



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final - Final Tree Commission

Tuesday, August 11, 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 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. Mellies II, and Ms. Sullivan

Present 4 - Mr. Atwell, Ms. Bravo, Ms. Robinson, and Mr. Jackson

Approval of Agenda

Ms. DeMaria stated that item #02 was Withdrawn by the La Brisa Association prior to the meeting. Ms DeMaria requested that per the request of the respondent to postpone item #18. A motion was made by Ms. Robin Robinson, seconded by Mr. Tim Atwell, that the agenda be approved as amended by Ms. DeMaria. The motion carried by unanimous voice vote.

Approval of Minutes

1 July 14, 2015 Minutes

Attachments: [July 14, 2015 Minutes](#)

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

Old Business

2 **1901 S. Roosevelt Boulevard/T15-7477/La Brisa Association Inc**
Represented by: Daniel Cholak
Removal: 1-Mahogany

Attachments: [1901 S Roosevelt Boulevard](#)

The La Brisa Association Inc. Withdrew the application prior to the meeting.

- 3** **1212 Olivia Street/T15-7478/James and Leigh Connell**
Represented by: Kenneth King
Removal: 2-Spanish Limes

Attachments: [1212 Olivia Street presented at July 14, 2015](#)

At the request of the representative to Postpone the item, a motion was made by Ms. Robin Robinson, seconded by Ms. Denise Bravo, that the Action Item be Postponed. The motion passed by an unanimous voice vote.

New Business

- 4** **1410 Washington Street/T15-7487/Andy Strunk**
Removal: 1-Avocado and 1-Strangler Fig

Attachments: [1410 Washington Street](#)

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 1-Avocado and 1-Strangler Fig at 1410 Washington Street and replace with 11.1" 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.

- 5** **3930 S Roosevelt Boulevard/T15-7493/Las Salinas Condo Association**
Represented by: Gregory Oropeza
Removal: 1-Pongam Tree

Attachments: [3930 S Roosevelt Boulevard](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson, seconded by Mr. Tim Atwell, that the Action Item be Approved to remove 1-Pongam Tree at 3930 S Roosevelt Boulevard and replace with 11" 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** **1118 Whitehead Street/T15-7505/Brittany Snyder**
Represented by: Tarzan Tree Care
Removal: 1-Royal Poinciana

Attachments: [1118 Whitehead Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Denise Bravo, seconded by Ms. Robin Robinson, that the Action Item be Approved to remove 1-Royal Poinciana at 1118 Whitehead Street and replace with 4.9" 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 1118 Olivia Street/T15-7507/Lionsgate Condo - John Mayer - Sec.**Represented by:** Kenneth King**Removal:** 1-Avocado**Attachments:** [1118 Olivia Street](#)

In accordance with Sec. 110-328 #1, a Motion was made by Ms. Robin Robinson, seconded by Ms. Denise Bravo, that the Action Item be Denied. No Public input.

No: 1 - Chairman Jackson

Absent: 2 - Mr. Mellies II, and Ms. Sullivan

Yes: 3 - Mr. Atwell, Ms. Bravo, and Vice Chair Robinson

8 1109 Windsor Lane/T15-7508/Key West PH LLC**Represented by:** Kenneth King**Removal:** 1-Bulnesia**Attachments:** [1109 Windsor Lane](#)

In accordance with Sec. 110-327, a Motion was made by Mr. Tim Atwell, seconded by Ms. Denise Bravo, that the Action Item be Approved to remove 1-Bulnesia at 1109 Windsor Lane and replace with 4.5" caliper inches, FL#1, native dicot, or fruit trees from the approved list, to be planted on site. No Public input.

No: 1 - Vice Chair Robinson

Absent: 2 - Mr. Mellies II, and Ms. Sullivan

Yes: 3 - Mr. Atwell, Ms. Bravo, and Chairman Jackson

9 1319 Olivia Street/T15-7509/Daniel Bready**Represented by:** Kenneth King**Removal:** 1-Gumbo Limbo**Attachments:** [1319 Olivia Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Denise Bravo, seconded by Ms. Robin Robinson, that the Action Item be Approved to remove 1-Gumbo Limbo at 1319 Olivia Street and replace with 13.7" 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.

10 723 Olivia Street/T15-7510/Sunny Diamond Estates LLC - Pallab Sengupta "Jack"**Represented by:** Larrie Busloff-Leaping Lizard**Removal:** 1-Avocado**Attachments:** [723 Olivia Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson, seconded by Mr. Tim Atwell, that the Action Item be Approved to remove 1-Avocado at 723 Olivia Street and replace with 12.5" 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.

11

111 Olivia Street/T15-7512/City of Key West**Represented by:** Andy Hayes-Hayes Cumming Architects**Final Design and Removal:** 1-Caesalpinna and 1-Mahogany

Attachments: [111 Olivia Street](#)

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 1-Caesalpinna and 1-Mahogany and to Approve the Final Landscape Plan at 111 Olivia Street and replace with 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.

12

822 Eaton Street/T15-7516/Kate Douglas**Represented by:** Nick Downs-A Caring Tree Company**Removal:** 1-Sapodilla

Attachments: [822 Eaton Street](#)

Due to the representative 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.

At the end of the meeting, due to the representative not being present, a Motion was made by Ms. Robin Robinson, seconded by Ms. Denise Bravo, that the Action Item be Postponed to the next meeting. The motion carried by unanimous voice vote.

13

1716 Seminary Street/T15-7517/Frederick Eberstadt**Represented by:** Kenneth King**Removal:** 4-Green Buttonwood, 5-Jamaica Caper, and 2-Marlberry

Attachments: [1716 Seminary Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Denise Bravo, seconded by Ms. Robin Robinson, that the Action Item be Approved to remove 4-Green Buttonwood, 5-Jamaica Caper, and 2-Marlberry at 1716 Seminary Street and replace with 31.6" 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.

14

200 Margaret Street (Key West Historical Seaport parking area)/T15-7518/City of Key West**Represented by:** Elizabeth Newland**Removal:** 2-Royal Poinciana

Attachments: [200 Margaret Street \(KWB Parking Lot\)](#)

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-Royal Poinciana at 200 Margaret Street (Key West Historical Seaport parking area) and replace with 15.8" 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.

15

6 Pinder Lane/T15-7519/William John Marraccini**Represented by:** Rob Crider-Just Keys Trees**Removal:** 1-Avocado, 3-Crabwood, 1-Royal Poinciana, and 1-Sapodilla

Attachments: [6 Pinder Lane](#)

The representative Mr. Rob Crider, requested the item be heard without the Royal Poinciana and the Sapadollia. Mr. Crider stated that he needed more time to do a canopy inspection of those trees.

In accordance with Sec. 110-327, a Motion was made by Ms. Denise Bravo, seconded by Ms. Robin Robinson, that the Action Item be Approved to remove 1-Avocado and 3-Crabwood trees at 6 Pinder Lane and replace with 26.8" 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.

16

FY2015 Tree Purchase

A motion was made by Vice Chair Robin Robinson, seconded by Ms. Denise Bravo, that the Action Items be Approved to purchase trees for the amount of \$18,275 and \$1,250 for necessary planting supplies. The motion passed by an unanimous vote.

Administrative Hearings

17

409 Frances Street / Glenn Kapsch (Owner)**Respondents:** Jerry J. Harvey II and R&R Keys Landscaping (Richard Fajak)**Alleged Violation:**

Tree abuse - Improper and unauthorized trimming of 2 Silver Buttonwood trees

Attachments: [409 Frances Street - Administrative Hearing](#)

When asked by the Tree Commission Chairman David Jackson if they would like to enter into a Compliance Settlement Agreement with the Tree Commission, the respondents:

Ashley Sybesma, the representative for Jerry J. Harvey, stated she would like to hear the proposed terms of the Compliance Settlement Agreement prior to committing for her client.

Richard Fajak owner of R&R Keys Landscaping indicated his desire to enter

into a Compliance Settlement Agreement with the Tree Commission.

Public Comments:

Glenn Kapsch (Owner) of 409 Frances Street presented pictures of the trees on his property which were trimmed by the respondents. Mr. Kapsch stated that the harsh trimming of the trees have impacted his privacy and also the health of his orchid collection.

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

For Mr. Jerry J. Harvey, with the owner's approval, plant 21" caliper inches, FL#1, native dicot, or fruit trees from the approved list at 409 Frances Street, that an arborist be hired to examine the existing trees, making any necessary proper cuts, determine the overall tree health and yearly monitor the long term trees condition for a period of 3 years and that Mr. Harvey be fined \$500.

For Mr. Richard Fajak, pay a fine of \$200.

Ms. Sybesma stated she could not accept the terms without first consulting with her client and asked to Postpone her response until the next Tree Commission meeting

Mr. Fajak stated he accepted his portion of the Compliance Settlement Agreement and asked the Tree Commissioners to move forward with his agreement. The motion carried by unanimous voice vote.

18

428 Greene Street / Joseph Farber and Richard Johnson (Owners)

Respondent: Islandspring (David Cunningham)

Alleged Violation:

Tree abuse - Improper and unauthorized trimming of 1 Strangler Fig

Attachments: [428 Greene Street - Administrative Hearing](#)

At the request of the respondent the item was Postponed during Agenda setting.

Public Comments

Urban Forestry Program Manager's Report

19

July 2015 TC Monthly Report

Attachments: [July 2015 TC Monthly Report](#)

Received and Filed

Assistant City Attorney's Report

Comments from Commissioners

Adjournment