



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final - Final Tree Commission

Tuesday, December 8, 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 1 - Mr. Atwell

Present 6 - Ms. Bravo, Mr. Kapsch, Mr. Mellies II, Ms. Robinson, Ms. Sullivan, and Mr. Jackson

Approval of Agenda

A motion was made by Ms. Sue Sullivan, seconded by Ms. Denise Bravo, that the Agenda be Approved. The motion passed by an unanimous vote.

Approval of Minutes

1 November 10, 2015 Minutes

Attachments: [November 10, 2015 Minutes](#)

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

Old Business

2 **27 Kingfisher Lane/T15-7618/Stephen Sheridan**
Removal: 1-Gumbo Limbo

Attachments: [27 Kingfisher Lane](#)

Due to the applicant not being present, a Motion was made by Ms. Sue Sullivan, seconded by Ms. Denise Bravo, that the Action Item be Tabled to the end of the meeting. The motion carried by unanimous voice vote. No Public input.

At the end of the meeting, due to applicant not being present, a Motion was made by Ms. Denise Bravo, seconded by Ms. Robin Robinson, that the Action Item be Postponed. The motion carried by unanimous voice vote. No Public input.

3 2700 Flagler Avenue/T15-7638/Carroll Coleman F B of the Dioceses of Miami

Represented by: Barbara Mitchell dba Mitchell Planning Design, Inc

Conceptual: Conceptual Landcape Design With Tree Removal

Attachments: [2700 Flagler Avenue](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Robin Robinson, seconded by Ms. Denise Bravo, that the Conceptual Landcape Design With Tree Removal for 2700 Flagler Avenue be approved. The motion carried by unanimous voice vote. No Public input.

New Business

4 2433 Harris Avenue/T15-7654/Gerald Caputo

Removal: 1-Mahogany

Attachments: [2433 Harris Avenue](#)

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-Mahogany at 2433 Harris Avenue and replace with 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.

5 0 Go Lane/T15-7660/William Arnold

Represented by: Larrie Busloff-Leaping Lizard

Removal: 1-Buttonwood, 1-Gumbo Limbo

Attachments: [0 Go Lane](#)

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-Buttonwood, 1-Gumbo Limbo at 0 Go Lane and replace with 38.2" 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.

6 504 Elizabeth Street/T15-7679/Joan Borel

Represented by: Kenneth King

Removal: 1-Horseradish tree

Attachments: [504 Elizabeth Street](#)

In accordance with Sec. 110-327, a Motion was made by Ms. Sue Sullivan, seconded by Mr. Glenn Kapsch, that the Action Item be Approved to remove 1-Horseradish tree at 504 Elizabeth Street and replace with 6.2" 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 **600 Fleming Street/T15-7681/Inter-Ocean Holdings LLC**
Represented by: Kenneth King
Removal: 1-Ylang Ylang tree

Attachments: [600 Fleming 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-Ylang Ylang tree at 600 Fleming Street and replace with 4.5" 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.

- 8 **Election of 2016 Tree Commission Chair**

A Motion was made by Ms. Sue Sullivan to nominate David Jackson for Tree Commission Chair, seconded by Ms. Robin Robinson, the motion carried by unanimous voice vote.

- 9 **Election of 2016 Tree Commission Vice Chair**

A Motion was made by Ms. Sue Sullivan to nominate Robin Robinson for Tree Commission Vice Chair, seconded by Mr. Neil Mellies II, the motion carried by unanimous voice vote.

Administrative Hearing

- 10 **210 Truman Avenue / Rick Dostal (Owner)**
Respondent: Owner
Alleged Violation:
Tree abuse - Unauthorized trimming of roots of 1 Spanish Lime tree

Attachments: [210 Truman Avenue - Administrative Hearing](#)

Due to the applicant not being present, a Motion was made by Ms. Denise Bravo, seconded by Mr. Neil Mellies II, 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, Mr. Rick Dostal introduced himself as the respondent/property owner.

When asked by the Tree Commission Chairman David Jackson, if he would like to enter into a Compliance Settlement Agreement with the Tree Commission, the respondent/owner, Rick Dostal stated he would like to enter into a Compliance Settlement Agreement with the Tree Commission. At the request of Chairman Jackson, Mr. Dostal explained to the Tree Commissioners what had taken place and responded to their questions.

In accordance with Sec. 110-291, a Motion was made by Ms. Denise Bravo, seconded by Mr. Glenn Kapsch, that the owner/respondent shall:

- 1) Hire an arborist to inspect the tree in one (1) year and provide a health

report to the Urban Forestry Manager.

- 2) Have an arborist maintenance trim the tree in the year.
- 3) No additional cutting of roots.
- 4) Pay a fine of \$250.

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119-159 Simonton Street / Brytrex LLC and Key West 07LLC (Owners)

Respondent: Brytrex LLC (Owner),
Key West 07LLC (Owner),
Charley Toppino & Sons, Inc.,
Jewel Construction Corp

Alleged Violation:

Tree abuse - Improper transplantation of 1 Pigeon Plum tree

Attachments: [119 Simonton Street - Administrative Hearing](#)

Mr. John Cole of Shade Tree Services introduced himself as the Arborist for the project, Mr. Ray Martinez of Charley Toppino & Sons introduced himself as the contractor/respondent, and Ms. Lori Thompson of Trepanier & Associates introduced herself as the representative of the property owner.

When asked by the Tree Commission Chairman David Jackson, if he would like to enter into a Compliance Settlement Agreement with the Tree Commission, the contractor/respondent, Mr. Ray Martinez of Charley Toppino & Sons stated he would like to enter into a Compliance Settlement Agreement with the Tree Commission. At the request of Chairman Jackson, Mr. Cole and Mr. Martinez explained to the Tree Commissioners what had taken place and responded to their questions.

In accordance with Sec. 110-291, a Motion was made by Ms. Sue Sullivan, seconded by Mr. Neil Mellies II, that the contractor/ respondent Charley Toppino & Sons shall:

1. Replace the tree with a same size and species of tree and pay for an arborist to plant and maintain for 1 year.
2. New tree is to be planted in its permanent location.
3. If the new tree does not survive 1 year, another tree of the same size and species is to be planted.
4. Develop and conduct an on-going Tree Care Training Plan for employees.

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808 Ashe Street / Camila A. Duke (Owner)

Respondent: Camila A. Duke (Owner),
Barracuda Builders

Alleged Violation:

Tree abuse - Unauthorized trimming of roots of 1 Spanish Lime tree

Attachments: [808 Ashe Street - Administrative Hearing](#)

Mr. Bryan Wofsey of Barracuda Builders introduced himself as the contractor/respondent and Mr. Larry Busloff of Leaping Lizard introduced himself as the representative of the property owner.

When asked by the Tree Commission Chairman David Jackson, if he would like to enter into a Compliance Settlement Agreement with the Tree Commission, the contractor/respondent, Mr. Bryan Wofsey of Barracuda Builders stated he

would like to enter into a Compliance Settlement Agreement with the Tree Commission. At the request of Chairman Jackson, Mr. Bryan Wofsey of Barracuda Builders explained to the Tree Commissioners what had taken place and what measures he has already put in place to prevent future occurrences on his work sites. Mr. Wofsey and Mr. Busloff also responded to the Tree Commissioners' questions.

In accordance with Sec. 110-291, a Motion was made by Ms. Robin Robinson, seconded by Ms. Denise Bravo, that the contractor/ respondent shall:

- 1) Hire an arborist to inspect the tree in one (1) year and provide a health report to the Urban Forestry Manager.
- 2) Have an arborist maintenance trim the tree in the year.
- 3) No additional cutting of roots.
- 4) Pay a fine of \$300.
- 5) Develop and conduct an on-going Tree Care Training Plan for employees.

Public Comments

Urban Forestry Program Manager's Report

13 2015 November TC Monthly Report

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

Received and Filed

Assistant City Attorney's Report

Comments from Commissioners

Adjournment