



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final - Final Tree Commission

---

Tuesday, April 14, 2015

5:00 PM

Old City Hall

---

**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 at 305-809-1000 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

**Present** 5 - Mr. Bethel, Mr. Mellies II, Ms. Sullivan, Ms. Robinson, and Mr. Jackson

### Approval of Agenda

### Approval of Minutes

1 March 10, 2015 TC Minutes

**Attachments:** [March 10, 2015 TC Minutes](#)

A motion was made by Ms. Robin Robinson, seconded by Mr. Robert Bethel, that the Minutes be Approved. The motion passed by an unanimous vote.

### Old Business

2 **1517-1519 Bertha Street/T14-7204/A.H. of Monroe County**  
**Represented by:** Tarzan Tree Care  
**Remove:** 1-Gumbo Limbo

**Attachments:** [1517-1519 Bertha Street](#)

In accordance with Sec. 110-328 (1), a Motion was made by Ms. Robin Robinson, seconded by Ms. Sue Sullivan, that the Action Item be Denied to remove 1-Gumbo Limbo at 1517-1519 Bertha Street. The motion carried by unanimous voice vote. No Public input.

3 **3838 Flagler Avenue/T15-7284/Thomas Farned & George Noel**  
**Represented by:** Wayne Garcia

**Removal:** 1-Seagrape

**Attachments:**     [3838 Flagler Avenue](#)

In accordance with Sec. 110-327, a Motion was made by Mr. Robert Bethel, seconded by Mr. Neil Mellies II, that the Action Item be Approved to remove 1-Seagrape at 3838 Flagler Avenue and replace with 14" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

## New Business

- 4**                      **2414 Flagler Avenue/T15-7298/Beata and Jose Bahri**  
**Removal:** 1-Gumbo Limbo

**Attachments:**     [2414 Flagler Avenue](#)

Due to the applicant not being present, a Motion was made by Ms. Sue Sullivan, seconded by Mr. Robert Bethel, that the Action Item be Tabled to the end of the meeting. The motion carried by unanimous voice vote.

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

- 5**                      **1109 Virginia Street/T15-7299/Robert Schrull**  
**Represented by:** Larrie Busloff-Leaping Lizard  
**Removal:** 1-Avocado

**Attachments:**     [1109 Virginia Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson, seconded by Ms. Sue Sullivan, that the Action Item be Approved to remove 1-Avocado at 1109 Virginia Street and replace with 10" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

- 6**                      **1029 Catherine Street/T15-7306/William and Debra Haymaker**  
**Represented by:** Kenneth King  
**Removal:** 2-Spanish Lime

**Attachments:**     [1029 Catherine Street - Spanish Limes](#)

In accordance with Sec. 110-327, a Motion was made by Mr. Neil Mellies II, seconded by Mr. Robert Bethel, that the Action Item be Approved to remove 2-Spanish Limes at 1029 Catherine Street and replace with 53" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

- 7**                      **1029 Catherine Street/T15-7329/William and Debra Haymaker**  
**Represented by:** Kenneth King  
**Removal:** 1-Royal Poinciana

**Attachments:**     [1029 Catherine Street - Royal Poinciana](#)

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-Royal Poinciana at 1029 Catherine Street and replace with 20" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

- 8**                      **715 Ashe Street/T15-7324/Jeff Cohen & Judy Seldin-Cohen**  
**Represented by:** Tarzan Tree Care  
**Removal:** 1-Gumbo Limbo

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

In accordance with Sec. 110-327, a Motion was made by Mr. Robert Bethel, seconded by Mr. Neil Mellies II, that the Action Item be Approved to remove 1-Gumbo Limbo at 715 Ashe Street and replace with 7.5" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

- 9**                      **900 Johnson Street/T15-7325/Richard Buckheim**  
**Represented by:** Kenneth King  
**Removal:** 1-Royal Poinciana

**Attachments:**     [900 Johnson Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson, seconded by Ms. Sue Sullivan, that the Action Item be Approved to remove 1-Royal Poinciana at 900 Johnson Street and replace with 20" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

- 10**                     **1315 United Street/T15-7326/Bob and Kris Pabian**  
**Represented by:** Kenneth King  
**Removal:** 1-Royal Poinciana

**Attachments:**     [1315 United St ROW](#)

At the request of City Staff, a Motion was made by Ms. Sue Sullivan, seconded by Ms. Robin Robinson, that the Action Item be Postponed. The motion carried by unanimous voice vote. No Public input.

- 11**                     **1410 Olivia Street/T15-7327/Paul Athanas**  
**Represented by:** Kenneth King  
**Removal:** 1-Royal Poinciana

**Attachments:**     [1410 Olivia Street](#)

In accordance with Sec. 110-327, a Motion was made by Mr. Neil Mellies II, seconded by Ms. Sue Sullivan, that the Action Item be Approved to remove 1-Royal Poinciana at 1410 Olivia Street and replace with 14.8" caliper inches,

FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

12

**709 Truman Avenue/T15-7328/709 Truman Inc**

**Represented by:** Kenneth King

**Removal:** 1-Royal Poinciana

**Attachments:**     [709 Truman Avenue](#)

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-Royal Poinciana at 709 Truman Avenue and replace with 11" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

13

**3330 Northside Drive/T15-7335/Mariners Cove Apartments Associates, Ltd**

**Represented by:** Tarzan Tree Care

**Removal:** 1-Gumbo Limbo

**Attachments:**     [3330 Northside Drive](#)

In accordance with Sec. 110-327, a Motion was made by Mr. Robert Bethel, seconded by Mr. Neil Mellies II, that the Action Item be Approved to remove 1-Gumbo Limbo at 3330 Northside Drive and replace with 9.9" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

14

**241 Golf Club Drive/T15-7336/William H. Allen**

**Removal:** 1-Gumbo Limbo

**Attachments:**     [241 Golf Club Drive](#)

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-Gumbo Limbo at 241 Golf Club Drive and replace with 9" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

15

**2916 Harris Avenue/T15-7337/Kelly J. Klitenick Revocable Trust**

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

**Removal:** 1-Mahogany

**Attachments:**     [2916 Harris Avenue](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson, seconded by Mr. Neil Mellies II, that the Action Item be Approved to remove 1-Mahogany at 2916 Harris Avenue and replace with 6.8" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

16

**531 Margaret Street/T15-7338/Barry G. Andrews**

**Represented by:** Native Landscape Design-Scott Montgomery  
**Removal:** 2-Spanish Limes

**Attachments:**     [531 Margaret Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson, seconded by Ms. Sue Sullivan, that the Action Item be Approved to remove 2-Spanish Limes at 531 Margaret Street and replace with 46" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

17

**1411 White Street/T15-7339/Michael Berman**

**Represented by:** Native Landscape Design-Scott Montgomery  
**Removal:** 1-Egg Fruit Tree

**Attachments:**     [1411 White Street](#)

In accordance with Sec. 110-327, a Motion was made by Mr. Robert Bethel, seconded by Ms. Robin Robinson, that the Action Item be Approved to remove 1-Egg Fruit Tree at 1411 White Street and replace with 4.5" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

18

**503 Greene Street ROW/T15-7341/City of Key West**

**Represented by:** Karen DeMaria  
**Removal:** 1-Gumbo Limbo

**Attachments:**     [503 Greene Street ROW](#)

In accordance with Sec. 110-327, a Motion was made by Mr. Neil Mellies II, seconded by Ms. Robin Robinson, that the Action Item be Approved to remove 1-Gumbo Limbo at 503 Greene Street ROW and replace with 6" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

## Administrative Hearing

19

**1017 Southard Street / Stephen Hendrickson (Owner)**

**Respondent:** Otter's Landscape & Garden Service (Terry Muehler),  
Shade Tree Services

**Alleged Violation:**

Tree abuse - Improper and unauthorized trimming of a Royal Poinciana

**Attachments:**     [1017 Southard Street - Administrative Hearing](#)

When asked by the Tree Commission Chairman David Jackson, the respondents: Otter's Landscape & Garden Service (Terry Muehler) and Shade Tree Services (John Cole) indicated their desire to enter into a Compliance Settlement Agreement with the Tree Commission.

A motion was made by Ms. Sue Sullivan, seconded by Mr. Robert Bethel, that:  
The respondents shall : a) An After-The-Fact maintenance trimming permit

shall be submitted by Terry Muehler on behalf of the property owners and will be issued to allow the ISA certified arborist (John Cole) working at Shade Tree Services to re-trim the Royal Poinciana tree to correct the large poor cut and to remove a large cracked branch growing over the sidewalk. b) The property owner will allow Terry Muehler and John Cole, to monitor and evaluate the Royal Poinciana tree. One year from the date of this agreement, a report will be submitted to the Urban Forester to determine whether further action is required. The motion carried by unanimous voice vote. No Public input.

20

**922 Catherine Street / Doug Leohr (Owner)**

**Respondent:** Doug Leohr (Owner),  
Michael Herrera,  
South Wind Pools

**Alleged Violation: Michael Herrera and Doug Leohr -**

Unauthorized removal of two (2) Autograph trees

Tree abuse - Topping of three (3) Spanish Stopper trees

**Alleged Violation: South Wind Pools -**

Unauthorized removal of one (1) Coconut Palm

**Attachments:**     [922 Catherine Street - Administrative Hearing](#)

Due to the Respondent Southwind Pools being unable to attend, Ms. DeMaria requested the Commissioners to Postpone the Southland Pools portion of the hearing. A motion was made by Ms. Sue Sullivan, seconded by Mr. Neil Meillies II to Postpone the hearing for Southwind Pools. The motion carried by unanimous voice vote. No Public input.

When asked by the Tree Commission Chairman David Jackson, the respondents: Michael Herrera on behalf of himself and Doug Leohr (922 Catherine Street Owner) indicated their desire to enter into a Compliance Settlement Agreement with the Tree Commission.

A motion was made by Ms. Sue Sullivan, seconded by Mr. Neil Meillies II, that: The respondents shall : a) An After-The-Fact tree transplant permit will be submitted by Michael Herrera on behalf of the property owners and will be issued. b) The property owner and Michael Herrera shall replant the property with 13 caliper inches of FL #1 native dicot trees, fruit trees, or Royal Poinciana trees, at Violators full expense, within 6 months of the date of this agreement. The motion carried by unanimous voice vote. No Public input.

## Public Comments

*Ralph DePalua (11 Aquamarine Drive) and City Commission Tony Yaniz spoke concerning the Royal Poincianas.*

## Urban Forestry Program Manager's Report

21

**March 2015 TC Monthly Report**

**Attachments:**     [March 2015 TC Monthly Report](#)

Received and Filed

**Assistant City Attorney's Report**

**Comments from Commissioners**

**Adjournment**