



TOWN OF HIGHLAND BEACH RECOMMENDATION MEMORANDUM

TO: Town Commission

MEETING DATE: March 1, 2022

FROM: Ingrid Allen, Town Planner, on behalf of the Natural Resources Preservation Advisory Board ("Board")

SUBJECT: February 2, 2022 Board recommendations

ACTION:

At the February 2, 2022 Board meeting, the Board provided the following recommendations (in bold) to the Town Commission:

1. **Consider employing a professional tree service company like Bartlett Tree Experts to facilitate the management and care of the palms situated in the right-of-way along State Road A1A.** At the September 21, 2021 Town Commission meeting, the Commission considered a recommendation from the Board to hire "an arborist to facilitate a report back to the Board to evaluate the condition of the vegetation in the Town on public and private property adjacent to public streets." While the Commission indicated that the recommendation was low on the priority list, discussion among the Commission was to fertilize the palms. The Town did contract with Bartlett Tree Experts to conduct an assessment of the population of palms situated in the right-of-way along State Road A1A. A report was provided to the Town with several recommendations including proper irrigation, the removal of turf and installation of mulch, implementing a fertilization program, etc. (see Attachment No. 1). Staff advised the Board at their February 2, 2022 meeting that pursuant to Section 28-10(a) of the Town Code, the owner, and/or lessee of land shall be responsible for the maintenance of all landscaping located on their property and on adjacent public rights-of-way, which shall be maintained in good condition so as to present a healthy, neat and orderly landscape area which shall include, but not be limited to, weeding, mulching, fertilizing, pruning, mowing, and edging. However, the Board raised concerns that property owners may not properly maintain these palms even with the recommendations provided in the Bartlett report. Therefore, the Board suggests that professional help is needed to provide consistent maintenance of the palms. Bartlett Tree Experts has indicated to staff that a soil care and fertilization program will cost a total of \$6000.00 and will include five (5) separate treatments for the 100 royal palms located along State Road A1A.
 2. **Approve the implementation of additional bucket trees to all Associations along the beach that have authorized their use.** On October 6, 2020, the Town Commission
-

approved the placement of four (4) or less Town beach bucket trees. Town staff has constructed and installed five (5) bucket trees to date (Note that the additional bucket tree was approved by the Town Manager for placement just north of the 45 Ocean Condominium). At the September 21, 2021 Town Commission meeting, the Commission considered a recommendation from the Board to “approve additional beach bucket trees so long as associations are willing to accept them on their property.” The Commission indicated that before considering the installation of additional Town beach bucket trees, feedback is needed from the Condominium HOA’s on whether their current bucket tree is being utilized by residents, etc. The Commission requested that the Board make calls to these HOAs for their individual feedback on bucket tree usage. At the February 2, 2022 Board meeting, Board Member Nicole Stanfield (who volunteered to undertake the assignment at the Board’s November 3, 2021 meeting) made a presentation to the Board of her findings (see Attachment No. 2). Staff currently has a waitlist of six (6) condominiums who have shown interest in acquiring a Town beach bucket tree.

3. **Consider providing code enforcement officer that routinely (once or twice a week) walks or rides on the beach to facilitate visual observation of any violations to Section 5-9 of the Town Code.** The Board made the following related recommendations which were considered by the Town Commission on December 7, 2021 and July 1, 2020, respectively:

December 7, 2021: “Expand the obligations of our current code compliance officer to walk the beach or do an evaluation of the beach so as to know what is or is not appropriately being done on the beach.”

July 1, 2020: Hire an environmental maintenance employee “to traverse the beach and pick up debris.”

Regarding the December 7th recommendation, consensus from the Town Commission was to thank the Board for their input and suggested scheduling a follow-up discussion early next year (2022). At the February 2, 2022 Board meeting, staff advised the Board of the Commission’s direction and that the Commission will be discussing Town Strategic Priorities in February/March 2022. Regarding the July 1st, 2020 recommendation, the Town Commission adopted a hiring freeze during the state of local emergency declared as a result of the COVID-19 Pandemic (Reso No. 20-009), and therefore the recommendation was not considered (Note that the hiring freeze has since been lifted). The “littering” provisions of Section 5-9 of the Town Code are provided below.

Section 5-9. Littering.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Beaches means that area abutting the Atlantic Ocean consisting of predominantly sand, whether below or above the mean high water mark.

(b) Prohibited. No person shall leave or deposit any trash, refuse or debris on any beach. Any such trash, refuse or debris shall be placed, when available, in a container clearly marked by the town for such purpose. If there is no receptacle, or if the receptacle is full, all trash or refuse must be removed from the beach.

(c) Private beaches. In regard to that portion of the beach determined to be private property, no person shall place or deposit on any such beach any trash, refuse or debris. Further, the owner of the private property shall not allow trash, refuse or debris to remain on his property for a period of time greater than seven (7) days after notification by the town. Any such trash, refuse or debris located upon private beachfront property shall be properly disposed of in a manner otherwise provided by the codes and regulations of the town.

(d) Violation. Any private property owner found to be in violation of this section shall be subject to the jurisdiction of the town's code enforcement ordinance, and subject to penalties prescribed by the code enforcement board for each day a violation is determined to exist.

ATTACHMENTS:

Attachment No. 1 – Bartlett Tree Experts report and fertilization treatment estimate

Attachment No. 2 – Natural Resources Preservation Advisory Board research on bucket tree usage