



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final Tree Commission

Monday, February 13, 2012

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 at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Present 5 - Mr. Bethel, Mr. Ducote, Ms. Robinson, Mr. Weise, and Mr. Jackson

Call Meeting To Order

5:09pm

Roll Call

Absent 1 - Mr. Ducote

Present 4 - Mr. Bethel, Ms. Robinson, Mr. Weise, and Mr. Jackson

Pledge of Allegiance to the Flag

Approval of Agenda

Action Items

146 Gulf Club Drive/ Thomas Markowski: Represented by DOT Palm, Inc. Remove (1) Gumbo Limbo.

A Motion was made by Mr. David Jackson, seconded by Mr. Robert Bethel, that the Action Item be Passed to Remove (1) Gumbo Limbo and replace with 13 caliper inches of FL#1, native canopy trees to be planted on site. Motion passed by an unanimous vote. No Public Input.

5230 College Road/Florida Keys SPCA: Represented by Karen DeMaria. Remove (1) Mahogany.

A Motion was made by Mr. Robert Bethel, seconded by Mr. David Jackson, that the Action Item be Passed to Remove (1) Mahogany with the replacement of 6 caliper inches of FL#1, native canopy trees to be planted on site. Motion was passed by an unanimous vote. No Public Input.

5701 College Road/City of Key West: Transplant (4) Sabal Palmettos.

A Motion was Made by Ms. Robin Robinson, seconded by Mr. Robert Bethel, that the Action Item be Passed to Transplant (4) Sabal Palms from the FMT Building to City Property. With the stipulation that it survives for one year. Motion passed by an unanimous vote. No Public Input.

5701 College Road/City of Key West: Transplant (3) Mahogany trees.

A Motion was made by Ms. Robin Robinson, seconded by Mr. David Jackson, that the Action Item be Passed to Transplant (3) Mahogany trees from the FMT Building to City Property with the stipulation of one year survivability. The Motion Passed by an unanimous vote. No Public Input.

2201 Staples Avenue/Mary J. Pfund: Remove (1) Gumbo Limbo.

A Motion was made by Mr. David Jackson, seconded by Mr. Robert Bethel, that the Action Item be Passed to Remove (1) Gumbo Limbo and replace with 9.4 caliper inches of FL#1, native canopy trees to be planted on site. Motion passed by an unanimous vote. No Public Input.

1600 South Street/Gary S. Binkley: Remove (1) Gumbo Limbo.

A Motion was made by Ms. Robin Robinson, seconded by Mr. Robert Bethel, that the Action Item be Passed to Remove (1) Gumbo Limbo and replace with 13 caliper inches of FL#1, native canopy trees to be planted on site. Motion passed by an unanimous vote. No Public Input.

1321 Simonton Street/Marrin Mell: Represented by Kenneth King. Remove (1) Spanish Cherry.

A Motion was made by Mr. Robert Bethel, seconded by Mr. David Jackson, that the Action Item be Passed to Remove (1) Spanish Cherry tree and replace with 6 caliper inches of FL#1, native canopy tree to be planted on site. Motion passed by an unanimous vote. No Public Input.

515 Frances Street/Candice W. Carr: Represented by Kenneth King. Remove (1) Gumbo Limbo.

A Motion was made by Mr. David Jackson, seconded by Ms. Robin Robinson, that the Action Item be Passed to Remove (1) Gumbo Limbo and replace with 11 caliper inches of FL#1, native canopy trees to be planted on site. Motion passed by an unanimous vote. No Public Input.

715 Fleming Street/L. Phillippe Phillips: Represented by Kenneth King. Remove (2) Jamaican Dogwoods.

A Motion was made by Mr. David Jackson, seconded by Mr. Robert Bethel, that the Action Items be Passed to Remove (2) Jamaican Dogwoods and Replace with 20 caliper inches of FL#1, native canopy trees to be planted on site. Motion passed by an unanimous vote. No Public Input.

630 Dev Street/Heidi Gold: Represented by Kenneth King. Remove (1) Gumbo Limbo and (1) Royal Palm.

A Motion was made by Mr. David Jackson, seconded by Ms. Robin Robinson, that the Action Item be Passed to Remove (1) Gumbo Limbo and (1) Royal Palm and replace with 17 caliper inches of FL#1, native canopy and palm trees to be planted on site. Motion Passed by an unanimous vote. No Public Input.

1124 Olivia Street/Mark O. Friga: Represented by Kenneth King. Remove (1) Gumbo Limbo.

A Motion was made by Mr. Robert Bethel, seconded by Mr. David Jackson, that the Action Item be Passed to Remove (1) Gumbo Limbo and replace with 16 caliper inches FL#1, native canopy trees to be planted on site. Motion passed by an unanimous vote. No Public Input.

2911 Fogarty Avenue/James and Annette Shreck: Represented by Kenneth King. Remove (1) Mahogany.

A Motion was made by Mr. David Jackson, seconded by Ms. Robin Robinson, that the Action Item be Passed to Remove (1) Mahogany and replace with 20 caliper inches of FL#1, native canopy trees to be planted on site or City Property. Motion passed by an unanimous vote. No Public Input.

1901 Flagler Avenue/David Pouliot: Remove (1) Strangular Fig.

A Motion was made by Mr. David Jackson, seconded by Mr. Robert Bethel, that the Action Item be passed to Remove (1) Strangular fig and replace with 23.5 caliper inches of FL#1, native canopy trees to be planted on site. Motion passed by an unanimous vote. No Public Input.

508 Margaret Street/Robert Richardson: Represented by Larrie Busloff. Remove (1) Eggfruit.

A Motion was made by Mr. Robert Bethel, seconded by Ms. Robin Robinson, that the Action Item be passed to Remove (1) Egg Fruit tree and replace with 19 caliper inches of FL#1, native canopy trees to be planted on site. Motion passed by an unanimous vote. No Public Input.

52 Front Street/Phillip and Patricia Timyan: Represented by Kenneth King. Remove (1) Royal Palm.

Postponed

501 Noah Lane/Carole Fauth: Represented by Kenneth King. Remove (1) Royal Palm.

Postponed

5601-5609 College Road/Sunset Marina Residences of Key West Condominium Assoc., Inc: Represented by Cynthia Domenech-Coogle. Heavy Maintenance to (2) Silver Buttonwoods with possible removal.

A Motion was made by Mr. Robert Bethel, seconded by Ms. Robin Robinson, that the Action Item be Passed to remove (2) Silver Buttonwoods and replace with 11 caliper inches of FL#1, native canopy trees to be planted on site. Motion passed by an unanimous vote. No Public Input.

Porter Family Plot/Key West City Cemetery/Fourth Street: Represented by Larrie Busloff. Remove (1) Royal Poinciana.

A Motion was made by Mr. David Jackson, seconded by Ms. Robin Robinson, that the Action Item be Passed to Remove (1) Royal Poinciana and replace with 17.6 caliper inches to be planted on site or City Property. Motion passed by an unanimous vote. No Public Input.

1108 South Street/George Fernandez: Remove (1) Gumbo Limbo.

A Motion was made by Mr. David Jackson, seconded by Ms. Robin Robinson, that the Action Item be Passed to Remove (1) Gumbo Limbo and replace with 14 caliper inches of FL#1, to be planted on site or City Property. Motion passed by an unanimous vote. No Public Input.

Administrative Hearing

1110 Fleming Street/Fogarty Builders/Island Pools: Recent Construction for a pool caused damage to (1) Autograph Tree.

Violator agreed to enter into a Compliance Settlement Agreement. Chris Fogarty has agreed to have a Certified Arborist evaluate and assess the Autograph tree for (1) one year. Mr. Robert Bethel-yes, Mr. David Jackson-yes, Mr. Niels Weise-yes, Ms. Robin Robinson-yes. Motion carries.

1737 Laird Street: Unauthorized cutting of major roots on a large Mahogany tree.

Violator agreed to enter into a Compliance Settlement Agreement. Wesley Jones has agreed to have a Certified Arborist evaluate and assess the Mahogany tree for (1) one year. Mr. Robert Bethel-yes, Mr. David Jackson-yes, Mr. Niels Weise-yes, Ms. Robin Robinson-yes. Motion carries.

1512 S. Roosevelt Blvd./Margot Lopez: Heavily Trimming (1) Gumbo Limbo and (1) Sea Grape without Permit.

Violator agreed to enter into a Compliance Settlement Agreement. Margot Lopez has agreed to have a Certified Arborist evaluate and assess the Gumbo Limbo and the Sea Grape tree for (1) one year. Mr. Robert Bethel-yes, Mr. David Jackson-yes, Mr. Niels Weise-yes, Ms. Robin Robinson-yes. Motion carries.

725 Truman Avenue/Key Lime Inn: Heavily Trimming (1) Gumbo Limbo on Neighbor's Property without Permit.

Violator agreed to enter into a Compliance Settlement Agreement. Key Lime Inn has agreed to have a Certified Arborist evaluate and assess the Gumbo Limbo tree for (1) one year. Mr. Robert Bethel-yes, Mr. David Jackson-yes, Mr. Niels Weise-yes, Ms. Robin Robinson-yes. Motion carries.

414 Louisa Street: Removing (1) Poinciana tree without Permit.

Item # 12-2148, Administrative Hearing on 414 Louisa Street.

Ms. Sandra Downs was cited for removing (1) Specially protected Royal Poinciana tree without a Permit and Tree Abuse.

Ms. Sandra Downs was offered a Compliance Settlement Agreement and she declined.

Sworn Testimony was taken by the Tree Commission of the following people: Mrs. Karen DeMaria (interim Urban Forestry Manager for the City of Key West) testified regarding the Code Violations on 414 Louisa Street as cited.

A Motion was made by Commissioner Robert Bethel, to find a violation of the Tree Removal without a Permit as Required by Section 110-321(a)(1) and Tree Abuse as charged in 110-256. The Motion was seconded by Commissioner Robin Robinson. The Motion passed with Commissioner Niels Weise, in dissent.

An offer of a Compliance Settlement Agreement was again offered to Ms. Sandra Downs and she refused. The matter was then forwarded to the Code Compliance Special Magistrate with a recommended irreparable fine of \$5000.00 for further proceedings consistent with the Code of Ordinances.

534 Grinnell Street: Heavily Trimming (1) Poinciana tree without Permit.

Item #12-2149, Administrative Hearing 534 Grinnell Street.

Ms. Sandra Downs was found in violation of Trimming (1) specially protected Royal Poinciana tree without a Permit.

Ms. Sandra Downs was offered a Compliance Settlement Agreement and she declined.

Sworn Testimony was taken by the Tree Commission of the following people. Kenny (employee of Tarzan Tree Care) testified regarding the Code Violation on 534 Grinnell Street as cited.

Mr. Humes (home owner) testified regarding the Code Violation on 534 Grinnell Street as cited.

Mrs. Karen DeMaria (interim Urban Forestry Manager for the City of Key West) testified regarding the Code Violation on 534 Grinnell Street.

Mr. Paul Williams (Urban Forestry Manager for the City of Key West) testified regarding the Code Violation on 534 Grinnell Street.

A Motion was made by Commissioner David Jackson, to find a violation of the Tree Trimming without a Permit as Required by Section 110-321(a)(1) and to find no violation of Tree Abuse. The Motion was seconded by Commissioner Robert Bethel. The Motion passed with Commissioner Niels Weise, in dissent.

An offer of a Compliance Settlement Agreement was again offered to Ms. Sandra Downs and she refused. The matter was then forwarded to the Code Compliance Special Magistrate for further proceedings consistent with the Code of Ordinances.

Reports

Adjournment

10:44pm