



# 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, May 12, 2015

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 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.

**Absent** 1 - Mr. Jackson

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

### Call Meeting To Order

*Assistant City Attorney Chris Bridger called the meeting to order. Recording Secretary Jo Bennett called the roll. Due to the Chair being absent, Assistant City Attorney Chris Bridger asked for a motion for someone to Chair the meeting. Mr. Neil Mellies II made a motion that Mr. Robert Bethel Chair the meeting, Ms. Sue Sullivan seconded the motion, the motion carried by a unanimous voice vote.*

### Pledge of Allegiance to the Flag

### Roll Call

### Approval of Agenda

### Approval of Minutes

1 April 14, 2015 Minutes

**Attachments:** [April 15, 2015 TC Minutes](#)

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

### Old Business

2 **2414 Flagler Avenue/T15-7298/Beata and Jose Bahri**  
**Removal:** 1-Gumbo Limbo

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

In accordance with Sec. 110-327, a Motion was made by Ms. Sue Sullivan, seconded by Mr. Neil Mellies II, that the Action Item be Approved to remove 1-Gumbo Limbo at 2414 Flagler Avenue and replace with 10" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. No Public input.

**No:** 1 - Ms. Robinson

**Absent:** 1 - Chairman Jackson

**Yes:** 4 - Mr. Bethel, Ms. Bravo, Mr. Mellies II, and Ms. Sullivan

**3**

**1315 United Street ROW/T15-7326/City of Key West**

**Represented by:** Karen DeMaria

**Removal:** 1-Royal Poinciana

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

**Public Comments:**

**Ann Reynolds – 56 Front Street**

Ms. Reynolds stated concern that many Royal Poincianas are being removed yet few are being planted. Ms. Reynolds requested that the Tree Commission encourage the planting of Royal Poincianas when and where possible.

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 1315 United Street ROW and replace with 12.6" caliper inches, FL#1, native dicot, or fruit trees to be planted on City property. The motion carried by unanimous voice vote. No Public input.

## **New Business**

**4**

**515 Frances Street/T15-7353/Candice Carr**

**Represented by:** Carl Gilley

**Removal:** 1-Sandalwood tree

**Attachments:** [515 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.

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**

**1024 Southard Street/T15-7359/Steven & Stephanie Carlson**

**Removal:** 1-Podacarpus and 1-Bahama Strongbark

**Attachments:** [1024 Southard 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 allow heavy maintenance or transplanting of 1-Bahama Strongbark and the removal of 1-Podacarpus at 1024 Southard Street 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.

- 6**                      **700 Amelia Street/T15-7364/George Halloran**  
**Removal:** 1-African Tulip Tree

**Attachments:**      [700 Amelia 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-African Tulip Tree at 700 Amelia Street and replace with 5.9" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

- 7**                      **816 South Street/T15-7366/Angelica Cortinas**  
**Removal:** 1-Gumbo Limbo

**Attachments:**      [816 South Street](#)

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 816 South Street and replace with 7.8" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

- 8**                      **411 Elizabeth Street/T15-7375/Jessica Johnson**  
**Represented by:** Nick Downs-A Caring Tree Company  
**Removal:** 1-Spanish Lime

**Attachments:**      [411 Elizabeth 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-Spanish Lime at 411 Elizabeth Street and replace with 33.6" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

- 9**                      **700 and 704 Eaton Street/T15-7376/Poinciana Partners LLC & Janice Isherwood**  
**Represented by:** Michael Herrera and Nick Downs  
**Removal:** 1-Royal Poinciana

**Attachments:**      [700 Eaton Street and 704 Eaton Street](#)

Due to the owner of 704 Eaton Street not being sure she wanted to proceed with the application, a motion was made by Mr. Neil Mellies II, seconded by Ms. Robin Robinson, that the Action Item be Postponed until both property owners come to an agreement. The motion passed by an unanimous vote. No Public input.

- 10**                     **700 Eaton Street/T15-7377/Poinciana Partners LLC**  
**Represented by:** Michael Herrera and Nick Downs

**Removal:** 1-Jacaranda and 4-Surinam Cherry

**Attachments:**     [700 Eaton Street](#)

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-Jacaranda and 4-Surinam Cherry at 700 Eaton Street and replace with 20.7 caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

11

**717 Fort Street/T15-7379/KW Properties, LLC**

**Represented by:** Larrie Busloff-Leaping Lizard

**Removal:** 1-Strangler Fig

**Attachments:**     [717 Fort Street](#)

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-Strangler Fig at 717 Fort Street and replace with 35.6" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

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**1204 20th Terrace/T15-7382/Danny Kolhage**

**Represented by:** Larrie Busloff-Leaping Lizard

**Removal:** 1-Mahogany

**Attachments:**     [1204 20th Terrace](#)

In accordance with Sec. 110-328, 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 1507 Grinnell Street based on Sec. 110-328(1). The motion carried by unanimous voice vote. No Public input.

13

**1507 Grinnell Street/T15-7385/Colin & Paula Cabot**

**Represented by:** Kenneth King

**Removal:** 1-Gumbo Limbo

**Attachments:**     [1507 Grinnell Street](#)

Due to there not being a Letter of Representation on file, a motion was made by Ms. Sue Sullivan, seconded by Mr. Neil Mellies II, that the Action Item be Postponed. The motion carried by unanimous voice vote.

14

**700 Elizabeth Street/T15-7386/Chip Edwards**

**Represented by:** Kenneth King

**Removal:** 1-Avocado

**Attachments:**     [700 Elizabeth Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Sue Sullivan, seconded by Mr. Neil Mellies II, that the Action Item be Approved to remove 1-Avocado at 700 Elizabeth Street 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.

**15 916 Eisenhower Drive/T15-7387/Lynn Retson**

**Represented by:** Kenneth King

**Removal:** 1-Royal Poinciana

**Attachments:**     [916 Eisenhower 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-Royal Poinciana at 916 Eisenhower Drive 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.

**16 1109 Fleming Street/T15-7388/Paul Murzyn**

**Represented by:** Rob Crider-Just Keys Trees

**Removal:** 3-Gumbo Limbo, 1-Royal Poinciana, 1-Mahogany, and 1-Unidentified tree

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

At the request of the representative, the 1-Unidentified tree was removed from consideration until such time as the tree is identified.

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 3-Gumbo Limbo, 1-Royal Poinciana, and 1-Mahogany, at 1109 Fleming Street and replace with 26.5" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

**17 1019 Flagler Avenue/T15-7390/Lawrence Carter**

**Represented by:** Kenneth King

**Removal:** 1-Spanish Lime

**Attachments:**     [1019 Flagler Avenue](#)  
                              [Additional Photos - 1019 Flagler Avenue](#)

**Public Comments:**

Tom Pope – 1015 Flagler Avenue (next door neighbor)

Mr. Pope presented evidence of destruction to his property being caused by the roots of the tree.

In accordance with Sec. 110-327, a Motion was made by Mr. Neil Mellies II, seconded by Ms. Denise Bravo, that the Action Item be Approved to remove 1-Spanish Lime at 1019 Flagler Avenue and replace with 11.7" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

**18 525 Francis Street/T15-7391/Mary and Karl Haffenreffer**

**Represented by:** Kenneth King

**Removal:** 1-Golden Senna

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

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 1-Golden Senna at 525 Francis Street and replace with 2.6" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

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**3029 N. Roosevelt Blvd/T15-7394/Key Cove HOA****Represented by:** Cynthia's Blue Palms**Removal:** 1-Strangler fig and 1-African Tulip tree

**Attachments:**     [3029 N Roosevelt Boulevard](#)

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-Strangler fig and 1-African Tulip tree at 3029 N. Roosevelt Blvd and replace with 30.8" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

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**1430 Tropical St/Von Phister ROW/T15-7398/City of Key West****Represented by:** Karen DeMaria**Removal:** 1-Strangler Fig

**Attachments:**     [1430 Tropical Von Phister](#)

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-Strangler Fig at 1430 Tropical St/Von Phister ROW and replace with 57" caliper inches, FL#1, native dicot, or fruit trees to be planted on City property. The motion carried by unanimous voice vote. No Public input.

## Administrative Hearing

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**330 Julia Street / Eric Dickstein (Owner)****Respondent:** Eric Dickstein**Alleged Violation:** Unauthorized removal of a Strangler Fig

**Attachments:**     [330 Julia Street - Administrative Hearing](#)

When asked by the Tree Commission Chairman Robert Bethel, the respondent: Eric Dickstein owner of 330 Julia Street indicated his desire to enter into a Compliance Settlement Agreement with the Tree Commission.

A motion was made by Ms. Robin Robinson, seconded by Ms. Denise Bravo, that:

An After-The-Fact tree removal permit shall be submitted by Mr. Dickstein and will be issued to authorize the removal of the Strangler Fig with required replacements of 5.7" caliper inches, FL#1, native dicot, or fruit trees to be planted on site. The motion carried by unanimous voice vote. No Public input.

22

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

**Respondent:** South Wind Pools

**Alleged Violation:** Unauthorized removal of one (1) Coconut Palm

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

Due to the Respondent Southwind Pools not being present for the second month, Ms. DeMaria requested the Commissioners continue with the hearing. A motion was made by Ms. Sue Sullivan, seconded by Ms. Robin Robinson that:

The respondents shall :

- a) Pay a fine of \$500 to the Tree Commission fund.
- b) With the property owner's approval, purchase and pay for planting a similar sized Palm tree on the property.

If the Respondent does not agree with the terms of the Compliance Settlement Agreement the case will be submitted to the Special Magistrate for hearing. Ms. DeMaria's report was submitted as evidence.

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

## Public Comments

*Ms. Dede Desmond - 518 Elizabeth Street -  
Me. Desmond stated her disappointment in seeing the large old Gumbo Limbo at 618 Free School Alley be removed.*

## Urban Forestry Program Manager's Report

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### April TC Monthly Report

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

Received and Filed

## Assistant City Attorney's Report

## Comments from Commissioners

## Adjournment