

STAFF REPORT

DATE: November 2, 2017

RE: **320 William Street Administrative Hearing**

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

A complaint was received regarding the unauthorized removal of a palm tree at 320 William Street. The homeowner, Barbara Bowers, stated that her neighbor, Ed Smanzski (324 William Street), hired Jimmy C Trees to cut off the top of her fan palm tree. An e-mail from Ms. Bowers describing the incident is attached to this report.

The removal of the top of the palm is improper trimming of the palm and is considered tree abuse. Removing the top of a palm kills the palm. Fan Palms are regulated if over 10 ft tall. The fan palm that was removed (killed) is over 10 ft tall and therefore regulated and a permit is required to remove it. No permits were or have been issued for the removal of the palm. Ownership of the palm is based on where its trunk comes out of the ground. The palm is owned by the property owner of 320 William Street

A search on social media found advertisements for Jimmy C Trees-James Corum. Neither the business or the person has a license to work in the City of Key West.



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**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**

October 26, 2017

Tree Commission
City of Key West
Petitioner,

Vs.

Edward Schmanski
324 William Street
Key West, FL 33040

Jimmy C Trees Service
Attn: James Corum
1158 Belden Lane
Gulf Breeze, FL 32563-8019

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, November 14, 2017, at 5:00 p.m., at Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, 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 Respondents. Your presence is required at this Tree Commission meeting.

Date of alleged violation: October 7, 2017 at 320 William Street

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 occurs:
- (3) Cutting upon any tree which permanently reduces the function of the tree or causes it to go into irreversible decline.

Sec. 110-321. 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:
- (2) Any monocot/palm tree which is ten (10) feet or more in height measured to the terminal bud. Palm tree counts are determined by root ball;

Factual allegation: One (1) Fan Palm, over 10 ft tall and therefore, a regulated palm, had its top/heart removed. The removal of the heart removes the growth center of the palm thereby killing it. A permit is required to remove regulated palms.

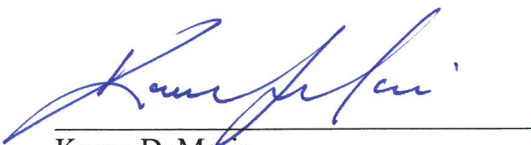


If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the City of Key West pursuant to section 110-294 of the Key West City Code.

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 mailed to the Respondents and has been sent regular mail and certified U.S. Mail to the above named Respondents listed address on this **27th day of October 2017.**

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



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

cc: Barbara Bowers, 324 William Street, Key West, FL 33040