



**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3725

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

May 21, 2019

Tree Commission
City of Key West
Petitioner,

Vs.

Key West Health & Rehabilitation Center
5860 College Road
Key West, FL 33040

Lower FL Keys Hospital Dist
c/o Dynaxys LLC Tax Service Dept
PO Box 4308
Silver Spring, MD 20914

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, June 11, 2019**, 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 Respondent. **Your presence is required at this Tree Commission meeting.**

Date of alleged violation: prior to February 4, 2019 at 5860 College Road, Key West, FL:

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:
- (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.
 - (4) Cutting upon a tree which destroys its natural shape.
 - (7) Tears and splitting of limb ends or peeling and stripping of bark.

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

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

Sec. 110-336. Pruning or heavy maintenance.

- (1) Pruning of trees shall be performed following pruning standards set by ANSI A-300 standards, as provided in division 5 of this article.
- (2) A permit is not required for the trimming of a dicot tree if: less than 1/3 of the tree and/or canopy is being removed as defined in section 110-252 as minor maintenance, and the trimming does not impact the overall shape of the tree; branches being removed are not primary, structural branches and are less than 6 inches in diameter; and the work is done according to ANSI A-300 standards.
- (3) A permit is required for the removal of large, structural branches and if the tree is being reduced in size or overall shape and density by more than 1/3 as defined in section 110-252 as major maintenance.

Factual allegation: One (1) Strangler Fig tree has been improperly trimmed and the work was done without benefit of heavy maintenance trimming permit.




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 Respondent's listed address on this **22nd day of May 2019**.

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



Karen DeMaria

Urban Forestry Manager

kdemaria@cityofkeywest-fl.gov

cc: Timothy Rombough, Maintenance Director
Rick Brown, NHA

Planning

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:

KEY WEST HEALTH & REHABILITATION
CENTER
5860 COLLEGE ROAD
KEY WEST, FL 33040

2. Article Number
(Transfer from service label)

7007 3020 0000 5349 1463

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

C. Schulz

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

STAFF REPORT

DATE: June 4, 2019

RE: Administrative Hearing 5860 College Road
Key West Health & Rehabilitation Center

On February 4, 2019, a complaint was received regarding the unauthorized trimming of a strangler fig tree in front of the Key West Health & Rehabilitative Center building (KWHR). Photos were included in that complaint.

An inspection documented that a strangler fig tree had recently been trimmed of all of its branches/regrowth. The tree had been heavily damaged by Hurricane Irma and had put out numerous branch sprouts.







A reinspection was done on March 18, 2019 and regrowth of the branches was observed.





It is recommended that the Tree Commission enter into a Settlement Agreement to include the requirement that the tree be allowed to grow with no trimming allowed to occur to the tree until December 2019. At that time, an arborist will evaluate the tree to determine if any minor trimming is needed in order to have safe access around the tree by the public. No trimming of the tree will occur unless a certified arborist consults with the urban forester. A full evaluation of the tree should be required 3 years after the signing of the agreement. This evaluation should include a decision as to whether any major trimming should be done to the tree to help create a balanced canopy and shape to the tree.

Karen DeMaria

From: Karen DeMaria
Sent: Tuesday, May 28, 2019 5:46 PM
To: Rick Brown
Cc: Brian Brinkerhoff; Sara Charrett
Subject: RE: 5860 College Road improper tree trim
Attachments: TREE TRIM and Arborists Contact list April 2017.doc

Thank you for the response. My goal for the settlement agreement is a maintenance plan to have the tree taken care of and properly trimmed in the future. It might be beneficial for you to have an arborist look at the tree and discuss a plan with you to discuss at the Tree Commission meeting. I have attached a list of certified arborist that routinely do work in the City.

Sincerely,

Karen

From: Rick Brown <rickbrownha@yahoo.com>
Sent: Tuesday, May 28, 2019 4:39 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: Brian Brinkerhoff <BBrinkerhoff@seniorcaregroup.com>; Sara Charrett <scharrett@seniorcaregroup.com>
Subject: Re: 5860 College Road improper tree trim

Karen,

I will be there to represent Key West Health And Rehabilitation that day.

Thank you,

Rick Brown, NHA

On May 28, 2019, at 4:33 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

All:

Attached is a copy of the Administrative Hearing notice for the improper tree trimming that has occurred at 5860 College Road. Someone must attend the meeting to discuss the issues and have the ability to agree on a settlement agreement. The Tree Commission could require the payment of a fine, the planting of trees, or a maintenance plan for the tree to include the hiring of an arborist.

Sincerely,

Karen

<5860 College Admin notice.pdf>



May 28, 2019

Attn: Karen DeMaria
City of Key West
Tree Commission
PO Box 1409
Key West, FL 33041-1409

Re: Notice of Administrative Hearing
FHA Project No. 066-22015, Key West Convalescent Center, 5860 College Rd

Dear Ms. DeMaria,

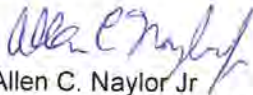
I am writing in response to receiving your Notice issued May 21st for the project referenced above. You obtained our name and address from the county's tax rolls for the address of the violation.

Dynaxys LLC, under our contract with the U.S. Department of Housing and Urban Development (HUD) provides accounting and cash management services for HUD who has assumed a role of mortgagee for Key West Convalescent Center.

This project is managed by Midcare Inc., 9430 Highway 141 South, Hartsville, TN 37074-3906. We are the loan servicing agent and do not provide any physical management or maintenance services to this or any other property in our/HUD's inventory.

Please redirect all future correspondence regarding this matter to Midcare Inc.

Sincerely,


Allen C. Naylor Jr
Mortgage Loan Services

Enclosure

Cc: Midcare Inc
US Dept of HUD Jacksonville Field Office
file

Karen DeMaria

From: Rick Brown <RBrown@seniorcaregroup.com>
Sent: Thursday, March 7, 2019 7:17 PM
To: Karen DeMaria
Cc: Timothy Rombough
Subject: Re: wrong tree cut/trimmed wrong in front of the building key West Health and Rehabilitation

Karen,

The trees has already started to grow back but I do understand your situation- I also feel bad about this incident because that person that reported this to you did nothing to help stop this from happening but sit in there car and watch it happened I would have wished that the person watching this would have gone in to the facility to get management, so we could have intervene. My cell number is posted all over the building with my name under my sign. I only live 5 minutes away and I would have came and stopped it from happening.

Thank you ,

Key West Health + Rehabilitation Center

Rick Brown, NHA

On Mar 7, 2019, at 5:28 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Please forgive the delay in responding but I am not sure that ficus tree will be fine. Once a tree has gone through the trauma of a storm and then it gets abused by having all of its branches removed, you can never say the tree will be fine.

This trimming work is considered tree abuse and is a violation of the City of Key West Tree Ordinance. Before I process an enforcement case I am watching the tree to see what does happen to it as that will decide the course of action for the Settlement Agreement. I will be in touch.

Sincerely,

Karen

From: Rick Brown <RBrown@seniorcaregroup.com>
Sent: Monday, February 4, 2019 1:07 PM
To: Timothy Rombough <TRombough@seniorcaregroup.com>
Cc: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: Re: wrong tree cut/trimmed wrong in front of the building key West Health and Rehabilitation

Tim,

Ok , At lease it was a bad trim back and not a full cut down - I was told that the tree will be fine and we will see the same growth as we did after Irma. They said it will take about 1.5 yrs to get it back to where it was. Also at least it was cut only back to where they cut it to after Irma and not any further . Please talk and explain to him why this is an issue and going forward before any plant/tree gets cut it needs to go through me to ensure that it is the proper plant getting cut

Thank you,

Rick Brown, NHA

On Feb 4, 2019, at 12:22 PM, Timothy Rombough <TRombough@seniorcaregroup.com> wrote:

I apologize for the appearance of the tree this morning. I personally explained to the weekend maintenance assistant that I only want it trimmed up as high as I stood. He obviously didn't understand my English. Once again, I am apologize for this .

<image001.png>

Timothy Rombough
Maintenance Director

5860 College Road Key West, Florida 33040
tel 305.296.4888 cell 305.395.0611 fax 305.744.5310

[email](#) [web](#) <image002.png> <image003.png> <image004.png>

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Overview



Legend

- Centerline
- Easements
- Hooks
- Lot Lines
- Road Center
- Rights of Way
- Shoreline
- Condo Building
- Key Names
- Subdivisions
- Parcels

Parcel ID 00072080-000801 Alternate ID 8681135 Owner Address LOWER FL KEYS HOSPITAL DIST
Sec/Twp/Rng 26/67/25 Class COMMERCIAL C/O DYNAXYS LLC TAX SERVICES DEPT
Property Address 5860 COLLEGE Rd PO Box 4308
KEY WEST Silver Spring, MD 20914
District PT of Key West
Brief Tax 26 67 25 PT ISLAND NW STOCK ISLAND OR416-457/459 (KEY WEST CONVALESCENT CENTER) (LAND ONLY) OR869-420/421-
Description LEASE AGREEMENT 2.05AC
(Note: Not to be used on legal documents)

Date created: 2/4/2019
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