF RECOMMENDATION

Town staff requests the Town Council to review the summary below which is provided for informational purposes, and request that Town Council approve Resolution No. 40-2020 and the de-designation of Historic/Specimen (H/S) tree as described below.

GENERAL INFORMATION

The Town of Palm Beach Public Works Department administers the Historic/Specimen Tree Program for the Garden Club of Palm Beach. There are currently one hundred and seven (107) trees on the island that have been designated as H/S trees. These trees are inspected annually by the Town Arborist and are registered to the property by the Palm Beach County Clerk of Courts.

At the time of the annual inspection by the Town Arborist, the trees are evaluated to determine if they are of suitable quality and condition to remain as an H/S. During this year's annual H/S inspections, the Town Arborist reported the Lancepod Tree (*Lonchocarpus Violanceus*) located at 1 Via Sunny at the extreme N.W. corner of the property (15'-0" south of north property line and 12'-0" east of the west property line), has been completely removed and the area sodded over. Designation of this tree was awarded at the December 14, 1999 Town Council meeting as Resolution No. 39-99 (attached). Staff reached out to the property manager several times to discuss this matter, but has not been provided an explanation as to why the H/S was removed.

On Friday, September 27, 2019, the Town opened a Code Enforcement case against this property, (*Case Number: CE 19-1173, 1 Via Sunny, Sunny – Resident: Sessa*). This matter was brought to the Code Enforcement Board meeting on October 17, 2019 which was attended by Paul Colby, Public Works Facilities Maintenance Division Manager, and Richard Maxwell, Town Arborist. Upon completion of this agenda item, the Code Enforcement Board issued a \$150 administration fee to the homeowner indicating they have been given two (2) months to come into compliance with Ordinance Number 126-58 "*Damaging, destroying without permission, trimming without*

permission". This case will be brought back before the Code Enforcement Board during their January 14, 2020 meeting. The resident agreed to replace the trees but found the replacements difficult to locate. Based on this information, the Town asked the case be postponed from the January 14, 2020 meeting to the February 20, 2020, and subsequently granted a postponement until March Code Board Hearing to allow the resident time to locate suitable replacement trees.

Replacements were located, inspected by the Town Arborist, and purchased by the resident. The Town Arborist, and the resident, located acceptable planting sites on their property for both of the replacement trees. Per the Town's Ordinance Sec. 126-58, *"One of the two replacement trees shall be planted in the same location as the damaged or destroyed tree"* due to existing mature plantings at this location, and alternate location was sought and approved by both the resident and the Town. Furthermore, the resident requested that the second tree be donated to The Garden Club of Palm Beach to be planted at a location deemed acceptable by The Garden Club and the Town. Both The Garden Club and the Town accepted the donation from the resident.

Although the March hearing was cancelled, due to COVID-19, 1 Via Sunny came into compliance on April 1, 2020 and the case was closed.

FUNDING/FISCAL IMPACT

There is no Town funding/fiscal impact for this Resolution.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Eric B. Brown, P.E., Assistant Director of Public Works
Paul Colby, Facilities Maintenance Division Manager
Mary Presley, President, Garden Club of Palm Beach
Richard Maxwell, Town Arborist