

Administrative Hearing Notice



THE CITY OF KEY WEST

Tree Commission

Post Office Box 1409 Key West, FL 33041-1409

Telephone: 305-809-3723

NOTICE OF ADMINISTRATIVE HEARING BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST

June 22, 2015

Tree Commission
City of Key West
Petitioner,

Vs.

Joseph Farber
428 Greene Street
Key West, FL 33040

Richard Johnson
38 Portside Drive
Ft. Lauderdale, FL 33316

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, November 10, 2015**, at 5:00 p.m., at Old City Hall, 510 Green St. Key West, Florida.

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. Your presence is required at this Tree Commission meeting.

Date of alleged violation: prior to June 19, 2015 at 428 Greene Street (Capt Tony's Saloon)

Alleged code violation:

Sec. 110-256. Tree abuse.

- (b) *Prohibited acts. A tree shall be considered abused if a person takes an action so that one of the following*
 - (2) *Damage inflicted to or cutting upon a tree which permits infection or pest infestation.*
 - (7) *Tears and splitting of limb ends or peeling and stripping of bark.*

Section 110-321. Permit Required.

- (a) *Unless a tree removal permit approved by the tree commission and issued by the urban forestry manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:*

- (1) *Any tree listed as "specially protected" in section 110-253;*

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.



Factual allegation: The historic strangler fig tree at 428 Greene Street was improperly trimmed. A major maintenance permit was required for the trimming work (more than 1/3 of the canopy was removed and 6" diameter cuts were made). No permit was applied for or issued for major maintenance of the tree.

On September 16, 2015, the Tree Commission for the City of Key West found that there had been a violation of the above code section and a motion was made to fine the company that did the trimming work \$2000, to fine the property owner \$3000, and to require the property owner to do the Specific Procedures as outlined in the Arborist Report dated September 2, 2015.

After the meeting, it was determined that the property owners had not been properly served with the violation, therefore, with this notice, I am notifying you of the need to attend the hearing in front of the Tree Commission to discuss the settlement motion.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been e-mailed to the Respondent (Mr. Farber), and has been sent regular mail and certified U.S. , return receipt requested, to the above named Respondent's listed address pursuant to Sec 110-289, on this **19th day of October 2015**.

If you have any questions, please call the office at (305) 809-3768.



Karen DeMaria
Urban Forestry Manager
kdemaria@cityofkeywest-fl.gov

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Joseph Farber
428 Greene Street
Key West, FL 33040**

2. Article Number
(Transfer from service label)

7003 0500 0002 2662 2933

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Don Moreno

C. Date of Delivery

10/21/16

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540

Staff Report

STAFF REPORT

DATE: November 2, 2015

RE: **428 Greene Street Administrative Hearing**

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

A large Strangler Fig tree located at Capt. Tony's Saloon was improperly, heavily trimmed around June 18, 2015 by Islandscaing. A notice was sent to Islandscaing as the respondent copying the property owners. The first administrative hearing was held on July 14, 2015. A representative for Islandscaing and the property owners were in attendance. The Tree Commissioners requested that the respondent hire an independent arborist to evaluate the tree and come up with a recommendation as to how to resolve the improper trimming.

A Certified Arborist's report regarding the tree was received by the Tree Commission on September 15, 2015. The second administrative hearing was held on September 16, 2015. A representative from Islandscaing, the respondent, was in attendance. No one representing the property owners was in attendance. At this meeting the Tree Commission made a determination that the property owner would have to do the Specific Procedures listed in the Certified Arborist's report and a \$5000 fine was levied against the property owner and Islandscaing with the property owner paying \$3000 and Islandscaing paying \$2000.

When notified of the settlement, the property owner objected to the settlement (see attached e-mail). Normally, this issue would be sent to Code Enforcement for processing but it was determined that the property owners were never cited as respondents. Therefore, their obligation to attend the hearing and defend their actions or accept a settlement was not clearly stated.

The hearing on November 10, 2015 is to allow the property owners, now cited as respondents, to be heard and explain their position in regards to a settlement agreement. The file against Islandscaing is in the process of being resolved at this time with the signing of a Settlement Agreement.

Karen DeMaria

From: Thefabe35@aol.com
Sent: Thursday, September 24, 2015 3:22 PM
To: Karen DeMaria
Cc: jasoninkw@comcast.net
Subject: Capt Tony's saloon

Dear Karen ,

After watching the commission meeting regarding the tree trimming at the saloon. I would request a meeting or hearing with Code Enforcement Special Magistrate.

Several things at the meeting were very concerning to me.

First, one of the commissioners stated "I have had previous incorrect cuts on the tree therefore, I should be fined because this cut was done on the cheap". She also stated, " the bottom line is what was important to me ". Her assumption is, I take the less expensive road in my care for the tree, nonsense. Further she said, "I have no concern for the history of the tree". These remarks are simply unwarranted. The previous cuts were under duress as the tree was severely damaged after hurricane Wilma. The large limbs that were felled were trimmed the safest way possible to save the tree.

The commissioners went on to say " I hired an inexperienced cutter to do this job and the cut is the owners responsibility". If in fact that is the case, I would like to know the city's culpability for giving this tree cutter a license to cut trees in the city of Key West ?

Over the many years I have owned this historic saloon I have done everything in my power to keep this tree which is a living piece of history alive. That is the reason I always hire a reputable company to do the work.

Now, by trying to do the best thing for the tree, not only am I fined but the commission is not making the company responsible for the incorrect cuts come back and repair the damage he has caused the tree.

That decision along with my fine are two errors the commission made in this case.

The simple fact the commissioners missed is, I do not have the knowledge to cut trees the correct way for a living. I must rely on businesses the city licenses to do the jobs I cannot .

Respectfully, Joe Faber

STAFF REPORT

UPDATE: August 4, 2015

RE: **428 Greene Street (Capt Tony's Saloon)**

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

On July 28, 2015, I met with Jason, manager of Capt Tony's Saloon, to get a close up look at the Strangler Fig tree. The tree is growing in the bar and the roof was built around it. The diameter of the tree is 32.5". The base of the tree appears to be solid.



Photos were then taken of the remaining canopy of the tree and the trimming cuts.











Comments: More than 30% of the canopy has been removed and large diameter branches (over 6" diameter) have been cut without benefit of a major maintenance trimming permit. No permit was applied for or issued for this work.

There appears to be healthy wood at the cuts. Some of the cuts need to be properly recut. The canopy of the tree will require long term, proper trimming maintenance in order to ensure a healthy future canopy.

The property owner and respondent were asked at the July 14, 2015 Tree Commission meeting, to have an independent arborist inspect the tree and submit a report as to a remedy to correct the trimming situation with the tree.

DATE: June 30, 2015

RE: **428 Greene Street (Capt Tony's Saloon)**

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

On June 18, 2015 a complaint was received regarding the trimming of a tree at Capt. Tony's Saloon. An inspection revealed a strangler fig tree had been improperly trimmed and the trimming work required a permit from the Tree Commission (heavy maintenance trimming-more than 1/3 of the canopy removed and branches over 6" diameter were cut.) The tree is also known as "the hanging tree."

No permits were issued by the Tree Commission to do the trimming work. A Use of Right of Way Permit (15-211) was issued to David Cunningham (Landscaping) on June 12, 2015 by Code Enforcement to close the right of way on June 16, 2015 to trim the tree.









On June 18, 2015 I spoke to a person who was opening the bar that day. He took my contact information, gave me information as to who trimmed the tree, and said the manager would call me. On June 22, 2015, I spoke to the manager of Capt. Tony's, Jason, and he said the owner was not happy with the trim work. I informed him of the administrative procedures and the need for someone representing the business and the tree to attend the Tree Commission meeting. Later, I spoke with David Cunningham of Island Landscaping and informed him of the issue. He said they do have an arborist on staff and they thought they had secured all the necessary permits. He was informed that he would have to attend a meeting of the Tree Commission to explain the work.



photo 2011?

Green St hanging tree improperly trimmed (complaint) 6-18-15

DATE OF APPLICATION: 6/4/15
(AT LEAST 3 BUSINESS DAYS PRIOR TO WORK BEING PERFORMED)
REQUESTED START DATE: Click here to enter a date.

PERMIT NO. **15.211**
RENEWAL: ☐
Inter-office use only

Agreement for Use of Right of Way ☒
Maintenance of Traffic ☒
Sidewalk Closure ☒
Street Closure ☐

Section I - Application

LOCATION OF WORK: 428 GREEN STREET
PROPERTY OWNER: Joe Fleen
PROPERTY OWNER ADDRESS IF DIFFERENT THAN WORK LOCATION:

PHONE: 404-570-1234

CONTRACTOR BUSINESS NAME: ISLANDER

PHONE: 305 587 8584
EMAIL: DAVE@ISLANDER.COM

CONTRACTOR ADDRESS: 10771 6th Ave South
MANASSAS, VA 20108

REQUESTED DATES OF WORK: START: 6/16/15
END: 6/16/15

TIME: 12:00
TIME: 5:00 PM

Description of use/work/maintenance or closure:
CLOSE EASTBOUND LANE OF
GREEN STREET FROM TELEGRAPH
STREET TO DOWNS STREET SO THAT
WE MAY PRUNE TREES IN FRONT
OF THE GREEN STREET TO TRIM
TREE OVER BUILDING.

Signage/Flaggers required? ☐
Plans attached? Yes ☒ No ☐
Name of Applicant: DAVID CYNANINGRAM
Signature of Applicant: [Signature]

Section II - Permit

For General Engineering Services Only

Plans for Right of Way required: ☐ Yes ☐ No ☐ Approved ☐ Denied ☐ N/A
Plans for Traffic Maintenance ☐ Approved ☐ Denied ☐ N/A

HARC approval required ☐ Yes ☐ No

Reviewed by: [Signature], Code Compliance Department
Staff Comments/Specific Instructions:

Permit approved by: [Signature] Date: 6-4-15

City Manager Approval (complete road blockage) _____ Date: _____

Section III – Agreement

1. Any and all excavation work must follow BMP practices as defined by the EPA concerning all storm water retention (silt screens, hay bales, etc.).
2. Unless specifically approved otherwise, all pavements must be repaired within 48 hours of completion of work or Bond will be withheld.
3. ADA Codes must not be violated during the work closure.
4. ADA specifications shall be ADAAG.

I, (Sign & Print) David Cunningham hereby agree to obey all of the City of Key West requirements for proper repairs and/or traffic maintenance involved with the above described work, including above storm water retention guidelines as defined by the EPA. I have legal authority to bind the entity to the terms and conditions of this permit. Maintenance of traffic shall be governed by requirements prescribed by the Florida Department of Transportation regulations. Protection of property, either public or private, shall be governed by City Code (including Chapter 62), the requirements of the Standard Building Code, and any specific conditions noted above. I. notification shall be given to all occupants and owners of properties that are in the same block as to when

A deposit in the form of certified funds payable to the City of Key West may be required. The amount repaid or to reimburse the City for improper materials or workmanship should I not comply with the term returned if the inspection of the completed work is satisfactory to Engineering Services.

I further agree to indemnify the City of Key West, its employees, agents and invitees from any injuries to result of the above described work. This indemnification shall survive the completion of the work described

KWBlding93058093957
3140 Flagler Ave
Key West, FL 33040
305-809-3957

TERMINAL ID: 74005400
MERCHANT #: 300979695243

SECTION IV – BONDS **inter-office use only*

Bond Deposit: \$ _____ Date: _____ Received from: _____
Cash ☐ Certified Check ☐ Money Order ☐ Insurance B: _____
Inspected for compliance by: _____ Date: _____
Bond returned ☐ Date: _____ Amount: \$ _____
Person receiving bond refund: Printed _____ Signature _____

MASTERCARD
*****5026 EXP:11/11
SALE
BATCH: 000490 INV: 000012
Jun 12, 15 12:39
RAN: 516316206276 AUTH: 013949
TRAN SEQ #: 017761

TRANSACTION ID: 061210BLHAST

APPROVAL 013949

TOTAL \$50.00

SECTION V – FEES

- ☐ Maintenance of traffic application fee.....20.00
- ☐ Maintenance of traffic permit fee.....30.00
- ☐ Parking Meter Fee (if obstructed).....20.00
- ☐ Overnight storage application fee.....10.00
- ☐ Overnight storage permit fee.....10.00
- ☐ Re-inspection fee (if no compliance with the above permits, thus require
- ☐ Upon a third submittal of drawings in support of the above permit application per hour.....45.00

DAVID CUNNINGHAM

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
MERCHANT AGREEMENT IF CREDIT VOUCHER

THANK YOU!

MERCHANT COPY

Date:

Received by:

Receipt:

← DUVAL STREET →

(Close Green Street)

GREEN
LANE
PAST
DARE

CLOSE
LANE

CAPTAIN
TOWNS
SHOON

CLOSE
LANE

Fitzpatrick

CLOSE
LANE

← 137761
140293731 →

② ◇ Sidewalk
closed Ahead
Lane closed
Detour

No
TRUCKS Sign

Whitehead

**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Entity Name****Florida Profit Corporation**

CAPT TONY'S KEY WEST BAR, INC.

Filing Information

Document Number	331407
FEI/EIN Number	591213723
Date Filed	06/18/1968
State	FL
Status	ACTIVE
Last Event	REINSTATEMENT
Event Date Filed	11/01/1996

Principal Address428 GREEN STREET
KEY WEST, FL 33040**Mailing Address**428 GREEN STREET
KEY WEST, FL 33040**Registered Agent Name & Address**FABER, JOSEPH
428 GREENE ST
KEY WEST, FL 33040

Name Changed: 04/26/1993

Address Changed: 03/14/1994

Officer/Director Detail**Name & Address**

Title PD

JOHNSON, RICHARD
428 GREENE ST.
KEY WEST, FL**Annual Reports**



Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
Marathon (305) 289-2550
Plantation Key (305) 852-7130

Property Record Card -

Maps are now launching the new map application version.

Alternate Key: 1001481 Parcel ID: 00001470-000000

Ownership Details

Mailing Address:

JOHNSON RICHARD MD
38 PORTSIDE DR
FT LAUDERDALE, FL 33316-3008

Property Details

PC Code: 12 - STORE/OFF/RES OR COMBINATION

Millage Group: 10KW

Affordable Housing: No

Section-Township-Range: 06-68-25

Property Location: 428 GREENE ST KEY WEST

Legal Description: KW PT LOT 5 SQR 15 OR305-182 OR640-319/20 OR942-159/60 OR947-878/79C OR1087-2201/03

[Click Map Image to open interactive viewer](#)



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	89	50	4,534.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 4377
 Year Built: 1948

Building 1 Details

Building Type
Effective Age 22
Year Built 1948
Functional Obs 0

Condition G
Perimeter 404
Special Arch 0
Economic Obs 0

Quality Grade 400
Depreciation % 27
Grnd Floor Area 4,377

Inclusions:

Roof Type
Heat 1
Heat Src 1

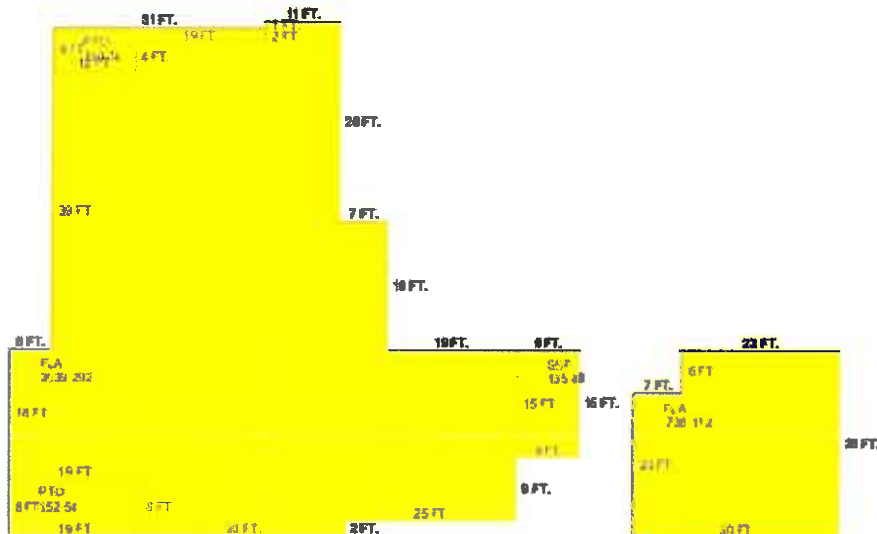
Roof Cover
Heat 2
Heat Src 2

Foundation
Bedrooms 0

Extra Features:

2 Fix Bath 0
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 13

Vacuum 0
Garbage Disposal 0
Compactor 0
Security 0
Intercom 0
Fireplaces 0
Dishwasher 0

**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1993					3,639
2	PTO		1	1993					152
3	SBF		1	1993					135
4	PTO		1	1993					110
5	FLA		1	1993					738

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	570	NIGHT CLUBS, BARS C	100	Y	Y
	574	APARTMENTS	100	Y	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
183	AVE WOOD SIDING	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	108 SF	0	0	1989	1990	2	30
2	FN2 FENCES	20 SF	0	0	1994	1995	2	30

Appraiser Notes

TPP 8510896 - CAPTAIN TONY'S KEY WEST BAR INC

PETITION KW 096-1997

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
1 07-5313	12/10/2007	01/24/2008	300	Commercial	REPAIR FACIA WHERE NEEDED AND REINSTALL EXISTING SIGN
1 11-3541	09/26/2011		2,100	Commercial	ADD 3" OPEN CELL SPRAY FOAM TO APPROX 950 SQ FT OF FRAME WORK
1 11-4113	11/10/2011		8,100	Commercial	REMOVE APPROX 8" OF NON FUNCTIONAL DOOR AND POUR 8" CONCRETE STEM WALL, FILL IN AREA FLANKING THE DOOR WITH CONCRETE PAINT STEM WALL BLACK
1 13-3671	09/03/2013		0		EMERGENCY PLUMBING REPAIR REPLACE APPROX 80 FT 4" SEWER PIPE
1 B94-3476	10/01/1994	12/01/1994	2,000	Commercial	REPAIRS
1 B94-3852	11/01/1994	12/01/1994	80	Commercial	REPAINT SIGN
1 E94-4148	12/01/1994	01/01/1995	3,000	Commercial	UPGRADE ELECTRICAL
1 M95-0983	03/01/1995	11/01/1995	9,500	Commercial	3 - 5 TON AC'S
1 B95-3151	09/01/1995	12/01/1995	100	Commercial	WOOD FENCE
1 98-0725	04/01/1998	01/01/1999	500	Commercial	PATCH 300 SQ FT ROOL ROOF
1 00-4357	12/13/2000	11/29/2001	50,000	Commercial	FIRE SPRINKLERS
1 02-1132	05/14/2002	09/05/2002	13,693	Commercial	ROOFING
1 02-3141	11/25/2002	09/16/2003	2,450	Commercial	NEW SERVICE
1 03-0626	03/04/2003	09/16/2003	220	Commercial	RE-PAINT BUILD ATF
1 03-2337	07/01/2003	09/16/2003	2,220	Commercial	REINSTALL AIR HANDLER
1 03-2755	08/13/2003	09/16/2003	500	Commercial	REMOVE AWNING
1 05-0324	02/02/2005	11/08/2005	2,000	Commercial	REPAIR ELECTRIC RISER
1	04/07/2004	10/06/2004	2,000	Commercial	MOVE SINK

	04-1088						
1	05-3424	08/14/2005	11/08/2005	1,350	Commercial	INSTALL NEW AWNINGS	
1	05-3106	09/08/2005	11/06/2005	500	Commercial	REPAIR ROOF DAMAGE	
1	05-3100	09/08/2005	11/08/2005	410	Commercial	REPLACE FRONT FACADE	
1	06-6818	12/28/2006		2,000	Commercial	RELOCATE HANDICAP LAVATORY & URINAL ONLY	

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2014	444,235	179	712,820	1,157,234	1,157,234	0	1,157,234
2013	389,467	179	682,927	1,072,573	1,072,573	0	1,072,573
2012	389,467	181	682,927	1,072,575	1,072,575	0	1,072,575
2011	407,723	184	758,808	1,166,715	1,073,581	0	1,166,715
2010	407,723	186	568,074	975,983	975,983	0	975,983
2009	425,979	188	583,500	1,009,667	1,009,667	0	1,009,667
2008	425,979	191	1,201,510	1,697,759	1,697,759	0	1,697,759
2007	307,952	205	1,201,510	1,697,759	1,697,759	0	1,697,759
2006	307,952	222	453,400	1,697,759	1,697,759	0	1,697,759
2005	324,826	236	430,730	1,697,759	1,697,759	0	1,697,759
2004	261,835	249	430,730	1,697,759	1,697,759	0	1,697,759
2003	287,525	266	326,448	1,697,759	1,697,759	0	1,697,759
2002	286,678	281	326,448	1,697,759	1,697,759	0	1,697,759
2001	276,516	294	359,093	1,406,885	1,406,885	0	1,406,885
2000	276,516	116	309,219	1,370,558	1,370,558	0	1,370,558
1999	276,516	121	269,320	1,654,399	1,654,399	0	1,654,399
1998	184,775	125	269,320	1,040,687	1,040,687	0	1,040,687
1997	224,369	132	259,345	1,040,687	1,040,687	0	1,040,687
1996	203,972	137	259,345	555,336	555,336	0	555,336
1995	202,569	0	259,345	555,336	555,336	0	555,336
1994	202,569	0	259,345	555,336	555,336	0	555,336
1993	91,168	0	259,345	535,981	535,981	0	535,981
1992	91,168	0	259,345	535,981	535,981	0	535,981
1991	148,511	1,219	259,345	647,326	647,326	0	647,326
1990	148,511	1,219	229,420	647,326	647,326	0	647,326
1989	148,511	1,219	224,433	559,709	559,709	0	559,709
1988	91,386	1,219	195,755	482,371	482,371	0	482,371
1987	89,578	1,219	122,418	466,164	466,164	0	466,164
1986	90,020	1,219	122,418	446,120	446,120	0	446,120
1985	86,689	1,219	113,169	417,831	417,831	0	417,831
1984	85,503	1,219	54,408	243,447	243,447	0	243,447

1983	85,524	1,219	32,016	118,759	118,759	0	118,759
1982	79,774	1,219	29,833	110,826	110,826	0	110,826

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
4/1/1989	1087 / 2201	340,000	WD	U
5/1/1985	942 / 159	38,500	WD	U
2/1/1976	640 / 319	55,000	00	Q

This page has been visited 79,638 times.

Monroe County Property Appraiser
Scott P. Russell, CFA
P O Box 1176 Key West, FL 33041-1176

Cynthia's Blue Palms

City of Key West Tree Commission

September 2, 2015

Following are my findings of evaluation concerning the Strangler Fig tree growing at Captain Tony's Saloon property located at 428 Greene Street, Key West, Florida.

I was retained by the tree trimmer Dave Cunningham, owner Islandspring, Inc. I was asked to 'evaluate an improperly trimmed Strangler Fig tree and recommend a plan to resolve the improper trim'.

FACT The historically significant Strangler Fig tree, named the 'Hanging Tree', is growing from the interior of Capt. Tony's Saloon. The roof was built around the trunk. The canopy of the tree is growing over the roof. According to the City of Key West Urban Foresters staff report the tree was last pruned prior to June 19, 2015 improperly and without a Tree Commission approved permit.

The **Strangler Fig, *Ficus aurea***, tree is considered a large maturing and fast growing tree maturing at heights of 40-60 ft. and width of 20-60 ft. with a listed life span from Florida Native Plant Society as 'long-lived perennial'. Ficus tree species is also listed by Dr. Ed Gilman, internationally known leading expert in arboriculture, as a poor compartmentalizer and prone to decay.

Evaluation/Findings The Strangler Fig growing at 428 Greene St. is mature and purported historical age to be over 150 years. Within the building the trunk is 32.5 diameter inches measured at approximately 4' above the grade of soil (photo 1). Concrete surrounds the tree trunk, 360° hence no root inspection possible. The condition of the tree is poor with 3 remaining scaffolding branches above the roof with no main leader. The trees trunk is in poor condition with a slight lean. A large column of decay was noted on the upper trunk (inside the building) that extends from approximately 7.5 ft. above the concrete grade upward toward the NE (above roof) scaffolding branch terminus of same branch. The connecting branch union was also impacted with decay (photo 2). Inspection of the portion of tree

immediately connecting trunk to scaffolding branches was not possible due to ceiling and roof built around tree (photo 3). Colonies of insects; ants and possibly termites were noted from the trees base to the top of tree (photo 4). Past photographs depict historical pruning events in which the tree appears to have been topped. The remaining large limb was topped showing vigorous adventitious sprouting with decay (photo 5). Also noted were complete large branch removals with open decay wounds, cracking/splitting, sun scald and adventitious sprouting branches over 4' in length (photo 6). Recent severe pruning has forced some adventitious sprouting on all limbs (photo 7). Above the roof a thick shower liner was nailed to cover one of the branches past removed to hinder rain from entering into to the building (photo 8). Also noted is what appears to be a rubbery white paint used to seal the tree and roof from water intrusion. This painting surrounds the trunk at roof junction (photo 9).

Current pruning events indicate all remaining scaffolding branches, except one growing to the south, removed by indiscriminate topping cuts. The NE remaining scaffolding branch is an upward severally topped flat cut with no pitch; sprouting has begun in several locations on branch. The NW remaining scaffolding branch is severally topped with slight pitch; adventitious sprouting has begun in several locations on branch. The Southernmost remaining scaffolding branch splits to the east and south. The eastern branch is severally topped; adventitious sprouting has begun in several locations on branch. The southernmost lions-tailed branch remains intact with several improperly pruned cuts; one jagged the other ripped and adventitious sprouting has begun in several locations on branch (photo 10).

I conclude that due to current conditions of this tree; maturity, decayed condition, setting of tree (encased in building) and past and current pruning events that tree death is highly possible. However, if the decision to retain the tree is made due diligence of many pruning events over a number of years is required. Trees do not heal; they simply build new tissue around wounded areas.

Objectives for Restoration

Restore tree canopy by managing sprouts. Reduce potential hazardous conditions, improve tree structure and longevity.

Specific Procedures

- 1) Hire an International Society of Arboriculture certified arborist to administer ANSI A300 pruning standards.
- 2) If required, Cable remaining lions-tailed branch, to reduce likelihood of branch failure. Correctly prune recent cuts. Correctly prune ripped cut below the point of the tear to allow the wound to seal over properly, if possible, or trace ripped wound to allow closure.
- 3) Inspect tree quarterly for first year to remove dead branches and evaluate trees condition, then annually for 5 years.
- 4) Adventitious sprouts shall be allowed to remain and develop on entire tree for minimum of 2 years. Then clean, reduce, and thin, sprouts along the entire length of the limbs removing not more than 10% of sprouting. Adventitious sprouts are in response to over-pruning in an attempt to replace the stored energy. Wait until sprout growth slows before next pruning visit.
- 5) Due to the condition, maturity and setting of the tree large branches shall not be allowed to develop.
- 6) No live branches larger than 3 inches diameter shall be removed without prior approvals and/or permits.
- 7) A written evaluation should be submitted to owner and Urban Forestry Manager at end of second and fifth year to determine whether the tree is recovering or declining and make any adjustments to procedures if required.

If you have any questions concerning this report please contact me at 305/747-2141.

Cynthia Domenech-Coogle, ISA Certified Arborist, FL 0277A

References

An Illustrated Guide to Pruning, Second Edition by Edward F. Gilman. Copyright 2002