

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, CITY TREE BOARD MEETING**  
2 **HELD MARCH 2, 2015, 6:00 P.M., CITY HALL, 100 N. COUNTRY CLUB ROAD**

3  
4 **TAPE 1, SIDE A**

5 I. Call to Order

6 The meeting was called to order at 6:00 p.m.

7 II. Roll Call/Determination of a Quorum

8 Chairman Danny Williamson  
9 Vice Chairman Lynette Swinski  
10 Member Robert Boardman  
11 Member Robert Sebald  
12 Member John Lackey  
13 Member James Buck

14  
15 Member Michael Gaudio was absent.

16  
17 City staff present were Juan (John) A. Omana, Jr., Community Development  
18 Director; Gary Schindler, City Planner; Bryan Nipe, Parks and Recreation  
19 Director; and Diana T. Adams, Administrative Assistant.

20  
21 Also present who spoke was Michael Diemer.

22  
23 III. Approval of Minutes - January 5, 2015

24  
25 **MOTION:**

26  
27 **Member Sebald moved to approve the Minutes of the January 5, 2015, City**  
28 **Tree Board meeting, as presented. Member Lackey seconded the motion,**  
29 **which carried unanimously 6-0.**

30  
31 IV. Citizen Participation (see attached).

32  
33 Chairman Williamson read aloud the Citizen Participation statement (see  
34 attached). He then opened the meeting to citizen participation to which there  
35 was no response and subsequently closed that portion.

36  
37 V. New Business

38  
**MARCH 2, 2015-1**  
**CITY TREE BOARD**

1 A. 2015-TREE-01: Appeal of staff's denial of an arbor permit to remove an oak  
2 tree located at 147 Parliament Loop (Regency Pointe), Lake Mary, Florida  
3 32746 (Public Hearing)  
4

5 Gary Schindler, City Planner, presented the appeal and the related Memorandum  
6 (Staff Report). The Location Map attached to the Staff Report was on the overhead  
7 projector. He said, in early January, staff received a request to remove a tree at the  
8 southwest building in Regency Pointe (colored aerial of subject property, which is  
9 attached to the Memorandum/Staff Report, was put on the overhead projector by  
10 Mr. Omana, and it is noted that Mr. Omana put several other documents on the  
11 overhead projector while Mr. Schindler gave his presentation). The tree is this one  
12 (indicating to overhead projector). This is the tree in question (indicating to  
13 overhead projector). It's in a tree island and is a part of the required landscaping  
14 for Regency Pointe. Tree islands do two functions; one, is that they break up rows  
15 of parking spaces. The City's code says you may not have more than 100' of  
16 unbroken parking spaces and then you have to have a tree island. Then you can  
17 start again. The other function is that as trees mature, they provide well-needed  
18 shade. The temperature of an asphalt or concrete parking lot during our summers  
19 can get very warm, very hot in fact. The shade from the trees make a big  
20 difference. Make a difference for the vehicles, the buildings around, the people  
21 who work there and who are patients or patrons. So, the question becomes – it's  
22 the value of the tree. There is a request, and the request to remove the tree is  
23 based on the fact that the tree is causing the curb to raise and also some of the  
24 asphalt (Mr. Omana puts arbor application on the overhead projector). The  
25 removal of the tree – it would have to be replaced. There is no question about that  
26 because it is part of the minimally-required landscaping. But, the trees at Regency  
27 Pointe have been growing for probably eight to ten years and they have a drip-line,  
28 a crown that is certainly much larger than what we would require. We require a tree  
29 that is 15' tall and 3.5" minimum wide measured at caliper, which is one foot above  
30 the ground. There is no question that the roots of the tree are causing the curb to  
31 raise and also the asphalt; however, there is an alternative. Initially, staff thought  
32 that perhaps it could be root-pruned. Well, Mr. Diemer, the Applicant, pointed out  
33 the fact that there is simply not enough room and staff concurs. There is not  
34 enough room; however, there is the alternative of grinding the curb and smoothing  
35 out the asphalt parking lot to minimize or to eliminate the trip hazard. I can tell you  
36 that the City does it all the time. We have sidewalks where there are trip hazards  
37 and we grind down the sidewalks, we grind the edges, we will replace a section of  
38 sidewalk that is too high, but we value the trees and will go to extraordinary lengths  
39 to retain the trees because they are important to the urban fabric (Mr. Omana puts  
40 colored aerial on overhead projector). Important to Lake Mary. Now, I included in  
41 your packet the pictures (Mr. Omana putting pictures of the curb on the overhead  
42 projector) that the Applicant has sent and staff will not, in any way, debate that  
43 there are some problems there; the curbs being lifted and there are some problems

**MARCH 2, 2015-2**  
**CITY TREE BOARD**

1 with the asphalt, but there is an alternative other than removing the tree (Mr.  
2 Omana puts colored aerial back on the overhead projector). That tree has 8 to 10  
3 years growth and would be replaced with something that would be less than a  
4 quarter of the size of the drip-line. We are concerned also that if this one is  
5 replaced, then the development will pretty much have a carte blanche to come in  
6 and say, well, my tree roots are raising the sidewalk, raising the curb, and they do.  
7 And would say, well, you allowed him to take the tree out, now you have got to  
8 allow me. And we would probably be hard-pressed to say, yes, you can do it. No,  
9 you can't. We don't treat people fairly. Fair is a value judgment, but what we do is  
10 we treat people equitably, and if we allow it in one instance, we have to allow it in  
11 every common or similar instance.  
12

13 Mr. Schindler concluded his presentation by saying, in light of this and based upon  
14 the criteria listed in the Memorandum (Staff Report), it is staff's recommendation  
15 that the arbor board vote to uphold staff's denial of the arbor permit to remove an  
16 oak tree at 147 Parliament Loop. If it should be the decision of the arbor board to  
17 approve the appeal, staff recommends the permit be approved with the condition  
18 that a replacement tree be required. At the time of planting, the replacement tree  
19 shall be a minimum of 15' tall and 3.5" wide measured at 1' above the ground.  
20

21 Mr. Schindler then announced this item is quasi-judicial in nature; that a Quasi-  
22 Judicial Sign-In Sheet (see attached) was located at the back of the chambers for  
23 any interested party to sign in order to be kept abreast of this matter.  
24

25 Member Boardman asked, has the Parks and Rec's. arborist looked at this at all?  
26

27 Mr. Schindler answered, yes, Bryan Nipe has looked at it and I attached a copy  
28 of the memo to your Staff Report. He recommended the grinding of the curbing  
29 and other measures necessary to reduce or eliminate the trip hazard.  
30

31 Vice Chairman Swinski questioned, would it be possible to point out on the full  
32 picture of the tree where the concrete issue is? She stated, I can see it at the  
33 corner, but.....  
34

35 Mr. Schindler responded, you can't see it because the branches are hanging  
36 over. A tree island is only 10-foot wide.  
37

38 Vice Chairman Swinski asked, so, this particular picture right here (indicating) –  
39 I'm not sure which exhibit this might be, but I'm just curious as to where they – if  
40 there are concrete issues along this curbing, or if it's just where it meets the  
41 sidewalk?  
42

43 Mr. Schindler replied, it's along the curbing.

**MARCH 2, 2015-3**  
**CITY TREE BOARD**

1 Vice Chairman Swinski questioned, so, this picture does not...

2  
3 Mr. Schindler interjected responding, it's hard to see, but the two sections of curb  
4 are at different heights. So, yes, there are some issues. There is no question  
5 about that. Staff, in no way denies that there are issues.

6  
7 Vice Chairman Swinski questioned, and was that split by design, or is that a  
8 result of.....

9  
10 Mr. Schindler answered, it's split by design. It's made that way. Usually, there  
11 are expansion joints to allow the curbing to expand and contract without cracking.

12  
13 Chairman Williamson stated, I couldn't help notice that in one of the photographs,  
14 it looks like everybody likes to park under that tree because it provides shade on  
15 a hot, sunny day.

16  
17 Member Sebald asked, who will pay for the grinding or who will perform the  
18 grinding?

19  
20 Mr. Schindler responded, it would have to be the Applicant. The City is not  
21 allowed to do work on private property.

22  
23 Juan (John) A. Omana, Jr., Community Development Director, said, just as a point  
24 of information, I was the Project Manager on the rezoning for the subject property  
25 back, I believe it was 1998 and its subsequent development in 2001 with a split  
26 zoning on the north and south of the property. I could tell you that, at the time, the  
27 City Commission emphasized the importance of the landscaping and the buffering  
28 of the property specifically along the Boulevard as you can see on the exhibit, more  
29 importantly along the eastern boundary of the property, as well as the southern  
30 portion of the property, since it abutted residential. So, again, it was a key  
31 component in the design and the layout of this property that it be properly  
32 landscaped and that it go above and beyond the elements of code. So, I just  
33 wanted to get that onto the record and just for your information. Thank you.

34  
35 Chairman Williamson questioned, those are residential across Fifth Street there?

36  
37 Mr. Omana replied, across Fifth Street and to the south.

38  
39 Member Boardman asked, so, this current tree is reducing the amount of heat from  
40 the tar that's there considerably because of its size?

41  
42 Mr. Omana answered, yes. As are all the trees within the landscape layout. As  
43 you can see, the tree in question, plus the other trees in the parking area, serve as

1 the interior landscaping requirement, as well as act as a form of foundation  
2 landscaping to help soften the impact of the facades on the surrounding  
3 neighborhood and the Boulevard Gateway Corridor. Thank you.  
4

5 Member Sebald questioned, is there a particular pattern that the grinding must  
6 follow? Is it supposed to be on the curb? The pavement?  
7

8 Mr. Omana responded, that would be a means-and-methods thing. Whoever is  
9 conducting the grinding would.....  
10

11 Member Sebald asked, you would have to approve the method?  
12

13 Mr. Omana replied, no.  
14

15 Chairman Williamson requested the Applicant come forward and address the  
16 Board.  
17

18 Michael Diemer, Arborist for ValleyCrest Tree Care Services and consulting  
19 Arborist as well (did not give his address). He stated, I have some photos here. I  
20 actually went back to the jobsite and took some additional photos. One of the  
21 reasons why I wanted to talk to you guys about this tree removal is because,  
22 originally, when I was contacted by the client – basically -- I don't know if you have  
23 been to the property. The property is an arthritis center. There is handicap  
24 parking/ramp. There are a lot of people who have special needs going into this  
25 establishment, so one of my biggest concerns with this tree here – which I actually  
26 looked at multiple trees on the property – is that because it was uplifting curbing  
27 and if we did any root pruning to basically stop the uplifting of curbing, that the tree  
28 could possibly uplift. The rule of thumb, from the University of Florida, is that if you  
29 are going to root prune, you need to root prune five times the diameter of the trunk  
30 of the tree. Well, the trunk of the tree – I went back and measured it – it was 18.5".  
31 And I have some photos as well, if you don't mind me using (puts photos on  
32 overhead projector while speaking). Gary is correct. There were multiple areas on  
33 the property – I mean, multiple areas on the island that were uplifting. My biggest  
34 concern was in the picture that he showed you, the first one, was the ramp area.  
35 Let me see if I have a clear view of that (adjusting overhead projector). So, this is  
36 number one. And if you look, I measured from the trunk to where – if you look to  
37 the right, like right here (indicating to overhead projector), where there's a  
38 measuring tape, to correctly root prune, you would have to come out to this area  
39 right here (indicating to overhead projector) if you went by five times the diameter of  
40 the trunk of the tree. And you can see where it's cracking right here (indicating to  
41 overhead projector). Now, as far as grinding, I don't know anything about concrete  
42 grinding. I just know that if this was replaced, the concrete – my understanding is  
43 that there would be some kind of grinding up the root system, which is fine. You

**MARCH 2, 2015-5  
CITY TREE BOARD**

1 can grind up to 20 to 30 percent of the root system and it's fine. My concern is that  
2 it's not only uplifting here (indicating to overhead projector), it's uplifting here  
3 (indicating to overhead projector) and it's uplifting on the other side (indicating to  
4 overhead projector). So, there are three spots that you would grind anywhere from  
5 10 to 20 percent of the root system. So, now what we're looking at is roughly about  
6 35 to 40 percent of possible grinding of the root system. As far as grinding the  
7 concrete, I don't know. I will show you a photo (putting an unidentified photo on  
8 overhead projector). Another concern is that if you look – the problem with these  
9 island landscapes is it's kind of like a container. What it does is it creates this  
10 constriction of circling roots around the tree. So, if we cut here (indicating to  
11 overhead projector), we cut on the other side, we cut on that side, then there is  
12 already a constriction of the root system right there (indicating to overhead  
13 projector). If there are any possible winds -- it basically is like a tin can. It just pulls.  
14 And this is a very heavy canopy tree, if you look at the canopy of the tree.  
15

16 Mr. Diemer said, let me see if I have another photo. Here is a photo of the  
17 diameter. So, basically right here (indicating to overhead projector), if you look,  
18 that's 18.5" in diameter.  
19

20 Mr. Omana interposed questioning, Mr. Chairman, if I may just as a point of order,  
21 could we get the gentleman to state who he is representing this evening for the  
22 record?  
23

24 Chairman Williamson asked, please, could you state, for the record, who you  
25 represent?  
26

27 Mr. Diemer answered, I represent the – basically, Nina from the acupuncture – let's  
28 see. Florida Arthritis Center. Nina from Florida Arthritis Center.  
29

30 Chairman Williamson questioned, but you work for ValleyCrest?  
31

32 Mr. Diemer responded, I work for ValleyCrest. I'm an Arborist for ValleyCrest.  
33

34 Chairman Williamson asked, oh, okay. You are an Arborist?  
35

36 Mr. Diemer replied, yeah. I'm a certified Arborist and I'm a Certified Tree Risk  
37 Assessment Arborist.  
38

39 Mr. Diemer continued by saying, so, like I said, I probably wouldn't even go through  
40 all these motions, but the concern is that this is -- the area that it's located, the  
41 establishment, that was why I recommended the tree for removal. Because if it's  
42 ongoing and uplifting concrete, I can see somebody getting injured.  
43

1 Chairman Williamson questioned, have they looked at the possibilities of maybe  
2 expanding the tree pod itself like moving the two parking spots – eliminating the two  
3 parking spots and making a new tree pod?  
4

5 Mr. Diemer answered, I truly – I think it should be. I think the biggest problem is it's  
6 totally circled with concrete on all four sides. If there was probably an outlet, I'd  
7 probably say, hey, we're probably fine, but I think the majority of islands I see at  
8 many commercial establishments are not wide enough. I think it should at least be  
9 15, maybe 20' by another 15 to 20'.  
10

11 Chairman Williamson said, well, it seems to me it would be more feasible to  
12 eliminate one of those parking spots and make the island bigger rather than taking  
13 the tree down.  
14

15 Mr. Diemer stated, I don't get it. I'm just going by what I see. I have nothing to do  
16 with concrete or construction.  
17

18 Chairman Williamson said, that would be just a matter of taking the curb down and  
19 just expanding that tree pod.  
20

21 Mr. Diemer stated, I think the challenge/problem is it's handicap on both sides, if I  
22 recall.  
23

24 Chairman Williamson asked, what is the occupancy of that whole plaza area? Is  
25 every building occupied?  
26

27 Mr. Diemer responded, I believe so.  
28

29 Chairman Williamson questioned, on any given day, are all the parking spots taken  
30 up?  
31

32 Mr. Diemer replied, I don't know, sir. I have only been to the property twice.  
33

34 Mr. Schindler added, the development certainly does not have a lot of excess  
35 parking, and since the uses there are predominantly medical, they seem to be  
36 doing very well, which means that parking is oftentimes at a premium.  
37

38 Member Lackey asked, if the tree is removed, is it accurate to think that the  
39 sidewalks are still going to be raised? I mean, it's not like they are going to recess;  
40 right? So, is this grinding of the sidewalk still going to need to happen?  
41

42 Mr. Schindler answered, well, at this point, the grinding appears to be mostly on the  
43 curbing around the island. In the future, it could be. It could require that it be

**MARCH 2, 2015-7**  
**CITY TREE BOARD**

1 ground or could be required that a section be removed and the root under the  
2 sidewalk be cut. But, at this point, it's primarily the curbing.

3  
4 Mr. Diemer said, eventually the tree is going to grow out of the area. Basically, it's  
5 like growing a tree in a container. You can keep cutting, but there are two things  
6 that can happen. Once you cut so much, the tree starts declining. It becomes  
7 stressed, diseased, and that's when you have the issue, like I said, with the tree  
8 uplifting because you are constantly cutting. So, let's face it. A mature oak will get  
9 up to 46" in diameter. It's only, basically, 10' wide. Eventually, it's going to grow  
10 out of this area. It's a poor area to have an oak tree just because of the lack of  
11 space for the roots. It may go underneath the curbing. It could start uplifting  
12 asphalt, but every time you cut, you have a potential problem.

13  
14 Member Buck questioned, could they slope two or three of those parking spaces up  
15 from the sidewalk down to the center of – go in and re-asphalt – dig out that -- see,  
16 their main problem was they cut down for their parking spaces instead of saying – if  
17 the sidewalk was up here (indicating) and they cut down – if they had taken and just  
18 sloped out two or three parking spaces, then the roots could have come over?

19  
20 Mr. Diemer responded, yeah. If they would have never put the sidewalk on the  
21 inside in between the building and the tree, it probably would have given yourself  
22 another five or ten years.

23  
24 Member Buck stated, yeah. He asked, the roots would have gone the other – but,  
25 I'm just saying, to the right and left of each of that tree, if some of those parking  
26 spaces could be lifted up and sloped out to the center of the roadway, part of the  
27 parking lot?

28  
29 Mr. Diemer replied, that's not my expertise. All I know is there are handicap  
30 parking, and as an Arborist, my main focus is potential hazards. So, that is kind of  
31 why I brought this to you-all's attention.

32  
33 Member Buck stated, well, Mr. Schindler, you have been to my house and I have a  
34 tree that's, what, 40 or 50" around in diameter, and I didn't dig down, I just poured  
35 on top or sloped down from it. I have driveway on two sides of a big tree and it  
36 hasn't cracked in 20 years.

37  
38 Mr. Diemer asked, are you talking about adding concrete on top of the roots that's  
39 already there?

40  
41 Member Buck replied, I'm talking about taking the asphalt out and adding dirt and  
42 then concrete. Lifting the parking space up.

43  
**MARCH 2, 2015-8**  
**CITY TREE BOARD**

1 Mr. Diemer answered, the only issue you can have is if you start adding levels onto  
2 the root system, you are basically reducing the aeration, and then that area, the  
3 roots don't live, they die.

4  
5 Member Buck said, I know. But, what I'm saying is, they might have one root lifting  
6 up in each place now, but if they had left the dirt where it was further out before –  
7 and anything they put – if they needed that parking space, they could have had  
8 those two higher up and sloped out, but they didn't do that.

9  
10 Mr. Diemer stated, oh, I understand what you're saying.

11  
12 Member Buck said, I don't know whether you can go back in and do it now or not.

13  
14 Mr. Diemer stated, yeah. I don't know.

15  
16 Vice Chairman Swinski questioned, when you mentioned, at some point, the tree  
17 will start showing signs of decline, what timeframe do you see on that?

18  
19 Mr. Diemer responded, well, as an Arborist, you're not supposed to actually give  
20 total years. It could be ten years, five years, two years. I don't know. It's according  
21 to how much of the root system you remove.

22  
23 Vice Chairman Swinski said, that's only if you remove roots. She asked, what  
24 happens if the tree just stays there like it is for another...

25  
26 Mr. Diemer interjected replying, if it's not allowed to go beyond that curbing,  
27 eventually it will become constricted and the roots will naturally choke out the trunk  
28 of the tree and the tree will start declining over time. It's the design. The problem is  
29 the design of the island. If it was open on one side, you probably could have  
30 bought yourself some time, but because it's surrounded on all four sides by  
31 concrete, that's the challenge.

32  
33 Member Sebald stated, I hear you saying there could be multiple corrections to the  
34 problem. It's not just grinding the curb. It could be maybe the face of the curb  
35 toward the parking lot could be removed. He questioned, wouldn't that allow it to  
36 grow in that direction?

37  
38 Mr. Diemer answered, yeah. Any kind of opening will help the tree out; yes. But,  
39 the challenge is that the handicap ramp is on – it's basically a slope to the handicap  
40 spot.

41  
42 Member Sebald said, right. But, I'm suggesting out away from the tree out toward  
43 the parking lot, not toward the curbing. The parking areas or the sidewalk. He

1 asked, what you are saying is there is no defined method that they have to  
2 perform? They have to figure this out for themselves? Who has that responsibility;  
3 the property owner, the doctor, this Nina or whatever her name is?  
4

5 Mr. Diemer responded, the owner.  
6

7 Member Buck questioned, how many trees do they have in this same situation?  
8

9 Mr. Diemer replied, I only looked at the one.  
10

11 Member Buck stated, by looking at that one, it looks like – or the overview anyway,  
12 it looks like there are quite a few that have that same type island.  
13

14 Mr. Diemer said, correct.  
15

16 Member Buck asked, so, they are going to come back for more each time one of  
17 them does that?  
18

19 Mr. Diemer answered, I don't know. Like I said, my concern was that tree.  
20

21 Member Buck stated, I don't see it now, but from the aerial, it looked like there were  
22 three or four or more trees that are in the same situation.  
23

24 Member Sebald questioned, would you be the person to recommend to them what  
25 they can do?  
26

27 Mr. Diemer responded, yes, I would be the person.  
28

29 Member Sebald asked, and what would your recommendation be?  
30

31 Mr. Diemer replied, well, my recommendation would be to not have a tree in that  
32 location because eventually it's going to grow out of the area no matter what.  
33

34 Member Sebald questioned, and plan B is what?  
35

36 Mr. Diemer answered, whatever you guys want.  
37

38 Member Sebald said, well, we're not in the business of telling people how to save  
39 their trees. We are just here to approve or disapprove staff's recommendation.  
40

41 Mr. Omana stated, Mr. Chairman, if I may, at this point, the item before you, again,  
42 is an appeal of staff's denial of the arbor permit for the said property, and your  
43 mission this evening is to identify whether there has been any substantial,

**MARCH 2, 2015-10  
CITY TREE BOARD**

1 competent evidence presented this evening by the Applicant to overturn staff's  
2 denial determination as done by Mr. Schindler. So, the million-dollar question is, is  
3 there any evidence that overturns or helps support overturning staff's  
4 determination?

5  
6 Chairman Williamson responded, I agree we did get carried away with alternative  
7 measures. He asked, does anyone else have any questions for Mr. Diemer?

8  
9 Member Sebald said, the alternative measures are to extend the life of the tree. He  
10 questioned, but will it extend it for two years, five years, ten years?

11  
12 Member Boardman said, our mission is to say either they have done something  
13 wrong or they haven't, the staff.

14  
15 Chairman Williamson stated, yeah. It's not ours.

16  
17 Member Boardman asked Mr. Nipe, did you have anything else – I mean, I read  
18 your stuff. Did you have anything else that you can add as the Arborist for the City?

19  
20 Bryan Nipe, Parks and Recreation Director, responded, if you have any specific  
21 questions, I would be happy to answer them.

22  
23 Member Boardman asked, what if they reduced the canopy size?

24  
25 Mr. Nipe replied, I think everything has been laid out in what the Arborist has said is  
26 true. No exact science as to how long it will take for the tree to decline, but,  
27 unfortunately, when you are living in the urban realm and you want trees in an  
28 urban realm, you are constricted by space every time you plant. Now, John could  
29 probably speak to Community Development and Planning in how they no longer  
30 allow oak trees to be placed in smaller medians, but this was years ago when this  
31 plan was approved and what you are left with is a ten-year-old healthy Live Oak  
32 tree, and the maintenance that is sometimes required around trees is pruning and  
33 different things, and also sometimes you get sidewalks that raise up and you grind  
34 them down. And that is what we do all over the City in every single one of our  
35 parks. Every single one of our sidewalks you will have that kind of thing. If you  
36 want to have trees, you have a certain level of maintenance that needs to be  
37 provided. Now, I would not recommend root pruning. You mentioned 20-30  
38 percent. That's correct. Root pruning on three sides, the property owner would  
39 probably not see long-term success with that tree. But, the grinding of the curbs  
40 and the maintaining, that type of thing, I think is a sound solution.

41  
42 Mr. Schindler announced that he had nothing further to add.  
43

**MARCH 2, 2015-11**  
**CITY TREE BOARD**

1 Chairman Williamson opened the hearing to public comment. Hearing none, he  
2 closed that portion and entertained board discussion and/or a motion.

3  
4 Chairman Williamson asked Mr. Schindler if the Appellant was aware of the  
5 mitigation procedures for City of Lake Mary?

6  
7 Mr. Schindler answered, the Staff Report contained the mitigation and it was sent to  
8 the Applicant in advance. So, yes.

9  
10 Chairman Williamson questioned Mr. Diemer, has that thought crossed your mind?  
11 A mitigation of replacing the one tree with five canopy trees?

12  
13 Mr. Schindler responded, now, understand, that mitigation is not applicable in this  
14 situation. Under certain circumstances, it is multiple trees, but that's when there is  
15 a violation of tree(s) being removed without a permit.

16  
17 Chairman Williamson stated, I see. He asked, and there has been no violation?

18  
19 Mr. Schindler replied, there has been no violation. This is simply the  
20 recommendation of a denial -- or the appeal of a denial of the permit.

21  
22 Chairman Williamson explained to Mr. Diemer that he has the right to appeal this  
23 decision to the City Commission, and to appeal, he must submit either a letter or  
24 e-mail within 30 days of the date of this letter, and to address all appeals to Gary  
25 Schindler, City Planner, 911 Wallace Court, Lake Mary, FL 32746. E-mail  
26 address is [gschindler@lakemaryfl.com](mailto:gschindler@lakemaryfl.com). Or if he had any questions concerning  
27 an appeal, to please contact Mr. Schindler at 407-585-1442 or Mr. Omana at  
28 407-585-1454.

29  
30 **MOTION:**

31  
32 **Member Boardman moved to uphold staff's recommendation listed in the**  
33 **Memorandum (Staff Report) and deny the appeal of staff's denial of an**  
34 **arbor permit to remove an oak tree located at 147 Parliament Loop**  
35 **(Regency Pointe), Lake Mary, Florida. Member Sebald seconded the**  
36 **motion.**

37  
38 **Chairman Williamson requested a roll-call vote on the motion, which was**  
39 **taken as follows:**

40  
41 **Member Boardman - Yes**  
42 **Vice Chairman Swinski - Yes**  
43 **Member Sebald - Yes**

**MARCH 2, 2015-12**  
**CITY TREE BOARD**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

**Member Buck - Yes**  
**Member Lackey - Yes**  
**Chairman Williamson - Yes**

**The motion carried unanimously 6-0.**

VI. Adjournment

The meeting was adjourned at 6:38 p.m.

---

Danny Williamson, Chairman

---

Diana T. Adams, Administrative  
Assistant