



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final - Final

### Tree Commission

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Tuesday, February 9, 2016

5:00 PM

Old City Hall

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**ADA Assistance:** It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

#### Call Meeting To Order

#### Pledge of Allegiance to the Flag

#### Roll Call

**Absent** 2 - Mr. Atwell, and Mr. Mellies II

**Present** 5 - Ms. Bravo, Mr. Kapsch, Ms. Robinson, Ms. Sullivan, and Mr. Jackson

#### Approval of Agenda

*A motion was made by Ms. Sue Sullivan, seconded by Ms. Robin Robinson, that the Agenda be Approved. The motion passed by an unanimous voice vote.*

#### Approval of Minutes

1 January 12, 2016 TC Minutes

**Attachments:** [January 12, 2016 TC Minutes](#)

A motion was made by Ms. Denise Bravo, seconded by Ms. Sue Sullivan, that the Minutes be Approved. The motion passed by an unanimous vote.

#### New Business

2 **912 James Street Unit 1/914 James Street/T15-7721/Jyrki Salminen/Robert Sieminski**  
**Represented by:** Nick Downs-A Caring Tree Company  
**Removal:** 1-Strangler Fig

**Attachments:** [912-914 James Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Sue Sullivan,

seconded by Mr. Glenn Kapsch, that the Action Item be Approved to remove 1-Strangler Fig at 912 James Street Unit 1/914 James Street and replace with 17.8" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

**3                    901 Von Phister Street/T15-7725/Theresa Goddin**

**Represented by:** Kenneth King

**Removal:** 1-Strangler Fig

**Attachments:**      [901 Von Phister Street](#)

Due to the applicant not being present, a Motion was made by Ms. Sue Sullivan, seconded by Ms. Denise Bravo, that the Action Item be Tabled to the end of the meeting. The motion carried by unanimous voice vote. No Public input.

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson and seconded by Ms. Sue Sullivan, that the Action Item be Approved to remove 1-Strangler Fig at 901 Von Phister Street and replace with 12.3" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

**4                    2303 Seidenberg Avenue ROW/T15-7727/City of Key West**

**Represented by:** Karen DeMaria

**Removal:** 1-Gumbo Limbo

**Attachments:**      [2303 Seidenberg Avenue](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Denise Bravo and seconded by Mr. Glenn Kapsch, that the Action Item be Approved to remove 1-Gumbo Limbo at 2303 Seidenberg Avenue ROW and replace with 6" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on City property. The motion carried by unanimous voice vote. No Public input.

**5                    1615 United Street/T16-7729/Anthony Sarno**

**Removal:** 1-Strangler Fig

**Attachments:**      [1615 United Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson and seconded by Ms. Denise Bravo, that the Action Item be Approved to remove 1-Strangler Fig at 1615 United Street and replace with 10.6" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

**6                    408 William Street/T16-7746/408 William Street LLC**

**Represented by:** Holly Millier-Home Watch Services

**Removal:** 1-Silver Buttonwood and 2-White Tabebuia trees

**Attachments:**      [408 William Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson and seconded by Ms. Denise Bravo, that the Action Item be Approved to

remove 1-Silver Buttonwood and 2-White Tabebuia trees at 408 William Street and replace with 7.9" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

**7                    525 Louisa Street/T16-7748/Eric Hench & Stephanie Skylar**

**Represented by:** Jay Fairbank-Fairbank Construction

**Removal:** 1-Pongam Tree

**Attachments:**        [525 Louisa Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Denise Bravo and seconded by Ms. Sue Sullivan, that the Action Item be Approved to remove 1-Pongam Tree at 525 Louisa Street and replace with 5.2" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

**8                    617 Grinnell Street/T16-7752/Marty Higgins & Karen Schultz**

**Represented by:** Native Landscape Design-Scott Montgomery

**Removal:** 1-Mahogany

**Attachments:**        [617 Grinnell Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Denise Bravo and seconded by Ms. Robin Robinson, that the Action Item be Approved to remove 1-Mahogany at 617 Grinnell Street and replace with 7.35" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

**9                    323 Whitehead Street/T16-7754/The Banyan Resort-Mehgan Heaps**

**Removal:** 1-Frangipani and 1-Black Ironwood tree

**Attachments:**        [323 Whitehead Street](#)  
                                 [Banyan House - Engineer Final 1-29-16](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson and seconded by Ms. Sue Sullivan, that the Action Item be Approved to remove 1-Frangipani and 1-Black Ironwood tree at 323 Whitehead Street and replace with 11.4" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

**10                  1402 Whalton Street/T16-7755/Washington Street Partners**

**Represented by:** Evan Bell-Ecoscapes

**Removal:** 1-Hog Plum (aka Scarlet Mombin)

**Attachments:**        [1402 Whalton Street](#)

**PUBLIC COMMENTS:**

Paula Carbonell – 1016 South Street

Due to the applicant not being present, a Motion was made by Ms. Robin

Robinson, seconded by Ms. Denise Bravo, that the Action Item be Tabled to the end of the meeting. The motion carried by unanimous voice vote. No Public input.

In accordance with Sec. 110-327, a Motion was made by Ms. Sue Sullivan seconded by Ms. Robin Robinson, that the Action Item be Approved to remove 1-Hog Plum (aka Scarlet Mombin) at 1402 Whalton Street and replace with 8.4" caliper inches, FL#1, native dicot, or fruit trees from the approved list to include at least one (1) cutting of the original tree, which will be monitored for survival for one (1) year, to be planted on site. The motion carried by the following roll call vote.

**No:** 2 - Ms. Bravo, and Mr. Kapsch

**Absent:** 2 - Mr. Atwell, and Mr. Mellies II

**Yes:** 3 - Vice Chair Robinson, Ms. Sullivan, and Chairman Jackson

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**715 Frances Street/T16-7757/Ralph W. Firestone**

**Represented by:** Sean Creedon-Tree Man

**Removal:** 1-Frangipani

**Attachments:** [715 Frances Street](#)

Due to the applicant not being present, a Motion was made by Ms. Robin Robinson, seconded by Ms. Sue Sullivan, that the Action Item be Tabled to the end of the meeting. The motion carried by unanimous voice vote. No Public input.

In accordance with Sec. 110-328, a Motion was made by Ms. Robin Robinson and seconded by Ms. Denise Bravo, that the Action Item be Denied for the removal of 1-Frangipani at 715 Frances Street based on:

(1) The species, size, champion tree status, historical importance and/or condition of the tree make it a unique or rare specimen. The motion Failed by the following roll call vote:

**No:** 3 - Mr. Kapsch, Ms. Sullivan, and Chairman Jackson

**Absent:** 2 - Mr. Atwell, and Mr. Mellies II

**Yes:** 2 - Ms. Bravo, and Vice Chair Robinson

In accordance with Sec. 110-327, a Motion was made by Ms. Sue Sullivan and seconded by Mr. Glenn Kapsch, that the Action Item be Approved to remove 1-Frangipani at 715 Frances Street and replace with 8.6" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. No Public input. The motion carried by the following roll call vote:

**No:** 2 - Ms. Bravo, and Vice Chair Robinson

**Absent:** 2 - Mr. Atwell, and Mr. Mellies II

**Yes:** 3 - Mr. Kapsch, Ms. Sullivan, and Chairman Jackson

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**1226 Von Phister Street/T16-7758/Richard Berlin Jr**

**Represented by:** Just Keys Trees-Rob Crider  
**Removal:** 2-Bulnesia and 1-Frangipani

**Attachments:**     [1226 Von Phister Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Denise Bravo and seconded by Mr. Robin Robinson, that the Action Item be Approved to remove 2-Bulnesia and 1-Frangipani at 1226 Von Phister Street and replace with 9" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

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**1424 Von Phister Street/T16-7759/Freddy Cobb**

**Represented by:** Just Keys Trees-Rob Crider  
**Removal:** 2-Gumbo Limbo

**Attachments:**     [1424 Von Phister Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Denise Bravo and seconded by Glenn Kapsch, that the Action Item be Approved to remove 2-Gumbo Limbo at 1424 Von Phister Street and replace with 31.4" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

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**923 Johnson Street/T16-7760/Linda Aselin**

**Represented by:** Just Keys Trees-Rob Crider  
**Removal:** 3-Gumbo Limbo, 2-Royal Poinciana, 3-Strangler Fig, 1-Mahogany, and 1-Avocado

**Attachments:**     [923 Johnson Street](#)

Due to one (1) of the Gumbo Limbos being located on the property line and there was no authorization nor representation for that property owner, the property line Gumbo Limbo was removed from discussion.

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson, seconded by Ms. Denise Bravo, that the Action Item be Approved to remove 2-Gumbo Limbo, 2-Royal Poinciana, 2-Strangler Fig, and 1-Mahogany at 923 Johnson Street and replace with 38.6" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site also included in the motion was the transplantation of 1-Avocado and in accordance with Sec. 110-328, the motion to Deny the removal of 1-Strangler Fig at 923 Johnson Street based on:

- (1) The species, size, champion tree status, historical importance and/or condition of the tree make it a unique or rare specimen; AND
- (2) The size or location of the tree makes it substantial in and easily accessible to public view.

The motion carried by unanimous voice vote. No Public input.

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**813 Waddell Avenue/T16-7761/813 Waddell Properties, LLC-Frederick Maggio**

**Represented by:** Nick Downs-A Caring Tree Company/Rick Milelli-Meridian Engineering  
**Removal:** 2-Mango and 1-Gumbo Limbo

**Attachments:**     [813 Waddell Avenue](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Sue Sullivan, seconded by Ms. Denise Bravo, that the Action Item be Approved to remove 2-Mango and 1-Gumbo Limbo at 813 Waddell Avenue and replace with 32.4" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

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**522-524 Petronia Street/T16-7763/Darrell Schmitt**

**Represented by:** Native Landscape Design-Scott Montgomery

**Removal:** 2-Sapodilla and 1-Spanish Lime

**Attachments:**     [522 524 Petronia Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson and seconded by Ms. Denise Bravo, that the Action Item be Approved to remove 2-Sapodilla and 1-Spanish Lime at 522-524 Petronia Street and replace with 20.3" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

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**1028 Truman Avenue ROW/T16-7765/FDOT**

**Represented by:** Joel Cognevich & Eric Mealus/Ile Vie, LLC

**Removal:** 1-Satinleaf

**Attachments:**     [1028 Truman Avenue ROW](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Denise Bravo and seconded by Ms. Robin Robinson, that the Action Item be Approved to remove 1-Satinleaf at 1028 Truman Avenue ROW and replace with 5.1" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The motion carried by unanimous voice vote. No Public input.

## Administrative Hearing

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**1617 White Street / William Fehr (Owner)**

**Respondent:** William Fehr (Owner)

**Alleged Violation:** William Fehr (Owner)

Removal of eight (8) Green Buttonwood trees without benefit of a permit.

**Attachments:**     [1617 White Street - Administrative Hearing](#)

Mr. Greg Oropeza introduced himself as the representative for the respondent property owner.

When asked by the Tree Commission Chairman David Jackson, if he would like to enter into a Compliance Settlement Agreement on behalf of his client with the Tree Commission, Mr. Oropeza stated he would like to enter into a Compliance Settlement Agreement with the Tree Commission. At the request of Chairman Jackson, Mr. Oropeza explained to the Tree Commissioners what had taken place and that his client did not remove the trees in question. Mr. Oropeza responded to the Tree Commissioners' questions.

In accordance with Sec. 110-291, a Motion was made by Ms. Robin Robinson, seconded by Ms. Sue Sullivan, that the owner respondent shall:

1) Submit an AFTER-THE-FACT tree application to remove the 8-Green Buttonwood trees and replace with 32" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. The 17" of trees already planted may be counted as part of the 32".

## Public Comments

## Urban Forestry Program Manager's Report

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### January 2016 TC Monthly Report

Attachments:     [January 2016 TC Monthly Report](#)

Received and Filed

## Assistant City Attorney's Report

## Comments from Commissioners

## Adjournment