



Planning Commission | Agenda

Thursday, August 6, 2026 – 4:30 PM

City Hall – Council Chambers
2309 15th Street, Gulfport

A. Prayer

B. Pledge of Allegiance

C. Call to Order

D. Determination of a Quorum

E. Confirmation of Agenda

F. Adoption of Minutes

F1. Notice Of Meeting Cancellation

G. Announcements

G1. If you are aggrieved by a vote of the Planning Commission, see below.

DECISION ITEMS: Except as noted below, items listed on this agenda as “Decision Items” may be appealed to the Gulfport City Council as follows: Any person or any officer, department or agency of the City aggrieved by a decision of the Planning Commission may, within fifteen (15) days thereafter, appeal therefore to the Gulfport City Council by submitting to the Planning Commission (Department of Urban Development – Planning Division) a written notice of appeal specifying the decision from which the appeal is taken. In the case of such appeal, the Planning Commission shall cause a transcript of the proceedings in the case to be certified to the City Council, and the matter will be heard on said transcripts. The filing fee for an appeal is based on the actual cost of the required official transcript and any related miscellaneous charges.

Exception: The disapproval of a general subdivision plan may be appealed by the subdivider by submitting to the Planning Commission and the Mayor and City Council a written notice of appeal. Upon receipt of notice of appeal, the planning commission shall transmit to the City Council a certified copy of the proceedings upon which the appeal is taken. The City Council may overrule such disapproval by a recorded vote of not less than 2/3 of its entire membership. No other right of appeal exists as to action taken by the Planning Commission on a general subdivision plan. The City Council hearing is not limited to the record created before the Planning Commission.

RECOMMENDATION ITEMS: As to items listed on this agenda as “Recommendation Items”, the recommendation of the Planning Commission, whether to approve (with or without condition) or disapprove, will automatically be submitted to the City Council by the Department of Urban

Development – Planning Division, and the item (except recommendations on Final Plats which are not so limited) will be considered by the City Council on the record created before the Planning Commission. It is not necessary to file anything with the Planning Commission in order to have the matter heard by the City Council.

G2. Anyone speaking today is asked to complete a "Speaker's Card".

Please provide the completed card at the time you speak to the Planning Commission. City staff personnel can assist in any questions you may have or in completing the card. This public meeting is open to all for comment.

H. Hearing of Cases

H1. Planning Commission Decision

1. Tree Permit Appeal 2605PC070 (Deferred to Special Call Meeting per Request of Planning Commission Chairman)

H2. Planning Commission Recommendation

I. Reports

J. Unfinished Business

K. Other Business

L. Adjournment

July 31, 2026

TO: Greg Holmes, UD Director

FROM: Keith Williams, Chairman – Planning Commission

RE: Tree Appeal – 4719 W. Beach (Owner – Russells)

I have been informed that Randy Wales, the City's designee for enforcement of the Tree Ordinance, has reconsidered their earlier decision and has decided to grant the owners a permit for removal of the protected tree on their property. As such, there is no need to have a special meeting of the Planning Commission on August 6, 2026, as previously scheduled. Please notify the Commissioners accordingly.

A handwritten signature in blue ink that reads "Keith A. Williams". The signature is written in a cursive, flowing style.



URBAN DEVELOPMENT
PLANNING & ZONING
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE
228.868.5710 | PLANNERS@GULFORT-MS.GOV

PLANNING COMMISSION

Hearing Date: Thursday, August 6, 2026

Planning Commission Decision

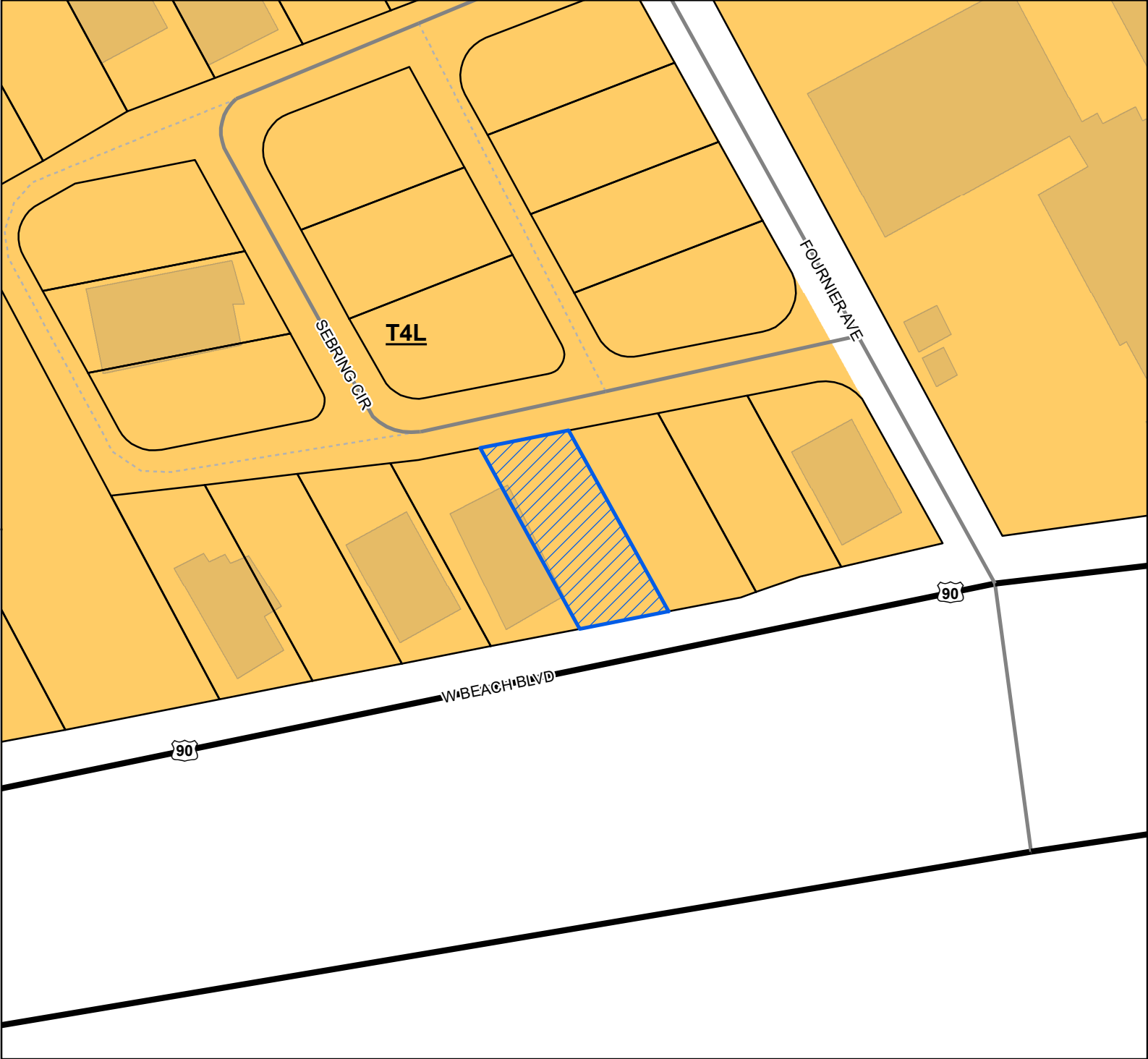


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PLANNING COMMISSION

Hearing Date: Thursday, August 6, 2026

**Tree Permit Appeal 2605PC070 (Deferred to Special Call Meeting
per Request of Planning Commission Chairman)**



 Site

 US or State Highway

 Street

 Alley

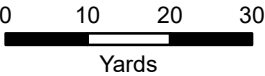
 Parcels

 Buildings

Smart Code

 T4L

Site Information
07110-04-028.004
Zoning: T4L (General Urban Zone Limited
Size: 4514.01 sqft (6851.78 sqft after lot combination, not shown on map)
Flood: AE



1 inch = 70 feet



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CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR APPEALS

Property Information

TAX PARCEL #

0	7	1	1	0

 -

0	4

 -

0	2	8

 .

0	0	4

For Staff Use Only
Case File #: 2605PC070
Date Received: 4-7-26
Receipt #: 13790426
Received By: SDS
Zoning: T4L
Ward: 2 Flood: AE
Size: 6,851.78 sq. ft.

(If necessary, use separate sheet of paper)

Address of Property Involved: 4719 W BEACH BLVD

Lot(s) 4, Block(s) _____, Subdivision 9 WATERS

General Location: _____

GENERAL DESCRIPTION OF APPEAL:

TREE WAS DETERMINED IT HAD COMPROMISED STRUCTURAL INTEGRITY BY CITY ARBORIST, THE TREE IS IN MIDDLE OF ADDITION! THE ROTTING TREE IS A LIABILITY TO US, OUR PROPERTY & OTHERS.

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

AGENT

MIKE & KIRSTEN RUSSELL

Printed Name Of Owner

4719 W BEACH BLVD

Mailing Address

GULFPORT MS 39501

City

State

Zip code

Home Phone

cell #1

Work/Cell Phone #2

Email

Mike Russell [Signature]

Signature Of Owner

Printed Name Of Agent

Mailing Address

City

State

Zip code

Home Phone

Work/Cell Phone

Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.

☐

SECTIONS A. THROUGH H. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.



Covenant Affidavit

I, MICHAEL RUSSELL, being owner or agent of the property 4719 W. BEACH BLVD
PRINT NAME PRIMARY ADDRESS OR PO BOX
GULFPORT, MS 39501

which is the subject of this application, hereby state that this request is not in violation of any restrictive or protective covenants.

Michael Russell
Signature

4/7/2026
Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 7th day of April, 2026

S. S. Smith, Jr.
Notary Public

Commission Expiration



ALAN FEATHERSTON CAME TO OUR HOME FALL OF 2025 AND TOLD US THE TREE HAD BEEN HIT BY A VEHICLE WHICH HAS COMPROMIZED ITS INTERNAL INTEGRITY. THE EMPACT AFFECTS THE TREES VASCULAR SYSTEM WHICH THEN CAUSES THE TREE TO DEVELOPE HEART ROT WHICH IS WHERE THE TREE DECAYS FROM THE INSIDE OUT.

THE TREE ALSO HAS "V-SHAPED" (FORE) WHERE TWO MAIN TRUNKS MEET. WHICH ARE PRONE TO SPLITTING DOWN THE MIDDLE UNDER THE STRESS OF HIGH WINDS OR HEAY RAIN.

THERE IS ALSO CALITIES AT THE BASE OF THE TRUNK WHICH RODENTS LIVE. FUTHER SIGNS OF INTERNAL CAVITY, ROT CAUSING MORE WEAKNESS OF THE TRUNK OF THE TREE

THIS TREE IS WITHIN 15' OR STRICKING DISTANCE OF OUR HOUSE AND PEDISTRIANS ON STREET & SIDEWALK. IF THE TRUNK SNAPS AT THE BASE OR SPLITS AT THE CRACK OR "V" (WHERE THE HEART ROT AND RODENT CAVITIES ARE LOCATED), THERE IS ALMOST NO SCENARIO WHERE THE TREE MISSES THE HOUSE OR ADDITION. BECAUSE THE HOUSE IS SO CLOSE TO THE "PIVOT POINT" (THE BASE), EVEN A PARTIAL LEAN TOWARD THE STRUCTURE WOULD RESULT IN A MASSIVE IMPACT. THE LIABILITY OF THE CATASTROPHIC DAMAGE THIS LIVE OAK WILL CAUSE WITHOUT WARNING TO OUR PROPERTY OUR LIVES AND THE LIVES OF NEIGHBORS OR DRIVERS ON HIGHWAY 90 AND PEDISTRIANS ALONG SIDEWALK. WE HAVE BEEN TOLD OF THIS BY GULFPORTS CITY ARBORIST AND NOW BEING TOLD WE ARE SAFE WHEN YOU

CAN VISUALLY SEE THE ^{VID} CRACKS PLUS THE
SQUISHY BARK THAT FALLS OUT WITH THE SLIGHTEST
TOUCH. RODENT HOLE CAVITIES & MUSHROOM
GROWTH. AS WELL AS ALL THE MULTIPLE
SUCKER GROWTH ON MAJOR LIMBS WHICH ALSO
IS SIGNS OF INTERNAL FUNGUS & ROT.

THE TREE IS IN THE MIDDLE OF OUR BUILDING
PROJECT AND IS A HAZARD TO OUR CURRENT PROPERTY
& OTHER. OUR NEIGHBORING LOT OWNER HAS BUILDING
PLANS SUBMITTED TO THE CITY AS WELL. AND WILL
NEED LIMBS REMOVED. SO WE WOULD HAVE A
RODENT INFESTED, ROTTEN TRUNK W/2 LIMBS LEFT.
FOR SURE WILL FALL AND CAUSE DAMAGE

COPY

CITY OF GULFPORT

TREE PERMIT APPLICATION (VER. 3/25)

City of Gulfport Department of Urban Development

1410 24th Avenue, Gulfport, Mississippi 39501 (228) 868-5715

Please read and fill in ALL information that is requested. Failure to fully and adequately complete this application may result in a delay in issuing a permit. **PLEASE PRINT LEGIBLY.** ** NOTE: It is acknowledged by the undersigned Applicant herein as a condition of any permit issued, that it is the responsibility of the owner of the property and the contractor, if any, for the removal of all limbs, stumps, and other related material after any permitted pruning and/or tree removal has occurred.

APPLICANT INFORMATION

FULL NAME OF APPLICANT MIKE & KIRSTEN RUSSELL
PHONE NO. 913 488-5588 EMAIL jayhawkcruss@gmail.com
NAME OF CONTRACTOR (IF ANY): _____

ADDRESS OF APPLICANT 4719 W BEACH BLVD (street address)
GULFPORT MS 39501
City State Zip

PROPERTY INFORMATION FOR LOCATION OF TREES

STREET ADDRESS FOR AFFECTED TREES 4719 W BEACH BLVD
TAX PARCEL NUMBER FOR PROPERTY 07110-04-028.004
(REQUIRED FOR ISSUANCE)

* IF METES AND BOUNDS ATTACHED PHOTOGRAPH OR DEED FOR SURVEY WITH LEGAL DESCRIPTION

FULL NAME OF PROPERTY OWNER: MIKE & KIRSTEN RUSSELL
ADDRESS OF PROPERTY OWNER 4719 W. BEACH BLVD (street address)
GULFPORT MS 39501
City State Zip

PHONE NO. 913 488-5588 EMAIL jayhawkcruss@gmail.com

PERMIT INFORMATION

Permit for (check all that apply): Removal ☒ Pruning _____ Other _____

Reason for permit request Adding Addition to EXISTING HOME w/ PATIO
(Use separate sheet if needed)

Total Number of Protected Trees to be removed / pruned: 1 Number of Acres: 6.85178
39ft

Provide Number of Protected Trees Below (in blanks provided):

<u>1</u> Live Oak	Red Maple	Shumard Oak
Southern Magnolia	American Sycamore	Overcup Oak
Bald Cypress	Willow Oak	Swamp Chestnut Oak

Application is hereby made to the City of Gulfport pursuant to the City's Code of Ordinances for removal and pruning of protected trees. I, undersigned applicant, state and affirm that the above information is true and correct and that I have the authority over the description of work to be performed and to submit this application and seek a permit thereon. I also understand the City's Tree Protection Ordinance and that the City has fourteen (14) working days to issue or deny the application and I agree to comply with all provisions and requirements of the City's Code of Ordinances and its Tree Protection Ordinance and with all conditions or requirements associated with any permit issued. Any permit shall be valid for a period of 180 days following date of issuance.

FEE: _____ SIGNATURE: Michael Russell DATE: 3/16/20

OFFICIAL USE ONLY

Name of Employee Receiving Application: Will S. Date Received: 3-16-20 Date Received by Tree Protection Advisor: _____

Amount of Monies Received with Application (Application Fee): _____ Method of Payment: _____

Tree Permit Approved _____ Tree Permit # 26037P0024 Tree Permit Denied X (See attached comments, if any)

Signature: Michael Russell Date: 4/6/20

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

Site plan showing the following information at a scale sufficient to enable the determination of matters required under the Tree Protection Ordinance:

- (1) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any.
- (2) Location and dimensions of all protected trees identified by common or botanical name. Trees proposed to remain, to be relocated or to be removed shall be so identified. Groups of trees in close proximity, three (3) foot spacing or closer, may be designated as a "clump" of trees, and predominant species, estimated number, and average size listed.
- (3) A statement showing how trees not proposed for removal are to be protected during land clearing and construction (a statement as to proposed Protective Barriers as defined in Section 8-12, etc).
- (4) Statement as to grade changes proposed for the lot/parcel and how such changes will affect these regulations.
- (5) A description of any proposed tree replacement, to include size, type, number and location of existing trees and the same for replacement trees.
- (6) The Tree Protection Advisor may require the applicant to furnish additional information as necessary and appropriate to properly analyze the application.

Tree Permit Fee Schedule:

RESIDENTIAL AND COMMERCIAL (IMPROVED)*

One Tree: \$25.00
Each additional tree: \$10.00

RESIDENTIAL AND COMMERCIAL (UNIMPROVED)*

One Tree: \$35.00
Each additional tree: \$15.00

The 51.5" Live Oak tree is not in the addition's envelope. The addition can be built with existing tree.

APPLICATION FOR TREE MITIGATION TRUST

Tree Mitigation Trust application and site plans/landscape plans must be submitted to the Planning and Zoning Department and must be approved by the City of Gulfport's Tree Advisor.

Applicant Information

Name: MIKE & KIRSTEN RUSSELL
Company/Organization: _____
Address: 4719 W BEACH BLVD
Phone Number: 913-488-5588
Other Contact Information (if applicable): _____

Site Information

Tree Application Permit #: 2603 TP 024
Site Address/Parcel #: 4719 W BEACH BLVD
Number of Trees Unable to Plant: 5
Are there existing trees proposed to be removed for this site? YES ☐ NO ☒
Is there existing greenspace on the site where trees cannot be planted? YES ☐ NO ☒

Justification

The following section shall be used to justify reasons why the applicant should be able to participate in the City of Gulfport tree mitigation trust.

The following are common hardships (but not all) that allow an applicant to partake in the tree mitigation trust: (1) zero-lot-line property (existing building/structure comes up to property edges on all sides), (2) existing utility infrastructure or maintenance zone prohibits trees from being planted, (3) difficult water features, (4) difficult topography, (5) unusual site conditions.

Please list and explain your reasoning/hardships for not being able to plant trees on the site:

NO ROOM DUE TO SIZE OF LOT &
BUILDINGS ON LOT PLUS PROPOSED
ADDITION TO EXISTING STRUCTURE
IT CAUSES WATER DRAINAGE TO OUR
FOUNDATION BECAUSE TREE TRUNK ABOVE
OUR FOUNDATION
IT'S ROTTEN

Agreement

The applicant agrees that they have explored all alternative options for planting required trees on site and have exhausted all alternatives. The applicant agrees to provide site plans and landscape plans to the Tree Advisor showing justification for entering the tree mitigation trust.

The applicant agrees to pay the City of Gulfport to plant trees in an alternative location on public grounds or rights-of-way that are comparable to the trees or landscaping otherwise required on site by the City Ordinance. The applicant agrees to pay a one-time, flat fee for the planting and maintenance of such comparable trees. Due to the ongoing maintenance that will be required by the City of Gulfport for the life of the tree, the flat cost estimate for planting and initial maintenance of a comparable tree is two (2) times the base price for a two (2) inch caliper, ten (10) foot tree to purchase the comparable tree in local nursery stock. The applicant agrees to pay the City the current tree mitigation fee for each tree per the schedule in Ordinance Chapter 8, Sec 8-8. (b) that the applicant is unable to plant. Agreeing to pay into the trust does not exempt the applicant from other landscape code requirements not covered in this application.

Acknowledgement

I, MICHAEL RUSSELL (print name), have read and understand the above agreement and agree to abide by its terms and conditions. I certify under penalty of law that I have examined and am familiar with the information submitted and believe the information to be true and accurate.

I agree to mitigate a total of 5 trees through the City of Gulfport tree mitigation trust.

I agree to pay the City of Gulfport Mitigation Price of \$ 1100 (current nursery stock price times two (2)) per tree for a Total Price of \$ 220.00 (current mitigation price times the number of trees being mitigated.)

Signature of Applicant: Michael Russell Date: 3/16/20

For Office Use Only

Number of trees to be mitigated: _____

Current cost per tree for mitigation bank: _____

Total tree mitigation cost for Applicant: _____

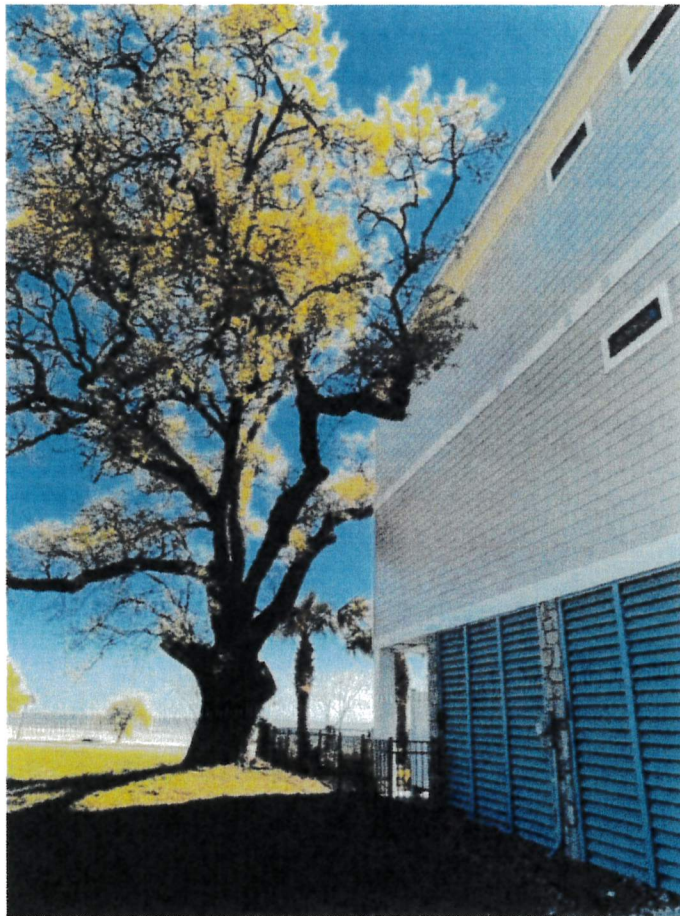
Tree Mitigation Permit Number: _____

**Permit becomes valid once payment has been received.*

Signature of Tree Advisor: _____ Date: _____



Tree trunk above foundation level
and affects drainage. City wouldn't
approve adding to grade to raise.
Water is affecting our foundation





PROPOSED

[illegible]

U.S. HIGHWAY 90
WEST BOUND LANES

Michael Russell
3/16/20

- [illegible]

THIS PARCEL OF LAND IS LOCATED IN
SMARTCODE T4L AS PER CITY OF
GULFPORT ONLINE ATLAS. REFER TO
CITY OF GULFPORT MUNICODE FOR
SETBACKS AND OTHER CRITERIA

DATE OF FIELD WORK 1/19/2026
TOPCON HIPER VR RECIEVER WAS
USED FOR GPS OBSERVATION
UTILIZING THE EARL DUDLEY, INC.
REAL-TIME NETWORK

NOTES

- 1) FIELD SURVEY PERFORMED WITH A TOPCON HIPER VR GPS RECEIVER
2) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE
DERIVED BY GPS OBSERVATION UTILIZING THE EARL DUDLEY, INC. RTK
NETWORK, AND ARE BASED ON SPC (2501 MS E).
3) UNLESS OTHERWISE NOTED THIS SURVEY IS LIMITED TO ABOVE
GROUND AND VISIBLE UTILITIES. A MISSISSIPPI ONE CALL SHOULD BE
MADE BEFORE ANY DIGGING @ 1-800-227-6477
4) BUILDING SETBACKS, ELEVATIONS, WETLAND DETERMINATION AND ET
CETERA TO BE PRESCRIBED BY APPROPRIATE GOVERNING BODIES

BY GRAPHIC PLOTTING ONLY. THIS PROPERTY IS LOCATED IN THE FIRM ZONE "AE" WITH BASE ELEVATIONS OF 19 AND 20 ACCORDING TO MAP NUMBER 28047C0378G, DATED JUNE 16, 2009. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING. THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.

CLIFFORD A. CROSBY, PLS

716 LIVE OAK DRIVE
BILLOM, MS 39532 PHONE: 228-234-1649





Angela Shuck 1st JUDICIAL DISTRICT
Instrument 2026-0003751-D-11
Filed/Recorded 02/27/2026 3:05:01 PM
Total Fees 26.00
2 Pages Recorded

Prepared By and Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550

File#251744

Indexing Instructions:
The W ½ of Lot 3, Nine Water S/D
Harrison County, 1st JD, MS

**STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT**

WARRANTY DEED

THAT FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged,

**BRADLEY D. FORREST and BRANDY R. FORREST
1011 ALPHABET ROAD
GULFPORT, MS 39503
(228) 346-0870**

do hereby grant, bargain, sell, convey and warrant, unto

**MICHAEL RUSSELL and wife, KIRSTEN WILSON-RUSSELL
as tenants by the entirety with full rights of survivorship and not as tenants in common
4719 W. BEACH BLVD.
GULFPORT, MS 39507
(913) 488-5588**

the following described property, together with the improvements, hereditaments and appurtenances thereunto situated and located in the County of Harrison, State of Mississippi, and more particularly described as follows, to-wit:

The West One-Half (W 1/2) of Lot Three (3), NINE WATER SUBDIVISION, a subdivision according to the official map or plat thereof on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 59 at Page 19 thereof, reference to which is hereby made in aid of and as a part of this description.

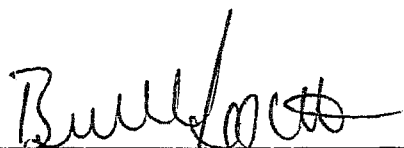
THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and any prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners of subject property.

Estimated county ad valorem taxes have been prorated between the parties as a part of the

consideration for this conveyance. In the event the estimates upon which such proration is based prove to be inaccurate for any reason, the Grantee agrees to refund any excess, and the Grantor agrees to pay any deficiency, upon receipt of a copy of the tax statement for the current year and a computation of the true amount due, based on a 365 day year.

THIS CONVEYANCE is also subject to Zoning and/or other land use regulations promulgated by federal, state or local governments affecting the use or occupancy of the subject property.

WITNESS THE SIGNATURES of the Grantors on this the 27th day of February, 2026.


BRADLEY D. FORREST


BRANDY R. FORREST

STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, **BRADLEY D. FORREST and BRANDY R. FORREST**, who acknowledged that they signed, executed and delivered the above and foregoing instrument as their voluntary act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal on this the 27th day of February, 2026.


NOTARY PUBLIC

(SEAL)

My Commission Expires:

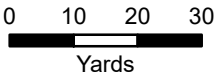


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		07110-04-028.004	MIKE & KIRSTEN RUSSELL (OWNERS)	4719 W BEACH BLVD	GULFPORT	MS	39501
			Adjacent Property Owners (2605PC070)				
	90962	07110-04-025.000	TUSCAN VILLAS CONDO ASSOC INC	1521 GIUFFRIAS AVE	METAIRIE	AL	70001
	80833	07110-04-028.001	PRUSSIA STEPHEN LEO & LYNN SMITH	4701 W BEACH BLVD	GULFPORT	MS	39501
	80840	07110-04-028.008	RIED DEWAINE L & SUSAN E -TRUSTEES-	4743 W BEACH BLVD	GULFPORT	MS	39501
	80839	07110-04-028.007	TRAN TIEN & DANG PHUNG KIM	15281 CAMELOT DR		MS	39540
	80838	07110-04-028.006	SMITH CHRISTINE DANIELLE	4731 W BEACH BLVD	GULFPORT	MS	39501
	80837	07110-04-028.005	FITZGERALD MICHAEL & DIANE	703 CENTRAL AVE	HOUMA	LA	70364
	80836	07110-04-028.004	RUSSELL MICHAEL & KIRSTEN WILSON	14315 REEDER ST	OVERLAND PARK	KS	66221
	80835	07110-04-028.003	FORREST BRADLEY D & BRANDY R	1011 ALPHABET RD	GULFPORT	MS	39503
N	80834	07110-04-028.002	FORREST BRADLEY D & BRANDY R	1011 ALPHABET RD	GULFPORT	MS	39503
	80842	07110-04-028.010	2G HOLDING LLC	9326 LOBOUY RD	PASS CHRISTIAN	MS	39571
N	80843	07110-04-028.011	2G HOLDING LLC	9326 LOBOUY RD	PASS CHRISTIAN	MS	39571
N	80841	07110-04-028.009	2G HOLDING LLC	9326 LOBOUY RD	PASS CHRISTIAN	MS	39571
N	80854	07110-04-028.022	2G HOLDING LLC	9326 LOBOUY RD	PASS CHRISTIAN	MS	39571
	80853	07110-04-028.021	PRUSSIA STEPHEN L & LYNN S	4701 W BEACH BLVD	GULFPORT	MS	39501
N	90903	07110-04-028.000	2G HOLDING LLC	9326 LOBOUY RD	PASS CHRISTIAN	MS	39571
N	80855	07110-04-028.023	2G HOLDING LLC	9326 LOBOUY RD	PASS CHRISTIAN	MS	39571
N	80850	07110-04-028.018	2G HOLDING LLC	9326 LOBOUY RD	PASS CHRISTIAN	MS	39571
N	80851	07110-04-028.019	2G HOLDING LLC	9326 LOBOUY RD	PASS CHRISTIAN	MS	39571
N	80852	07110-04-028.020	2G HOLDING LLC	9326 LOBOUY RD	PASS CHRISTIAN	MS	39571



Legend

- Site
- US or State Highway
- Street
- Alley
- Buildings



1 inch = 90 feet



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Vanessa Benson

Basic Tree Risk Arborist Assessment

Prepared By: Vanessa Benson

ISA Certified Arborist SO-11008A

TRAQ | PPQ

State Licensed: Ms and La

Company: SNG Tree Service

Pass Christian, Ms.

Contact: 228-547-3861

Client Name: Kiersten Russel

Property Address: 4719 W Beach Blvd

Gulfport, Ms

Date of Assessment: May 18, 2026: Revisited May 22, 2026
(during rain)

*** Report good for 3 months***

This report includes a Level 2 Basic Tree Risk Assessment, evaluating Quercus virginiana (Live Oak), visual inspection from the ground, in accordance with ISA Best Management Practices.

SNG Tree Service | ISA Certified Arborist | South Mississippi and Parts of La

Tree Risk Level 2 Arborist Assessment

Species	Circumference	DBH	Spread
Quercus virginiana	158"	4' 2"	Branch on N side running length of house 44' 11"

In my professional opinion, the likelihood of failure is probable.
The consequences of failure is severe.

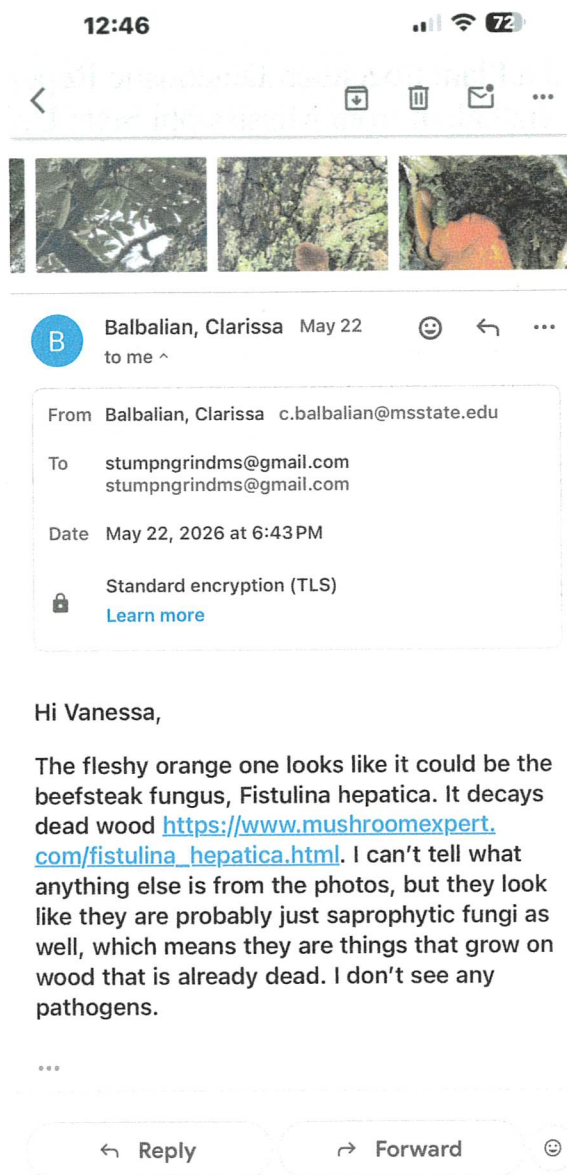
Targets: People, home, vehicles, pets

Tree Part: whole tree and branches

Occupancy Rate:4



Fistulina hepatica



The subject tree exhibits visible fungal fruiting bodies.

Trunk area fruiting bodies: Wood rot fungus (*Phellinus* sp./spp.)

Buttress Root area: beefsteak fungus *Fistulina hepatica* which very likely indication root rot and heart rot.

Decay on one side from what appears to be years worth of debris piled in the buttress root area.

Additionally, the tree was struck by a truck prior to 2016 and has a very large wound that the tree has had difficulty compartmentalizing.

I have included a Plant Specimen Diagnostic Report as well as an email on these Fungi from C. Balbalian from Mississippi State University Lab.

According to the property owner, Mrs. Russel, construction is planned for a 2 car tandem garage 22' wide and 28' deep with storage above it, attached to existing home. This will include a lift and deck, placing the trunk only 6 feet from the new addition. As a result , the proposed construction will encroach into the Critical Root Zone (CRZ) of the tree . Additionally this will require significant branch pruning, including very large cuts that will create additional major wounds to the the tree.

Therefore, these combined factors make this tree an even greater risk.



PLANT SPECIMEN DIAGNOSTIC REPORT			
Specimen # 2023-P-417			
SUBMITTED BY Vanessa Benson Stump N Grind, LLC Tree Service MS stumpn grindms@gmail.com		PLANT Fungus ID Request (General)	
PHONE 228-547-3861		METHOD SUBMITTED ELECTRONIC	
COUNTY HANCOCK, MS		CLASS Fungus ID	
CONDITION UPON ARRIVAL Photos only-no form		REPLY FROM LAB August 7, 2023	
GENERAL OBSERVATIONS Fungus/Mold		DIAGNOSTIC TECHNIQUES C. Balbalian	
		☒ GROSS VISUAL ☐ BAITING/WASHING ☐ REGULATORY ☐ MICROSCOPE ☐ CHEMICAL ASSAY ☐ SEED ☐ TISSUE EXAM ☐ GENETIC ☐ SEROLOGICAL-ELISA ☐ CULTURE ☐ MICROBIAL ID-FAHE ☐ REFERRAL ☐ MOIST CHAMBER ☐ MONITOR/INOCULATE ☐ SPECIALIZED MEDIA ☐ NEMATODE	
Diagnosis/Recommendations			
Diagnosis: Wood rot fungus (<i>Phellinus sp./spp.</i>) Category: FUNGAL Comments: This is a wood rot fungus that is in the <i>Phellinus</i> group. In the past (prior to molecular analysis) we probably would have called this <i>Phellinus everhartii</i> , but molecular work done a few years ago indicates that <i>everhartii</i> likely only occurs in Europe. Regardless of name, this fungus decomposes lignin which results in a white heart-rot. This fungus will not kill the tree because it does not parasitize living sapwood. However, decay of the heartwood can result in structural instability that increases the risk for tree failure, which can make the tree a hazard risk. If the fungus is present on a limb, then that limb can be removed. If this is a trunk infection, then you will want to regularly monitor the extent of decay in the trunk and inspect the tree regularly for structural weakness. Avoid further wounding of the tree as much as possible.			



(*Phellinus sp./spp.*)



Disclaimer

Trees should be assessed by an ISA Certified Arborist annually.

Know and follow all instructions of the Tree Ordinance and laws that apply to trees in your local area.

Trees can be managed, but they cannot be controlled.

To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees. Arborists and urban foresters are tree specialists who use their education, knowledge, training and experience to:

- Examine trees
- Recommend measures to enhance the beauty and health of trees
- Attempt to reduce the risk of living near trees

Vanessa Benson, Stump N Grind LLC, Tree Specialist Arborist Group, LLC, its arborists, technicians, subcontractors and/or employees, do not certify the safety or health of any tree for any period of time. Clients may choose to accept or disregard the opinions of the arborist or seek additional advice. At times, a level 3 arborist assessment is needed to get a further understanding of the condition of the tree.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that may fail in ways we do not fully understand.

Limitations and Risks

- Conditions are often hidden within trees and below ground.
- Arborists cannot guarantee that a tree will be healthy or safe, or fail, for that matter, under all circumstances, or for a given period of time.
- Construction activities are hazardous to trees and cause many short and long-term injuries, which can cause trees to die or fail.
- Even when every tree is inspected, inspections involve sampling; therefore, some areas of decay or weakness may be missed.
- Weather, winds and the magnitude and direction of storms are not predictable, and some failures may still occur despite the best application of high professional standards.

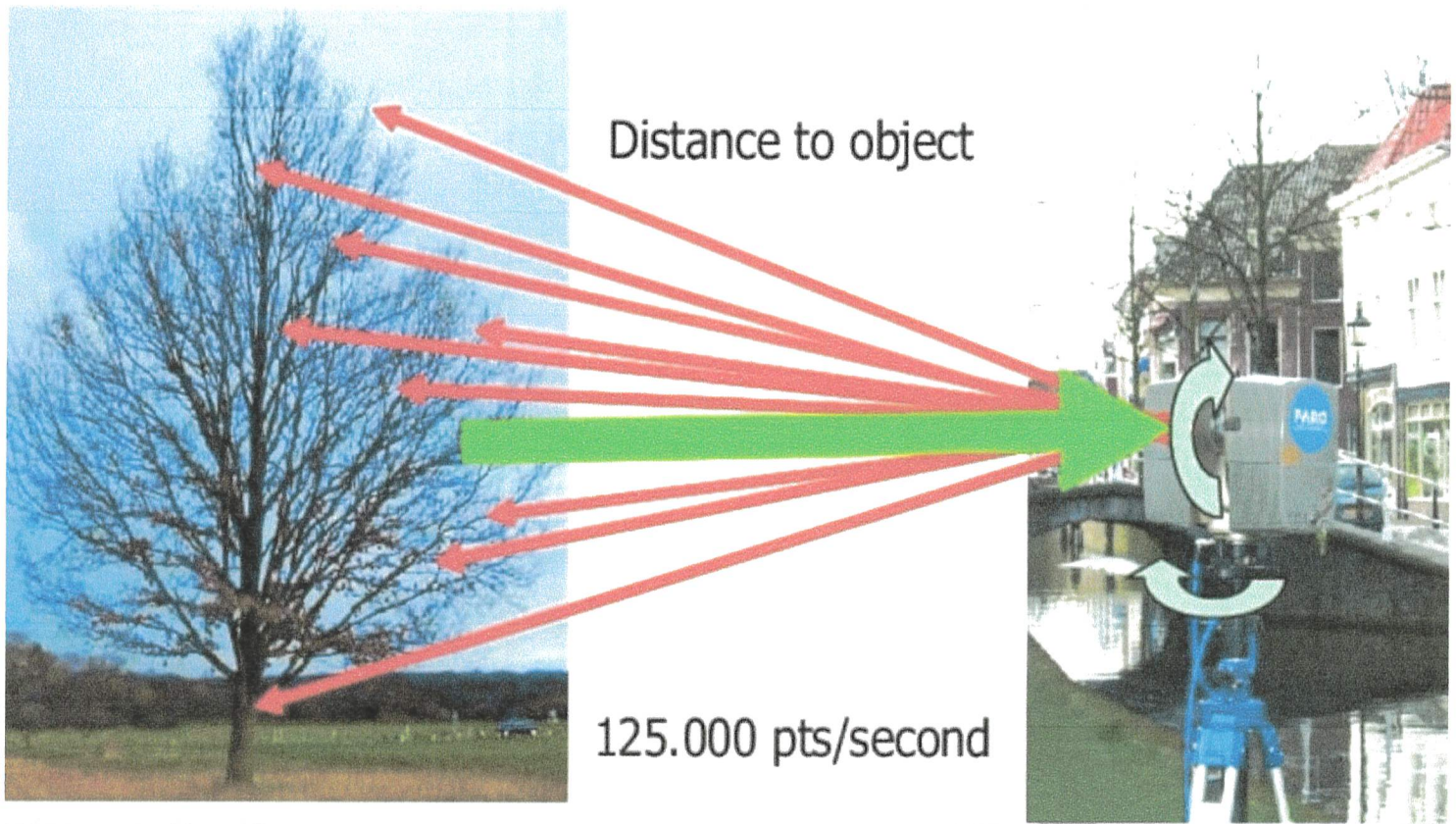
Treatments and Remedial Measures

- Remedial treatments, like any medicine, cannot be guaranteed.
- Treatments, pruning and removal of trees may involve considerations beyond the scope of the arborist's services, such as:
 - Property boundaries
 - Property ownership
 - Sight lines
 - Disputes between neighbors
 - Landlord-tenant matters, etc.
 - Arborists cannot take such issues into account unless complete and accurate information is given to the arborist.

Responsibility of the Client

- The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.
- All mitigation options are up to the tree owner to decide which options they will choose according to the level of risk they are willing to accept.
- Tree and site conditions are current conditions and are subject to change any time due to trees being exposed to nature and outdoor elements.
- Reports reflect current condition of tree and site only.
- The assessment and recommendations are subjective and reports are based on arborist opinions.

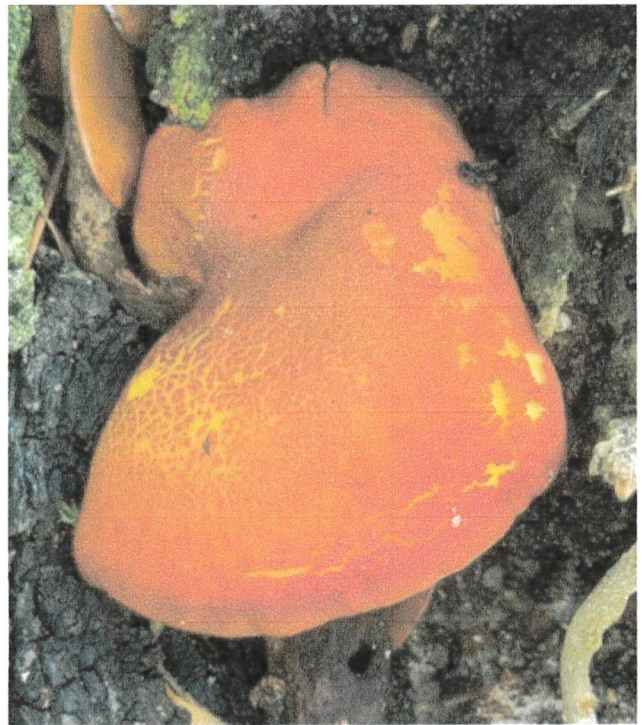
Terrestrial Laser Scanner



High-Tech and Remote Sensing Equipment

- **Terrestrial Laser Scanning (TLS):** Systems like the Faro Orbis utilize SLAM (Simultaneous Localization and Mapping) and LiDAR to create a 3D point cloud of the tree. Processing software like TerraScan or CloudCompare then automatically extracts the trunk's diameter and volume from the vertical slices.

Terrestrial Laser Scanning (TLS) is **highly accurate**, generally achieving a **Root Mean Square Error (RMSE) of 0.5 cm to 2.0 cm** when measuring a tree trunk's diameter breast height (DBH). Under optimal clean-standing conditions, its millimetric precision can even achieve sub-centimeter accuracy. [E ScienceDire...](#) +4



SEC.8-7(1,5)

Fungi On tree





What is this growing at the
base of my live oak tree

Based on the distinct reddish-orange coloration, moist texture, and its position in a trunk hollow, this is the fruiting body of a **Beefsteak fungus** (*Fistulina hepatica*). [Facebook](#) +1

This bracket fungus is a specialized parasite and decomposer that target hardwoods, specifically old or stressed oak trees. [Facebook](#)

Impact on Your Oak Tree

- **Heart Rot:** The presence of this mushroom means the mycelium (the hidden network of the fungus) is actively digesting the tree's internal heartwood. It causes a



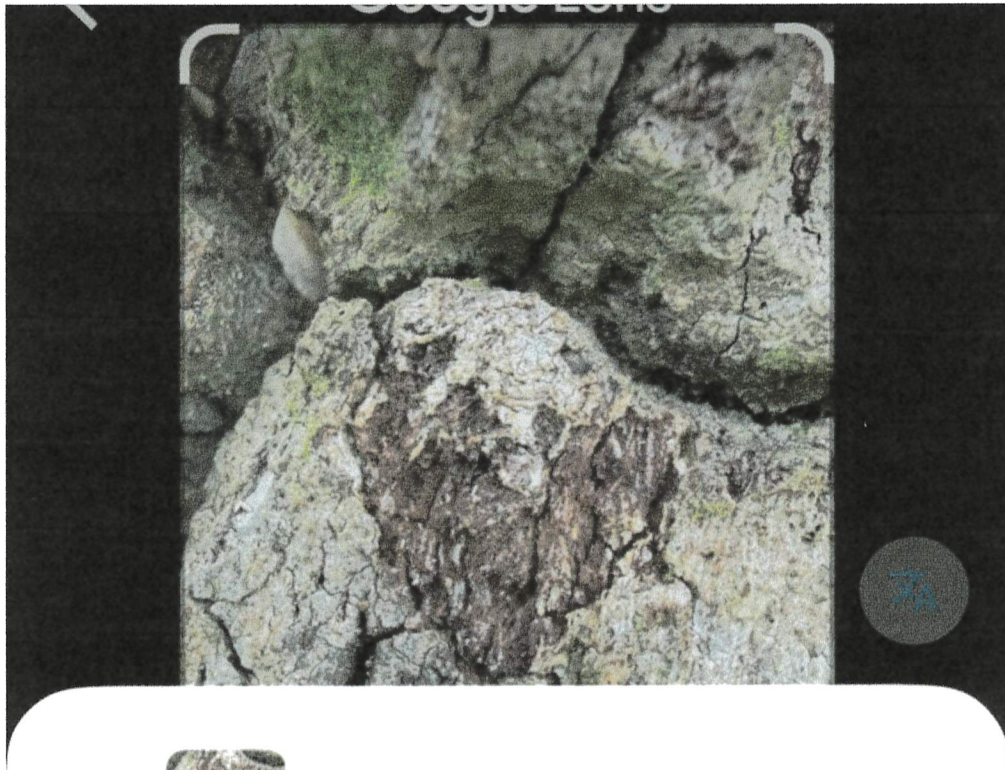
SEC.8-7(1)

Based on the visual evidence, the tan substance emerging from the crack in the tree limb appears to be a fungal fruiting body or a byproduct of internal decay.

Potential Identifications

Because several tree conditions can look similar from a distance, here are three distinct possibilities:

- **Shelf or Bracket Fungi (Conks):**
These are often tan, hard, and wood-like. They grow from wounds or cracks and indicate internal wood rot. A common example is the **Artist's Conk** (*Ganoderma*



Ask about this image

AI Mode All Exact matches Visual mat

◆ AI Overview

f +3 ⋮

The image displays a close-up of tree bark with a distinct, reddish-brown, heart-shaped area of damage or fungus, potentially indicating a bacterial infection like crown gall or a fungal growth.



Ask about this image

AI Mode All Exact matches Visual mat

◆ AI Overview



The bark shown in the image appears to be consistent with a mature oak tree, specifically resembling the thick, rugged texture of a Southern Live Oak.

- **Fungus/Growth:** The brown, woody growth on the left side of the trunk is likely a bracket fungus



Based on the visual evidence, the tan substance emerging from the crack in the tree limb appears to be a fungal fruiting body or a byproduct of internal decay.

Potential Identifications

Because several tree conditions can look similar from a distance, here are three distinct possibilities:

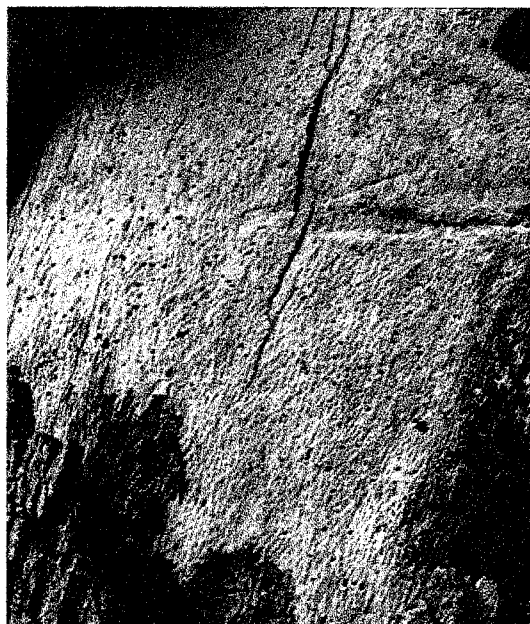
- **Shelf or Bracket Fungi (Conks):**
These are often tan, hard, and wood-like. They grow from wounds or cracks and indicate internal wood rot. A common example is the **Artist's Conk** (*Ganoderma*



The fungi shown are **violet-toothed polypores** (*Trichaptum biforme*). [Flickr +1](#)

- **Appearance:** These are small, bracket-shaped fungi that often grow in overlapping clusters. They are similar in appearance to turkey tail mushrooms but are generally duller on top.
- **Distinctive Features:** The underside is the most distinguishing feature, possessing violet or lilac-colored pores that erode into tooth-like structures as they age.
- **Ecology:** They are saprobic, meaning they feed on dead or decaying hardwood, such as stumps and logs.
- **Habitat:** Found widely across North America on various tree hosts. [Mushroom A... +3](#)

Insect Infestation



Key Characteristics Observed

- **Randomized Pattern:** The disorganized, non-uniform arrangement of holes is a typical sign of insect borer activity. This distinguishes it from woodpeckers (like sapsuckers), which leave holes in neat, horizontal lines.
- **Bark Loss:** Heavy infestations can cause bark to loosen or fall away, exposing the damaged wood underneath.
- **Internal Tunneling:** While not visible here, if you were to cut into the wood, you would likely find winding tunnels (galleries) filled with sawdust-like material (frass).

Recommendation: To determine if the infestation is still active, look for fresh sawdust-like "frass" around the holes or at the base of the tree. Because these insects can severely weaken a tree's vascular system, it is recommended to consult a professional arborist to evaluate the tree's structural health and discuss potential treatment.

Based on the numerous tiny, round holes in the wood and the lack of a distinct pattern, the damage was likely caused by wood-boring beetles.

Several types of insects create these types of "shot holes" as they emerge from the wood:

- **Bark Beetles:** Known for creating very small, pencil-tip-sized holes often in random patterns along the trunk or branches.
- **Powderpost Beetles:** These create tiny, round exit holes as adult beetles emerge. They get their name because their larvae can reduce wood to a flour-like powder.
- **Other Borers:** Various wood-boring larvae (often the immature stage of certain beetles or moths) tunnel through the inner bark and wood, causing this type of internal and surface damage.

Rodent infestation

Visual Analysis & Observations

- **Basal Cavity:** A prominent dark opening sits at the base of the trunk, providing an ideal entry point or den for various wildlife species.
- **Tree Condition:** The wood displays significant weathering, deep cracks, and signs of [heart rot or internal decay](#).
- **Forest Floor Debris:** The ground surrounding the roots is littered with fallen oak leaves, twigs, and broken acorn caps, suggesting this is likely an oak species.

Potential Wildlife Inhabitants

A ground-level opening like this provides excellent shelter, nesting space, or protection from predators. Common inhabitants typically include:

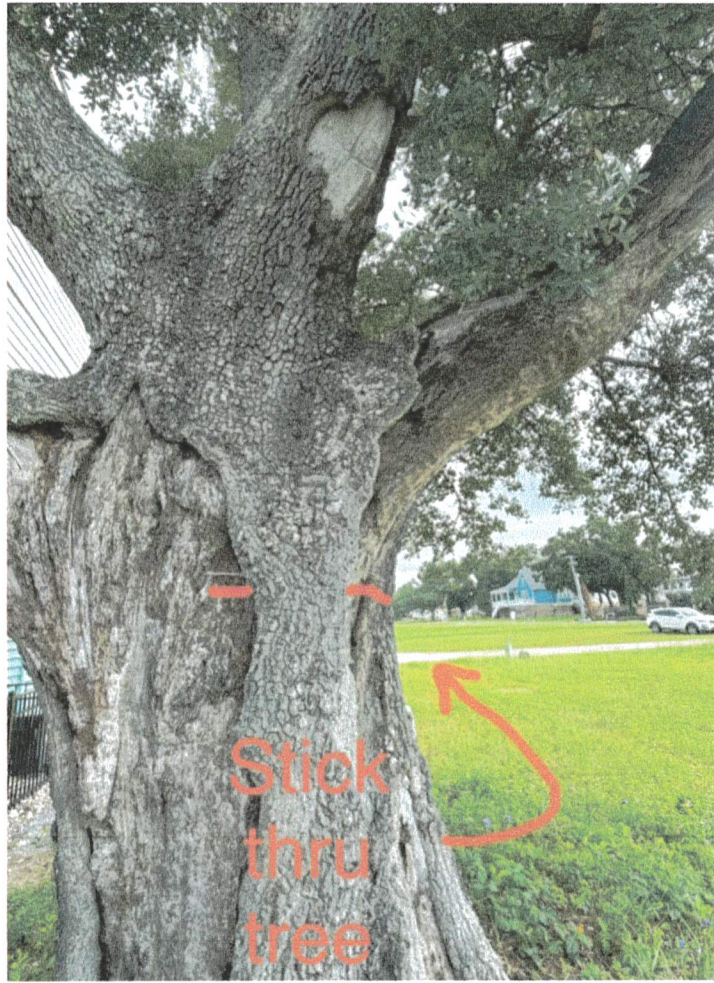


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Massive heart rot affecting tree's trunk



11:02

◆ AI Overview

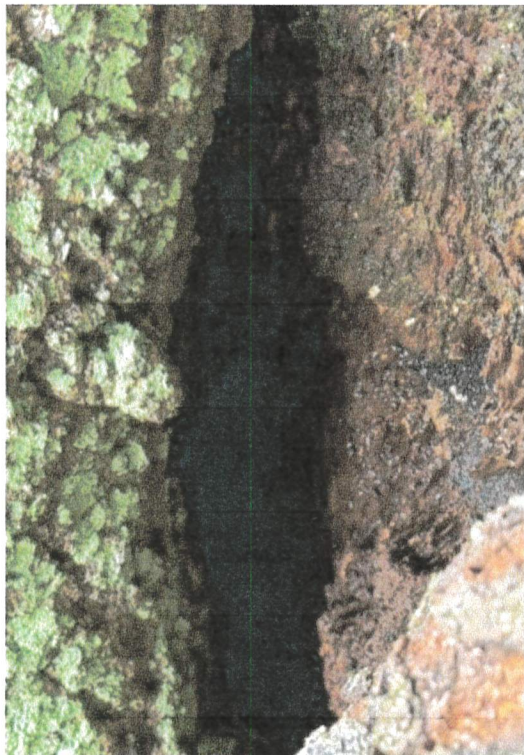
The image of your live oak shows significant **bark separation** and a **hollow cavity** within the trunk, which are signs of internal decay and environmental stress.

Likely Causes

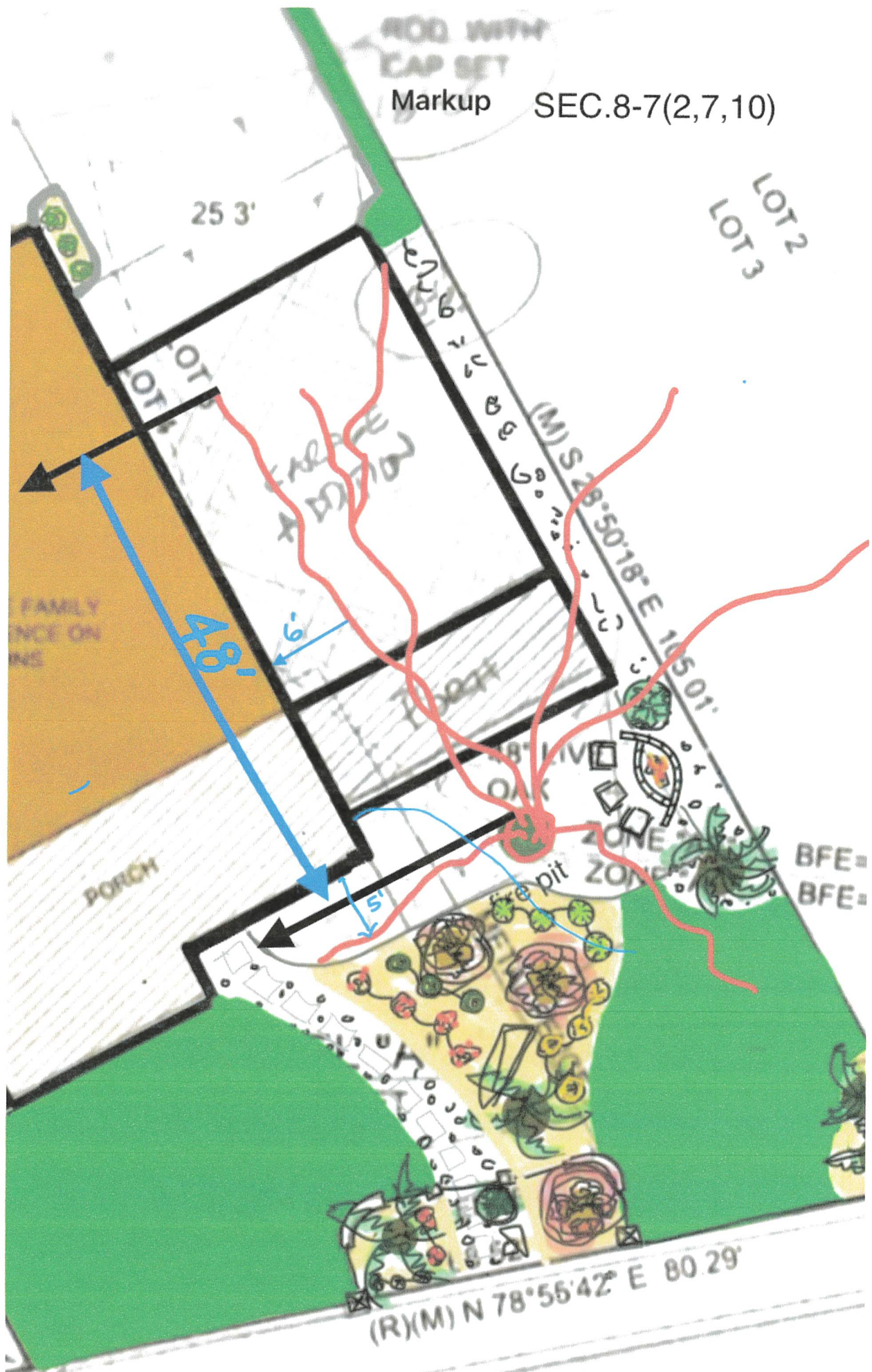
- **Environmental Stress (Freeze & Drought):** Many live oaks in regions like Texas have recently experienced severe bark splitting, also known as "**radial shake**," following extreme events like the February 2021 freeze and subsequent droughts. The record cold can kill the cambium (living layer), causing the stiff outer bark to lose its attachment and eventually slough off.
- **Heart Rot:** This natural hollowing process occurs when fungi decompose the non-living heartwood at the center of the tree. While the tree's outer "live wood" continues to transport nutrients, the central structural support is compromised.
- **Physical Damage:** Deep wounds from storms, fallen branches, or even lightning strikes can expose the inner wood to decay-causing pathogens.

SEC. 8-7 (1)

Shows significant bark separation and hollow cavity within trunk which are signs of internal decay and environmental stress.



SEC.8-7(2,7,10)

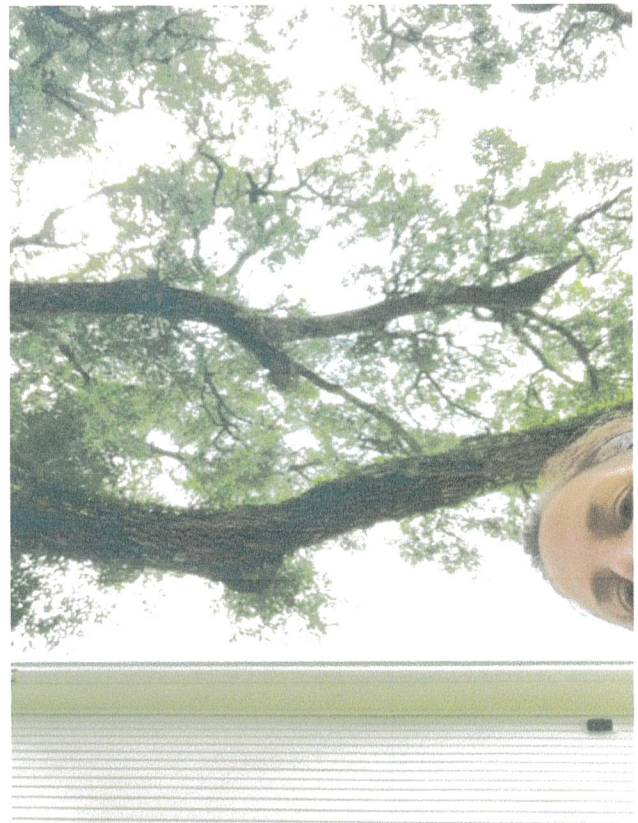


SEC.8-7(2,7,10)

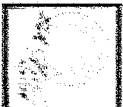
The tree's proximity to our home & In the footprint of the new addition



**6' from house
& 3 branches
extend into
addition space
48' from the
trunk north**



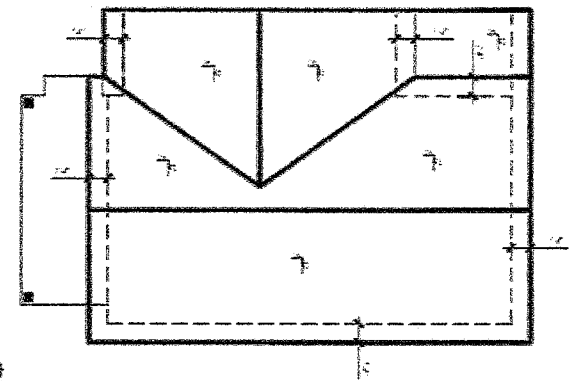
ANSI A10.1 12
 1/2" SCALE
 1/4" = 1'-0"



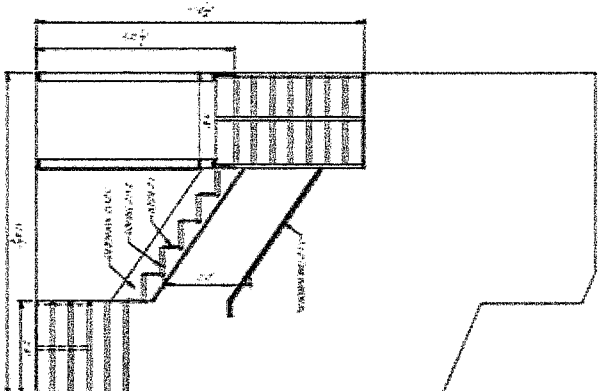
PROJECT FOR
 GARAGE ADDITION
 ELEVATIONS



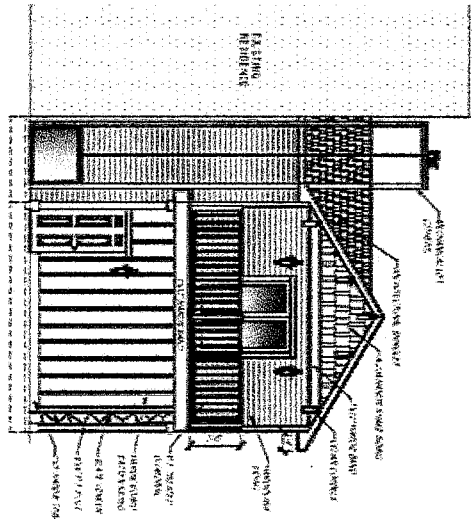
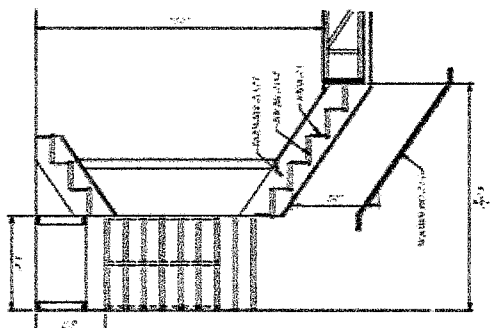
BD-04
 1/2" = 1'-0"



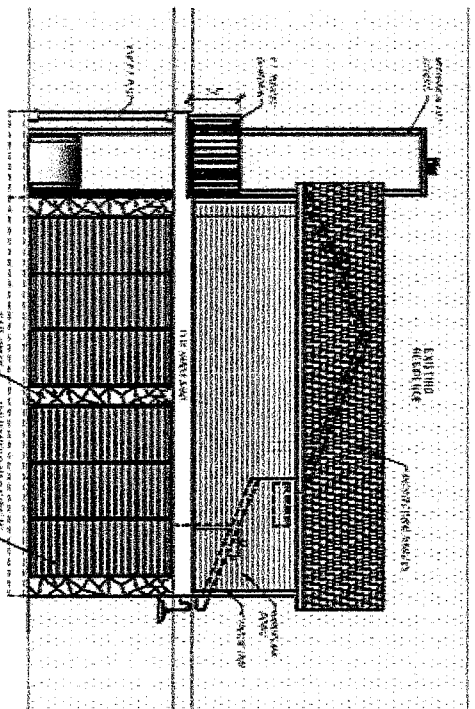
ADDITION ROOF PLAN



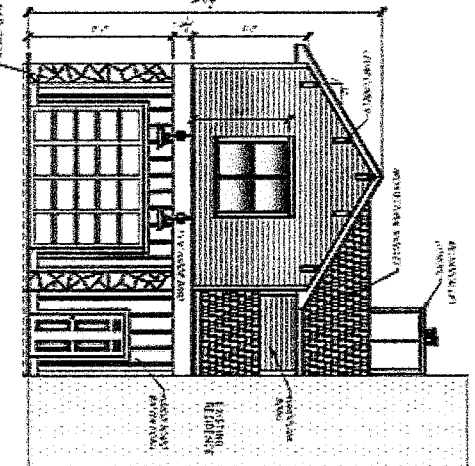
STAIR DETAIL



ADDITION REAR ELEVATION



ADDITION LEFT SIDE ELEVATION



ADDITION REAR ELEVATION





Water being driven to our foundation due to height of root ball



SEC. 8-7(3,6a,6b)



Water pools onto our foundation due to 20" height difference which doesn't let the water drain



Only other canopy tree in Nine Waters





Historical Imagery



Sep 18, 2007



1985

1989

1992

1996

2003

2004

2005

2007

2008

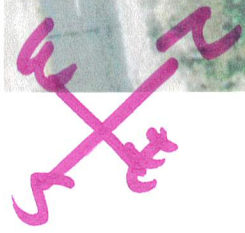
2009

2010

4719 W Beach Blvd

4719

4707





Markup

PARCEL "B"

6,658.08 SQ FT

BFE = 19
BFE = 20

CONCRETE SIDE
1/2" IRON
ROD FOUND
11.77' (R)
10.67' (R)

(R)(M) N 78°56'42" E 80.29'

METAL FENCE

1/2" IRON ROD
WITH CAP

A/C DECK

SINGLE FAMILY
RESIDENCE ON
COLUMNS

PORCH

PORCH

CONCRETE
DRIVEWAY

LOT 2
LOT 3

LOT 5

LOT 4

LOT 3

LOT 3

LOT 3

LOT 3

LOT 3

LOT 3

LOT 3

LOT 3



We've planted 3-25' Sable Palms and 4-10' Crepe Myrtles & 42 shrubs for canopy and habitat.

We plan to add 3 more 25' palms and several more bushes/grasses.



Nine Waters Subdivision

Market Overview (2026)

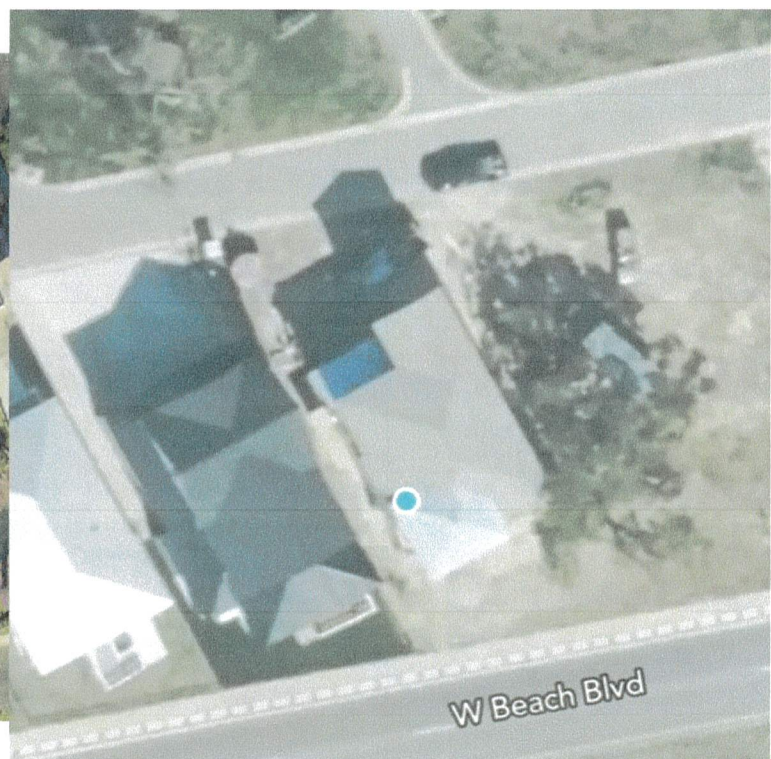
- **Single-Family Homes:** Recently updated or newly constructed single-family homes (such as the 3-bed, 2-bath residences in the area) are typically listed between \$225,000 and \$525,000, depending on size and beach frontage.
- **Vacant Lots:** Available residential lots (averaging 4,790 to 4,800 square feet) generally list for around \$90,000. [Southern Ho...](#) +4

You can view active property listings and updated market data for this area by checking the [Zillow Nine Water Listings](#) or reviewing properties via [McIntosh & Associates](#). [9](#)

beachfront residential subdivision in Gulfport, Mississippi, located off U.S. 90 / West Beach Boulevard and Fournier Avenue, near Finley Street and Sebring Circle. This compact coastal community offers views of the Mississippi Sound and Cat Island. [Southern Ho...](#) +2

Community Features

- **Location & Views:** Situated directly on the ridge overlooking the white sand beaches of the Gulf Coast, with some properties directly fronting W Beach Blvd.
- **Nearby Amenities:** Provides access to the beach, local marinas, dining, and nightlife in downtown Gulfport

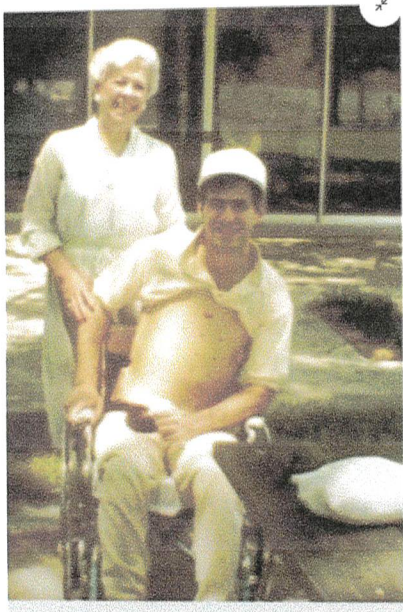


Space required to have a live Oak Tree

To plant a Southern Live Oak (*Quercus virginiana*) on the Gulf Coast and allow it to reach full maturity without restriction, you ideally need a dedicated open area of **7,000 to 10,000 square feet**, translating to a **90-foot by 90-foot spacing grid**.

While it is common to see young live oaks planted much closer together, crowding prevents them from developing their iconic, sprawling, horizontal Gulf Coast form. In the warm, humid coastal environment, these long-lived giants grow faster than expected and require massive spatial clearance for both their branches and root systems.

Texas Governor Greg Abbott was paralyzed by a tree while jogging



Greg Abbott has been wheelchair-bound since he was 26. / Gregabbott.com

The tree that fell on Texas Governor Greg Abbott was a 75-foot-tall, 8,000-pound Post Oak that collapsed suddenly due to severe internal rotting and high winds following a storm. 🟡 The Texas Tri... +4

The Size of the Tree

- **Height:** The giant oak stood roughly 75 feet tall.
- **Weight:** It weighed an estimated 8,000 pounds (4 tons).
- **Impact:** The tree was large enough to crush Abbott's spine and completely total two parked cars on the curb when it came

Why It Fell Suddenly

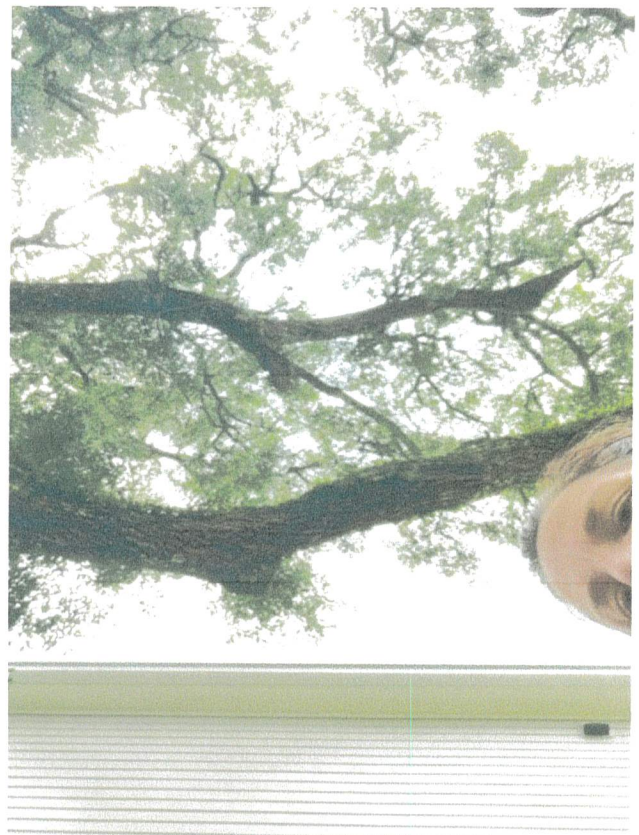
The sudden collapse on July 14, 1984, was a combination of underlying tree disease and immediate weather conditions:

- **Severe Internal Rot:** While the tree looked healthy on the outside, it suffered from severe basal decay and had completely **rotted from the inside out**. The homeowner and neighbors were unaware of its structural instability.
- **Weather Conditions:** The area had just experienced a severe storm, leaving behind a highly **windy summer afternoon**. The strong winds put too much pressure on the weakened, hollowed-out trunk.

The tree's proximity to our home & In the footprint of the new addition

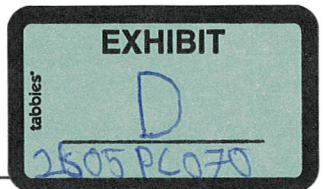


**6' from house
& 3 branches
extend into
addition space
48' from the
trunk north**









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CITY OF GULFPORT PLANNING COMMISSION

2605PC070

TRANSCRIPT OF HEARING

May 28, 2026

TRANSCRIPT OF HEARING HELD BEFORE THE CITY OF GULFPORT
PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS,
GULFPORT, MISSISSIPPI, ON THE 28TH DAY OF MAY 2026
COMMENCING AT 4:30 P.M. AND REPORTED BY

NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

KEITH WILLIAMS, President
WILLIAM "PRINCE" JONES
VIRGINIA ADOLPH
CHARLIE HEWES
HAROLD SPANN
TIMOTHY DAIGLE, JR.
DOUG HANCOCK
BRYAN JACOBS
CHRIS ROMANO
DANIEL KEATING

STAFF PRESENT:

GREG HOLMES
MATILDA WELCH
SAMUEL SWEETING
WILLIAM DICKINSON

ALSO PRESENT:

MALCOLM JONES, ESQ.
Commission Attorney

1 6. Tree Permit Appeal 2605PC070

2 MR. DICKINSON: Tree Permit Appeal 2605PC070
3 has been duly and timely noticed as required by law.

4 The applicant is seeking to appeal a denied
5 tree permit, 4719 West Beach Boulevard, zoned T4L general
6 urban zone limited, Ward 2.

7 A copy of the packet Exhibit A considered is
8 hereby offered to the record.

9 MR. WILLIAMS: Thank you.

10 And, Commissioners, on this, you have some
11 emails and things that were at your place in regards to this
12 one, so be sure to peruse those, take a look at those, and
13 you can ask if there's any questions.

14 MS. WILSON-RUSSELL: We had way more
15 information prepared and I doubt anybody wants to listen to
16 it.

17 MR. WILLIAMS: Okay.

18 All right. So if y'all would give me your
19 name and address, please.

20 MS. WILSON-RUSSELL: Kirsten Wilson-Russell,
21 4719 West Beach Boulevard.

22 MR. RUSSELL: Mike Russell, same address.

23 MR. WILLIAMS: All right. So go ahead with
24 your presentation, what you need to tell us, what you're
25 looking at trying to do and obviously appealing the permit.

1 MS. WILSON-RUSSELL: We are appealing a
2 permit. We're trying to get down a -- have a diseased cut
3 --I get nervous.

4 MR. WILLIAMS: That's all right.

5 MS. WILSON-RUSSELL: To cut down a diseased
6 Live oak tree which sits about six feet from the corner of
7 our existing house and wraps around our house. And we're
8 going to add on a garage because we decided -- we built the
9 house as a rental, and we decided to move down here full
10 time and we need a second garage and some storage. And we
11 have it in our packet, which are our architectural drawings
12 of when we add onto our existing house. We purchased the
13 lot next door with the tree because we had already had Alan
14 Featherston at the house, and he had actually thought we
15 should get the one branch removed that was in front of our
16 window because he noted that the tree's got a V-shaped --
17 two main branches are V-shaped onto a rotten trunk that was
18 compromised back in -- prior to 2016 from an automobile
19 accident. And it's been trying to compartmentalize its
20 decay. But because it's in a weakened state, it's not able
21 to compartmentalize all of the decay.

22 And as a landscape designer, I tried to
23 preserve as much of it as I can because our house in Kansas
24 City was two acres, and we had several large oak tress.

25 But after getting here and realizing how decayed

1 and the fact that it could hit our house, we came to get a
2 permit to cut it down. And they kept saying we needed to go
3 ahead and file a building permit, which we did.

4 And what else?

5 MR RUSSELL: Yeah. We had hired an
6 independent ISA certified arborist to come and do an
7 extensive sample on it, tell us the health of it.

8 Their findings were that it's in bad shape.

9 We've supplied that, along with a lot of
10 other supporting data today. We answered all 12 questions
11 within the ordinance.

12 MS. WILSON-RUSSELL: Thirty-one, 3481
13 ordinance of the 12 factors they should consider accepting
14 or denial on a permit. They're all in the packet.

15 MR. RUSSELL: A lot of our pictures and
16 information --

17 MS. WILSON-RUSSELL: We've got pictures of
18 all the different --

19 MR. RUSSELL: -- we didn't think you wanted
20 an hour long presentation.

21 MR. WILLIAMS: Thank you. Appreciate it.

22 MS. WILSON-RUSSELL: It's all the 12 or all
23 of the front pictures of the different funguses that are
24 growing out of the roots and out of the trunk of the tree are
25 in the packet. And the arborist has noted that they're

1 there because the internal trunk is rotten, and it's now
2 coming out in conchs.

3 And believe me, being a landscaper, I wanted
4 to save it. We have actually -- we've got people here that
5 just got a permit to have one cut down. We went and dug up
6 the trees that were on their property and moved them over to
7 our property to save them.

8 So I'm not one to -- we've already planted
9 seven trees on our little 45 foot by 105 foot lot which an
10 actual Live oak needs 90 by 90 which is, you know, twice the
11 size of our lot.

12 We've got pictures in there that shows the
13 original condominium complex where all six trees in our
14 neighborhood were located. After Katrina, you can see where
15 it was allowed to plot 25 of our lots that are 4500 square
16 feet where you need seven to ten thousand square feet for a
17 Live oak to not have its roots come in and hurt people's
18 foundations or, you know, over -- go over into other
19 people's yards and/or if you do build a house you're going
20 to have to cut the roots which this one has already had the
21 roots cut and limbs taken off. It's had, you know, trauma.
22 And now it's diseased.

23 MR. WILLIAMS: All right. Commissioners, any
24 questions of the applicant right now?

25 MR. HANCOCK: Did you say you got an

1 independent inspection? Did you provide that?

2 MS. WILSON-RUSSELL: Uh-huh.

3 MR. RUSSELL: Yes.

4 MR. HANCOCK: Is that something we could look
5 at?

6 MS. WILSON-RUSSELL: And here is the rest of
7 that picture of the diseased material or the equipment that
8 was used to determine the size of the tree.

9 Here's a couple more packets.

10 (Hands material to commissioners.)

11 MR. RUSSELL: Well, I guess they've got it
12 now.

13 MS. WILSON-RUSSELL: I have another one.

14 (Ms. Wilson-Russell hands material to
15 Commissioners.)

16 MR. WILLIAMS: While they're reviewing that,
17 anyone else have any questions of the applicant?

18 All right. So I think it's going to be
19 important here is that we're probably going to hear a lot of
20 information, and so what we'll do as people are talking for
21 or against, whatever it might be, at the end of that we'll
22 allow you to come back up and address anything that was
23 brought up, but we'll bring you back up to answer any
24 questions that we may have. Okay?

25 Thank you all so much. Appreciate it.

1 Anyone else here to speak for the request?

2 MR. PRUSSIA: Hello. My name is Steven
3 Prussia. My address is 4701 West Beach Boulevard.

4 I also own -- that's the lot that's adjacent
5 to the property -- and I also own the property that is
6 directly behind it which the address is 529 Fournier.

7 Okay? And so I am in support of granting the
8 tree permit. I bring with it 27 years of experience in
9 insurance industry. And as I stated in my letter, it's
10 almost impossible for them to be able to get a standard
11 insurance carrier to cover that house. They had to go to a
12 secondary market and get a not-admitted carrier to write
13 that.

14 And also, if the city is -- my question is,
15 being in several management levels all along the Gulf Coast,
16 if the city is basically denying their ability to cut down a
17 diseased tree or at least a weakened tree, what does that do
18 for the city's sovereign immunity?

19 Does that limit your sovereign immunity
20 protections?

21 So does that make you become a target?

22 And with a liability case, a liability case
23 becomes a first dollar claim versus a having any sort of
24 deductible.

25 So that's one of the things you certainly

1 have to take into account.

2 So that's really all -- and then also as my
3 email showed, I had the picture of the basal cavity of where
4 you had the mice that we have seen coming in there. Now,
5 we've killed a few of them. And thank goodness they have a
6 mouser cat. But I found three on my property, and my bait
7 traps are constantly in there.

8 So when you run a hose in there, they come
9 scurrying out. So just to let you know, there are mice in
10 there.

11 MR. WILLIAMS: All right. Thank you.
12 Appreciate it.

13 MR. PRUSSIA: Thank you all.

14 MR. WILLIAMS: Anyone else here to speak for
15 the request?

16 MR. HITE: My name is Charles Hite. I live
17 at 4828 West Beach Boulevard, the next block over from the
18 tree.

19 I want to be in support of removal of the
20 tree. I'm a retired architect, and I understand the risk
21 associated with a house built so close to a tree that's
22 potentially got problems, but even a tree that's just
23 exposed to the wind of the hurricanes that we have.

24 MR. WILLIAMS: Thank you. Appreciate you
25 being here.

1 Anyone else here to speak for the request?

2 Anyone here to speak against the request or
3 comments on it or questions?

4 Okay.

5 MR. MALCOLM JONES: We have a staff report.

6 MR. WILLIAMS: Yes, please.

7 MR. DEWITT: So that's the first of me to
8 learn about the report.

9 MR. WILLIAMS: Okay. If you'd give your name
10 and just the City of Gulfport, please. Sorry about that.

11 MR. DEWITT: Mike Dewitt. I'm the arborist
12 for the City of Gulfport.

13 MR. WILLIAMS: Thank you.

14 MR. DEWITT: So I'm coming up here today and
15 kind of learning a lot of new stuff that they're presenting.
16 I did hear about the rebuttal as far as the neighbors
17 wanting to get rid of the tree.

18 I rode out and -- so there's a little bit of
19 a history to the property. So prior to them of building a
20 house, the tree had the cavity. It was the same tree. You
21 can't see it, but this is a full version of the tree. And
22 then they were allowed to cut the tree in half and put their
23 house in place.

24 And so I'm doing assessment of the tree. And
25 tree's healthy. It's growing leaves. The leaves are coming

1 out to the end of the tree indicating that it's healthy,
2 it's growing, it's thriving, it's healing, and it's moving
3 in the right direction.

4 The request was made to remove the Live oak
5 due to addition going onto the house. So I looked at the
6 information they provided. In the first denial, the
7 mitigation work that they were proposing was put in there
8 five palm trees as a tree replacement program, which that
9 doesn't suffice for what we're doing.

10 So if you take a Live oak, you really want to
11 replace it with a Live oak. So that, the first one was
12 denied.

13 They come back with the paperwork to do an
14 addition to the house. So when you look at the addition in
15 the paperwork that they have, there is two limbs that can be
16 taken off, lower limbs, to leave room for an addition to go
17 on.

18 So as far as working with the tree, is that
19 something we'd like to do? No.

20 But it's their property.

21 Can we save the tree?

22 Can we allow them to have an addition?

23 I think both can happen.

24 So the addition could be moved up, trim the
25 lower limbs, and they still have room to put the addition

1 in.

2 So for that, I denied it.

3 MR. HANCOCK: If they were to go that route
4 and trim the lower limbs, what does that do to the ability
5 to get proper insurance?

6 MR. DEWITT: I don't understand what --

7 MR. HANCOCK: Is that going to make it
8 harder?

9 MR. DEWITT: They have insurance now.

10 MR. HANCOCK: Well, you think they should be
11 going through -- having to jump through multiple hoops?

12 MR. DEWITT: So I hear that every time
13 somebody wants to cut down a Live oak tree, so it don't -- I
14 guess it don't really hold a lot of water for me because
15 everybody that's got a Live oak tree says, well, it's got to
16 go. Why? Because it's going to -- it's close to my house.
17 Insurance is going to leave.

18 So, for me, I hear it daily, so it doesn't
19 really carry a lot of weight.

20 MR. (): Have you seen these pictures,
21 by chance, of -- I'm no arborist, but that doesn't look like
22 a healthy tree to me.

23 MR. DEWITT: I can take you back to 2012
24 where a healthy tree looked healthy and they cut it and put
25 their house right beside it.

1 MR. HANCOCK: That's an independent report?

2 MR. DEWITT: Yeah. They brought that today.

3 MR. MALCOLM JONES: You haven't seen that
4 today.

5 MR. DEWITT: Unh-unh.

6 But your healthy tree was cut to put that
7 house in place.

8 MR. HEWES: I've got a question. If you trim
9 the two lower limbs, is that going to make the tree lopsided
10 or be more apt to fall or cause damage in a storm?

11 MR. DEWITT: No, sir. It still maintains the
12 balance of it.

13 If you look at the original tree from 2012,
14 there was a lot taken out to put the house in place. So you
15 kind of got to take -- y'all may have this version of it.

16 So the limb in question, if you want to let
17 them see that, that would be the limb -- the tree still
18 balances.

19 MR. HEWES: And I asked that because we have
20 a large oak by our house, and the insurance company wants us
21 to basically cut it from anything that was within a foot of
22 the house all the way up. And that would cause more damage
23 to the tree and probably more damage to the house if it had
24 fallen if they cut it like that.

25 MR. DEWITT: Yes.

1 MR. HEWES: We did a pretty indepth study and
2 presented it, and we got a lot of the dead limbs and the bad
3 stuff cut out, and it balanced it really well. And
4 insurance did not cancel us. They were fine with that.

5 MR. DEWITT: So Mississippi State Forest
6 Commission, there were studies done on Live oaks as far as
7 the breaking point of these trees. And they started to send
8 these out to the insurance companies because insurance
9 companies are like you need to cut your tree down or we're
10 going to drop you. So that's a lot of a battle that we're
11 going through.

12 And when this is presented it kind of slows
13 that down, and they change their mind and change course.

14 MR. JONES: I have a question.

15 MR. DEWITT: Yes, sir.

16 MR. JONES: When the house was built and you
17 cut the tree, my question is, was that tree cavity there
18 when you first cut it?

19 MR. DEWITT: So the tree is the exact same
20 way in 2012 as what it is now. For them to put the house
21 there, they cut prior to my employment, the prior arborist
22 allowed that tree limb to be cut to put the house in place.

23 So, yeah, the tree has not changed. It's
24 healed in due time, and it's healing itself and moving
25 forward. So it's just a lot of new growth and that's the

1 reason I went the direction I did.

2 So a lot of times when you see these trees,
3 and you have construction damage or they're diseased, they
4 kind of -- they're sad, but they show you they can die from
5 the outside in from construction. And there's different
6 things to look for. I didn't see it.

7 But, yes, sir.

8 MR. JONES: Thank you.

9 MR. WILLIAMS: Ms. Virginia?

10 MS. ADOLPH: My question is, in terms of the
11 opinion of the independent arborist, the arborist made the
12 comment that there was probable -- it was probable that the
13 tree would have disease rather than saying conclusively and
14 they said the next step would be the consequences would be
15 that the tree would die.

16 But I'm having a hard time in terms of
17 probability versus saying the tree is diseased from the
18 independent and I'm hearing area from our city arborist that
19 the tree is moving forward and healthy.

20 MR. DEWITT: So that report, I learned about
21 that report at the same as what you are, so I'd like to
22 reach out to the independent arborist and see what they're
23 heading to, what direction they're heading from.

24 So reports I'm seeing, and I based it off of
25 going back in history prior to the house being built, it's

1 the same tree as it was then as what it is now.

2 MS. ADOLPH: Thank you.

3 MR. HEWES: Question for you. This report
4 11-2 basic tree risk assessment.

5 Are there multiple levels of tree
6 assessments? And can you comment on that?

7 MR. DEWITT: No, sir, not at this time.

8 Again, this is the first time for me to
9 understand. This report's come out and it's kind of
10 surprised me up here.

11 MR. HEWES: Have you seen the report?

12 MR. DEWITT: Unh-unh.

13 MR. MALCOLM JONES: First time he's seeing
14 this is at this meeting today. It was not sent to him in
15 advance.

16 MR. RUSSELL: It says in my professional
17 opinion the likelihood of failure is probable and the
18 consequences of the failure is severe.

19 MR. DEWITT: I agree. We got a -- I don't
20 mean to speak for him, but my director is a certified
21 arborist. Do you want me to bring him up and let him speak
22 on it? Because he's went out there with me, as well.

23 MR. WELLS: Randy Wells, director of leisure
24 services. I was former tree advisor. I've been city
25 horticulturist for 20 years. I got my horticulturist

1 license in '94, arborist certification in 2017. I've worked
2 with the tree arborist as long as I've been here.

3 The main thing I'm seeing on here -- well, I
4 looked at what he was presented, and he had discussed it
5 with me. And we had looked at again and what we are seeing
6 on the recent construction of that house in that area and
7 how well that tree looked before that.

8 And then they had bought the property next
9 door. And then they put in to add this addition. And I'm
10 like the only thing really interfering with their addition
11 would be where they were wanting to pour concrete where that
12 tree exists now and that limb that goes towards that
13 addition that they were trying to put on.

14 So those were our concerns. That's what we
15 were addressing. At the same time, you got to look at the
16 tree and go, is this something that you need to save, is
17 this something that needs to go, is this something that's on
18 its way out.

19 And these fungal pictures, I don't believe
20 Mike saw anything that looked like this. I haven't seen
21 anything that looks like this on that tree.

22 But again, I made one visit out there and
23 looked at photos.

24 But in their other photos they took further
25 away from the tree, you don't see it. So I'm not sure other

1 than the description they have in the report where they
2 pulled that up and I guess they've got the date when they
3 pulled it up.

4 But looking at it structurally, and like you
5 were saying, it looks like it's healing back from recent
6 pruning. The new growth is all the way out to the tips.

7 Everything looks like the tree is doing its
8 best to try and survive, try and thrive and grow.

9 So that's why we felt like it would be better
10 seeing as the tree is not really threatening the house.

11 Now, what they're saying on the other hand is
12 they feel that it is threatening the house. And their
13 expert kind of hints to that.

14 But that was what that decision was based on.

15 Here you're trying to do an addition. You
16 purchased the property with the tree on it, apparently with
17 the intention of taking the tree out. And then you turned
18 in several tree applications with various degrees of
19 information, and we were going off the last one.

20 So that was where our decision came in.

21 MR. HANCOCK: So what's your opinion of the
22 fungus that the other arborist found on the tree? Would
23 that be a cause for concern? Would that be a reason to want
24 to get rid of the tree?

25 MR. WELLS: Again, with these closeups on the

1 fungus, like I said, I didn't see it when I was out there
2 looking at it. I would think, okay first thing, can we
3 treat the fungus? Is it something that as it's described in
4 here, you know, it's not indicative of something that's
5 going to kill the tree, but it shows like, hey, you probably
6 got something going on there that you don't want going on as
7 far as the lack of health.

8 But it could be a situation where this is
9 something that could be treated and then you move forward
10 and the tree heals. That would take a little more
11 investigation.

12 MR. HEWES: In your opinion as an arborist,
13 does this tree appear to be diseased?

14 MR. WELLS: No. That's what my initial when
15 I looked at it, I didn't see where I felt like this tree --
16 it doesn't look like it's in a downward spiral or diseased
17 or anything like that.

18 Now, you can see where it's been damaged, and
19 you can see where those parts have hardened off or they're
20 attempting to heal back up. But when you get large damaged
21 areas there, it takes a while for that to, as they refer to
22 in here, compartment and heal up.

23 MR. DAIGLE: Question. So there's been some
24 reference to rodents and interior rot in the tree. Now,
25 it's obvious from the pictures there's a hole in there where

1 you got whatever coming in and out.

2 Did you see that?

3 MR. WELLS: No, I didn't see any rodents.

4 I'm not --

5 MR. DAIGLE: Did you see the hole?

6 MR. WELLS: The hole is the -- let's see what
7 page we're looking at to make sure.

8 MR. DAIGLE: This is just a picture from one
9 of the residents, Mr. Prussia, and it's got a pretty clear
10 picture of it.

11 MR. WELLS: Oh, down at the bottom.

12 MR. DAIGLE: Yes. And, I mean, there's a lot
13 of bark, looks like, and I'm not an arborist, but just from
14 these pictures it doesn't look healthy, and you're saying --
15 what you're saying is --

16 MR. WELLS: Yes, I'm saying if you don't
17 stand and stare at that one part of the tree, if you back up
18 and look into the whole tree in its entirety that's where
19 you see a lot of this damage.

20 And then like I said, you look on the right
21 and the left there, you can see where the tree is trying to
22 heal that back over as opposed to the tree being diseased
23 along those lines and dying back, it's healthy up to those
24 edges.

25 Yeah, that's a lot of stuff to try and heal

1 up over. But as you go up and down Highway 90 on those oak
2 trees that have been hit by cars or debris lines on major
3 hurricanes, they can recover from those. They can live for
4 another 60, 100 years or so while they're still -- what you
5 want to do is look to see if they're starting to die back,
6 if they can't recover any more.

7 And that was what I wasn't seeing. I wasn't
8 seeing a tree that was like that's it, I can't recover from
9 anything else.

10 So, yes, there's a small hole down there.
11 But again, it doesn't seem like it was rotted deep into the
12 tree or anything. In the past, people would patch that with
13 asphalt or concrete or something. But now they recommend
14 don't do that because they want that to dry out and not keep
15 the moisture in there because that creates more rot.

16 MR. DAIGLE: Okay. So there's no internal
17 rot that you could see inside the tree?

18 MR. WALLS: Nothing deep in it, not that I've
19 noticed, no. Again, that's something where, do you want to
20 go in there and treat your tree and try to get it to survive
21 and recover from some of the recent cuttings and that kind of
22 stuff. And some people would rather cut the tree down.

23 There was comments about insurance companies.
24 And I think what Mike left out is a lot of times when we
25 say, hey, can you provide us with the request from the

1 insurance company, and they can't. So that's what it feels
2 like perhaps to him that they're just throwing that out
3 there because there are a lot of cases where it seems like
4 insurance companies don't want a tree on the same property
5 with your house almost. But that's -- I think that was part
6 of the -- so if the insurance companies, yeah, they seem
7 very restrictive right now.

8 But that house was built with that tree
9 already there. That was on the property next door when they
10 originally built their house, and they were able to cut it
11 back to the edge of that property line.

12 MR. WILLIAMS: Other questions?

13 All right. Thank you so much for being here.
14 Appreciate it. Thank you.

15 MR. WELLS: Thank you.

16 MR. WILLIAMS: Thank you.

17 MR. MALCOLM JONES: Mr. Chair, I would like
18 to address one issue.

19 MR. WILLIAMS: Sure.

20 MR. MALCOLM JONES: We thought we were going
21 to be able to show this on the screen, but since we can't,
22 I'll send this around.

23 This is the side view of the house. It shows
24 the limb that Mr. Dewitt, our arborist, was talking about
25 being able to cut to allow for the addition.

1 I just want to address the issue about the
2 potential liability to the city that one of the persons
3 addressed.

4 The city has immunity from those types of
5 suits. Of course, we don't want to see anybody hurt or
6 their house hurt, but I don't want you to consider the fact
7 that we need to do this because somehow or another the city
8 might be liable for this. In fact, we have immunity from
9 that type of suit. Okay?

10 The other thing is we don't have, typically
11 in cases that I've been involved in, we don't have letters
12 from insurance agents or companies telling us that they
13 can't get insurance for this addition or that they're going
14 to lose the existing insurance that they have, you know.
15 Oftentimes you'll see that in situations.

16 So the risk assessment report that was
17 rendered was not provided to Mr. Dewitt or Mr. Wells before
18 this hearing, and possibly that would have helped them to be
19 able to consider that. But he has taken a moment to read it
20 now and given his thoughts about it.

21 Those are the points that I wanted to bring
22 to your attention.

23 So there is a -- you can either -- options
24 you have. You can grant the permit, cut the tree down, you
25 can deny it, or you can find a mid-ground which is to allow

1 the cutting of that substantial branch which, by the way,
2 the original cutting that occurred was to the west. This
3 branch actually runs to the north. And according to the
4 opinion of both Mr. Wells and the arborist Mr. Dewitt, it
5 will not cause imbalance in the tree itself in the
6 structural side.

7 Any questions for me?

8 I'll retrieve that at the end.

9 MR. WILLIAMS: Yes. All right.

10 Anyone else here to speak against the
11 request, have questions, or...

12 MR. HEWES: You had a chance to -- Mr. Wells,
13 right?

14 MR. DEWITT: No, sir. Mr. Dewitt.

15 MR. HEWES: Mr. Dewitt, I'm sorry.

16 Have you had an opportunity to look at the
17 report?

18 MR. DEWITT: I have not.

19 MR. HEWES: Would you mind sharing your
20 opinion on this?

21 (Several people speaking at one time.)

22 MR. RUSSELL: Can I offer a follow-up
23 comment?

24 MR. WILLIAMS: Not right now. Thank you.
25 Appreciate it.

1 Do we have anyone else that wants to speak on
2 this request?

3 MR. LEE: Rich Lee, 4505 Kendall Avenue,
4 Gulfport.

5 As a builder, I would like -- I'm not sure
6 what when we do dig the footings, even if you guys say we
7 can't cut the tree if we still do the addition, we build the
8 footings for the addition, do we not have a problem with
9 roots that would damage the tree?

10 MR. DEWITT: (From audience) So --

11 MR. WILLIAMS: You'll come back up -- I'm
12 sorry. He'll come back up and give us his -- on the report,
13 and he'll answer that.

14 MR. LEE: Okay. That would be my question
15 because, I mean, I obviously think the tree should be
16 removed. I mean, I've been building on the coast for 20
17 plus years. I've ran into numerous trees. And when we do
18 get into the root systems, it does kill the tree.

19 So, yeah, I mean, it's just a matter of time.

20 MR. WILLIAMS: Thank you. Appreciate it.

21 Anyone else want to speak on the request?

22 MR. DEWITT: So the gentleman is correct as
23 far as building close to a Live oak or -- so we have an
24 ordinance in place, and you can go five foot inside a drip
25 line is all we allow for a concrete slab.

1 You can go closer with pilings, but you have
2 to have an ISA certified arborist to set these said pilings
3 in place.

4 I guess speaking in the opening of it, I
5 guess that's why I was like we could possibly move the
6 addition to work with the homeowners to let them have it, to
7 get them out of the drip line of the tree. That's kind of
8 why I really wasn't pushing real hard on that in the
9 beginning.

10 But the ordinance clearly states what it
11 states. If they're going inside of the drip line, then I
12 would have to deny it based off the ordinance and based off
13 of what -- that's my job is to uphold the ordinance.

14 So I read this. I didn't see this fungi.
15 I'm not seeing what was presented when I was there.

16 Again, based off my report, what I'm seeing
17 is a tree that's coming back, a tree that's living, a tree
18 that's thriving.

19 And I'm not -- that's...

20 MR. WILLIAMS: So after reading that report,
21 you're not looking to change your opinion then, what you
22 stated was what you stated.

23 MR. DEWITT: Again, so the only way I can do
24 is to go back out there and possibly look at it. But I'm
25 not seeing this fungi.

1 But even if we say we're seeing this fungi,
2 can it be treated? Can we move forward with it?

3 That's stuff we'd have to research. And it's
4 not going to come right off the top of my mind
5 unfortunately for you.

6 So if that's the direction we need to go, I
7 guess I could research it and see.

8 There's tree preservatives, Fulgham's that
9 preserve trees, that help trees thrive, that help them move
10 forward. If we want to get people involved of that nature,
11 we can do something like that.

12 But I could look at it, as well, because I
13 don't honestly know how to answer that. I don't have a
14 direct answer for you at this time.

15 MR. WILLIAMS: That's fine. Good.

16 All right.

17 MR. HANCOCK: In their application for
18 appeal, they say the tree was determined it had compromised
19 structural integrity by the city arborist. Is that true?

20 MR. DEWITT: I'm sorry. Where --

21 MR. WILLIAMS: Say that again.

22 MR. HANCOCK: It's in the application for
23 appeal. It says the tree was determined it had compromised
24 structural integrity by the city arborist. That's their
25 application for appeal.

1 MR. DEWITT: That's them saying that?

2 MR. HANCOCK: Yes.

3 MR. DEWITT: So that wasn't said by me. No,
4 sir.

5 MR. HANCOCK: Okay.

6 MR. DEWITT: So there's two arborists. This
7 case goes back to Mr. Alan Featherston that allowed them to
8 remove that half of the branch or that half of the tree so
9 they could put their house in place.

10 And they were -- I have his report, and it
11 doesn't say that.

12 So a lot of what they're saying he said, I
13 know it didn't come from me. If he would have said it, he
14 would have noted it on the paper.

15 There's a lot of things that were said when I
16 was at their place. They said the last arborist said, oh,
17 we can cut it down, we just need to remove it.

18 So my question was, why didn't you do it at
19 that point if they felt that strongly, the arborist felt
20 that strongly.

21 But then I go back and research it, and I
22 find the paperwork from the last arborist, and it doesn't
23 have any notations of that. And usually if it's something
24 to what -- to this extent, Alan would have noted it on his
25 paperwork.

1 MR. DAIGLE: So do you have anything official
2 that documents the tree when it was hit by this vehicle as
3 it was claimed internal integrity was damaged, or the hazard
4 that she was talking about, anything in there that is on
5 documentation?

6 Because, I mean, the comments are all hearsay
7 conversation that we can't verify. So is there anything
8 official that you see in this that says any of that?

9 MR. DEWITT: I don't -- that's all new to me,
10 sir.

11 MR. DAIGLE: Okay. I'm just asking to the
12 report.

13 MR. DEWITT: I'd like to speak on this, you
14 know, if we go back to what Alan is saying, they're saying,
15 well, the last arborist was like, well, the tree is sick and
16 needs to come down. I don't have it.

17 MR. DAIGLE: Okay.

18 MR. WILLIAMS: Any other questions?

19 All right. Thank you. Appreciate it.

20 MR. DEWITT: Yes, sir.

21 MR. WILLIAMS: All right. Malcolm, something
22 else?

23 MR. MALCOLM JONES: Yes. Just one last
24 thing. You all asked the question about the levels of risk
25 assessment.

1 There are three levels. The second level is
2 the one that they have done. It's called the basic
3 assessment.

4 The third level is an advanced assessment.

5 The way I understand it is the basic
6 assessment is, you know, looking at the exterior of the tree
7 and making determinations using rubber mallets, sounding out
8 to see if the trunk sounds hollow, and things like that,
9 soil probes.

10 A Level 3 assessment would be using something
11 called resistance drilling or sonic tomography.

12 Resistance drilling basically is doing
13 corings into the tree to find out if you have hollow
14 sections. They did not do that because they didn't do a
15 Level 3 risk assessment.

16 So, you know, both our arborist and their
17 arborist basically are using their same type of assessment,
18 if you want to call it that. But neither are doing any kind
19 of an internal inspection by way of resistance drilling or
20 tomography. Okay?

21 MR. WILLIAMS: All right. Thank you.
22 Appreciate it.

23 All right. I'll ask the Russells if you all
24 want to come back up and address anything that was said. As
25 I told you I'd give you the chance, then I'll know if the

1 commissioners will have some questions for you all, as well.

2 MS. WILSON-RUSSELL: Okay. Going back to
3 what everything that was said.

4 First of all, our initial lot doesn't include
5 the tree. The tree is on the lot next door to us. We
6 bought the lot, Lot 4, if you can see in the packet -- if
7 I'd have known we were going to -- that it will take this
8 much time, we would have just gone through all of our
9 evidence that we had collected.

10 But our lot -- here is our Lot 4 which we
11 built our house. This is Lot 3 next door which is the one
12 that contains the tree.

13 All we did was have to be able to build our
14 house, we had to get a permit to trim the tree.

15 Here is a picture of our lot after Katrina,
16 and here is the tree which you can see incorporates almost
17 all of Lot 3 and part of Lot 4.

18 We trimmed these outer branches. But they
19 also had to cut the roots that are on the west side of the
20 tree.

21 The tree was hit back prior to 2016 is what I
22 was told. And normally trees compartmentalize a lot quicker
23 than ten years.

24 This tree is not showing much difference as
25 they stated in ten years. But if you do go back and look,

1 and the pictures that we were showing you of the tree, and
2 part of the problem not seeing the growth was the inspection
3 of the tree. We were there when Mike was there looking at
4 the tree. He was measuring it with a metal construction
5 tape measure, not even arborist tape.

6 He originally came up with 54 inches. Then
7 holding his clipboard, we said, do you want us to help you,
8 and he used his metal construction tape measure and came up
9 with 51.5.

10 Again, the laser, which Crosby uses, is high
11 tech. They're, you know, very expensive. They get down to
12 within a half a centimeter of size. And it measures the
13 tree in all different points, and he came up with 48 inches.

14 Not once when he was looking there with us
15 did he note anything about the disease. He didn't take his
16 hands touch anything. He didn't sample any of the fungus,
17 look for any of the fungus, nothing.

18 Matter of fact, our neighbors watched them
19 come out yesterday to look at it again, and never once did
20 they go on the other side of the tree where the disease is.
21 They stayed on this side of the tree looking at the canopy
22 that's going to be in the way of our addition.

23 We didn't obtain that lot until -- we were
24 told by Alan Featherston at the time, he thought we should
25 take it -- we should have just taken the whole tree down.

1 But we didn't own that lot, so we weren't allowed to take
2 that tree down and thought somebody will buy that lot and
3 want to remove it. My thought we'll keep it as long as we
4 can until somebody buys that lot.

5 But he did say that we could cut the limb
6 that was going over into our property, the one going in
7 front of our tree, which we found out now we can't even do
8 that even if we own -- we own both lots, we own the ground
9 and pay taxes on the ground that the tree resides, but we
10 can't do anything to keep the damage from happening. We
11 just assume all the risk.

12 And this tree, if you look at it, we have
13 video that we sent in to show you, we just touching the tree
14 right here where it's compartmentalizing, that tree trunk is
15 so decayed that you can put your hand behind these crevices.
16 There's a stick going through where you can see daylight
17 through it.

18 It's trying to compartmentalize, but the
19 decay is so bad this tree in ten years hasn't really changed
20 at all. And that's the problem because the roots have been
21 cut, the limbs have been cut, the nutrients it's not getting
22 causes it to leap out greater now because it's trying its
23 hardest to get nutrients through photosynthesis because it's
24 not getting all the nutrients through the root system and
25 the branches that it used to have.

1 And to the point, if we have to come back and
2 cut these limbs off, which you can see, here's our house
3 that we're planning on building, front, side, and rear,
4 adding on the garage with the storage above it. This is a
5 rendering of our house right now with the tree, and here's
6 the house with our rendering of what it will be like.

7 To say that we can build that house, here's
8 our neighborhood today with the three houses, we each have a
9 three foot setback on each side which gives us six foot.
10 There's the tree. Here's the area where we're going to add
11 on. You can see how tight that would be.

12 I want to show you some pictures we took.

13 MR. MALCOLM JONES: Could we see those
14 pictures?

15 MS. WILSON-RUSSELL: Sure, you can see
16 anything.

17 We spent the time to answer all of the
18 questions, but I was afraid you didn't -- wouldn't want to
19 sit here for that much time.

20 Where is the photograph of pointing at?

21 Here is up close pictures of the cavity where
22 you can actually put your hand where I'm rubbing the thing
23 where you can see you can put your hand.

24 Here's the pictures of me standing there
25 holding my thumb, pointing it up beside the roof line of the

1 tree.

2 Here is the main branches we're talking that
3 have to be cut where you've got a tree trunk that has got a
4 V-shape on it.

5 MR. MALCOLM JONES: Do you want me to pass
6 that to them so they can see it?

7 MS. WILSON-RUSSELL: Sure. This is the
8 V-shape which the two main branches that hold all the canopy
9 are on.

10 This limb has already been broken from the
11 car accident. This limb was cut off.

12 So you have these two major branches that
13 hold that canopy that you see. And that's what even Alan
14 was explaining to me is all it takes is one severe wind to
15 come and makes this very weak, especially when it's sitting
16 on this trunk that the inside of it is internally decayed.

17 You can see we have insects. It's got
18 beetles that have been attacking the base of one the good
19 limbs. We have -- I'm trying to remember everything else
20 that we have. It's like each question that came up made me
21 think about something else.

22 I've seen a lot of disease in my life of
23 putting landscape in and seeing things heal or trying to
24 save trees and plants. For one thing, the problem with
25 having not only the hurricanes and the car accident which is

1 causing the decay to be able to set in, because it can't
2 heal itself that fast, and it's got -- this is the whole
3 trunk. You're talking the whole back side of the tree of
4 the trunk which is the base for all the nutrients come up
5 out of the roots to feed those two branches.

6 And especially when it's getting ready to
7 die, it's like humans, they try to do everything they can to
8 get as much nutrients they can before they die.

9 The canopy does, it looks better now than it
10 has since we've lived there. But even our arborist that
11 came out, and she did a thorough, she touched the tree, she
12 took samples, she looked everywhere on everything.

13 Matter of fact, she came back and then the
14 red beef tongue fungus which comes from rotten wood is
15 coming out of the base roots of the tree, so she's like,
16 this whole tree could fall.

17 We can look at -- go back to the case where
18 the governor of Texas was running and a seemingly healthy
19 large oak tree fell on him while he was on a jogging trail.
20 He heard it snap, and he went under the tree to get cover,
21 it was that actual tree that that day the roots, no storm or
22 anything, that roots decided it was done.

23 And that's what our arborist explained to us
24 that can happen, as well. And if it does, it could hurt us,
25 it could hurt cars, people in cars on 90, because as you

1 see, we're only a sidewalk away which is four feet from the
2 actual highway.

3 And we've got a walking path that runs under
4 it. If you take those two limbs they are talking about
5 taking off, that leaves one limb at the top which supports
6 the limb that goes out towards the highway. And I can show
7 you that in the drawing from above.

8 You've got our house. Here's the tree. This
9 is the limb that's in front of our windows. These are the
10 limbs that go back. And then you're going to have this limb
11 that goes towards the highway and then this limb, which is
12 going to hang over this parcel for when this house gets
13 built, which he's filed a permit already to build a house
14 next door.

15 Is there anything else they talked about that
16 I know?

17 MR. WILLIAMS: Commissioners, any follow-up
18 questions?

19 MR. HEWES: I've got a question on what Mr.
20 Hancock asked. Who made the statement with the city by the
21 city arborist that compromised structural integrity.

22 MS. WILSON-RUSSELL: That was Alan
23 Featherston when he came over to our house. He actually
24 asked to come in our house and come upstairs to look at the
25 limb that was in front of our tree.

1 And he explained to me that we should have
2 taken that limb off because it's way too close to our house,
3 and it's structurally sitting, off one of the Vs, that it's
4 not going to take anything for it to -- that the tree was
5 diseased, but we really couldn't do anything about it
6 because we didn't own it.

7 But he said if you did own it, then you could
8 take the tree down because somebody will come in there and
9 build and take it down, and then that's when we started
10 talking about instead of just cutting that limb as he said,
11 why didn't we do it then, that's when we started thinking
12 about, well, we could go ahead and just see if we could get
13 that land next door with the tree. So we talked to the guy
14 who owned both lots, and we agreed that we would split that
15 lot so we each have a lot and a half, so he could have room
16 to build a bigger house and we could have room to build a
17 bigger house versus the houses you see. Our lots are 45
18 foot wide. So we have a three foot setback on each side.

19 MR. MALCOLM JONES: This is the application
20 that Mr. Featherston addressed in ().

21 MS. WILSON-RUSSELL: That wasn't with us.

22 We didn't have -- are you talking about that
23 application? For what?

24 MR. MALCOLM JONES: They were asking about
25 documentation from Mr. Featherston. So I offered what we

1 have in the file.

2 MR. WILLIAMS: Okay. Any other questions,
3 Commissioners?

4 MR. HANCOCK: So when was it that the
5 previous arborist you're saying made the comments about the
6 tree being -- having structural integrity?

7 MS. WILSON-RUSSELL: Yes.

8 MR. HANCOCK: How long ago was that?

9 MS. WILSON-RUSSELL: That was in the fall of
10 2025.

11 MR. HANCOCK: Did you get anything in writing
12 from him or was just this verbal?

13 MS. WILSON-RUSSELL: No, because we didn't
14 own the tree. He just told us, he was out there looking at
15 it and told us that, you know, he said do you mind if I come
16 in and look at the tree from up there, and I said no, go
17 ahead. And he's the one that started saying, well -- and I
18 told him, yeah, I know it was, but I was trying to save it
19 because, like I said, I'm used to having large oak trees
20 and, you know, the transition down here was different, and I
21 have nothing, you know, wide open when we're used to being
22 tree-covered.

23 And he said, well, I understand, but, he
24 said, you really need to take that limb off before it hits
25 your house. And he explained to me how bad the trunk was

1 compromised. And he explained to me that, you know, it will
2 -- it should have healed itself -- it should have been
3 farther along, but it's so decayed inside, which then
4 started making us, you know, more worried because it is six
5 foot from the corner of our house.

6 And, you know, he said if we owned it, we
7 could just cut it down. He said somebody else will apply
8 for a building permit, then we have the chance to say no,
9 you can't cut it down, he said, but if they're smart, their
10 builder will tell them just go get the tree cut down, buy
11 the lot, cut the tree down, and then you can build your
12 house.

13 And so we were like, you know, well, when we
14 decided we would add on to our house we thought, well, if we
15 get the lot, we'll file for the permit to cut the tree down,
16 which is what we did. And as we were doing it, the people
17 in the office kept saying, when we said -- because we went
18 to them, we had talked about building. Well, have you filed
19 a building permit, and we said no, we have plans that are
20 with our architect but we weren't ready for that yet.

21 And he said, well, you might want to put that
22 on there. So we put in what we had done with the survey,
23 and I just drew in what our building -- where our building
24 is going to be because I actually drew our floor plans
25 originally for the architect to redraw them and stamp them

1 because he said that's probably the only way you're going to
2 get this cut down is if you can show your building and it's
3 in the way.

4 So that's why we didn't know this process.
5 We went about we could just cut the tree down because it's
6 diseased. And we would try to keep this process going
7 versus it's been nine months, the length of time it took us
8 to build our house just to get permission to buy the lot,
9 add it to our lot, and to get a tree cut down, and then
10 since then we've seen that it is definitely deteriorating.
11 There's been all kinds of fungus.

12 And again, both of them, neither one even
13 examined the tree. They were just looking at the one
14 branch. Actually, it's actually three branches, but that go
15 back towards the house which you can see all three of them
16 in the picture, and never once collected anything.

17 MR. WILLIAMS: All right.

18 MR. DAIGLE: Mr. Chairman, I apologize. I
19 know we're going long, but may I just ask one question.

20 MR. WILLIAMS: Real quick.

21 MR. DAIGLE: When did you get this report
22 done, ball park?

23 MS. WILSON-RUSSELL: We contacted her --

24 MR. DAIGLE: Just when did you get the
25 report, just ball park? A month ago, a year ago?

1 MS. WILSON-RUSSELL: Last week. Yeah, she
2 came out May 18th and then May 3rd.

3 MR. DAIGLE: I'm just trying to find out
4 because, I mean, a lot of this is he's blindsided. He
5 doesn't know the levels and I'm not an arborist.

6 MS. WILSON-RUSSELL: She spent quite a bit of
7 time.

8 MR. DAIGLE: But what I like from my seat is
9 to be able to say, okay, I can clearly see. And right now,
10 I see a lot of confusion.

11 MS. WILSON-RUSSELL: She came out two times.
12 One time when it was sunny, and the second time she came out
13 in the rain. She came out with three people the second time
14 she came out. They measured. She took samples. She
15 actually sent some samples to one of her experts that came
16 back and said that the beefsteak is one of the worst
17 funguses because it is -- it comes from dead wood.

18 MR. DAIGLE: Yes, ma'am. I get all that.
19 But he hasn't had a chance to review any of that. And I
20 just don't think that's --

21 MS. WILSON-RUSSELL: But he's been to my
22 house twice.

23 MR. DAIGLE: But he hasn't examined it and
24 been able to counter or corroborate any of your comments
25 which I think --

1 MS. WILSON-RUSSELL: Well, we talked to him
2 about it when he was there.

3 MR. DAIGLE: Not the report, though.

4 MS. WILSON-RUSSELL: Well, no. I figured
5 he's an arborist.

6 MR. RUSSELL: He said he was going to bring
7 his boss back to look -- he was going to bring his boss back
8 to look at, said he would call us when they were coming out.
9 Never heard from them. Never called, never came back.
10 Nothing.

11 MS. WILSON-RUSSELL: Yeah.

12 MR. RUSSELL: So we went ahead and got our
13 own expert.

14 MR. WILLIAMS: Any other questions,
15 Commissioners?

16 All right. Thank y'all. Appreciate it.
17 Appreciate y'all having all that information.

18 So, Malcolm, anything that we need to follow
19 up on with that?

20 MR. MALCOLM JONES: No. The other thing I'd
21 say is, and I forgot to mention this, you also have an
22 option to table if you want to give the arborist more time
23 to review the report and talk to the other arborist to see
24 what their findings are because literally he just saw it the
25 first time he came here today.

1 And I went out there with him recently when
2 we looked at the tree, and we walked on all sides of that
3 tree, and I was right there with Mike.

4 So I know her neighbor may have told her
5 something different, but personally I will tell you that all
6 sides were reviewed.

7 MR. WILLIAMS: All right.

8 Commissioners, any questions for the staff or
9 for Malcolm or the arborist? And we'll need to eventually
10 get to a motion on this.

11 MR. HEWES: I'm not an arborist, but I have
12 an oak tree in our yard, it's our neighbors', we had to go
13 through something like this. And Mr. Dewitt mentioned
14 Fulgham's out of I think they're north Mississippi, that
15 they have some sort of a treatment for their trees and they
16 can inject nutrients into the roots and it will help that
17 tree survive.

18 (Several people speaking at one time.)

19 MR. HEWES: Y'all come very prepared, and I
20 appreciate that. However I can't take the word of one
21 arborist versus two that the city employs.

22 And with that being said, I move that we deny
23 your motion to cut down the tree.

24 MR WILLIAMS: All right. So we've got a
25 motion to deny the request to cut down the tree. Do I have

1 a second?

2 MR. HEWES: May I say one more thing?

3 MR. WILLIAMS: Sure.

4 MR. HEWES: Would it be okay for y'all if we
5 table this so that they have an opportunity to review the
6 data that you provided and maybe look at it again next
7 month.

8 MS. WILSON-RUSSELL: We've been at this for
9 nine months.

10 MR. HEWES: Is that a yes or no?

11 MS. WILSON-RUSSELL: It is as --

12 MR. WILLIAMS: No, I'm sorry. Hang on.

13 (Several people speaking at one time.)

14 MR. WILLIAMS: Hang on for just a second.

15 Hang on.

16 The motion stands. The motion stands.

17 We have a motion to deny the request. Do I
18 have a second?

19 MR. HANCOCK: Can I ask the applicant one
20 more question?

21 I'll give you another opportunity here. If
22 we table this, will you guys be okay with tabling this until
23 next month to give them a chance to talk to the other
24 arborist and maybe look at it more thoroughly?

25 MS. WILSON-RUSSELL: Yes.

1 MR. HEWES: If that's the case I rescind my
2 motion and move that we table this until the next meeting.

3 MR. HANCOCK: Second.

4 MR. WILLIAMS: Got a motion and second to
5 table this to our next meeting for an opportunity to review
6 information that was presented and maybe come to an
7 acceptable decision.

8 Any other discussion, Commissioners?

9 MS. ADOLPH: Discussion.

10 MR. WILLIAMS: Yes.

11 MS. ADOLPH: I'm the one that normally says
12 this. For the City of Gulfport and for the residents, we do
13 our best sitting up here to make recommendations. We really
14 do, we work very hard to do that.

15 And we like people to get along in our city.
16 And the best we can do at this point is table this in favor
17 of all of us working together the support of our city, our
18 administration, our staff, our arborist, legal department,
19 and urban planning and us. And we want to do the best that
20 we can for our residents and definitely our trees and our
21 community.

22 So we ask that all residents be patient with
23 us. We don't get paid for this. We do this because we love
24 our city. And we just ask your indulgence in this.

25 Thank you.

1 MR. WILLIAMS: Any further discussion? If
2 not, we've got a motion to table to our next meeting and a
3 proper second. All those in favor signify by saying aye.
4 Any opposed?

5 All right. It's been tabled.
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1 BEFORE THE CITY OF GULFPORT PLANNING COMMISSION

2

3 Tree Permit Appeal 2605PC070

4

5 COURT REPORTER'S CERTIFICATE

6

7 I, Norma Jean Ladner Soroe, Certified Shorthand
8 Reporter, do hereby certify that to the best of my skill and
9 ability I have reported the hearing held before the City of
10 Gulfport Planning Commission and that the foregoing 46 pages
11 constitute a true and correct transcription of said hearing
12 held on the 28th day of May 2026.

13 I do further certify that my certificate annexed
14 hereto applies only to the original and certified
15 transcript. The undersigned assumes no responsibility for
16 the accuracy of any reproduced copies not made under my
17 control and direction.

18 Witness my signature this the 9th day of June
19 2026.

20

21

22

23 _____
24 NORMA JEAN LADNER SOROE, CSR #1297
25 Certified Shorthand Reporter



EXHIBIT
E
2605 PC070











Redd Pest Solutions
P.O. Box 2245
Gulfport, MS 39503
888-733-3626

Service Inspection Report Service Report #1220978

Client: 53080
Mike Russell
4719 W Beach Dr
Gulfport, MS 39501-4512

Phone: 913-488-5588

Customer Signature:

Technician Signature:

Customer Unavailable to Sign

Michael Hadden

Service Location: 53080
Mike Russell
4719 W Beach Dr
Gulfport, MS 39501-4512

Phone: 913-488-5588

Licenses/Certifications

MS - 44367

Time In: 06/24/2026 02:39 PM **Terms:** NET 30
Time Out: 06/24/2026 02:43 PM

Order #	Service Description	Quantity
1220978	Estimate for Services	1.00

Service Comments

Order Instructions: Estimate termite 6/24 2-4

Tech Comment: During this inspection time, Live oak on property has visible signs of rot, damage, and active drywood termites. Can not be treated with bait. Recommend getting a permit to remove tree from property to avoid further damages.

Materials Summary	EPA #	Active Ingredient	Finished Quantity	Application Method	Application Rate
Material Applied	Lot #	AI Concentration	Undiluted Quantity	Application Equipment	Sq/Cu/L Ft

Open Conditions

No Conditions
Added or Updated
this Service

Severity	Created
Responsibility	Last Inspected

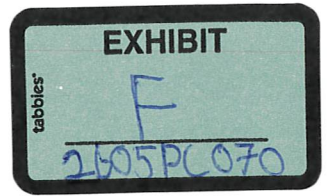
Pest Summary	Quantity
None Noted	

Device Summary

None Noted

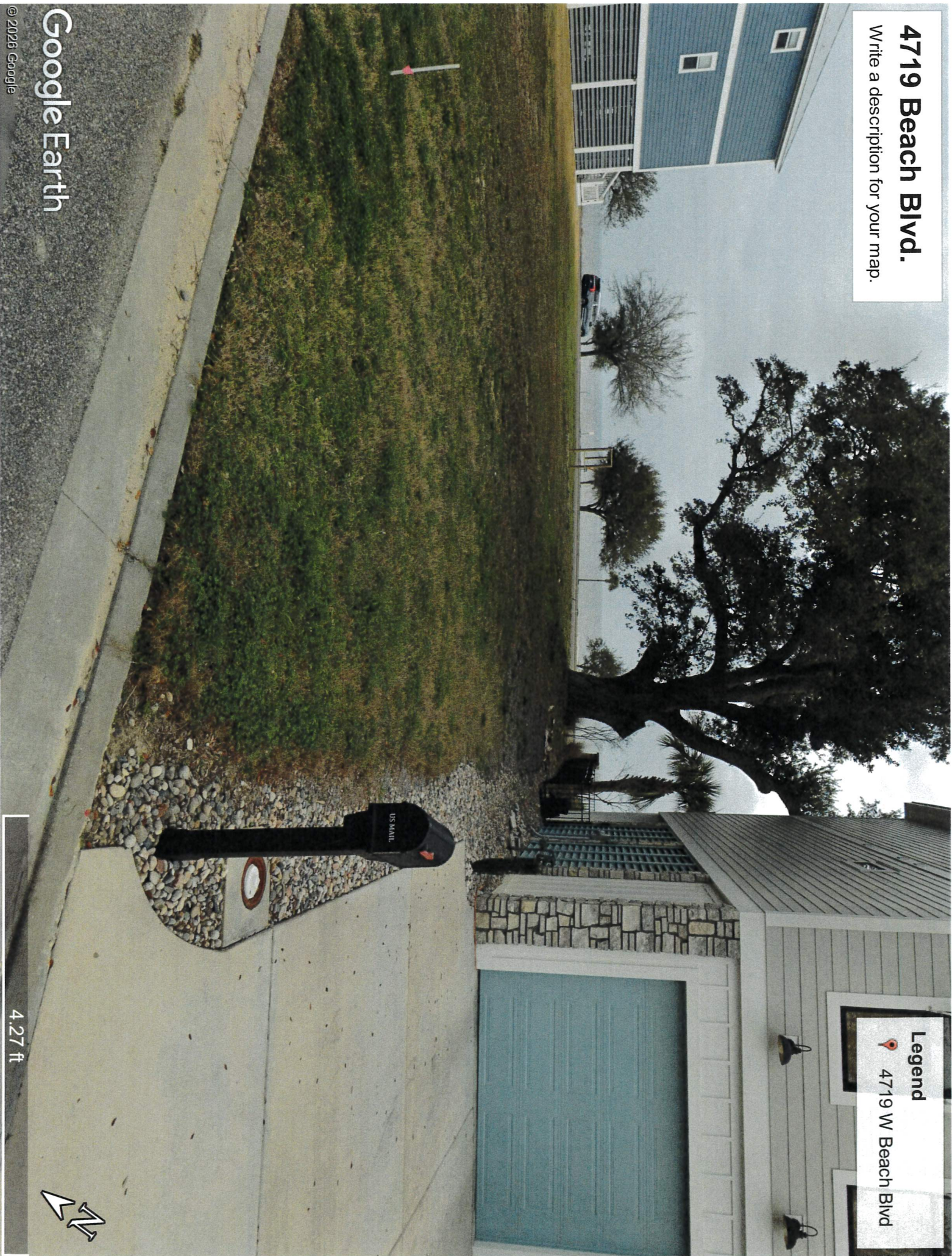
With Activity	Without Activity	Total Inspected	Device Exceptions
			Replaced Removed Skipped

Additional pest findings may have been observed. Please see conditions and comments for more details.



4719 Beach Blvd.

Write a description for your map.



Legend
📍 4719 W Beach Blvd

Google Earth

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4.27 ft

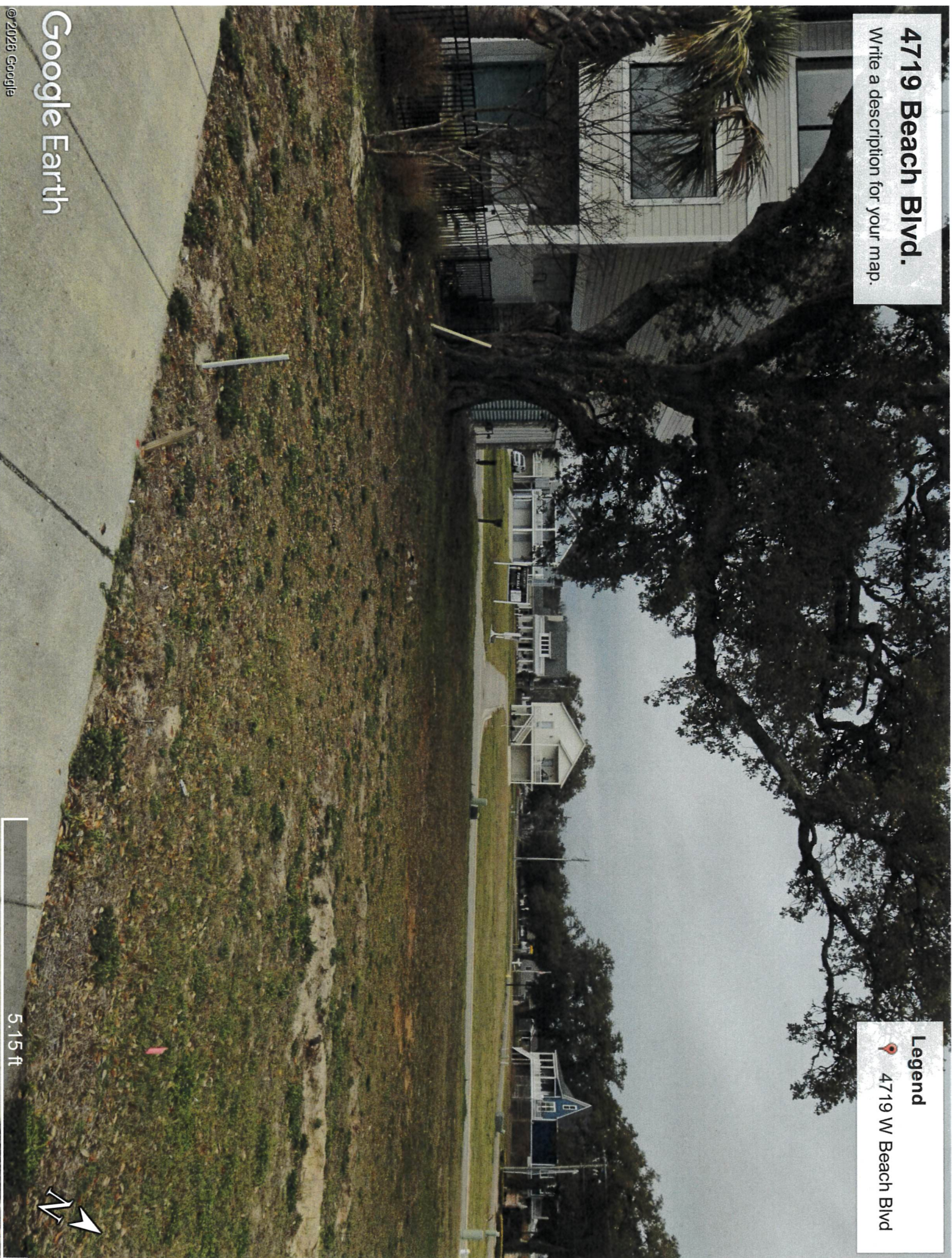


4719 Beach Blvd.

Write a description for your map.

Legend

 4719 W Beach Blvd



Google Earth

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5.15 ft



4719 Beach Blvd.

Write a description for your map.

Legend

 4719 W Beach Blvd

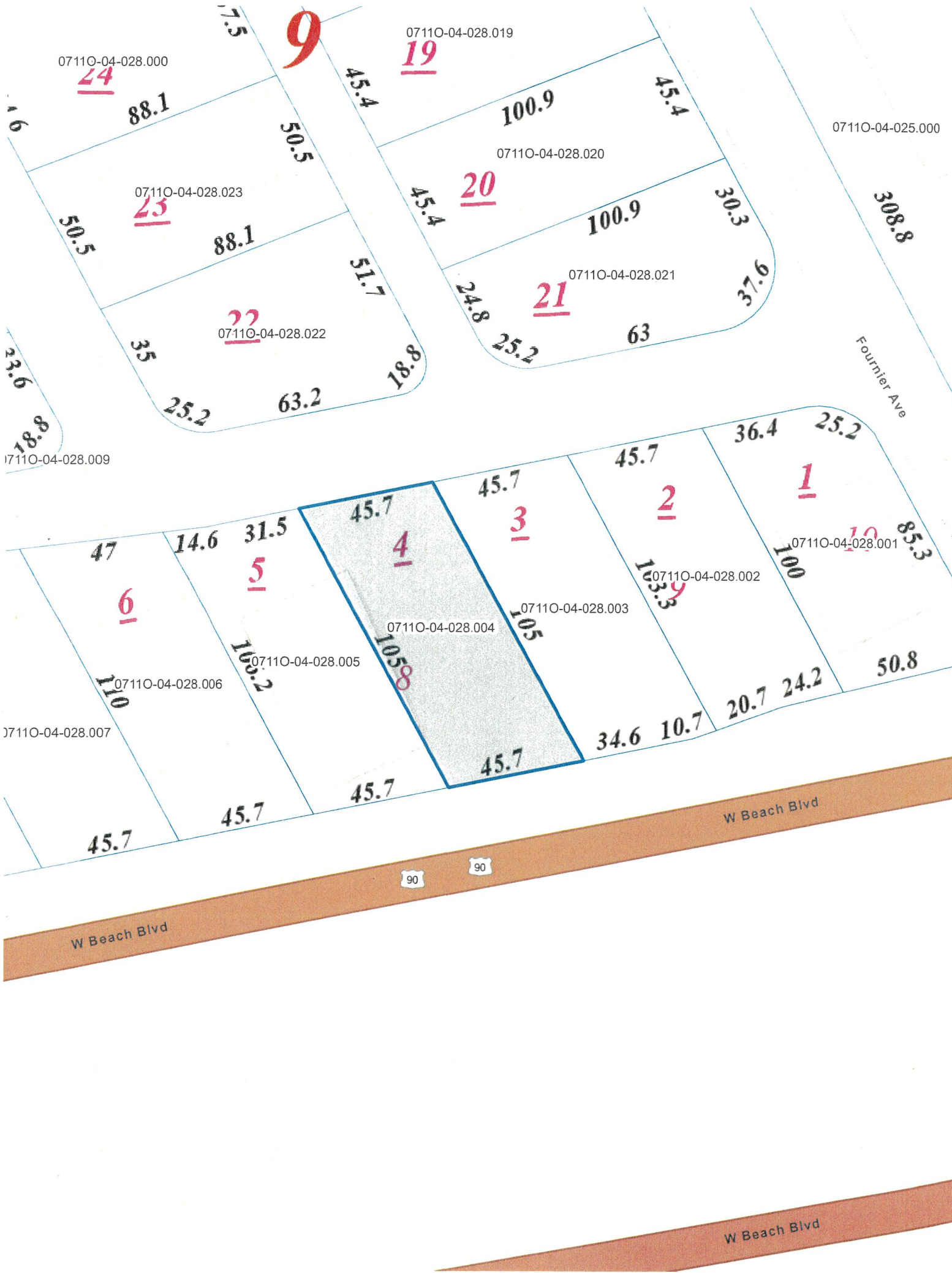


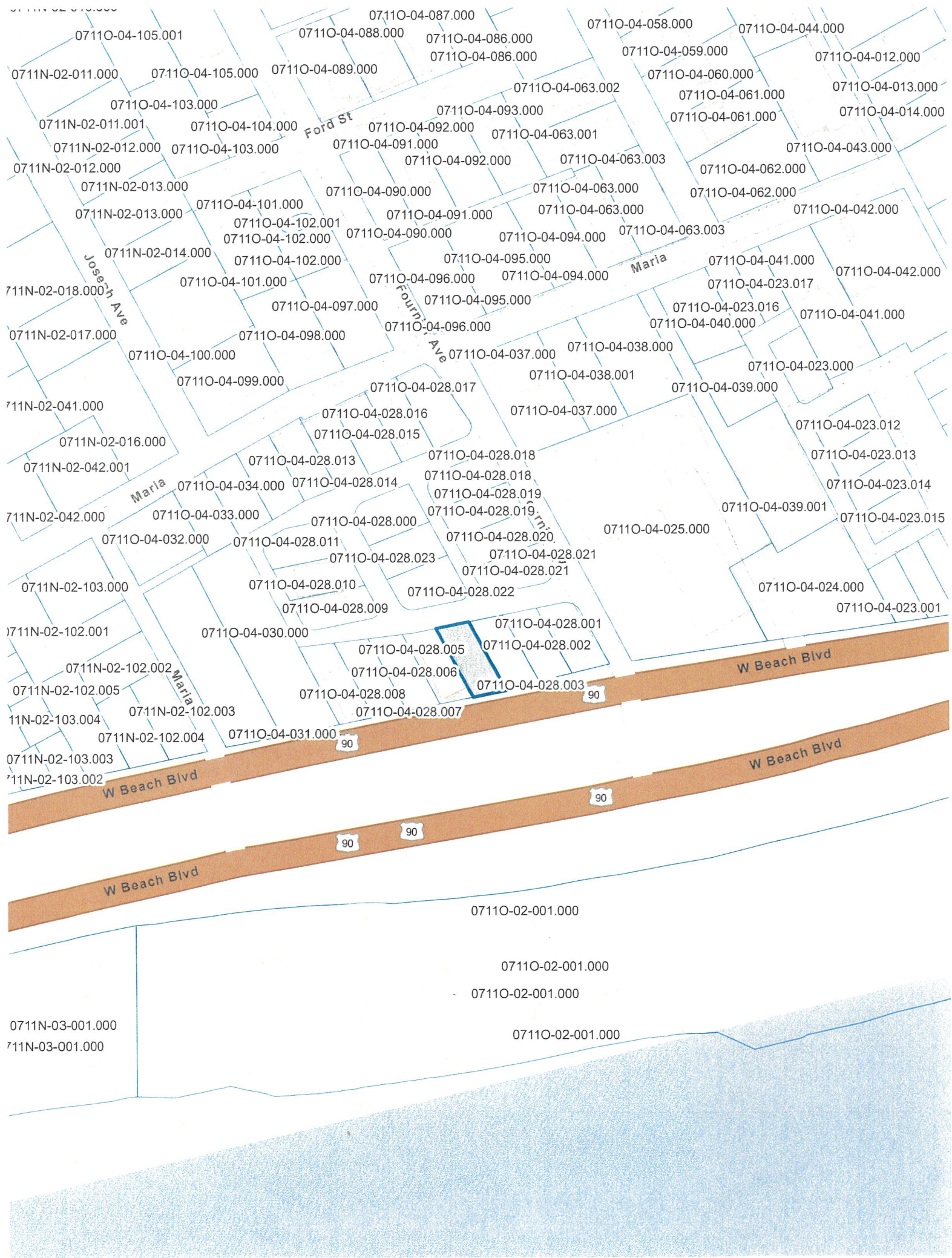
Google Earth

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4.94 ft







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0711O-04-105.001

0711O-04-087.000

0711O-04-088.000

0711O-04-086.000

0711O-04-086.000

0711O-04-058.000

0711O-04-044.000

0711N-02-011.000

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0711O-04-059.000

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Ford St

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0711O-04-063.002

0711O-04-060.000

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Maria

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0711N-02-042.000

0711O-04-033.000

0711O-04-028.000

0711O-04-028.019

0711O-04-037.000

0711O-04-038.000

0711O-04-023.000

0711O-04-032.000

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0711O-04-030.000

0711O-04-028.005

0711O-04-028.001

0711O-04-028.006

0711O-04-028.001

0711O-04-028.008

0711O-04-028.003

0711O-04-028.007

0711N-02-102.001

0711N-02-102.002

0711N-02-102.005

0711N-02-103.004

0711N-02-102.003

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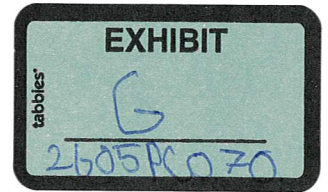
0711O-02-001.000

0711N-03-001.000

0711N-03-001.000

Malcolm F. Jones

From: Malcolm F. Jones
Sent: Tuesday, June 9, 2026 11:03 AM
To: 'Virgil Gillespie'
Cc: Michael DeWitt; Randall Wales; mike russell; Russell Kirsten
Subject: RE: Mike & Kirsten Russell - Tree Inspection



Will do.

From: Virgil Gillespie <VGG@GillespieLawFirm.com>
Sent: Tuesday, June 9, 2026 11:00 AM
To: Malcolm F. Jones <mfjones@gulfport-ms.gov>
Cc: Michael DeWitt <mdewitt@gulfport-ms.gov>; Randall Wales <rwales@gulfport-ms.gov>; mike russell <jayhawkruss@gmail.com>; Russell Kirsten <kirstencwilson@gmail.com>
Subject: RE: Mike & Kirsten Russell - Tree Inspection

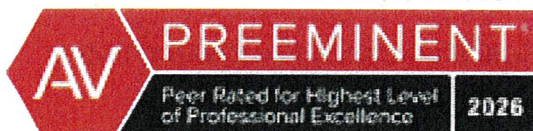
Malcolm,

The Russells will be available at 11:00 a.m. on Friday. Please have Mr. DeWitt to knock or ring the doorbell and alert them of his arrival.

Virgil G. Gillespie

GILLESPIE LAW FIRM
1901 24th Avenue (39501)
Post Office Box 850
Gulfport, MS 39502-0850
Office: (228) 864-4520
Cell: (228) 697-8181
Fax: (866) 859-2530

Martindale-Hubbell



From: Malcolm F. Jones <mfjones@gulfport-ms.gov>
Sent: Tuesday, June 9, 2026 9:56 AM
To: Virgil Gillespie <VGG@GillespieLawFirm.com>
Cc: Michael DeWitt <mdewitt@gulfport-ms.gov>; Randall Wales <rwales@gulfport-ms.gov>
Subject: RE: Mike & Kirsten Russell - Tree Inspection

I have just spoken to our City Tree Protection Adviser. The City would like to schedule the site visit for re-inspection of the Live Oak tree on your client's property for this coming Friday at 11AM.

From: Malcolm F. Jones
Sent: Monday, June 8, 2026 10:43 AM
To: 'Virgil Gillespie' <VGG@GillespieLawFirm.com>

Cc: Michael DeWitt <mdewitt@gulfport-ms.gov>; Randall Wales <rwales@gulfport-ms.gov>

Subject: RE: Mike & Kirsten Russell - Tree Inspection

It is my understanding from our recent telephone conversation that your clients will be travelling to the West Coast for the birth of their grandchild and unavailable for the re-inspection of the Live Oak tree on their property that we scheduled for tomorrow. You have advised your clients will be back for Friday. I am attempting to confirm the availability of our side now and will advise further. Just in case, please find out your clients' availability for the following week and advise.

From: Malcolm F. Jones

Sent: Friday, June 5, 2026 4:57 PM

To: 'Virgil Gillespie' <VGG@GillespieLawFirm.com>

Cc: Michael DeWitt <mdewitt@gulfport-ms.gov>; Randall Wales <rwales@gulfport-ms.gov>

Subject: RE: Mike & Kirsten Russell - Tree Inspection

The City would like to conduct the re-inspection of the Live Oak Tree on Tuesday, June 9, 2026, at 10AM. Mr. DeWitt will ring the doorbell on that date to inform the Russells that he is about to conduct the re-inspection work. As you have directed below, Mr. DeWitt will not discuss this matter with your clients. Please confirm that this date is acceptable to your clients.

Thank you for your cooperation.

From: Virgil Gillespie <VGG@GillespieLawFirm.com>

Sent: Thursday, June 4, 2026 4:42 PM

To: Malcolm F. Jones <mfjones@gulfport-ms.gov>

Subject: Mike & Kirsten Russell - Tree Inspection

Malcolm,

Please be advised that I am going to be representing Mr. and Mrs. Russell in the above matter. They are not happy about how they are being treated by the City; however, they are willing to give conditional approval for Mr. DeWitt to enter onto their property, but it must be under the following conditions:

1. All appointments must be scheduled through me with Mr. or Mrs. Russell in advance to ensure that they know he's coming and one of them will be present when he comes to the property.
2. When Mr. DeWitt comes to the property, he must first ring the doorbell and inform either Mr. or Mrs. Russell that he's there before doing any inspection work.

Please do not communicate directly with Mr. and Mrs. Russell, but rather contact me about when Mr. DeWitt wants to go, specifying a date and time, and then I will coordinate with Mr. and Mrs. Russell. I'm sorry it has gotten to the point where we must be this particular, but unfortunately that's where we are.

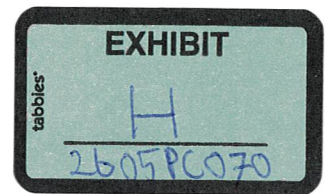
Virgil G. Gillespie

GILLESPIE LAW FIRM
1901 24th Avenue (39501)
Post Office Box 850
Gulfport, MS 39502-0850
Office: (228) 864-4520
Cell: (228) 697-8181

Fax: (866) 859-2530

Martindale-Hubbell





1. We were asked to review new information that was presented to City staff at the last commission meeting concerning a report developed by an arborist with a company called Stump-N-Grind Tree Service.
 - a. There were photos of a blooming fungus that had not caught the eye of our staff during visits to the tree.
 - b. There was mention of samples sent with lab results. Also, it included a Level 2 Basic Tree Risk Assessment that stated her opinion that the likelihood of failure was “probable”.
 - c. The industry standard timeframe to be referenced with a likelihood of failure opinion would be a report good for 1-3 years. This report states that it is only good for 3 months, which would indicate that her opinion is probable failure in the next 90 days.
2. As we reviewed the information contained in the Plant Specimen Diagnostic Report, we discovered that it was a Gross Visual Report diagnosis from August 7th, 2023, based on a photograph sent by the arborist with Stump-N-Grind Tree Service in August 23.
 - a. Then we noticed that the email diagnosis on May 22nd, 2026, from Clarissa Balbalian representing Mississippi State University included the statement that she couldn’t “tell what anything else is from the photos”.
 - b. In this report and the information provided to staff with the filing of the appeal, there are two photos of this diagnosed beefsteak fungus apparently taken from the same location on the same day.
 - c. The photos of the tree included in the May 26 report and in the Tree Permit Application filed in March 2026 show all sides of the tree and do not show this red/orange colored fungus bloom.
 - d. So, we pulled up the Tree Application Permit filed by the Russell’s in August 2023 to remove limbs for the construction of their new home and found no photos or mention of the fungus in their application or the attached photos and notes provided by the Arborist at that time Alan Featherston.
 - e. We believe that the reason this stage of development of the fungus wasn’t noted by City Staff was because these photos are probably from 2023.

3. During that research we noticed that Alan had provided a measurement of the tree trunk's DBH of 48" from his tree inspection in 2023.
 - a. We compared that to the measurement provided in the report provided by the Stump-N-Grind Arborist Vanessa Benson. Alan and her had obtained the same level of certification. So, we felt that those measurements would be a good comparison.
 - b. Her circumference measurement indicated an average diameter of 50.3". *Our two recent measurements showed around 51"*. This shows that the tree is continuing to produce new wood in the trunk at an average growth rate despite past injuries.
4. In the report she included assumptions that helped form her opinion.
 - a. These assumptions were based on information provided by the owner that they would be building an addition 6' from the trunk involving major encroachment into the critical rootzone and requiring significant branch pruning.
 - b. At this point there has not been a Building Permit approved that would allow this damage to occur.
5. The week after the past commission meeting the City was presented with our Tree City USA Award for the past year by the Mississippi Forestry Commission's Loren Erickson who is the only Board-Certified Master Arborist in the State.
 - a. Mike DeWitt discussed the situation concerning the tree along Hwy 90 with him and he wanted to look at it.
 - b. When they arrived at the site a "no trespassing" sign had been installed with the property boundary marked off. They reviewed from the sidewalk area and contacted Malcom Jones.
 - c. The understanding was that from that point on, communication would pass through attorneys.
 - d. Mike made an appointment for June 12th to review the tree and asked Loren if he would like a better look at the tree. Upon arrival, Mike went to the door while Loren made observations.
 - e. Mrs. Russell came down the stairs, asked a few questions, and explained that only Mike DeWitt was scheduled to be there. They both left at that time but Loren did send a report with his opinion. In it he states that he doesn't "find the wounding of the trunk to be cause for concern or removal".

6. Basically, the Russell's acquired this property with an approximately 140-year-old live oak protected under City ordinance in the fall of 25.
 - a. In the spring of 26 they filed a request to remove the tree. They explained their reasoning in an organized fashion.
 - b. As Vanessa points out in her report, "Arborists cannot guarantee that a tree will be healthy or safe, **or fail, for that matter**, under all circumstances, or for a given period of time.
 - c. This is a 140 yr old tree that has taken a lot of abuse in the last 26 years; two major hurricanes and the common abuse that developers do to large, protected trees in our area.
 - d. The tree continues to show signs of recovery and growth despite this visible damage.
 - e. Fungus, insects, and wildlife all exist with these older trees in nature. Hopefully, the lack of present beefsteak fungal blooms or any existing photos for several years is another favorable indication, but these large oak trees don't have to have solid wood-to-the-core interiors to be considered structurally sound. I believe with proper care and maintenance that this tree and adjacent home can safely co-exist like the other maintained ancient live oaks on citizens' properties in Gulfport.

\$35 fee

EXHIBIT

tabbles

I

2609 PC070

CITY OF GULFPORT
TREE PERMIT APPLICATION VER. 9/19
PLEASE PRINT LEGIBLY

DATE RECEIVED: 8/31/23 TREE PERMIT # 2308TP146

1410 24th Avenue, Gulfport, Mississippi 39501 (228) 868-5715

Please read and fill in ALL information that is requested. Failure to complete this application may result in a delay in issuing the desired permit.

*** CALL BEFORE YOU DIG! 1-800-227-6477 ***

It shall be the responsibility of the owner of the property and the contractor on this application for the removal of all limbs, stumps and other related material after said trimming or tree removal.

CONTRACTOR OR APPLICANT INFORMATION

COMPANY NAME: Shepard Homes, LLC

PHONE NO.: 228 2150469 FAX: 228 2066223

NAME: Shepard Joseph

ADDRESS: 1101 Robinson St OS MS 39564

PROPERTY INFORMATION

JOB STREET ADDRESS: 4719 Beach Blvd

JOB AD VALOREM TAX PARCEL NUMBER: 07110-04-028.004

(REQUIRED FOR ISSUANCE)

IF METES AND BOUNDS ATTACH PHOTOCOPY OR DEED OR SURVEY WITH LEGAL DESCRIPTION

PROPERTY OWNER NAME: Russell Mike

ADDRESS: PO Box 827 OS MS 39564

PHONE NO.: 913 488-5588 FAX: n/a

PERMIT INFORMATION

Permit for: Trimming ☒ Removal ☐ Pruning ☐ Other ☐

Reason for permit request: tree on lot next door has limbs

in the way of new single family home. Only

trimming limbs hanging across property line.

Number of Trees: 1 Number of Acres: .10

☒ Live Oak	☐ Sweet Bay
☐ Willow Oak	☐ Sweetgum
☐ Swamp Chestnut Oak	☐ Red Maple
☐ Overcup Oak	☐ American Holly
☐ Shumard Oak	☐ Bald Cypress
☐ Nuttall Oak	☐ Other trees registered
☐ Southern Magnolia	☐ with Societes' des Arbes

Application is hereby made to the City of Gulfport, Mississippi for official permission for tree removal alteration, and/or planting within the City limits of Gulfport, Mississippi. I, the undersigned applicant/ contractor, affirm that the above information is true and correct, and that I have full authority over the description of work to be performed. Furthermore, I understand the tree advisor has fourteen (14) working days to issue or deny the application.

SIGNATURE: [Signature] DATE: 8/31/23

APPROVED

OFFICIAL USE ONLY

Approved ☒ Denied ☐ (See Comments on back.)
Signature: [Signature] Date: 09/01/2023

ADDITIONAL INFORMATION
REQUIRED FROM APPLICANT

Site plan in quadruplicate (4) showing the following information at a scale sufficient to enable the determination of matters required under the Tree Protection Ordinance:

- (1) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any.
- (2) Location and dimensions of all protected trees identified by common or botanical name. Trees proposed to remain, to be relocated or to be removed shall be so identified. Groups of trees in close proximity, three (3) foot spacing or closer, may be designated as a "clump" of trees, and predominant species, estimated number, and average size listed.
- (3) A statement showing how trees not proposed for removal are to be protected during land clearing and construction, i.e., a statement as to proposed Protective Barriers as defined in Section 8-12.
- (4) Statement as to grade changes proposed for the lot or parcel and how such changes will affect these regulations.
- (5) Any proposed tree replacement program.
- (6) The Tree Protection Advisor may require the applicant to furnish additional information as necessary and appropriate to properly analyze the application.

Tree Permit Fee Schedule

RESIDENTIAL AND
COMMERCIAL (IMPROVED)*

One Tree: \$25.00

Each additional tree \$10.00

Plus the Minimum Charge of \$30.00 per half acre, but the Maximum Charge is \$250.00 per half acre of property.

RESIDENTIAL AND
COMMERCIAL (UNIMPROVED)*

One Tree: \$35.00

Each Additional Tree: \$15.00

Plus the Minimum Charge of \$30.00 per half acre, but the Maximum Charge is \$250.00 per half acre of property.

*Subject to a \$30.00 permit fee.

UD USERS: PLANNING A Templates-Permit Applications\Planning Tree App.pdf

* Prune one protected tree. 1st

SEBRING CIR



Area Map

Printed 8/31/2023

4725 W BEACH BLVD

8

4719 W BEACH BLVD

To be
Trimmed
Only limbs
Over property
line

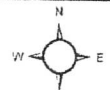
Live
oak

4713 W BEACH BLVD

W BEACH BLVD

[Signature]
8/31/23

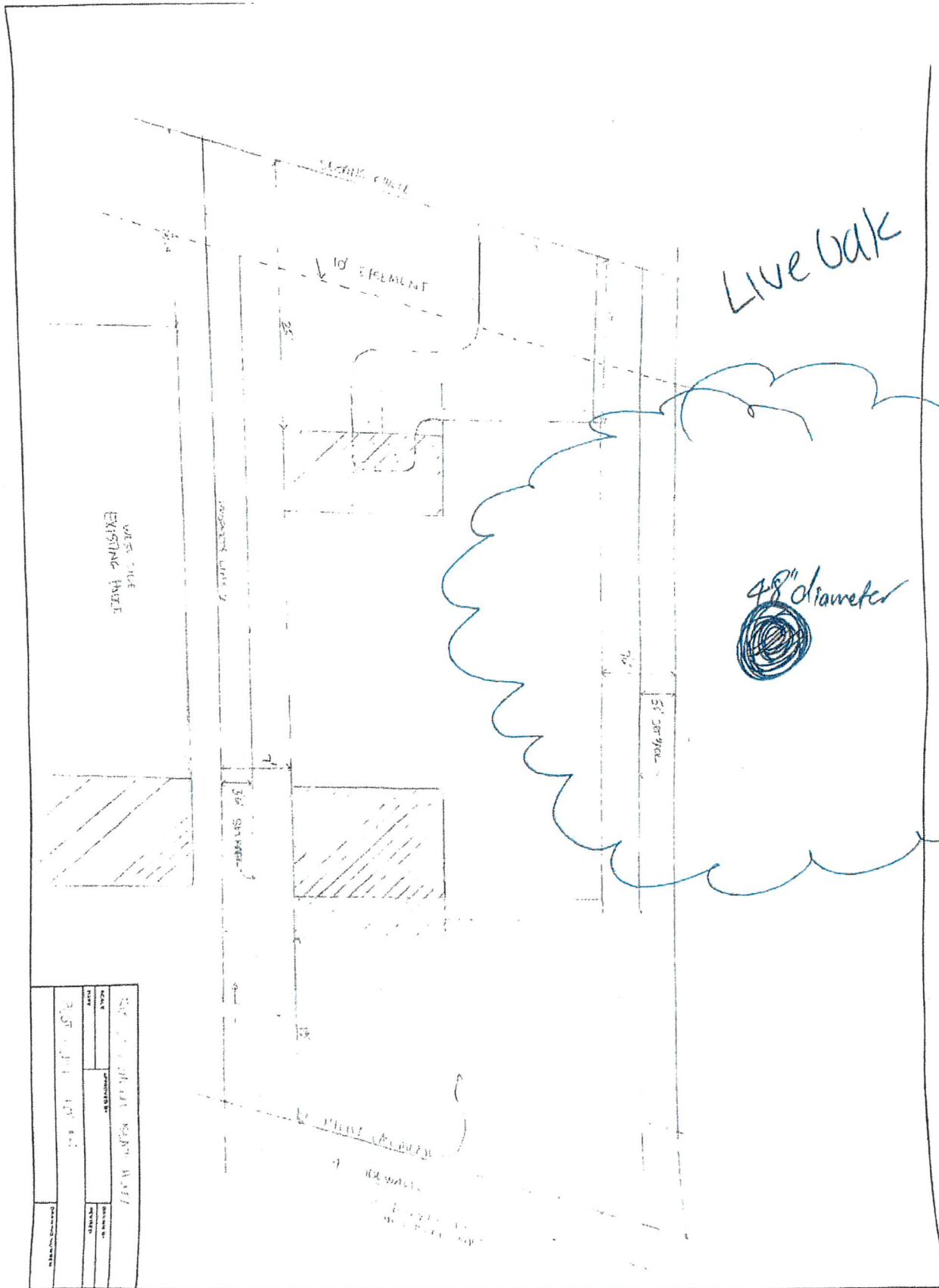
- Addresspoints
- Principal Arterial
- Minor/Residential
- WaterFeatures
- Parcels



1 inch = 18 feet

DATA DISCLAIMER:

All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness or adequacy of the information contained on this map are expressed or implied.



Our File: B230381

Prepared by & return to:

Schwartz, Ogler & Jordan, PLLC

P.O. Box 4882

Biloxi, MS. 39535

228-388-7441

INDEX: Lot 4, Nine Water

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned,

2 G HOLDINGS, LLC,

14397 Creosote Road, Gulfport, MS 39503, (228) 669-7071,

does hereby sell, convey and warrant unto

MICHAEL RUSSELL AND KIRSTEN WILSON,

14315 Reeder Street, Overland Park, KS 66221, (913) 488-5588,

as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Lot Four (4), NINE WATER SUBDIVISION, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi in Plat Book 59 at Page 19 thereof, reference to which is hereby made in aid of and as a part of this description.

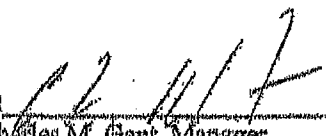
The above described property being formerly known as Lot 4, Water Sound Subdivision, said subdivision plat, name and covenants being amended by that certain Judgment recorded as Instrument Number 2020-11674-D-J1 in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners.

TAXES for the current year have been pro-rated as of this date and are hereby assumed by the Grantees herein.

IN WITNESS WHEREOF, 2 G Holdings, LLC, has caused this conveyance to be executed by its duly authorized officer, after having first been duly authorized to do so, on this the 23rd day of May, 2023.

2 G Holdings, LLC

BY: 

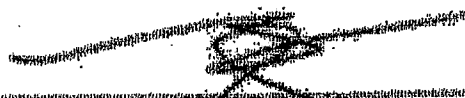
Charles M. Gant, Manager

STATE OF MISSISSIPPI

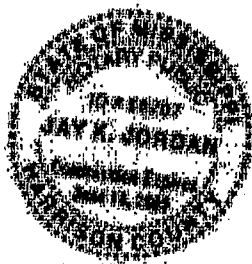
COUNTY OF HANCOCK

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority
in and for the jurisdiction aforesaid, Charles H. Hunt, who acknowledged that he is the Manager of J. C.
Holdings, LLC, and as he so acknowledged, he signed, sealed and delivered, the above and foregoing instrument
of writing on the day and in the year therein mentioned, for and on behalf of said entity after having been
first duly authorized to do so.

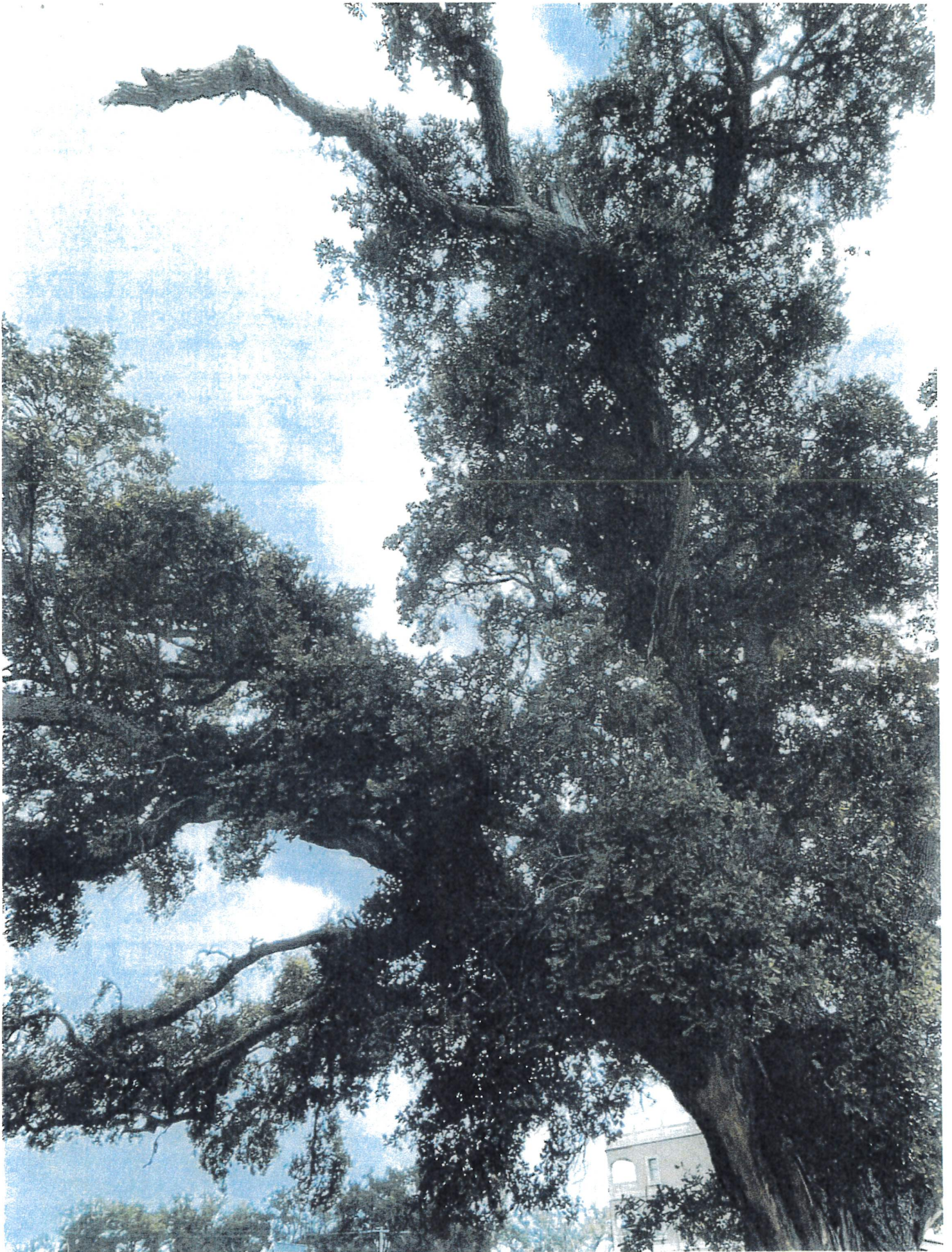
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this 15th day of May, 2011.

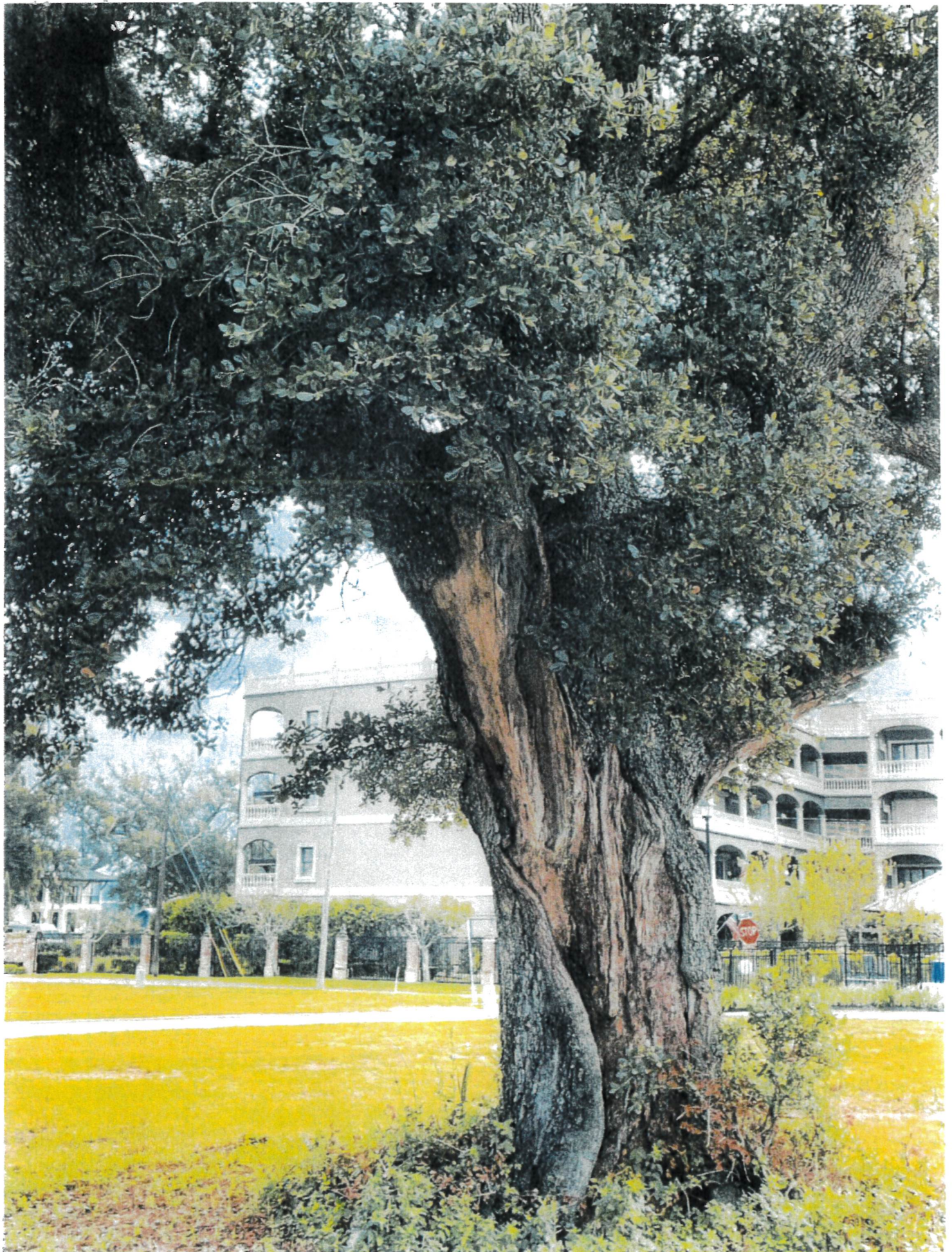

NOTARY PUBLIC

My Commission Expires

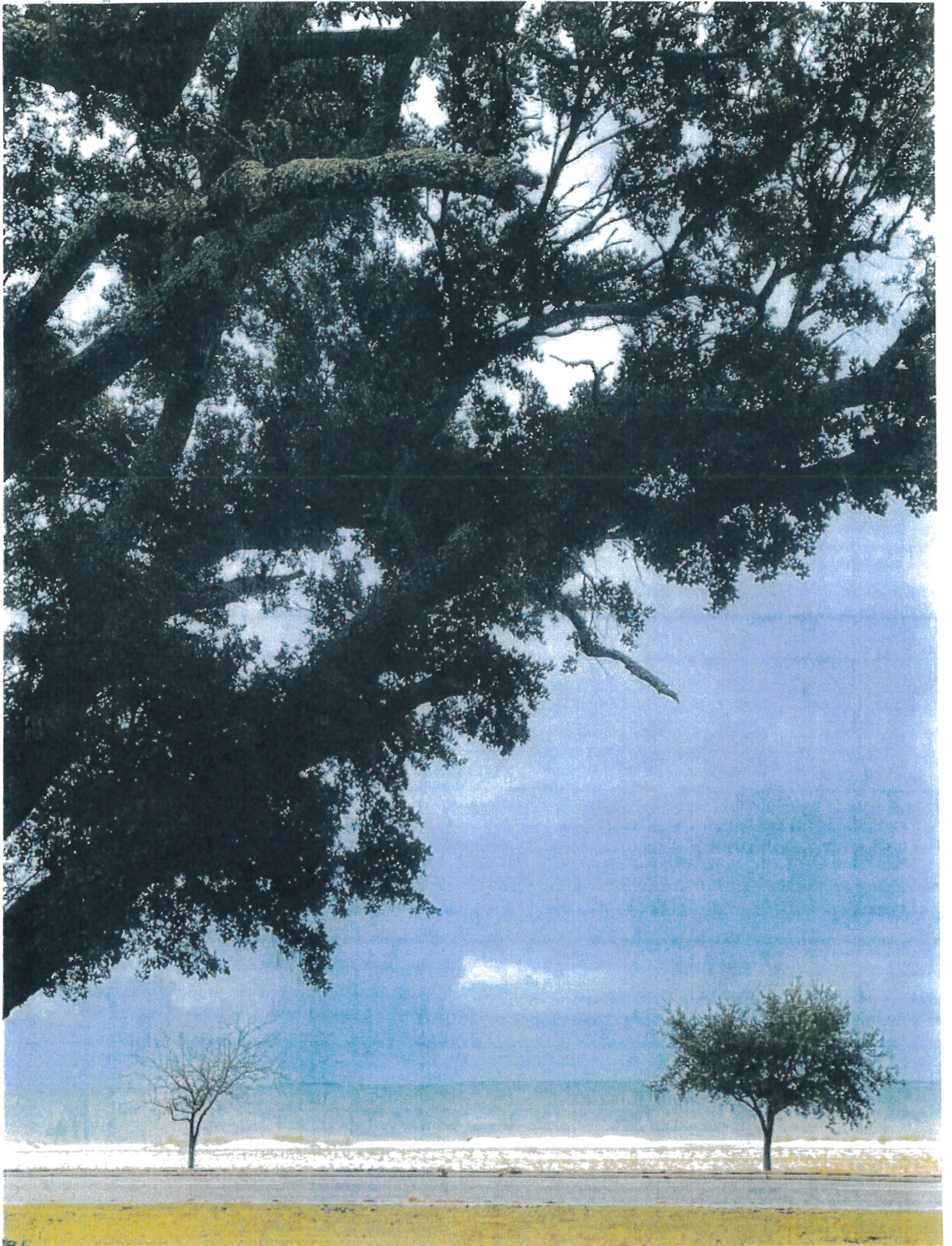








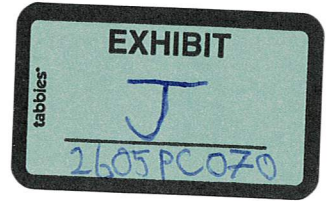




There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on 18th day of February, 2025, the following Ordinance:

ORDINANCE NO. 3481

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF GULFPORT, MISSISSIPPI



WHEREAS, the City of Gulfport, Mississippi has previously enacted a “Tree Protection” Ordinance which is codified in Chapter 8, Article I of the City’s Code of Ordinances; and

WHEREAS, the City’s Governing Authority continues to recognize the importance and values of trees in its communities and as set out previously by the Governing Authority in the prior Ordinances associated with what appears in Section 8-1 of the codified version of its “Tree Protection” Ordinance; and

WHEREAS, the Governing Authority finds it is equally as important to the health, safety, and general welfare of the City to preserve southern magnolia and live oak trees and other trees that are of a certain age and maturity as the same contribute even more to the character and visual and aesthetic values of the City and its communities as well as in the protection and preservation of native habitat, protection of structures and developments, and provision of acceptable and appropriate transitions between uses and barriers and visual screens from noise, heat, traffic, and the spread of dust and debris; and

WHEREAS, the City’s tree canopy continues to be damaged through various natural disasters and adverse weather over the years, both through tropical systems and otherwise, and which cause both wind and water damage to trees throughout the City; and

WHEREAS, the City has experienced and anticipates continuing to experience an increase in development of vacant lands that are forested both heavily and lightly; and

WHEREAS, the City has experienced and anticipates continuing an increase in single family/duplex/townhome residential development/subdivision development wherein properties are cleared for the purpose of construction of such residential units; and

WHEREAS, the provisions of Chapter 8, Article I, which comprise the City’s Tree Protection Ordinance, are in need of strengthening in order to protect the City’s existing tree canopy and to encourage the growth of that canopy; and

WHEREAS, various other provisions contained in Chapter 8, Article I of the City's Code of Ordinances are in need of clarification and also in need of amendment to further the intent and purposes associated with these findings and the City's "Tree Protection" Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters and things set forth in the above preamble are hereby accepted as stated as the findings of the Gulfport City Council.

SECTION 2. That Chapter 8, Article I of the Code of Ordinances of the City of Gulfport, Mississippi, should be, and hereby is, amended to now read as follows (with added changes being in bold and underlined and deletions being in bold and underlined and stricken through):

Sec. 8-2. Tree protection advisor.

The position of tree protection advisor is hereby created, who shall direct, regulate and control the care and necessary removal of all protected trees, as defined herein, existing now and hereafter in the city.

The tree protection advisor shall be a certified arborist or a horticulturist or shall hold a minimum of a ~~bachelors~~ bachelor's degree in landscape architecture or horticulture. The tree protection advisor ~~arborist/horticulturist~~ shall take active steps to process and render decisions granting or denying applications for permits under this article. Any decisions of the tree protection advisor, as authorized herein, shall be final unless an appeal is submitted to the city planning commission.

Sec. 8-3. Definitions.

As used in this article, the terms herein shall be defined as follows:

American National Standards Institute (ANSI): A private non-profit organization that oversees the development of voluntary consensus standards by accredited representatives of government agencies, industry, and other stakeholders.

ANSI A300: The industry-developed, national consensus standards of practice for tree care in the United States.

Arborist: A person trained in the proper care and maintenance of trees who has passed an independent exam administered by the International Society of Arboriculture, and maintains the credentials through continuing education.

Caliper: The diameter at breast height (DBH) of any tree trunk ~~thirty-six~~ forty-eight (3648) inches above ground level.

Commercial nursery or tree farm: A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and growing for sale or intended sale to the general public in the ordinary course of said licensee's business.

Critical root zone (CRZ): The area of soil around a tree where the minimum amount of roots considered critical to the structural stability or health of the tree are located. Per ANSI A300 (Part 5), these roots are located within six (6) to eighteen (18) times the trunk diameter (DBH) depending on species tolerance to root loss, tree age and health.

Destroy: Any intentional or negligent act which causes or leads to the probability of a tree to decline and die, including, but not limited to, such damage inflicted upon the root system of a tree by the application of toxic substances, the operation of heavy machinery, the change of natural grade by excavation or ~~filling the covered area or around the trunks elevation of the area over the root system~~ of a tree, trenching, excessive compaction of soil under the tree canopy, paving with concrete, asphalt or other impervious materials and damages inflicted on trees from injury or fire which result in or permit pest infestation~~from injury or from fire inflicted on trees which result in or permit pest infestation~~. Cutting, grilling, injecting, bulldozing and excessive pruning or trimming that result in the death or decay of a tree are also considered destruction.

Diameter at breast height (DBH): The measurement of the width of the trunk of the tree at four and one-half (4½) feet above the existing grade. For multi-trunk trees the DBH shall be the sum of the diameter of the trunks.

Drip line: The circumference of the tree's natural, unaltered canopy extended vertically to the ground ~~A vertical line running through the outermost portion of a tree crown extending to the ground.~~

Flush cutting: The removal of limbs by cutting immediately adjacent to the trunk, destroying the protective branch collar and exposing the trunk to decay organisms.

Protective barrier: A physical structure limiting access to the crown, trunk and/or root system of a protected tree, composed of wood, plastic safety fence, or other suitable materials, which assures compliance with the intent of this article.

Pruning or prune: This means that definition of the term as set forth in both the most recent International Society of Arboricultural pruning standards and guidelines and American National Safety Institute A300 (Part 1) (ANSI A300 (Part 1)), both of which shall be followed for pruning. At no time shall trimming, topping, tipping or flush cutting of trees be deemed a form of "pruning."

Residual density: The number of natural trees growing on an existing lot or site that is expressed as the actual number of trees per square foot of area.

Selective root pruning: A process consisting of soil excavation using supersonic air tools, pressurized water, or hand tools, followed by cutting individual roots conducted under the supervision of an ISA certified arborist as set forth in ANSI A300 (part 8) Best Management Practices.

Tipping: The cutting of a lateral limb in such manner as to leave a prominent stub extending beyond a branch node or the trunk.

Topping: The cutting of a leader trunk in such manner as to leave a prominent stub extending beyond the node (crotch) of another leader trunk or major branch that may become a leader trunk.

Tree protected: Any woody, perennial, hardwood plant that is either a live oak (*quercus virginiana*), southern magnolia (*magnolia grandiflora*), American Sycamore (*Platanus occidentalis*), swamp chestnut oak (*quercus michauxii*), ~~sweet bay (*magnolia virginiana*), sweet gum (*liquidambar styraciflua*)~~, overcup oak (*quercus lyrata*), shumard oak (*quercus shumardii*), nuttall oak (*quercus texana*), American holly (*Ilex opaca*), bald cypress (*taxodium distichum*), red maple (*acer rubrum*), willow oak (*quercus phellos*) that has a single or multiple trunk with a total caliper trunk of eight (8) inches or a circumference of twenty-five (25) inches or more.

Tree replacement: A tree of the same species as that of the protected tree having a minimum ~~one and one-half inch~~ two (2) inch caliper nursery stock with a minimum height of ~~seven (7) feet~~ ten (10) feet and a minimum canopy of six (6) feet after planting.

Tree removal: The displacement, removal, relocation, alteration or effective removal as a result of damaging or destroying any protected tree or to reduce residual density.

Trimming or trim: Cutting a stem to an indiscriminate length, as determined by the city tree protector advisor. While trimming is unacceptable, pruning- the act of cutting stems at nodes- is permissible.

Sec. 8-4. Application of provisions.

The provisions of this article shall apply to protected trees that are located on any real property that is located or lying within a district that has been designated on the Gulfport Comprehensive Zoning District Map as ~~follows~~ set out herein below in this Section or elsewhere in this Ordinance.

- (a) Any type of ~~An~~ industrial district;
- (b) Any type of ~~A~~ business or commercial district; and
- (c) Any type of ~~A~~ residence~~etial~~ district, ~~provided that the development (multifamily) exceeds ten (10) units per acre;~~
- ~~(d) A residence district for all other residential uses occupying an area of more than one two (2) or more acres; or~~
- ~~(e) All districts (i.e. industrial, business, residence) with respect to protected live oaks and southern magnolias, with the exception of those live oaks and southern magnolias located on lots or parcels less than one (1) acre in size that are developed with an owner-occupied single family home.~~

Sec. 8-5. Permits—Required.

(a) Generally. It shall be unlawful for any person, without first obtaining a permit to do so as herein provided, to remove, cause to be removed, relocate or substantially alter or trim, or to effectively remove as a result of damaging or destroying any protected tree or to change the residual density on a lot or site. It shall be unlawful for any licensed tree surgeon, tree contractor, service company or general contractor to remove, cause to be removed, relocate or substantially alter or to effectively remove as a result of damaging or destroying any protected tree covered by the terms and provisions of this article or to change the residual density on a lot or site without first having in its possession a proper permit authorizing the removal of said tree. Upon the second violation of the terms and provisions of this article by any licensed tree surgeon, service company or general contractor, the mayor and city council shall, after investigation by the tree protection advisor and upon subsequent recommendation to them, revoke for a period of six (6) months the city privilege license of said tree surgeon, service company or general contractor.

(b) Tree pruning. It shall be unlawful for any person who is not an owner or the then current resident of the property on which the affected tree is located to prune or substantially alter any protected tree without first obtaining a permit to do so as herein provided.

~~(c)~~ Site plans for development or redevelopment; Denial of permit. A site plan for the development or redevelopment of any tract of land located in the city shall be submitted to the city, along with the application for a building permit, prior to the removal of any tree as herein defined. Additionally, no ~~No~~ building permit shall be issued until a the tree site plan and tree permit application have~~has~~ been prep ared and submitted in accordance with the terms herein, and reviewed and approved in writing by the tree protection advisor, and a tree permit as provided herein is issued or denied within fourteen (14) working days of submittal. Reasons for denial shall also be reported to the applicant in writing. If the applicant is not notified of approval or disapproval within fourteen (14) working days, such plans shall be considered approved, and such permit shall be considered issued by the tree protection advisor through the department of urban development. The tree site plan must show, in addition to the usual requirements, the following information at a scale sufficient to enable the determination of matters required under these regulations:

- (1) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements if any.

- (2) Location and dimensions of all protected trees identified by common or botanical name. Trees proposed to remain, to be relocated or to be removed shall be so identified. Groups of trees in close proximity, three-foot spacing or closer, may be designated as a "clump" of trees and a predominant species, estimated number and average size listed.
- (3) A statement showing how trees not proposed for removal are to be protected during land clearing and construction, i.e., a statement as to proposed protective barriers as defined in section 8-3.
- (4) Statement as to grade changes proposed for the lot or parcel, and how such changes will effect these regulations.
- (5) Any proposed tree replacement program.
- (6) The tree protection advisor may require the applicant to furnish additional information as he deems necessary and appropriate to properly analyze the application.

The function of the tree protection advisor in the review of the site plans will be to assure that protected trees and residual density are preserved and retained within the city. A permit from the tree protection advisor is required for any work on or affecting trees covered by the provisions of this article. The tree protection advisor shall specify the work to be done and may inspect the work in progress and make a final inspection upon the completion of the work as necessary. The director of urban development (or designee) shall have concurrent authority to enforce the regulations of this article in the event that the tree protection advisor is unable to inspect any work for the purpose of ensuring compliance with this article.

(d) *Building moving permits.* The tree protection advisor, along with any other affected city departments, shall review and approve or disapprove all applications for building moving permits to ensure that such movement will not endanger any tree specified in this article.

(e) Insurance. In the event an insurance company that underwrites or affords insurance with respect to a particular property requires removal of a protected tree found thereon as a condition to the provision of continued coverage or as a grounds for cancellation of existing coverage, documented proof of such basis shall be provided in writing from the insurance company to the city's tree protection advisor before a permit is issued that allows removal or pruning of such a tree and such permit shall include mitigation / replacement as addressed under this ordinance as a condition to issuance of such permit.

Sec. 8-6. Same—Application; Application Fee; Expiration of Permit.

(a) Any person required by this article to obtain a tree permit shall make a written application to the tree protection advisor through the planning office in the department of urban development administrator. The filing fee will be based on the total number of trees being reviewed by the tree protection advisor. At a minimum, such application shall require the following:

- (1) Full name of Applicant;
- (2) Street address and contact phone number for Applicant;
- (3) Street address of location of affected tree(s);
- (4) Full names of all owners of the property for where each affected tree is located;
- (5) Street address and contact phone number for each owner of the property for each location of each affected tree;
- (6) If any of the work sought to be permitted in the Application is to be performed by a contractor, the full name, street address, and contact phone number for each contractor;
- (7) Description of each tree that is the subject of the Application, to include its location on the affected property and its believed species;

(8) A tree site plan with respect to each affected tree; and

(9) Any other information set forth or provided in this Ordinance / Article.

(b) Any person NOT required by this article to obtain a tree permit that makes a written application to the tree protection advisor through the planning administrator will be assessed a filing fee based on the total number of trees requested to be reviewed by the tree protection advisor.

(c) In order to complete the submission of an Application, the submitting party (Applicant) must submit the requisite filing or application fee, which shall be determined by the following, subject to review and approval of the city's tree protection advisor. ~~The cost for filing fee:~~

RESIDENTIAL AND COMMERCIAL (IMPROVED)

One tree \$25.00

Each additional tree \$10.00

~~Maximum charge \$250.00~~
~~per half acre~~
~~of property~~
~~included in tree review~~

RESIDENTIAL AND COMMERCIAL (UNIMPROVED)

One tree \$35.00

Each additional tree \$15.00

~~Maximum charge \$350.00~~
~~per half acre~~
~~of property~~
~~included in tree review~~

(d) Where an application as required by this article has been submitted, no permit shall be issued until a tree site plan for the lot or parcel has been submitted by the applicant to the tree protection advisor and reviewed and approved by the tree protection advisor. ~~Upon a proper showing by the applicant of extreme hardship due to causes unrelated to the acts or omissions of the applicant, the tree protection advisor, in his discretion, may waive all or part of the requirements for the tree site plan submission.~~

(e) Upon approval of the tree permit application by the tree protection advisor, the applicant must pick-up the approved permit within fourteen (14) business days from date of issuance, failing in which the tree permit shall automatically expire and terminate. Except for this exception, the tree permit shall be valid for a period of (180) days following date of issuance after which period the permit shall automatically expire and terminate

Sec. 8-7. ~~Same~~ Criteria for issuance of permit.

After the application is filed with the Department of Urban Development as set forth herein~~building department~~, the tree protection advisor shall consider the following criteria in the approval or denial of a tree permit ~~for the removal, relocation or substantial alteration of a protected tree:~~

- (1) The condition of the protected tree or trees proposed to be removed with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services.
- (2) The necessity of removing the protected tree or trees in order to construct the proposed improvements or structures to allow reasonable economic use of the property.
- (3) The effect of removal on erosion, soil moisture retention, flow of surface waters and coordination with the drainage system plan of the city.
- (4) The number and density of protected trees in the area, and the effect of tree removal on property values of the neighborhood and other existing vegetation.
- (5) Whether any protected tree proposed to be removed is worthy of preservation.
- (6) Impact upon the urban and natural environment, including:
 - a. Whether protected tree removal would substantially alter the water table or affect the stability of ground and surface water.
 - b. Whether protected tree removal would affect water quality and aquifer recharge by reducing the natural assimilation of nutrients, chemical pollutants, heavy metals and other substances from ground and surface waters during the movement of water towards an aquifer or natural stream.
 - c. Whether protected tree removal would have an adverse impact upon existing biological and ecological systems.
 - d. Whether protected tree removal would affect noise pollution by increasing source noise levels to such a degree that a public nuisance or violation of noise control would occur.
 - e. Whether protected tree removal will affect air movement by significantly reducing the ability of existing vegetation to reduce wind velocities.
 - f. Whether protected tree removal will affect quality by significantly affecting the natural cleansing of the atmosphere by vegetation.
 - g. Whether protected tree removal will affect wildlife habitat by significantly reducing the habitat available for wildlife existence and reproduction or causing the emigration of wildlife from adjacent or associated ecosystems.
- (7) The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing protected trees.
- ~~(8) The economic hardship that would be imposed upon the applicant were the permit denied.~~
- ~~(89)~~ The heightened desirability of preserving protected tree cover in densely developed or densely populated areas.
- ~~(914)~~ The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial ugliness or any other visual affront.
- ~~(1014)~~ Whether the continued presence of the protected tree or trees is likely to cause danger to a person or property.

~~(1112)~~ Whether the topography of the area in which the **protected** tree or trees are located is of such a nature to be damaging or injurious to trees.

~~(1212)~~ Whether the removal of the **protected** trees is for the purpose of thinning a heavily wooded area where some **protected** trees will remain.

**Sec. 8-8. ~~Permit Conditions Same Tree relocation or replacement:~~
Replacement Trees.**

(a) As a condition to the granting of a tree removal permit, the applicant may be required to:

- (1) Relocate those protected trees which would otherwise be destroyed to another location upon the site; or
- (2) To replace those protected trees which will be destroyed with suitable replacement trees elsewhere within the site. In determining the required relocation or replacement of trees, the tree protection advisor shall consider the needs of the intended use of the property, including all lands dedicated to public use, together with an evaluation of the following:

- a. Existing tree coverage on the site and in the immediate surrounding area.
- b. The number of trees to be removed on the entire site.
- c. The type, size and condition of the tree(s) to be removed.
- d. The area to be covered with structures, parking and driveways.
- e. The feasibility of relocating the particular tree or trees.
- f. The topography and drainage of the site.
- g. The extent to which the tree(s) contribute to the aesthetic, economic and environmental integrity of the surrounding area.

(b) Each replacement tree shall have characteristics comparable to those of the protected tree removed and shall be a minimum of two (2) ~~one and one-half inch~~ caliper nursery stock, ten (10) ~~seven~~-foot minimum height after planting. The type of replacement trees and location of relocated or replacement trees shall be identified by the tree protection advisor prior to the issuance of a tree permit. Replacement trees that are unable to be planted onsite will be placed in the City's plant yard to be planted in the future by the City at an alternative public site to be determined by the city tree protection advisor. Each replacement tree shall enjoy the same protection as any protected tree with a total caliper trunk of eight (8) inches or a circumference of twenty-five (25) inches or more. Each replacement tree shall be replaced at a minimum of a one-to-one ratio per the standards listed below:

Replacement tree table

8"-12" caliper tree = 2 trees

13"-18" caliper tree = 3 trees

19"-24" caliper tree = 4 trees

25"+ caliper tree = 5 trees

(c) Tree Mitigation Trust. Replacement trees that are not able to be planted onsite may be replaced by a monetary contribution to the mitigation trust based on the replacement tree table listed in Sec. 8-8 (b)

(1) Application. To participate in the Tree Mitigation Trust, a form must accompany a tree permit through the Planning and Zoning Department and must be approved by the City of Gulfport's Tree Advisor.

(2) Mitigation Trees. Upon approval of a request to participate in the Tree Mitigation trust, the Tree Advisor will determine what protected trees to be planted on public grounds or rights-of-way would be comparable to the trees or landscaping otherwise required on-site by the City Ordinance. The approved participant will then pay a one-time, flat cost estimate for the purchase, planting, and maintenance of such trees. The flat cost estimate for planting and initial maintenance of comparable trees is two (2) times the base price for the City to purchase a two (2) inch caliper, ten (10) foot comparable tree in local nursery stock.

(3) Tree Mitigation Trust Administration. Funds paid into the Tree Mitigation Trust will be used for the sole purpose of planting and maintaining trees on public grounds and rights-of-way at the direction of the Tree Protection Advisor. As an essential infrastructure, the Tree Protection Advisor will ensure that, when possible, the trees planted pursuant to the Tree Mitigation trust are located in the nearby vicinity of the land development with which they are associated.

If a replacement tree that dies within two (2) ~~one (1)~~ years of its planting for whatever reason including, but not limited to, lack of care, ~~shall likewise, it shall be the responsibility of the present owner for the dead tree to be replaced by~~ with a new replacement tree that conforms to the requirements of this article.

In addition to the protection of certain specified trees identified in Section 8-3, the tree protection advisor may require tree replacement of other natural trees, as well as protected trees, under the following circumstances. Where the residual density of other natural trees (any species with a total caliper trunk of two (2) inches or six and one-quarter (6.25) inches in circumference or larger) in any lot or site is greater than the standards listed below, the requirement for replacement trees to be planted will be waived. If the residual density of other natural trees is less than the standards listed below, the property owner or developer will be required to plant trees to the proper density.

Site Area square feet)	Required Trees
0 to 10,000	1 tree/1,000 sq. ft.
10,000 to 110,000	10 trees for first 10,000 sq. ft., plus 1 tree/2,500 sq. ft. over 10,000 sq. ft.
Over 110,000	50 trees for first 110,000 sq. ft., plus 1 tree/5,000 sq. ft. over 110,000 sq. ft.

Sec. 8-9. ~~Same Trimming, pPruning,~~ planting and removal of trees on public property.

(a) Except as provided herein, any person desiring to remove, destroy, cut, severely prune, including the root system, or treat any tree in and upon any public street or public property owned by the city, its agencies, boards, authorities and commissions, shall first obtain a written permit from the tree protection advisor. Any work performed under such permit must be done in strict accordance with the conditions of the permit and the provisions of this article.

(b) Individual permits shall not be required of public and private utility companies which install overhead and underground utilities (including cable television and water and sewer installations by or at the direction of the public works department) and which have valid and current franchise agreements with the city; provided that a determination is made by the tree protection advisor that the services provided by them are necessary for the general health, safety and welfare of the citizens of the city. Their actions that would ultimately result in the destruction of any tree designated by this article shall be limited to the amount necessary in order to provide such utility service. The companies' written pruning and trenching specifications along with specific site location shall be reviewed by the tree protection advisor for

their comments in advance of any pruning or removal. All utility pruning within the city limits shall be done to ANSI pruning standards.

(c) Any person desiring to plant a tree upon any public street or public place must also obtain ~~written permission a permit~~ from the tree protection advisor. However, before ~~any approval is granted the issuance of a permit~~ to plant, the request must also be reviewed by the superintendent of traffic control and safety to determine if the proposed planting would create a sight distance hazard for traffic. ~~The filing fee of ten dollars (\$10.00) will be waived in obtaining this permit.~~

Sec. 8-10. Injuring trees in public places.

(a) It shall be unlawful for a person, except with a written permit, to place or maintain upon the ground in any public street or public place any stone, cement or other impervious matter or substance in such a manner as may obstruct the free access of air and water to the roots of any tree in any such street or place.

(b) It shall be the responsibility of the person in charge of the erection, repair, alteration or removal of any building or structure to place a guard or protector around any tree on public ground so as to prevent injury to such tree arising out of such erection, repair, alteration or removal. If the erection, repair, alteration or removal of any structure shall require the ~~trimming-pruning~~ or removal of any tree upon public ground, a written permit shall be obtained as provided in section 8-8.

(c) It shall be unlawful for any person to attach to any tree in and upon any public street or public place, or to the guard or stake intended for the protection of such tree, any rope, wire, chain, nails, advertisement, poster, sign or other device whatsoever except for the purpose of protecting it.

(d) No person shall intentionally damage, cut, carve, transplant or remove any tree in and upon any public ~~street-stress~~ or public place.

(e) No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein. Sunlight to any public tree cannot be permanently blocked by placement of materials without written authorization of the tree protection advisor.

Sec. 8-11. ~~Trimming~~Pruning of trees adjacent to public property.

Trees standing in or upon any lot or land adjacent to any public right-of-way or public place and having branches, limbs, trunks or other parts projecting into the public right-of-way or place which have been determined by the city superintendent of traffic control and safety or his designee to interfere with the free and safe passage and line of sight along the public way by pedestrians and vehicular traffic may be kept trimmed by the city.

Where a particular tree requires ~~trimming or~~ pruning for a second consecutive year in order to allow for free and safe passage and line of sight along the public way, the city shall proceed in accord with MCA 1972, § 21-19-11, as amended, to protect the public health, safety and welfare of the community by having the tree ~~trimmed and/or~~ pruned and/or cut. Alternatively, the city may proceed via appropriate processes for the ~~municipal environmental~~ court to compel ~~trimmingpruning~~ of the limbs, branches or tree trunks.

Sec. 8-12. Construction near trees.

~~(a) During construction=Before the commencement of any construction, land clearing, filling, or any land alteration, the developer or builder shall erect suitable protective barriers around all protected trees, and this protection, where be required, shall remain until permanent barriers have been erected to erect suitable protective barriers around all such protected trees to be preserved.~~

~~(ba) Excluding~~ **Including** sidewalks and driveways, no person shall pave with concrete, asphalt or other impervious material within five (5) feet ~~of the outside~~ **inside the** diameter of any **protected tree dripline**. If necessary, the tree protection advisor **can permit less than five (5) feet inside the diameter of any protected tree dripline or** will require additional footage beyond the minimum requirement of five (5) feet ~~from the outside inside the~~ diameter of any protected tree **dripline** to prohibit any impervious materials.

(c) During construction, no attachments or wires other than protective guy wires shall be attached to any trees.

(d) Filling under the spread of limbs of any protected trees is hereby limited to one (1) inch of soil unless protective measures are taken as approved by the tree protection advisor.

(e) It shall be unlawful for any person in the construction of any structure or other improvement to conduct non-selective root pruning within the critical root zone (CRZ) as described in ANSI A300 (Part 5) of any tree retained on a land development or improvement, and selective root pruning shall be conducted under the supervision of an ISA certified arborist as described in ANSI A300 (part 8) best management practices.

(f) It shall be unlawful for any person in the construction of any structure or other improvement to place solvents, material, construction machinery, or temporary soil deposits within the critical root zone (CRZ) as described in ANSI A300 (part 5) of any tree retained on a land development or improvement.

Sec. 8-16. Enforcement of article.

The tree protection advisor and the ~~building~~ department **of urban development** shall be charged with the enforcement of this article. For the purpose of enforcement, the tree protection advisor and the director of urban development or designee are hereby empowered to ensure that the provisions of this article are not violated, including the issuance of citations for the violations of any provisions of this article. The tree protection advisor or ~~the their~~ authorized designee **of the tree protection advisor,** ~~and~~ the building official **or planning administrator** may periodically inspect sites subject to the provisions of this article.

If, through inspection, it is determined that a person has failed to comply with the provisions of this article, a notice to comply shall be served upon that person by certified mail **and/or delivered in person to the site of the violation(s)** from the tree protection advisor or the director of urban development. The notice shall set forth all the provisions which will be necessary to comply with this article.

The tree protection advisor and the director of urban development shall have the power to conduct such investigations as deemed reasonably necessary to carry out duties as prescribed in this article and, for such purpose, may enter at reasonable times upon any property, public or private, for the purpose of inspecting the sites subject to the provisions of this article. No person shall refuse entry or access to the tree protection advisor or ~~the their~~ authorized designee **of the tree protection advisor, representative and** the building official **or planning administrator** who may request entry for the purpose of inspections, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with such representative **of the city** while in the process of carrying out their official duties.

Sec. 8-17. ~~Variances and Appeals from the decision of the tree protection advisor.~~

~~(a) A variance from the provisions of this article may be considered by the planning commission in cases of unusual circumstances and special conditions where the literal enforcement of the provisions of this article would result in depriving the property owner of the reasonable use of land.~~

(a) In the event that any person is dissatisfied with a decision of the tree protection advisor, ~~adversely affecting such person involving the application of this article~~, such person may appeal to the city planning commission by filing written notice thereof with the planning commission, ~~together and~~ with a copy to the tree protection advisor, within fifteen (15) days after the decision of the tree protection advisor. The planning commission shall hear any complaints of such person; and, after a full and complete hearing, the commission shall render its opinion affirming, overruling or modifying the decision of the tree protection advisor based upon the criteria set forth in section 8-6. Each appeal shall be accompanied by a fee of seventy-five dollars (\$75.00) to cover the cost of publishing and mailing notices of such hearing.

The planning commission shall prepare a record of its proceedings for each case, showing the grounds for its decision. The record shall be filed in the office of the planning commission and shall be available to the public for review.

(c) Any person or any officer, department or agency of the city aggrieved by any decision of the planning commission may, within fifteen (15) days thereafter, appeal to the city council by filing with the ~~minutes~~ clerk of the city council a written notice of appeal specifying the decision from which the appeal is taken. In case of such appeal, the planning commission shall cause a certified transcript of the proceedings in the case to be filed with the city council; and the matter will be heard on said transcript, the cost of said transcript to be borne by said appellant.

(d) Any person feeling aggrieved at the findings and decisions of the ~~mayer and~~ city council shall have the right to appeal to a court of competent jurisdiction and shall be governed by applicable statutes of the State of Mississippi.

Sec. 8-18. Penalties.

(a) It shall be unlawful for any person, firm, organization or society to violate the provisions of this article. The removal, ~~damaging~~ or destruction of each protected tree ~~and the failure to comply with the residual density requirements set forth in Section 8-7 herein~~ shall constitute a separate offense under this article, and said violation shall be punishable in accordance with section 1-9 of this Code. ~~Further, replacement trees shall be required as part of restitution and will be placed in the City's plant yard to be planted in the future by the City at an alternative public site to be determined by the City. The number of replacement trees for purposes of such restitution shall be determined per the standards listed below:~~

Replacement tree table

8"-12" caliper tree = 4 trees

13"-18" caliper tree = 6 trees

19"-24" caliper tree = 8 trees

25"+ caliper tree = 10 trees

(b) Restitution associated with violation of this Ordinance / Article should be based on the most current version of the American Society of Consulting Arborists (ASCA) Tree and Plant Appraisal Process, should sufficient evidence of such process be presented.

SECTION 3. All provisions of Chapter 8 of the Code of the Ordinances of the City of Gulfport, Mississippi not in conflict herewith shall remain in full force and effect as heretofore provided.

SECTION 4. To provide for the immediate and temporary preservation of the public peace, health and safety, this Ordinance shall be in full force and become effective immediately upon its passage by unanimous vote and enactment according to law and shall be spread on the minutes of the Gulfport City Council. The Ordinance shall be published according to law and for failure to pass unanimously, shall take effect thirty (30) days after the date of passage.

SECTION 5. The Governing Authority further finds that the following shall serve as an explanatory statement of this Ordinance for purposes of publication: "This Ordinance amends the "Tree Ordinance" of the City's Code of Ordinances (Chapter 8, Article I). A copy of the full text of this Ordinance is available to municipal residents upon request to the City Clerk." For the next thirty (30) days, a copy of the full text of this Ordinance shall be posted by the City Clerk: (a) in the first floor lobby at City Hall (2309 15th Street, Gulfport, Mississippi 39501); (b) in the first floor lobby of the City's Hardy Building (1410 24th Avenue, Gulfport, Mississippi 39501); and (c) in the first floor lobby of the County Courthouse in Gulfport (1801 23rd Avenue, Gulfport, Mississippi 39501). The City Clerk shall further furnish any resident of the City a copy of the full text of this Ordinance upon request.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Flowers, seconded by Councilmember Roland, and was adopted by the following roll call vote:

YEAS:

Casey

Roland

Flowers

Kosloski

NAYS:

Holmes-Hines

Walker

ABSENT:

None

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 18th day of February, 2025.

**ATTEST:***/s/ Brittany Rodgers*

 Brittany Rodgers, Clerk of Council
ADOPTED:*/s/ Rusty Walker*

 F.B. "Rusty" Walker, IV, President

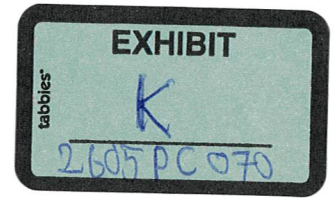
The above and foregoing Ordinance having been submitted to and approved by the

Mayor, this the 19th day of February, 2025.

APPROVED:

/s/ Billy Hewes

Billy Hewes, Mayor



Visual Inspection on Live oak at

4719 West Beach Blvd. Gulfport, MS. 39501

I was asked to visually inspect a large Live oak and provide my professional opinion as to the current health and condition of the tree. On June 2, 2026 I was able to conduct an initial visual inspection from public property. I made some observations, no notes, no pictures. I again visited the site on Friday June 12, 2026, and my findings and professional opinion are as follows:

A visual tree inspection has been undertaken from ground level only and comments made are based on observable factors present at the time of inspection. A more detailed inspection would have included a climbing inspection, decay assessment or root collar investigation. No such access was available to me when the property owner requested in person that I go no further at that time. Any further soil or tissue samples or a canopy inspection would have to be performed by a certified consulting arborist.

Tree- A 51-inch D.B.H *Quercus virginiana*, common name Southern Live oak. D.B.H. is the diameter at breast height, approximately 54 inches from where the trunk meets the soil.

Condition- It appears to be a little beat up, but healthy cambium\bark regeneration is occurring. The tree has bark loss and obvious prior debris or other strikes to the bark layer possibly from storm damage. The bark loss is at a height consistent with most of the wounds on many of the beachfront Live oaks after Katrina. There may have been other impacts, such as construction equipment or automobile strikes. The tree has formed new bark surrounding most of the bark loss areas and in some spots is quite impressive. It is attempting to seal the wounds and provide growth and uptake of water and nutrients, as well as trunk strength and stability. Trees do not "heal", they seal. Because of the unique tight grain nature of Live oak wood and the high amount of phenols, a natural preservative, there is strength even in the dead wood of the trunk. In short, this strength and resistance to decay were the principle reason Live oak was used extensively in ships, including the ironclads and other naval vessels. There are many examples where these ships were known to repel a 6-inch cannonball at close range, with only a dimple left as the result. There is some decay evident, but none that appears to be structural or cause for long term concern.

Compartmentalization is occurring and will continue if the tree is not interfered with.

Health and vigor- The tree has been through numerous large hurricanes, and each time has regrown it's branch canopy and continued to put on full sets of leaves. The day I visited, the tree had noticeable epicormic sprouts in the lower 1\2. These are commonly referred to as suckers, a misnomer. This is positive and healthy and most likely a reaction to heavy pruning or larger branch removal. It is a form of retrenching that trees go through naturally when any larger cuts are made or a significant limb is removed. I saw no fungal or bacterial growth anywhere I observed. No fruiting bodies, or "mushrooms" were seen on any roots, or in the root zone. The leaf size and color were good, as was the leaf distribution throughout the canopy. This indicates to me that even though

there was more than likely some construction damage or impact to the root zone, the tree has continued to have good uptake to all branch tips.

Opinion - This tree has had some damage to it and shows some sizable bark loss spots. The areas of bare trunk are larger than I typically like to see, but the adaptation of the response growth is doing what it is designed to do. I do not find the wounding of the trunk to be cause for concern or removal. The tree needs some pruning of breakage and there are a few stubs left from prior pruning that can be cleaned up. The tree is a little asymmetrical with the removal of the West lowest limb, but that cannot be remedied immediately. I would recommend only pruning what is stubbed off or has already been improperly pruned prior, and not much else needs to be done. When viewed by traffic and when driving Westbound, the tree definitely provides a good visual screen for the new home there. I will not say it is the healthiest or best-looking Live oak on the beach, but it is by no means anywhere near the worst. If it were mine, I would tidy up the lower crown and retain it in that spot for certain. That would be my course of action and my opinion on the matter.

This assessment of the health and condition of the Live oak at 4719 West Beach Blvd, Gulfport, MS is not a tree risk assessment, nor does it imply any guarantee of stability or longevity. This inspection is not meant to represent or be regarded as anything other than an expert professional opinion. This is the least formal, yet still thorough version of a visual tree inspection I could provide. Thank you for providing the opportunity to weigh in on this important tree.

Loren Erickson

ISA Board Certified Master Arborist #SO-9940B

Further credentials and experience provided upon request



28

2 comments 5 shares

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Nadine Phillips
Yay, Loren!!!

1y

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Mississippi Forestry Commission ✓



Mississippi Forestry Commission ✓

January 24, 2025 · 🌐

Meet Loren Erickson, MFC's new Urban and Community Forestry Partnership Coordinator for Regions 3 and 4.

Loren's passion for forestry ignited in a University of Montana Silviculture class. Growing up, he was immersed in the world of plants, thanks to his educator parents, who specialized in plant identification, soil science, and dendrology. This early exposure, combined with rigorous involvement in horticulture and forestry activities, instilled in him a strong work ethic and a deep understanding of trees.

Loren's experience is diverse, ranging from managing 27,000 street trees in Seattle to working with Live Oaks in MS. He has been a valuable asset to MFC for over a decade, primarily through the [#TreeCityUSA](#) and [#TreeCampusUSA](#) programs, and we are thrilled he has joined us.

As a Board-Certified Master Arborist, Loren possesses a comprehensive knowledge of tree biology, care, and management. He thrives on engaging with communities through plantings, garden renovations, and presentations, always striving for excellence and welcoming audience questions. He is eager to share his expertise with South MS and contribute to the long-term health and sustainability of urban forests.

Interesting fact about Loren.... "I climbed trees competitively and competed in aerial rescue and speed climbing jamborees on the West Coast."

Welcome to the MFC Team, Loren!

[#MSforestry](#) [#greenjobs](#) [#careers](#)

CREDENTIALS

CREDENTIALS TYPES OF CREDENTIALS ISA BOARD CERTIFIED MASTER ARBORIST

READY TO BECOME ISA CREDENTIALIALED?

An ISA credential shows your commitment to properly caring for and maintaining trees!

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SECTION MENU

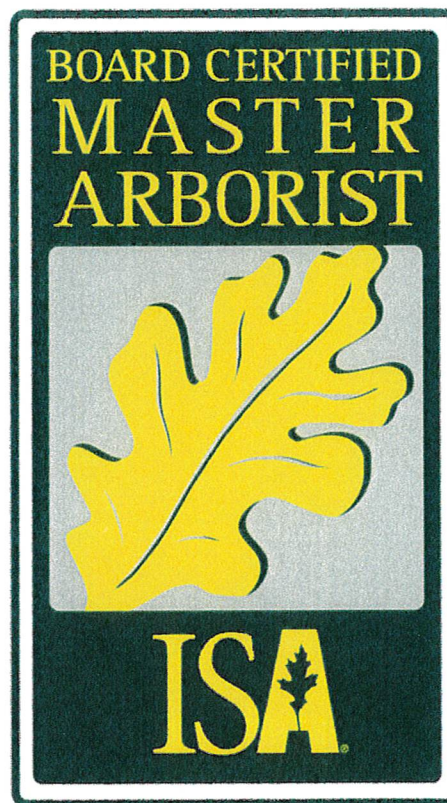
The ISA Board Certified Master Arborist® credential is the highest level of certification offered by ISA. This credential recognizes ISA Certified Arborists® who have reached the pinnacle of their profession. In addition to passing an extensive scenario-based exam, candidates must abide by a Code of Ethics, which ensures quality of work. Fewer than two percent of all ISA Certified Arborists® currently hold this certification.

To be eligible for the exam, you must be an ISA Certified Arborist® in good standing and have a sufficient amount of any or all of the following:

- Measurable experience
- Formal education
- Related credentials
- Professional experience

Accept the challenge and become one of the elite ISA Board Certified Master Arborist®. For more information on how to become an ISA Board Certified Master Arborist®:

- [ISA Board Certified Master Arborist® Program Guide \(PDF\)](#)
- [ISA Board Certified Master Arborist® Exam Outline \(PDF\)](#)
- [ISA Code of Ethics](#)



TM

ISA Board Certified Master Arborist® Study Materials

While you may use any materials you choose during your exam preparation, we encourage you to use materials that are grounded in best practices and scientific theory, and those that are supported by external reviewers, such as accreditation organizations or governing bodies.

Study Materials

ISA offers a full list of recommended study resources that cover multiple domains in each handbook and in the [ISA webstore](#).



Certified Arborist?

ISA Certified Arborist vs. Board Certified Master Arborist: What's the Difference?

As you advance in your tree care career, you'll encounter various levels of certification offered by the International Society of Arboriculture (ISA). The two most prominent are the **ISA Certified Arborist** and the **Board Certified Master Arborist (BCMA)**.

Understanding the differences between these credentials is crucial for planning your professional development. This guide breaks down the key distinctions.

The ISA Certified Arborist Credential

The ISA Certified Arborist credential is the foundational certification for tree care professionals. It demonstrates a comprehensive understanding of general arboriculture principles.

- **Target Audience:** Professionals with a few years of experience looking to establish their credibility and competence in the field.

- **Experience Requirements:** Requires three or more years of full-time, eligible, practical work experience in arboriculture, or a relevant degree coupled with lesser experience.
- **Exam Difficulty:** The exam is challenging, covering 10 broad domains including tree biology, pruning, risk assessment, and safe work practices. However, it is accessible to those who diligently study the core concepts.
- **Career Impact:** This certification is often considered the "gold standard" for entering the professional tier of tree care. It significantly boosts employability, credibility with clients, and often leads to higher pay.

The Board Certified Master Arborist (BCMA) Credential

The Board Certified Master Arborist is the highest level of certification offered by the ISA. It recognizes arborists who have reached the pinnacle of their profession. Less than 2% of all ISA Certified Arborists hold this elite credential.

- **Target Audience:** Highly experienced arborists, consultants, and managers who have a deep, scientific, and practical understanding of all aspects of arboriculture.
- **Experience Requirements:** To even apply for the BCMA exam, you must first be an ISA Certified Arborist in good standing. Furthermore, you must earn a minimum of 8 points from a combination of measurable experience, formal education, and related credentials. This often equates to many years (often 7-10+) of high-level experience and advanced degrees.
- **Exam Difficulty:** The BCMA exam is exceptionally rigorous. It is a scenario-based exam that tests not just recall, but the ability to synthesize complex information, analyze situations, and apply advanced arboricultural science to solve difficult problems. It heavily tests management, science, and practical applications at an expert level.
- **Career Impact:** Achieving BCMA status places you in an elite group of experts. It is ideal for consulting arborists, expert witnesses, and those seeking senior management roles. It commands the highest level of respect and earning potential in the industry.

Key Differences at a Glance

While both certifications prove a commitment to the arboriculture profession, the leap from Certified Arborist to BCMA is significant.

- **Focus:** Certified Arborist focuses on demonstrating foundational competence; BCMA focuses on expert-level mastery and complex problem-solving.
- **Prerequisites:** Certified Arborist requires entry-level experience (3 years); BCMA requires holding the Certified Arborist credential plus significant additional points in

education and advanced experience.

- **Exam Style:** Certified Arborist relies heavily on testing foundational knowledge across 10 domains; BCMA uses complex, scenario-based questions to test synthesis and application.

Which Certification is Right for You?

If you are relatively new to the field or looking to solidify your professional standing, the **ISA Certified Arborist** certification is your starting point. It is essential for career growth. If you have been in the industry for many years, perhaps hold an advanced degree, and regularly handle complex consulting, diagnostic, or management challenges, the **Board Certified Master Arborist** credential is the ultimate goal to distinguish yourself as a leading expert.



ISA Certified Arborist Flashcards

Pass the ISA Certified Arborist exam with our comprehensive study guide, 500+ flashcards, and practice tests. Master tree biology, safety, and more.

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CITY OF GULFPORT PLANNING COMMISSION

TREE PERMIT APPEAL 2605PC070

RE: APPLICATION OF MIKE & KIRSTEN RUSSELL

**MOTION TO EXCLUDE THE REPORT OF MR. ERICKSON AND TO PROHIBIT
THE CITY ATTORNEY FROM ADVISING THE PLANNING COMMISSION WHILE
REPRESENTING THE CITY IN OPPOSITION TO THE RUSSELLS' APPLICATION**

I.

On behalf of the Applicants, Mr. and Mrs. Russell, we object to the Commission's consideration of the expert report of Mr. Loren Erickson that was obtained and circulated to the Commissioners by City Attorney Malcolm Jones after the prior hearing and before today's reconvened meeting. See *Exhibit "A"*.

This matter was already pending before the Commission in its quasi-judicial capacity when the Erickson report was so distributed. The report constitutes substantive evidence communicated to the decision-makers outside the public hearing process.

Accordingly, consideration of the report would violate the Applicants' right to a fair and impartial hearing and constitutes an improper ex parte communication with the Commissioners acting in their quasi-judicial capacity. We respectfully request that the report be excluded from consideration.

II.

Applicants alternatively move that no weight be given to the Erickson report because the opinions expressed are based upon a limited visual inspection and are unsupported by testing sufficient to establish the conditions about which he opines.

Mr. Erickson admits in his report that:

1. he performed only a visual inspection,
2. he conducted no invasive testing,
3. he used no decay detection equipment,
4. he performed no root investigation, and
5. he spent only a limited amount of time on site.

III.

The Applicants further object to the City Attorney, Mr. Jones, serving as legal advisor to the Commission in this matter.

Mr. Jones has taken an active position in opposition to the Application and has obtained and circulated the expert report that is the subject of our prior objection. Under these circumstances, the City Attorney is aligned with and represents a party whose interests are adverse to the Applicants, but has used his position to exert ex parte influence over the Commission.

In this matter, the Planning Commission is acting in a quasi-judicial capacity and its decision is final unless appealed. This dual role of Mr. Jones creates at least the appearance that the tribunal is receiving legal advice from counsel associated with one side of the dispute and undermines confidence in the fairness and impartiality of the proceedings.

Accordingly, the Applicants respectfully object to the City Attorney providing legal advice to the Commission in this matter.

The Applicants submit that due process requires not only an impartial decision-maker, but the appearance of an impartial decision-maker, and that appearance is compromised when counsel associated with a party opposing the Application simultaneously advises the tribunal charged with deciding it.

Respectfully submitted this the 25th day of June, 2026.

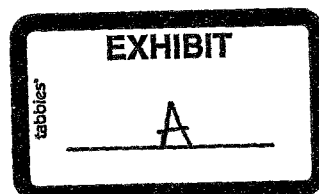


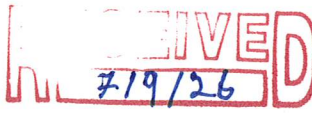
VIRGIL Q. GILLESPIE, MSB #4843
Attorney for Mr. and Mrs. Russell

Virgil Gillespie

From: Malcolm F. Jones <mfjones@gulfport-ms.gov>
Sent: Friday, June 19, 2026 3:01 PM
To: Samuel Smith
Subject: FW: Corrected version 4719 Beach
Attachments: Visual inspection opinion Live oak Gulfport edited.docx; cogscanner@gulfport-ms.gov_20260619_144749.pdf

Please send the attached documents to all Planning Commissioners for next week's appeal hearing.





Spatial Analysis of the Concentric Root Rings

- **12-Foot Ring (The Root Plate / Sliced Boundary)**
 - **Impact:** Slices directly into the eastern edge of your **Single-Family Residence on Columns**.
 - **Reality:** This is the exact line where the city permitted construction crews to cut your roots twice. This ring marks the total destruction of the tree's structural anchor system on your private property side.
- **20-Foot Ring**
 - **Impact:** Blankets the front porch, the structural columns of your home, and the entire eastern side yard.
 - **Impact:** Reaches east side of lot 3
 - **Right-of-Way:** Extends south, stopping just 9 feet short of the **Concrete Sidewalk**.
- **30-Foot Ring**
 - **Impact:** Slices completely through the center living space of your house envelope.
 - **Right-of-Way:** Crosses the southern property line and extends 1 foot past the **Concrete Sidewalk** into the public right-of-way.
- **40-Foot Ring**
 - **Impact:** Engulfs more than half of your home's total square footage.
 - **Impact:** reaches lot 2
 - **Right-of-Way:** Extends 11 feet past the sidewalk, burying itself directly into the grass shoulder of **U.S. Highway 90**.
- **50-Foot Ring**
 - **Impact:** Reaches the far western property line fence marker.
 - **Impact:** Reaches Lot 5
 - **Impact:** Lot 2 home living quarters reached
 - **Right-of-Way:** Extends 21 feet past the sidewalk, reaching the edge of the **West Bound Lanes of Highway 90**.
- **60-Foot Ring**
 - **Impact:** Completely exits your home footprint to the west and touches **Sebring Circle** to the north.

- **Impact:** Reaches neighbor's home
- **Right-of-Way:** Extends 31 feet past the sidewalk, blanketing the active high-speed driving lanes of **Highway 90**.
- **70-Foot Ring**
 - **Impact:** Crosses into your western neighbor's residential lot footprint.
 - **Right-of-Way:** Extends 41 feet past the sidewalk, covering the entire westbound side of the highway.
- **80-Foot Ring (The Absolute Critical Root Zone)**
 - **Impact:** Engulfs your entire lot, your house, your utility easements, and **Sebring Circle**.
 - **Impact:** Reaches lot 1
 - **Right-of-Way:** Extends 51 feet past the sidewalk, stretching across the median of **Highway 90**.

Mike and Kirsten Russell v. Loren Erickson #SO-9940B

Respondent: Loren Erickson, ISA Board Certified Master Arborist #SO-9940B

Complainant: Kirsten Russell, Property Owner (Professional Landscape Designer)

Site Location: 4719 West Beach Blvd, Gulfport, MS 39501

I. INTRODUCTION & STANDING MUNICIPAL CONFLICT

This complaint is filed against Board Certified Master Arborist (BCMA) Loren Erickson for active, severe violations of the **ISA Code of Ethics**—specifically regarding professional negligence, material misrepresentation of tree health data, performing biased evaluations for a third party, and engaging in unscientific, damaging field diagnostics.

Mr. Erickson allowed his elite ISA credentials and his status as a state official to be leveraged by the City of Gulfport's legal department to manufacture a fraudulent, unscientific counter-report designed to strip a private property owner of her building rights.

II. SPECIFIC VIOLATIONS OF THE ISA CODE OF ETHICS

1. Violation of the Mandate to Use Prominent, Scientific Methodologies & Advanced Risk Assessments

- **The Misconduct:** Mr. Erickson authored an official municipal evaluation recommending the absolute retention of a large Live Oak tree positioned a mere 9 feet from the residential foundation footprint. To justify this retention, his report relies entirely on a "Level 1 Limited Visual Assessment" conducted from a distance, explicitly writing: *"This assessment... is not a tree risk assessment, nor does it imply any guarantee of stability."*
- **The Scientific Fraud:** Mr. Erickson's own commercial website publicly features literature titled *"Tree Protection Standards in Construction Sites,"* where on pages 4 and 5 he explains tree and root zones and page 12 figure 6 it is titled "Which Trees to Save?". We have four of out of the 5 critical items listed as to when you shouldn't try to save the tree. He correctly details that severing primary lateral roots, compacting soil, and trenching within a critical root zone are universally fatal to oaks. Yet, in this city-contracted report, he intentionally flips his science—claiming this tree can safely survive construction despite

knowing that the municipal layout requires slicing primary roots a mere 9 feet from the trunk, well inside the tree's mandatory 72-to-81-foot Critical Root Zone (CRZ). He knowingly signed a report that directly violates the very tree biology he publishes online.

2. Gross Diagnostic Omission and Falsification of Pathological Indicators

- **The Misconduct:** Mr. Erickson's report states: "*I saw no fungal or bacterial growth anywhere I observed. No fruiting bodies or mushrooms were seen.*" This statement represents a fraudulent, negligent omission of terminal structural defects. A certified, independent TRAQ arborist report previously documented a severe *Fistulina hepatica* (Beefsteak Fungus) infection proving extensive internal heartwood brown rot. Furthermore, an active, untreatable **drywood termite (*Incisitermes*) infestation** was formally certified on site.
- **The Ethical Breach:** As a BCMA, Mr. Erickson is trained to identify structural decay vectors. He turned a blind eye to active wood-boring insects and severe hollowed-out rot to satisfy the political narrative of the assistant city attorney, presenting a terminal safety hazard as a "healthy specimen."
- **The Pathological Fabrications:** Mr. Erickson exhibits flagrant professional incompetence or willful deception regarding fungal pathology indicators:
 - *Fistulina hepatica*: He claims no rot exists because no mushrooms were present in June. As a BCMA, he knows *Fistulina hepatica* is an annual, highly seasonal fruiting body that rots away quickly, while the active internal mycelium continuously destroys the heartwood year-round.
 - *Phellinus* spp.: Most egregiously, Mr. Erickson completely omitted multiple hard, woody, perennial *Phellinus* conks permanently attached directly to the trunk. Unlike seasonal mushrooms, *Phellinus* brackets are permanent and do not disappear. Their physical presence is an absolute, undeniable indicator of an advanced, un-remediable internal column of decay within the main trunk core. Missing or intentionally deleting multiple permanent wood-decay conks on a single tree represents severe diagnostic malpractice.

3. Performing Unapproved, Damaging Diagnostics on a Compromised Structure

- **The Misconduct:** Continuous, time-stamped video footage from June 12, 2026, documents Mr. Erickson entering the private residential lot and utilizing a **sharp metal hatchet** to repeatedly strike the trunk of this protected Live Oak.
- **The Ethical Breach:** Under prominent ISA Best Management Practices for Tree Risk Assessment, sounding diagnostics *must* be performed using a calibrated, lightweight plastic or rubber-headed sounding mallet. Utilizing a heavy steel cutting wedge crushes the delicate cambium and phloem vascular layers beneath the bark, creating fresh physical wounds that allow secondary pests and airborne fungal spores to easily bypass the tree's natural defenses. Mr. Erickson committed intentional, non-beneficial physical damage to a client's tree using an unapproved tool of convenience.

4. Misrepresentation of Professional Identity and Verification Data

- **The Misconduct:** When approached by the property owner on June 12th and asked for his name and credentials three separate times, Mr. Erickson explicitly refused to state his identity, asserting that he was ordered to conceal his name on "*attorney advice*," before abruptly fleeing the property. Furthermore, his report claims he conducted a preliminary visual sidewalk check on June 2, 2026. Continuous, 24-hour property security camera logs completely falsify this claim; no such vehicle or inspector ever arrived at the tree or sidewalk on that date. Mr. Erickson signed his name to a manufactured inspection timeline.

III. CONCLUSION & REQUESTED DISCIPLINARY SANCTIONS

A Board-Certified Master Arborist represents the top tier of the international arboricultural community. Mr. Erickson completely abandoned his training, violated property lines, utilized damaging tools, ignored permanent *Phellinus* conks, and falsified statements that he was told to leave property and field timelines to help a local municipality block a family's tree and building permit.

We will be requesting that the ISA Ethics and Appeals Committee launch a formal investigation into Mr. Erickson BCMA #SO-9940B and impose strict disciplinary sanctions, up to and including the total revocation of his master

credentials, to preserve the integrity of the International Society of Arboriculture.

Friday, June 26, 2026 at 8:43:27 AM Central Daylight Time

Subject: RE: Mike & Kirsten Russell - Tree Inspection
Date: Tuesday, June 9, 2026 at 11:02:56 AM Central Daylight Time
From: Malcolm F. Jones
To: Virgil Gillespie
CC: Michael DeWitt, Randall Wales, mike russell, Russell Kirsten
Attachments: image001.png

Will do.

From: Virgil Gillespie <VGG@GillespieLawFirm.com>
Sent: Tuesday, June 9, 2026 11:00 AM
To: Malcolm F. Jones <mfjones@gulfport-ms.gov>
Cc: Michael DeWitt <mdewitt@gulfport-ms.gov>; Randall Wales <rwales@gulfport-ms.gov>; mike russell <jayhawkruss@gmail.com>; Russell Kirsten <kirstencwilson@gmail.com>
Subject: RE: Mike & Kirsten Russell - Tree Inspection

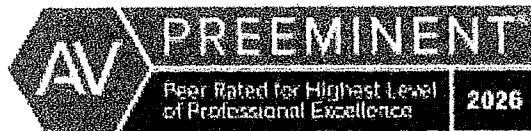
Malcolm,

The Russells will be available at 11:00 a.m. on Friday. Please have Mr. DeWitt to knock or ring the doorbell and alert them of his arrival.

Virgil G. Gillespie

GILLESPIE LAW FIRM
1901 24th Avenue (39501)
Post Office Box 850
Gulfport, MS 39502-0850
Office: (228) 864-4520
Cell: (228) 697-8181
Fax: (866) 859-2530

Martindale-Hubbell



From: Malcolm F. Jones <mfjones@gulfport-ms.gov>
Sent: Tuesday, June 9, 2026 9:56 AM
To: Virgil Gillespie <VGG@GillespieLawFirm.com>
Cc: Michael DeWitt <mdewitt@gulfport-ms.gov>; Randall Wales <rwales@gulfport-ms.gov>
Subject: RE: Mike & Kirsten Russell - Tree Inspection

I have just spoken to our City Tree Protection Adviser. The City would like to schedule the site visit for re-inspection of the Live Oak tree on your client's property for this coming Friday at 11AM.

MALCOLM AND WALES WERE ON THESE EMAILS. NEITHER MENTIONED ERICKSON WAS BEING TOLD TO COME WITH MR DEWITT. BUT HAD BEEN INSTRUCTED BY MALCOLM.

ERICKSON DIDN'T COME TO OUR DOOR HE PROCEEDED TO INSPECT TREE WHILE DEWITT CAME TO DOOR.

From: Malcolm F. Jones
Sent: Monday, June 8, 2026 10:43 AM
To: 'Virgil Gillespie' <VGG@GillespieLawFirm.com>
Cc: Michael DeWitt <mdewitt@gulfport-ms.gov>; Randall Wales <rwales@gulfport-ms.gov>
Subject: RE: Mike & Kirsten Russell - Tree Inspection

It is my understanding from our recent telephone conversation that your clients will be travelling to the West Coast for the birth of their grandchild and unavailable for the re-inspection of the Live Oak tree on their property that we scheduled for tomorrow. You have advised your clients will be back for Friday. I am attempting to confirm the availability of our side now and will advise further. Just in case, please find out your clients' availability for the following week and advise.

From: Malcolm F. Jones
Sent: Friday, June 5, 2026 4:57 PM
To: 'Virgil Gillespie' <VGG@GillespieLawFirm.com>
Cc: Michael DeWitt <mdewitt@gulfport-ms.gov>; Randall Wales <rwales@gulfport-ms.gov>
Subject: RE: Mike & Kirsten Russell - Tree Inspection

The City would like to conduct the re-inspection of the Live Oak Tree on Tuesday, June 9, 2026, at 10AM. Mr. DeWitt will ring the doorbell on that date to inform the Russells that he is about to conduct the re-inspection work. As you have directed below, Mr. DeWitt will not discuss this matter with your clients. Please confirm that this date is acceptable to your clients.

Thank you for your cooperation.

From: Virgil Gillespie <VGG@GillespieLawFirm.com>
Sent: Thursday, June 4, 2026 4:42 PM
To: Malcolm F. Jones <mjones@gulfport-ms.gov>
Subject: Mike & Kirsten Russell - Tree Inspection

Malcolm,

Please be advised that I am going to be representing Mr. and Mrs. Russell in the above matter. They are not happy about how they are being treated by the City; however, they are willing to give conditional approval for Mr. DeWitt to enter onto their property, but it must be under the following conditions:

1. All appointments must be scheduled through me with Mr. or Mrs. Russell in advance to ensure that they know he's coming and one of them will be present when he comes to the property.
2. When Mr. DeWitt comes to the property, he must first ring the doorbell and inform either Mr. or Mrs. Russell that he's there before doing any inspection work.

Please do not communicate directly with Mr. and Mrs. Russell, but rather contact me about when Mr. DeWitt wants to go, specifying a date and time, and then I will coordinate with Mr. and Mrs. Russell. I'm sorry it has gotten to the point where we must be this particular, but unfortunately that's where we are.

Virgil G. Gillespie

GILLESPIE LAW FIRM

1901 24th Avenue (39501)

Post Office Box 850

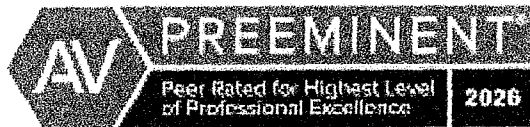
Gulfport, MS 39502-0850

Office: (228) 864-4520

Cell: (228) 697-8181

Fax: (866) 859-2530

Martindale-Hubbell





Redd Pest Solutions
P.O. Box 2245
Gulfport, MS 39503
888-733-3626

Service Inspection Report Service Report #1220978

Client: 53080
Mike Russell
4719 W Beach Dr
Gulfport, MS 39501-4512

Phone: 913-488-5588

Customer Signature:

Technician Signature:

Customer Unavailable to Sign

Michael Hadden

Service Location: 53080
Mike Russell
4719 W Beach Dr
Gulfport, MS 39501-4512

Phone: 913-488-5588

Licenses/Certifications

MS - 44367

Time In: 06/24/2026 02:39 PM **Terms:** NET 30
Time Out: 06/24/2026 02:43 PM

Order #	Service Description	Quantity
1220978	Estimate for Services	1.00

Service Comments

Order Instructions: Estimate termite 6/24 2-4

Tech Comment: During this inspection time, Live oak on property has visible signs of rot, damage, and active drywood termites. Can not be treated with bait. Recommend getting a permit to remove tree from property to avoid further damages.

Materials Summary	EPA #	Active Ingredient	Finished Quantity	Application Method	Application Rate
Material Applied	Lot #	AI Concentration	Undiluted Quantity	Application Equipment	Sq/Cu/L Ft

Open Conditions	Severity	Created
	Responsibility	Last Inspected

No Conditions
Added or Updated
this Service

Pest Summary	Quantity	Device Summary	With Activity	Without Activity	Total Inspected	Device Exceptions
						Replaced Removed Skipped
None Noted		None Noted				

Additional pest findings may have been observed. Please see conditions and comments for more details.

II. Documented Property Damage and Mechanical Column Failure

1. **Active Structural Foundation Settlement:** The 20-inch elevated grading of the tree's root ball is actively funneling and pooling rainwater directly against our home's slab. This hydrologic pressure has already caused an active 1/4-inch structural foundation to drop on the Southeast corner of the residential dwelling.
2. **Active Pathogen and Core Biodegradation:** Despite city staff reports alleging "no signs of rot," our certified TRAQ arborist has submitted location-verified, GPS-mapped, and time-stamped photographs documenting active fruiting bodies of *Fistulina hepatica* (Beefsteak Fungus) emerging from the root flare. Written verification from a certified mycologist confirms this specific wood-decay pathogen. This annual fungus destroys the internal structural heartwood, rendering the core hollow while leaving the outer canopy deceptively green.
3. **Catastrophic Shear Plane Failure and Delamination:** Wide-angle and close-up photographic evidence documents that the massive, exposed dead wood face resulting from a vehicle accident prior to 2016 has completely failed to seal. Crucially, a profound air and water gap has formed on the Southeast corner where the tree's adaptive healing rib is physically unzipping and separating from the dead interior core. Rainwater is pooling inside this cavity floor, acting as a hydrostatic fluid wedge. The trunk is undergoing active mechanical delamination and shear plane failure; the outer support wood is physically detached from the center, creating an imminent risk of buckling and windthrow under coastal wind loads.

III. Disqualification of Incomplete Visual Screenings

1. **The 30-Day Table and the 9-Month Ordeal:** This exhaustive process—encompassing purchasing the land, purchasing the neighboring lot to attempt weight mitigation, filing multiple appeals, and attending hearings—has dragged out for nine months. At the last hearing, instead of voting on our clear evidence, the committee issued a 30-day table because city staff admitted they had failed to review the 2-page rot report attached to our original application file. This hazardous tree is a direct threat to pedestrians on the sidewalk and the

drivers on highway 90. With the root plate and CRZ zone cut on the west side of the tree makes it less stable and more likely to fall in the direction of the highway to the concern of Malcolm Jones himself admitted there is reason for concern to send Loren Erickson to do a risk assessment on the tree. Now that we found a rare and untreatable drywood termites have completely invested the tree, the committee decided to table our hearing for another 30 days to get another pest company to confirm our findings. All the while, the city continues to keep us and the community living under this hazard during hurricane season. Last week a perfectly healthy looking live oak tree fell roots and all across from us in the highway 90 median.

2. **Breach of Legal Entry Agreement and Trespass:** City Attorney Malcolm Jones issued a formal letter to our counsel requesting permission for Mr. Dewitt to re-evaluate the tree on June 12th at 11:00 AM, with the strict legal condition that he must ring the doorbell prior to entering our private property. The city aggressively breached this legal agreement. Mr. Dewitt arrived 35 minutes late at 11:40 AM to ring the bell, utilizing the delay to allow an unannounced state consultant, Loren Erickson, to sneak onto our property early and begin measurements unsupervised. Neighbors captured this unauthorized entry on video.
3. **Falsification of Field Reports and Muzzling of Staff:** When discovered on our property, Mr. Erickson refused to disclose his identity. When asked for his name and informed that counsel only authorized Mr. Dewitt's entry, Mr. Erickson stated that city attorneys explicitly ordered him not to talk to the property owners. Most egregiously, Mr. Erickson's subsequently filed report contains a fabricated claim alleging the homeowner ordered him to leave and refused to let him finish. The homeowner never denied entry; the homeowner simply requested the agent's name. The city cannot use unauthorized, bad-faith trespassing and manufactured narratives to build an administrative record.
4. **The Insufficiency of the 5-Minute Hatchet Screening:** During this unauthorized intrusion, Mr. Erickson spent a mere five minutes performing a superficial visual screening. He actively violated ANSI A300 (Part 9) field diagnostic protocols by physically striking the living trunk with a raw metal cutting hatchet. This improper method damages living cambium tissue and creates a sharp acoustic ring that

scientifically masks the deep, low-frequency indicators of the internal delamination void directly behind the bark. A 5-minute visual drive-by utilizing a hatchet cannot override a certified, signed TRAQ safety report.

IV. Zoning, Public Records Violations, and Administrative Defects

1. **The Fatal Self-Contradiction of City Staff:** The official record reveals a catastrophic logical failure and administrative entrapment. Mr. Dewitt—who was hired at the end of 2025—personally signed our most recent city tree permit explicitly stating that we could build our home without removing the tree. However, during his live testimony before this committee, he completely reversed his own signed directive, stating that if we proceed to build within that exact canopy dripline, he *'will have to uphold the code and deny our building permit.* 'The city cannot issue formal, signed tree permits clearing a layout, and then allow staff to use contradictory verbal testimony at a microphone to retroactively freeze our building progress.
2. **The Dripline Paradox and Buildable Envelope Exclusion:** Satellite aerial imagery (Exhibits F & G) confirms that the tree's canopy directly overhangs the permitted, buildable side footprint of our home. Staff are actively attempting to block our building progress by asserting we cannot construct within 5 feet of the tree's dripline. This creates an unconstitutional regulatory paradox: the city issued building permits establishing our home's envelope in 2023 but is now retroactively using a tree dripline rule to deny us the right to finish construction.
3. **The Legal Paradox of the Garage Relocation Mandate:** During the last live hearing, city staff vocally demanded that we mitigate the tree by redrawing our plans and shifting our garage footprint backward. Having drawn house plans professionally, I have calculated this layout: **Gulfport zoning mandates a strict 10-foot rear yard setback.** Shifting our garage backward to clear the tree's root zone instantly forces the structure into the 10-foot rear setback zone, creating an immediate, illegal building violation. Shifting the garage also fails to fix the existing house foundation already damaged 9 feet away from the trunk. The city's tree ordinance cannot be enforced in a manner that compels a property owner to violate established structural setbacks.

Our homeowners insurance undergoes mandatory renewal this August, at the peak of hurricane season. Because the city is in possession of an official, signed TRAQ hazard report declaring this delaminated, hollow-core tree a catastrophic safety threat, our insurance carrier has confirmed we will face immediate non-renewal, leaving our family entirely uninsurable under a collapsing structure.

The City of Gulfport now has actual, documented knowledge of an active structural hazard, a splitting trunk column, public records manipulation, and an imminent financial crisis forced upon our household by administrative delays. Should this tree fail, causing further property destruction, personal injury, or loss of life, this correspondence will serve as formal evidence that the city willfully chose to override certified engineering data, public record statutes, and its own zoning maps.

We have been forced to exhaust months of financial resources on legal fees simply to defend our home from an uncredentialed city review. If this committee does not grant our permit tonight, the city is willfully choosing to assume the full civil and punitive financial liability for our property damage, our upcoming insurance default, and the mounting legal costs associated with this systemic administrative failure.

We respectfully demand that this committee immediately:

- 1. Grant the emergency variance to remove the hazardous tree.**
- 2. Issue a 100% in-kind mitigation credit for the thriving, state-approved canopy trees we have already planted on-site, completely waiving the \$1,100 fee.**
- 3. Issue our building permit for our garage addition along with the assurance in writing that our building process will not have any further administrative delays or interference.**

Trees and Roots

Tree roots are not like carrots. Roots spread out over a large area and are concentrated at the soil surface. A tree actually looks like a wine glass setting on a dinner plate (Figure 1). A wine glass represents (1) leaves and branches, (2) tree stem, and (3) the structural root plate. A large dinner plate (4) represents the transport and feeder roots that spread out farther than the branches.

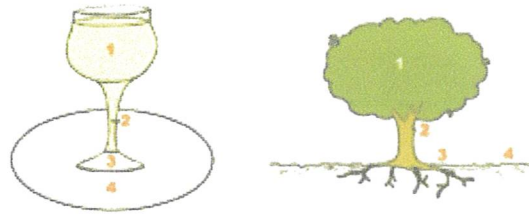


Figure 1. A tree looks like a wine glass on a dinner plate.

Roots hairs are so small and prolific they essentially are one with the soil. So any little activity that compacts or moves soil can kill roots. Fortunately not all roots are created equal. Tree roots closest to the stem are more essential than others for survival (Figure 2).

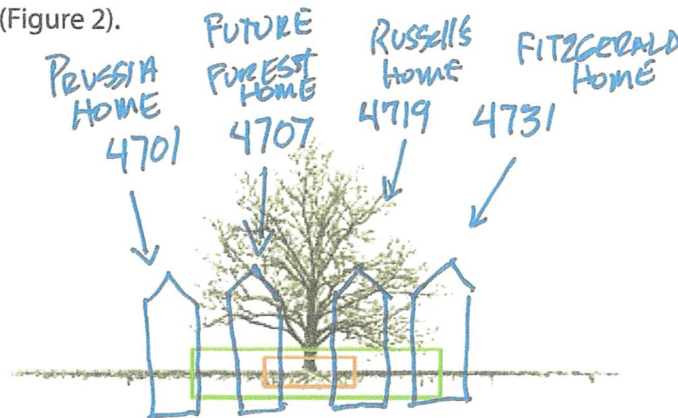


Figure 2. Tree roots most important for survival are the structural root plate (red area) and the critical root area (green area).

To estimate the size of the structural root plate and the critical root area, we used a common tree measurement, **Stem Diameter** at 4.5 feet above the ground. Stem diameter can be measured directly with calipers or a diameter tape. Or you may measure stem circumference and divide by pi (3.14) to calculate diameter.

The most essential roots form the **Structural Root Plate** (Figure 2 red area). These large strong roots extend up to 11 feet from the stem in larger trees (Table 2). Damaging these roots in any way is usually fatal and may leave a tree unable to hold itself up. This could spell disaster.

Second in importance is the **Critical Root Area** located under the reach of the branches (Figure 2 green area). This area contains about 85% of the root mass. Any damage to the transport and feeder root system in this area will likely reduce tree health and survival. The size of the critical root area is estimated again using stem diameter (Table 2). The area is defined as a circle with a radius that is 1.25 feet for every inch in stem diameter. Thus, the distance from the tree stem you would like to stay away from a tree is called the **critical root radius**.

Tolerance to Damage

To ensure tree survival the entire critical root area should be protected from construction damage (Figure 3). This is especially true for trees classified as **Susceptible** to damage. These are trees in poor health, very old, or a susceptible species (Table 3). Any kind of root damage reduces the survival of susceptible trees significantly. The survival rate drops below 50/50 once 25% of the critical roots are injured (Figure 3).

Which Trees to Save?

Trees classified as resistant to construction damage should be a high priority for saving. These healthy, young to middle-aged trees of a resistant species (Table 3) have the highest likelihood of survival. Avoid trying to save trees classified as susceptible to damage. These trees are unhealthy, old, of a susceptible species or may have a serious to fatal defect (Figure 6). Problems make susceptible trees less valuable and much more difficult to keep alive and healthy.

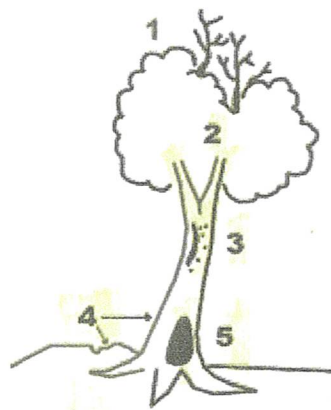


Figure 6. Avoid trying to save trees with serious to fatal defects. 1- dead top and/or dieback in the larger top branches, 2- narrow branch angles and/or co-dominant stems, 3- history of damage from lightning, insects, and/or equipment, 4- lean and/or soil heaving, and 5- cracks, cavities, rotten wood, fungal conks, termites, carpenter ants, and cankers. (Elmendorf et al 2005).

"V" WEAKNESS

The size of trees should be compared to ownership goals and finances. Large trees may be desired and extremely valuable to a property but they are also very difficult and expensive to save. Construction activity may have to be adjusted considerably to protect a large tree's root system. The owner must have the willingness to pay for construction adjustments before a big tree can be saved. Owners with moderate budgets may have to concentrate on saving smaller trees. These are much easier and cheaper to protect and save.

Some species of trees are a better long-term investment. Live oaks for example tend to grow into

THE STRUCTURAL ROOT PLATE CALCULATION (MECHANICAL ANCHORAGE AREA)

The structural **Root Plate Radius** is the absolute minimum anchoring footprint a tree requires to maintain mechanical leverage and prevent physical wind-throw or catastrophic failure during a storm event. The industry-standard formula is: $\text{Root Plate Radius} = (\text{DBH} \times 0.64) + 2$.

- **The Math:** $(50 \text{ inches DBH} \times 0.64) + 2 = 34 \text{ Feet of Mandatory Anchor Radius}$
- **The Spatial Reality:** The tree requires a **68-foot total circle of continuous, uncut, woody roots** centered around the trunk just to remain mechanically upright.

THE RECONCILIATION OF PRIOR CITY PERMITS (DOCUMENTED DESTRUCTION)

The physical record and the city's building department logs confirm that **the City of Gulfport legally destroyed this tree's structural anchor system two years ago:**

- **The 12-Foot Severance:** The city formally issued permits authorizing construction crews to excavate and slice the primary lateral roots twice at a distance of **only 12 feet from the tree trunk** on the residential side.
- **The Structural Deficit:** Slicing the roots at 12 feet when physics mandates a minimum **34-foot anchoring radius** means the city legally permitted the **total extermination of over 64% of the tree's structural root plate** on the North and West sides.

** This was included in our packet we submitted for our first appeal hearing but was not uploaded to the portal. **

Mr. DeWitt should have answered these prior to making his denial decisions.

We answered the 12 questions in the Ordinance no. 3481, Section 8-7 (the criteria for issuance of permit), that the city certified arborist is supposed address when considering a permit.

1) *The condition of the protected tree or trees proposed to be removed with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services.*

Yes, to all the above

The tree has been compromised by an automobile accident, hurricanes, construction and insects. Because of these, the internal vascular system has developed several varieties of decay which are visible from the fungus growing from the bark of the trunk.

Alan Featherston noted the tree has a "V" shaped base to the two main branches coming from the top of rotten trunk which are highly prone to split during high winds. He encouraged us to cut the branch in front of our window, since the branch had grown over the property line, we could remove it. He was concerned someone could get hurt or have extensive property damage. He explained to us we cannot do anything with the tree because we did not own the land with the tree at that time.

2) *The necessity of removing the protected tree or trees in order to construct the proposed improvements or structures to allow reasonable economic use of the property.*

We are already compromised having a diseased live oak 9 feet from our home. There are three 45-foot-long limbs running the length of our home, where we are needing to add a garage onto our existing home and a trunk where our new patio needs to connect at the same elevation as our existing patio. Which we are unable to do due to the height of the tree's roots and ball.

3) *The effect of removal on erosion, soil moisture retention, flow of surface waters and coordination with the drainage system plan of the city.*

As of now water pools on our foundation because the root ball of the tree is 20 inches above our home's foundation grade. It would improve surface water drainage if the tree was removed and the ground graded to the proper height.

4) *The number and density of protected trees in the area, and the effect of tree removal on property values of the neighborhood and other existing vegetation.*

Nine waters had 6 live Oaks which were planted in open areas around a condo complex prior to Katrina. Then the land was developed into 24 - 45'x105' or approx. 4,500sq ft lots. Four of those trees have been removed to add homes and a street. Which leaves ours and the one in the lot across the street from us.

5) *Whether any protected tree proposed to be removed is worthy of preservation.*

No, it is a risk to us, our neighbors, and pedestrians walking or driving by. Because it is dying and weakened from internal decay and root rot and could fall at any time. Plus, it is too large of tree for our lots without damaging our homes. A live Oak requires at least 7,000 sq ft or 60'-100' foot radius area to grow so that their roots don't cause structural damage, crack to foundations or plumbing pipes. In addition, the roots absorb large amounts of water from the soil beneath your foundation which can cause structural shifting. Even after acquiring the additional land to our lot, a 6,600 sq ft lot with a home that is 3,200sq ft and a driveway at 800sq ft we are only left with 2,600 sq ft not including sidewalks or patios to be able to install landscape or trees. As a landscape designer it was my job to evaluate the environmental factors, the climate zone, the structural limits to ensure the trees or plants I chose could grow and thrive without causing future damage from overcrowding, interfering with overhead powerlines, or cause damage to foundations and underground utility pipes. Trying to grow a live Oak Tree in a restricted residential area is a no-win situation. Either the trees roots/limbs will be severed from construction leaving the tree susceptible to disease or the trees roots will uplift our foundations and crack our patios and sidewalks.

6) *Impact upon the urban natural environment, including:*

- a. *Whether protected tree removal would substantially alter the water table or affect the stability of ground and surface water.***

No, it would improve our current situation where water collects on our SE section of our foundation because the root ball is ~20 inches above our grade.

- b. Whether protected tree removal would affect water quality and aquifer recharge by reducing the natural assimilation of nutrients, chemical pollutants, heavy metals and other substances from ground and surface waters during the movement of water towards an aquifer or natural stream.***

Does not apply but would help water move and drain properly towards city collection areas.

- c. Whether protected tree removal would have an adverse impact upon existing biological and ecological systems.***

No, because we landscaped our property with 7 trees and 42 shrubs. We have already added 500 sq ft of canopy with the 3-25' palms we planted and plan to add three more with the addition. We have also planted 4 crepe myrtles which at maturity will provide 800+ sq ft of canopy which is a total of 1800 sq ft of canopy replaced which is about the maximum that can be added and remain within the size of our lot.

- d. Whether protected tree removal would affect noise pollution by increasing source noise levels to such a degree that public nuisance or violation of noise control would occur.***

No, it would be more beneficial if the 45mph speed limit was enforced and the city would install automated acoustic cameras to ticket offenders enforcing decibel limits and requiring vehicle exhaust inspections. Especially on motorcycles.

- e. Whether protected tree removal will affect air movement by significantly reducing the ability of existing vegetation to reduce wind velocities.***

By blocking wind velocities, we are being put at risk by having the tree branches hit our house. A live oak is too big of a tree to be in a 45' wide lot. This parcel was allowed to be divided up into 24 shotgun beach house lots. None of these lots can accommodate a live oak or any of the trees on the approved replacement list. They need at least 7000 sqft or a 60-100 foot in diameter area

f. Whether protected tree removal will affect quality by significantly affecting the natural cleansing of the atmosphere by vegetation.

No, we have planted trees and shrubs to replace any lost natural cleansing to the atmosphere.

g. Whether protected tree removal will affect wildlife habitat by significantly reducing the habitat available for wildlife existence and reproductions or causing the emigration of wildlife from adjacent or associated ecosystems.

No, refer to 6c. We have Blue Jays, Hummingbirds, Finches, squirrels, Geckos that play and eat the fruit from our planted landscape.

7) The case with which the applicant can alter or revise the proposed development or improvement to accommodate existing protected trees.

NO, for two reasons:

1)The tree is filled with internal decay and can fall at any time. Destroying our home and possibly severely hurting someone

2)Our property, with the additional land we purchased and added to the original lot is now 70'x105'. A live Oak tree requires a space of 90x90, which is bigger than the size of our newly combined lot.

8) The heightened desirability of preserving protected tree cover in densely developed or densely populated areas.

No

9) *The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial ugliness or any other visual affront.*

No, having an ocean view with the white sand beach is what brought us and others to Gulfport to build and retire. Your advertisements.

10) *Whether the continued presence of the protected tree or trees is likely to cause danger to a person or property.*

Yes, it concerns us every day. I'm concerned for our safety, as well as I'm afraid to have my grandchildren play in the yard. We can refer to the incident where Texas governor Greg Abbot was paralyzed for life when a seemingly healthy, but internally rotten, large oak tree fell on him while he was jogging. Plus, we have saved a lifetime to be able to build a coastal home and retire. Now we have a diseased tree that could fall at any time and destroy everything we have worked so hard for. We own the land and pay taxes on the ground the tree is growing but we have no rights or can take no actions for what damage the tree can cause, we just assume all the risks.

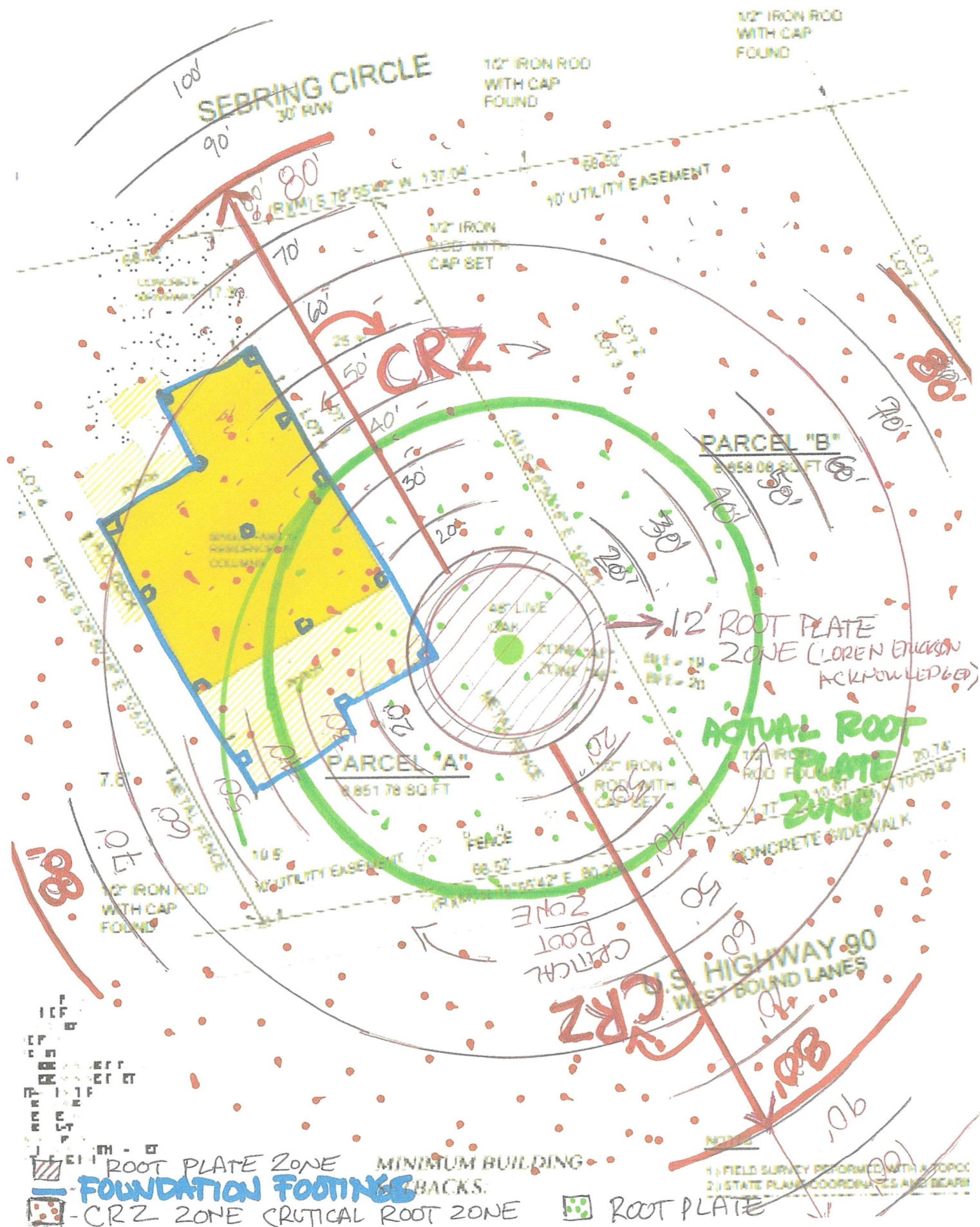
11) *Whether the topography of the area in which the protected tree or trees are located is of such a nature to be damaging or injurious to trees.*

Yes, when it falls it could hit and damage newly planted surrounding trees which are size appropriate.

12) *Whether the removal of the protected trees is for the purpose of thinning heavily wooded area where some protected trees will remain.*

No, there is only one other live oak in our neighborhood.

In closing, we feel we have provided enough information showing you the tree is significantly diseased and decaying throughout its trunk and roots. (Certified Arborist Level 2 analysis stating it is a hazard and a Redds Insect specialist reporting termites and that the tree should be removed). We are asking to remove the risk of WHEN the tree falls it does not cause catastrophic property damage, or severe personal injury to us or any other persons walking or driving by. We have also shown you that a live Oak Tree is too large of tree for the size of lots in our subdivision.



June 12th, 2026 – Audio Transcript from Video of Tree Advisor and unidentified person (Erickson)

Kirsten – Hi and who are you? (to Erickson)

Erickson – Mississippi Forestry Commission, just a tree guy

Kirsten – Just a tree guy

Erickson – I'm not hired, what I do.

Kirsten – So what is your name?

DeWitt – We uh

Erickson – I was told not to communicate through attorneys or your attorney asked not to or whatever, they can

Kirsten – We only got permission for him to come on so that's why we're asking

DeWitt – My attorney advised not to speak or communicate

Kirsten – Well our attorney said you were the only one to be on the property so

DeWitt – Okay let's go

Kirsten – I don't know. He won't even say who he is or his credentials.

DeWitt – We can go

Kirsten – No.....I was just asking

Erickson – I'm an arborist. I do this on the coast for everybody, this is my area

DeWitt – Give me that info

Kirsten – I just saw you with a metal hatchet and you didn't tell me what it was

ERICKSON WAS NEVER APPROVED TO BE ON PROPERTY AND ENTERED ALONE PRIOR TO DEWITT COMING TO OUR DOOR CROSSING NO TRESPASSING SIGN AND BEGAN INSPECTION. HE WAS NEVER TOLD HE OR DEWITT HAD TO LEAVE. HE NEVER WOULD TELL ME HIS NAME & WAS INSTRUCTED NOT TO BY MALCOLM



MOTION TO EXCLUDE TAINTED DEFENSE CLAIMS, EXPOSE UNLAWFUL COMMITTEE COACHING, AND RECORD EXECUTIVE LIABILITY NOTICE

DATE: July 9, 2026

TO:

Rashida Bell, City Clerk
City of Gulfport, Department of Planning and Zoning
2309 15th St, Gulfport MS, 39501

FROM:

Mike and Kirsten Russell, Plaintiff/Applicant
4719 W Beach Blvd, Gulfport MS, 39501
913-488-5588/ 913-242-5913 – jayhawkruss@gmail.com/ kirstencwilson@gmail.com

RE:

Case/Permit Number: 2605PC070

Property Address: 4719 W Beach Blvd, Gulfport MS, 39501

Subject: MOTION TO EXCLUDE TAINTED DEFENSE CLAIMS, EXPOSE UNLAWFUL COMMITTEE COACHING, AND RECORD EXECUTIVE LIABILITY NOTICE

The Plaintiffs, Mike and Kirsten Russell, formally moves this administrative body and the Office of the City Attorney to enter the May 26 liability notice served to Mayor Hugh Keating into the active record, to permanently strike and exclude all fraudulent legal coaching statements made by assistant attorney Malcolm Jones, and to grant an immediate default and approve the city to issue an emergency hazardous tree removal. In support of this Motion, the Plaintiffs demonstrates the following fatal breaches of administrative procedure, due process, and state law:

I. THE EXECUTIVE LIABILITY NOTICE & SUPPRESSION OF CRITICAL EVIDENCE

1 On May 26, precisely one day following the first administrative hearing, the Plaintiffs formally served a comprehensive liability and evidence package directly to Mayor Hugh Keating.

2 This executive package contained:

- A formal written warning explicitly putting the City on notice that it will be held strictly and fully liable for all structural damages, personal injury, or wrongful death if the subject tree collapses onto the Plaintiffs or surrounding neighbors' properties.

- The complete certified TRAQ (Tree Risk Assessment Qualification) Report detailing severe heart rot and high-risk structural instability.
- The explicit, definitive answers to all twelve (12) mandatory evaluation questions established under City Ordinance 3481, which a Tree Protection Advisor is legally required to answer before granting or denying a permit.

3 This exact 12-question statutory framework was physically held by the Plaintiffs at the first hearing and explicitly raised three (3) separate times at the public podium. Yet, the Committee failed to request a review of these metrics, and administrative staff actively suppressed them from the portal.

II. MALCOLM JONES' FRAUDULENT LEGAL COACHING AND PERVERSION OF ADMINISTRATIVE ROLES

4 During the active proceedings, a committee member directly raised the issue of the City's impending financial and legal liability regarding this tree.

5 In direct response, assistant attorney Malcolm Jones engaged in flagrant, unlawful legal coaching of a public board. Malcolm Jones explicitly stated into the public record: "The city has immunity from these types of suits. Of course, we don't want to see anyone hurt or their houses hurt, but I don't want you to consider the fact that we need to do this because somehow or another the city might be liable for this. In fact, we have immunity from this type of suit you understand."

6 This statement is a patently false misrepresentation of law designed to actively manipulate the Committee's voting behavior. Under the Mississippi Tort Claims Act (MTCA), municipal "discretionary function immunity" evaporates completely when a city has actual, written, prior notice of a catastrophic public safety hazard (the TRAQ report) and chooses to act with gross negligence or deliberate indifference.

7 Furthermore, Malcolm Jones has systematically perverted his role in these proceedings. While he is legally the Defendant/Respondent whose actions and unqualified staff are under review, he has aggressively acted as the un-elected advisory counsel to the Committee.

8 During the second hearing, Malcolm Jones actively directed the board on how to handle the Petitioner's former attorney, stating: "If Mr. Gillespie would let us table this again, I don't know what you want to do." When a committee member explicitly asked him, "Mr. Malcolm, what should we do?" he answered, "Well, do what you want, but..." and proceeded to give binding procedural advice.

9 A defending employee cannot act as his own judge, jury, and legal advisor to the board reviewing him. This flagrant role confusion constitutes a severe violation of the 14th Amendment's Due Process clause and completely taints the objectivity of this body.

III. PRAYER FOR RELIEF

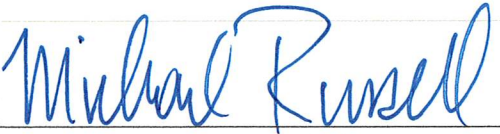
WHEREFORE, PREMISES CONSIDERED, the Plaintiffs formally requests that this Committee:

- STRIKE from the record and entirely disregard all fraudulent legal advice, immunity assertions, and procedural coaching put forth by Malcolm Jones.

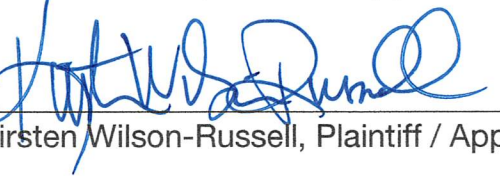
- RECORD the May 26 liability notice sent to Mayor Hugh Keating as permanent, undeniable proof of Prior Notice to strip the city of any future tort immunity.
- ORDER an immediate halt to all administrative delay tactics and issue the emergency removal permit based strictly on the un-refuted 12 criteria of Ordinance 3481.

Dated this 9th day of JULY, 2026.

Respectfully submitted,

X 

Michael Russell, Plaintiff / Applicant

X 

Kirsten Wilson-Russell, Plaintiff / Applicant

Wednesday, July 8, 2026 at 8:25:17 PM Central Daylight Time

Subject: Fwd: Russell - Appeal #2605PC070 - Immediate Attention Needed
Date: Wednesday, July 8, 2026 at 8:24:06 PM Central Daylight Time
From: Kirsten Wilson
To: Mike Russell
Attachments: Mayor_Document_2026-05-29_154125.pdf, ATT00001.htm, EXHIBIT A -Timeline.docx, ATT00002.htm, Independent Arborist Report.pdf, ATT00003.htm

Begin forwarded message:

From: mike russell <jayhawkruss@gmail.com>
Subject: Russell - Appeal #2605PC070 - Immediate Attention Needed
Date: May 29, 2026 at 4:16:03 PM CDT
To: "mayorsoffice@gulfport-ms.gov" <mayorsoffice@gulfport-ms.gov>,
"jbruni@gulfport-ms.gov" <jbruni@gulfport-ms.gov>,
"blstewart@gulfport-ms.gov" <blstewart@gulfport-ms.gov>,
"gholmes@gulfport-ms.gov" <gholmes@gulfport-ms.gov>

The attached letter and documents serves as formal notice that the city of Gulfport is engaging in arbitrary, capricious, and legally inconsistent administrative actions regarding our building permit and tree removal application.

Mike Russell
913-488-5588
[Jayhawkruss@gmail.com](mailto:jayhawkruss@gmail.com)

Kirsten Wilson-Russell
913-242-5913
kirstencwilson@gmail.com

Office of the Gulfport Mayor
2309 15th Street
Gulfport, MS 39501

5/29/26

Dear Mayor Keating and Members of the City Council,

This letter serves as formal notice that the City of Gulfport is engaging in arbitrary, capricious, and legally inconsistent administrative actions regarding our building permit and tree removal application at the above-referenced property. By tabling this matter for thirty (30) days based on flawed, contradictory staff advice, the City has assumed full civil liability for any impending property damage, personal injury, or catastrophic loss of life caused by the structurally compromised Live Oak on our property.

Our application was submitted properly under standard planning and development recommendations to construct an addition/garage and remove the tree. Please note the following critical facts that expose the City to immediate legal and financial liability:

- 1 City-Authorized Historical Damage:** Two years ago, the City of Gulfport explicitly granted us permission to build within the drip line of this Live Oak. That city-approved construction directly caused the root compaction and severe decline the tree is suffering from today. The tree is in exponentially worse condition now precisely because we followed the city's past authorizations.
- 2 Actual Knowledge of Disease Ignored:** The City's tree protection advisor was explicitly informed of the fungal rot disease via the application and during his initial site visit. He chose to ignore this structural hazard, focusing instead on the canopy, and that the compartmentalization of the tree has not changed since a photo from 2012. Furthermore, our independent, ISA-Certified, TRAQ-Qualified Arborist has issued a stamped report diagnosing extensive internal rot and a "probable" tree fatality rate, confirming the tree is an active hazard.
- 3 Prejudicial and Contradictory Staff Testimony:** The City is holding back our building permit based on completely irreconcilable statements from an uncertified staff member. On the second denial, the advisor stated in writing that we could build *without* removing the tree. Yet, during the recent appeal meeting, he completely reversed his position, stating he would deny the building permit *because* it would be under the drip line.

- 4 Waiver of Tort Immunity:** The Board's claim that they have "two arborists against one" is a misrepresentation. The supervisor has never physically inspected the trunk rot, and the on-site advisor lacks individual ISA credentials. By tabling this application for 30 days to "give their staff more time," the city has actively blocked our ability to mitigate a known safety hazard, completely waiving any "Act of God" defense under the *Mississippi Tort Claims Act*.

As a professional Landscape Designer, I am fully aware that the city's contradictory positions are structurally and biologically indefensible. If this hazardous tree fails during this 30-day delay, or if our building permit continues to be withheld based on these arbitrary reversals, we will seek immediate relief in the Harrison County Circuit Court for a regulatory taking, economic damages, and an order compelling the issuance of our permits.

We demand that the City immediately review the conflicting testimony of its staff, acknowledge the certified TRAQ hazard report, and issue the building and removal permits.

We are currently seeking counsel for this issue.

Sincerely,



Mike and Kirsten Russell

CC:

Office of the City Attorney (Gulfport)
Gulfport Urban Development Department (Attn: Greg Holmes)
Clerk of the Gulfport City Council (Attn: Brittany Stewart)

Mike and Kirsten Russell
4719 W Beach Blvd
Gulfport, MS 39501
(M) 913-488-5588
(K) 913-242-5913

EXHIBIT A: TIMELINE OF PERMIT HISTORY AND ADMINISTRATIVE CONTRADICTIONS

Property Location: 4719 W Beach Blvd, Gulfport, MS

Owner/Appellant: Kirsten Russell], Professional Landscape Designer
Mike Russell, Financial Advisor

- **November 2023 — INITIAL CITY APPROVAL & PRECEDENT ESTABLISHED**
 - The City of Gulfport officially grants a building permit allowing construction directly within the drip line of the protected Live Oak tree.
 - *Legal Significance:* The City establishes a clear administrative precedent that building under this specific drip line is permitted and safe.
- **November 2023 – Present] — ROOT COMPACTION & DECLINE**
 - Following the City-authorized construction, the tree experiences severe root compaction and stress, rapidly accelerating its biological decline over a two-year period.
- **September 1st, 2023 — Approved Tree Trimming Permit**
 - City arborist Alan Featherston approved the trimming of limbs over property line and had live oak measured at 48”
- **April 2026 — CURRENT PERMIT APPLICATION SUBMITTED**
 - Application is properly submitted to build a new addition/garage and remove the declining Live Oak, strictly following the preliminary guidance and recommendations of the Gulfport Planning and Development staff.
- **March 16, 2026 — CITY TREE ADVISOR PUT ON NOTICE OF DISEASE**
 - The City’s tree protection advisor conducts a site visit. The property owner (a professional Landscape Designer) explicitly alerts the tree advisor to the active fungal rot pathogen at the base of the trunk in person, and it was noted on the tree removal permit application dated 3/16/26. The advisor fails to physically inspect the trunk or test for internal rot, focusing exclusively on canopy calculations.
- **April 6, 2026 — SECOND DENIAL & ADVISOR'S FIRST POSITION**
 - The City issues a second administrative denial. However, the tree protection advisor states clearly on the record and in writing that the property owner **can proceed with building the structure without removing the tree.**
 - *Legal Significance:* The City's own staff explicitly determines that building the structure does not inherently require tree removal and can safely coexist.

- **May 28th, 2026 — THE APPEAL HEARING & ADMINISTRATIVE REVERSAL**
 - During the formal appeal board meeting, the tree protection advisor completely reverses his previous position. He testifies to the board that **he will now deny the building permit itself** because the proposed structure sits under the tree's drip line.
 - The Appeal Board votes to table the application for thirty (30) days to "give their arborist more time," asserting they have "two arborists against one."
 - *Legal Significance:* The City staff's testimony is exposed as arbitrary, capricious, and contradictory. Furthermore, the "two arborists" claim is factually invalid, as the supervisor has never examined the tree, and the on-site advisor lacks individual ISA/TRAQ credentials.
- **May 29, 2026 — FORMAL LIABILITY NOTICE COMPLETED**
 - Property owner submits an independent, stamped Tree Risk Assessment (TRAQ) report from a certified, TRAQ-qualified arborist proving advanced internal trunk rot and a probable fatality rate.
 - The City of Gulfport is placed on notice of absolute liability for maintaining a documented hazard during the mandatory 30-day administrative delay.

Vanessa Benson

Basic Tree Risk Arborist Assessment

Prepared By: Vanessa Benson

ISA Certified Arborist SO-11008A

TRAQ | PPQ

State Licensed: Ms and La

Company: SNG Tree Service

Pass Christian, Ms.

Contact: 228-547-3861

Client Name: Kiersten Russel

Property Address: 4719 W Beach Blvd

Gulfport, Ms

Date of Assessment: May 18, 2026: Revisited May 22, 2026
(during rain)

* Report good for 3 months*

This report includes a Level 2 Basic Tree Risk Assessment, evaluating Quercus virginiana (Live Oak), visual inspection from the ground, in accordance with ISA Best Management Practices.

SNG Tree Service | ISA Certified Arborist | South Mississippi and Parts of La

Tree Risk Level 2 Arborist Assessment

Quercus virgiana	158"	4' 2"	Branch on N side running length of house 44' 11"
------------------	------	-------	--

In my professional opinion, the likelihood of failure is probable.
The consequences of failure is severe.

Targets: People, home, vehicles, pets

Tree Part: whole tree and branches

Occupancy Rate:4

The subject tree exhibits visible fungal fruiting bodies.

Trunk area fruiting bodies: Wood rot fungus (*Phellinus sp./spp.*)

Buttress Root area: beefsteak fungus *Fistulina hepatica* which very likely indication root rot and heart rot.

Decay on one side from what appears to be years worth of debris piled in the buttress root area.

Additionally, the tree was struck by a truck prior to 2016 and has a very large wound that the tree has had difficulty compartmentalizing.

I have included a Plant Specimen Diagnostic Report as well as an email on these Fungi from C. Balbalian from Mississippi State University Lab.

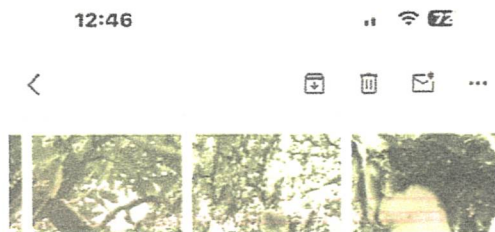
According to the property owner, Mrs. Russel, construction is planned for a 2 car tandem garage 22' wide and 28' deep with storage above it, attached to existing home. This will include a lift and deck, placing the trunk only 6 feet from the new addition. As a result, the proposed construction will encroach into the Critical Root Zone (CRZ) of the tree. Additionally this will require significant branch pruning, including very large cuts that will create additional major wounds to the tree.

Therefore, these combined factors make this tree an even greater risk.

4 of 7



Fistulina hepatica



Balbalian, Clarissa May 22
to me

😊 ↩️ ...

From Balbalian, Clarissa c.balbalian@msstate.edu

To stumpngrindms@gmail.com
stumpngrindms@gmail.com

Date May 22, 2026 at 6:43 PM

Standard encryption (TLS)
[Learn more](#)

Hi Vanessa,

The fleshy orange one looks like it could be the
beefsteak fungus, *Fistulina hepatica*. It decays
dead wood https://www.mushroomexpert.com/fistulina_hepatica.html. I can't tell what
anything else is from the photos, but they look
like they are probably just saprophytic fungi as
well, which means they are things that grow on
wood that is already dead. I don't see any
pathogens.

...

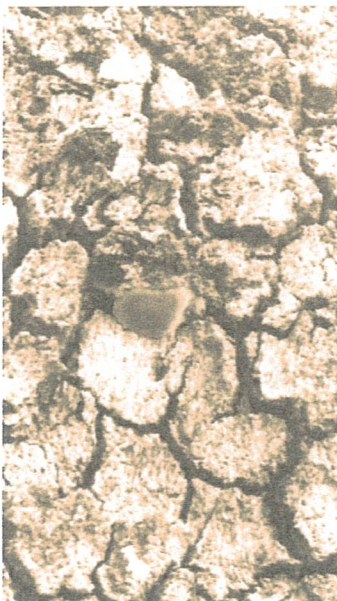
↩️ Reply

➡️ Forward





PLANT SPECIMEN DIAGNOSTIC REPORT			
Specimen # 2023-P-417			
Client:	Vineyard Services Stump N' Grind, LLC Tree Service MS vineservices@stumpngrind.com		Requesting: Fungus ID Request (General)
Phone:	228-547-3881	Address:	HANCOCK, MS
Location:	228-547-3881	Lab Fee:	\$0.00
Photos only-no form:	C. Balaban		Analysis Date: August 7, 2023
Fungus/Mold:	☒ GROSS VISUAL ☐ MICROSCOPE ☐ TISSUE EXAM ☐ CULTURE ☐ MOIST CHAMBER ☐ SPECIALIZED MEDIA		☐ BAITING/WASHING ☐ CHEMICAL ASSAY ☐ GENETIC ☐ MICROBIAL ID-FAME ☐ MONITOR/INOCULATE ☐ NEMATODE
Diagnosis/Recommendations Diagnosis: Wood rot fungus (<i>Phellinus sp./spp.</i>) Category: FUNGAL Comments: This is a wood rot fungus that is in the <i>Phellinus</i> group. In the past (prior to molecular analysis) we probably would have called this <i>Phellinus everhartii</i> , but molecular work done a few years ago indicates that <i>everhartii</i> likely only occurs in Europe. Regardless of name, this fungus decomposes lignin which results in a white heart-rot. This fungus will not kill the tree because it does not parasitize living sapwood. However, decay of the heartwood can result in structural instability that increases the risk for tree failure, which can make the tree a hazard risk. If the fungus is present on a limb, then that limb can be removed. If this is a trunk infection, then you will want to regularly monitor the extent of decay in the trunk and inspect the tree regularly for structural weakness. Avoid further wounding of the tree as much as possible.			



(*Phellinus sp./spp.*)



certificates.directory.isa-arbor.com



ISA Find an H County,... County P... County,... see a tre... beef stea... Vanessa... can you...



Vanessa Benson

Credentials

Credentials from International Society of Arboriculture - Credential Holders



Nov 17, 2023



ISA Tree Risk Assessment Qualification®

ISA

ISA Tree Risk Assessment Qualification

arboriculture

+ 5



Dec 16, 2022



ISA Certified Arborist®

ISA

ISA Certified Arborist

tree maintenance

+ 8

International Society of Arboriculture - Credential Holders

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Michael DeWitt

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**NOTICE OF PROCEDURAL TAINT, DUE PROCESS VIOLATION, AND DEMAND
FOR RECORD INCLUSION**

DATE: July 9, 2026

TO:

Rashida Bell, City Clerk
City of Gulfport, Department of Planning and Zoning
2309 15th St, Gulfport MS, 39501

FROM:

Mike and Kirsten Russell, Plaintiff/Applicant
4719 W Beach Blvd, Gulfport MS, 39501
913-488-5588/ 913-242-5913 – jayhawkruss@gmail.com/ kirstencwilson@gmail.com

RE:

Case/Permit Number: 2605PC070

Property Address: 4719 W Beach Blvd, Gulfport MS, 39501

Subject: Formal Notice of Fundamental Due Process Violations via *Ex Parte* Communications by the City Attorney's Office – Malcom Jones.

**I. NOTICE OF PROCEDURAL TAINT AND DUE PROCESS
VIOLATION**

Please take formal notice that the Plaintiff/Applicant hereby objects to the fundamental procedural defects, structural asymmetries, and constitutional due process violations that have tainted the administrative review of the above-referenced tree permit application.

This application governs a **quasi-judicial** matter. Under well-established administrative law, a quasi-judicial body must act as an impartial tribunal. Decisions must be based strictly and exclusively on evidence that is concurrently available to all parties, fully transparent, and subject to public scrutiny, cross-examination, and timely rebuttal. On or about June 19, 2026, the City Attorney's Office intentionally bypassed the city's mandatory, public-facing case portal system. The City Attorney directly transmitted a substantive legal and factual report regarding this case to the personal and/or unlisted digital communication channels of the active members of this Committee. By withholding this report from the public case portal while simultaneously ensuring its delivery to the decision-makers, the City Attorney's Office committed a severe, prohibited ***ex parte* communication**.

This action successfully "poisoned the well" by allowing committee members to read, analyze, and form opinions on unposted, private arguments that the Plaintiff was structurally barred from seeing, reviewing, or rebutting in a timely manner.

Furthermore, while the City Attorney has utilized exclusive structural privileges to maintain a direct line of communication to the Committee members, the Plaintiff has been explicitly denied access to these same communication channels. This asymmetrical access violates the core legal principle of procedural equality. A motion to strike cannot un-ring this bell; the prejudice to the record has already occurred.

II. INCORPORATION OF EVIDENCE AND PROOF

To ensure a complete and transparent history of these proceedings, the Plaintiff hereby attaches the following items as formal exhibits to this Notice:

- **EXHIBIT A:** A true and correct copy of the withheld legal/factual report authored by the City Attorney's Office, which was actively shielded from the public case portal but delivered to the Committee. Malcom Jones confirmed on the record in the June 25, 2026, Planning and Zoning meeting that he did send the report to the committee and to our previous attorney, which was outside of the portal process. The minutes from that hearing will confirm this and represent Exhibit A.
- **EXHIBIT B:** Proof of the transmission of this document outside of established public portals – The email is provided as Exhibit B

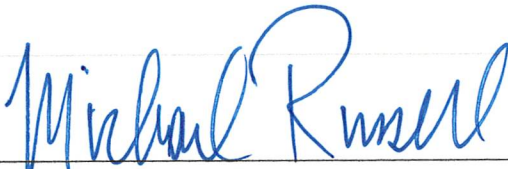
III. FORMAL DEMAND FOR RECORD INCLUSION AND REMEDIAL ACTION

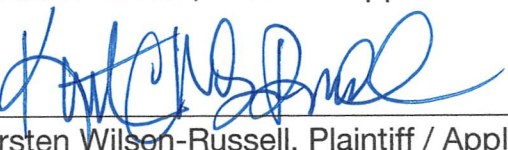
To preserve the procedural integrity of these proceedings and to protect the Plaintiff's rights under state law and the Fourteenth Amendment to the United States Constitution, **the Plaintiff hereby demands the following:**

1. **Mandatory Inclusion in the Administrative Record:** The City Clerk and the Committee Chair are hereby directed to immediately upload, file, and incorporate this **Notice of Procedural Taint and Due Process Violation**, along with **Exhibit A** and **Exhibit B**, into the official, permanent **Administrative Record** for Case/Permit Number 2605PC070. This file must be made viewable on the public case portal immediately.
2. **Verbal Disclosure on the Record:** At the commencement of the next hearing or voting session regarding this permit, the Plaintiff demands that each member of the Committee make a full, verbal disclosure on the record detailing when they received the City Attorney's report, the extent to which they read or reviewed it, and whether they can remain an unbiased arbiter.
3. **Equalization of Communication Channels:** The Plaintiff demands that any written rebuttal submitted in response to the City Attorney's hidden report be distributed by the City Clerk to the Committee members via the exact same channels utilized by the City Attorney, ensuring equal placement and visibility before any final vote is taken

The Plaintiff explicitly reserves all rights to seek judicial review, including a Petition for Writ of Certiorari or Administrative Mandamus in state court, to vacate any subsequent adverse decision on the grounds that the local process was arbitrary, capricious, and fundamentally unconstitutional.

Respectfully submitted,

X 
Michael Russell, Plaintiff / Applicant

X 
Kirsten Wilson-Russell, Plaintiff / Applicant

Virgil Gillespie

From: Malcolm F. Jones <mjjones@gulfport-ms.gov>
Sent: Friday, June 19, 2026 3:01 PM
To: Samuel Smith
Subject: FW: Corrected version 4719 Beach
Attachments: Visual inspection opinion Live oak Gulfport edited.docx; cogscanner@gulfport-ms.gov_20260619_144749.pdf

Please send the attached documents to all Planning Commissioners for next week's appeal hearing.

Visual Inspection on Live oak at

4719 West Beach Blvd. Gulfport, MS. 39501

I was asked to visually inspect a large Live oak and provide my professional opinion as to the current health and condition of the tree. On June 2, 2026 I was able to conduct an initial visual inspection from public property. I made some observations, no notes, no pictures. I again visited the site on Friday June 12, 2026, and my findings and professional opinion are as follows:

A visual tree inspection has been undertaken from ground level only and comments made are based on observable factors present at the time of inspection. A more detailed inspection would have included a climbing inspection, decay assessment or root collar investigation. No such access was available to me when the property owner requested in person that I go no further at that time. Any further soil or tissue samples or a canopy inspection would have to be performed by a certified consulting arborist.

Tree- A 51-inch D.B.H *Quercus virginiana*, common name Southern Live oak. D.B.H. is the diameter at breast height, approximately 54 inches from where the trunk meets the soil.

Condition- It appears to be a little beat up, but healthy cambium\bark regeneration is occurring. The tree has bark loss and obvious prior debris or other strikes to the bark layer possibly from storm damage. The bark loss is at a height consistent with most of the wounds on many of the beachfront Live oaks after Katrina. There may have been other impacts, such as construction equipment or automobile strikes. The tree has formed new bark surrounding most of the bark loss areas and in some spots is quite impressive. It is attempting to seal the wounds and provide growth and uptake of water and nutrients, as well as trunk strength and stability. Trees do not "heal", they seal. Because of the unique tight grain nature of Live oak wood and the high amount of phenols, a natural preservative, there is strength even in the dead wood of the trunk. In short, this strength and resistance to decay were the principle reason Live oak was used extensively in ships, including the ironclads and other naval vessels. There are many examples where these ships were known to repel a 6-inch cannonball at close range, with only a dimple left as the result. There is some decay evident, but none that appears to be structural or cause for long term concern.

Compartmentalization is occurring and will continue if the tree is not interfered with.

Health and vigor- The tree has been through numerous large hurricanes, and each time has regrown it's branch canopy and continued to put on full sets of leaves. The day I visited, the tree had noticeable epicormic sprouts in the lower 1\2. These are commonly referred to as suckers, a misnomer. This is positive and healthy and most likely a reaction to heavy pruning or larger branch removal. It is a form of retrenching that trees go through naturally when any larger cuts are made or a significant limb is removed. I saw no fungal or bacterial growth anywhere I observed. No fruiting bodies, or "mushrooms" were seen on any roots, or in the root zone. The leaf size and color were good, as was the leaf distribution throughout the canopy. This indicates to me that even though

there was more than likely some construction damage or impact to the root zone, the tree has continued to have good uptake to all branch tips.

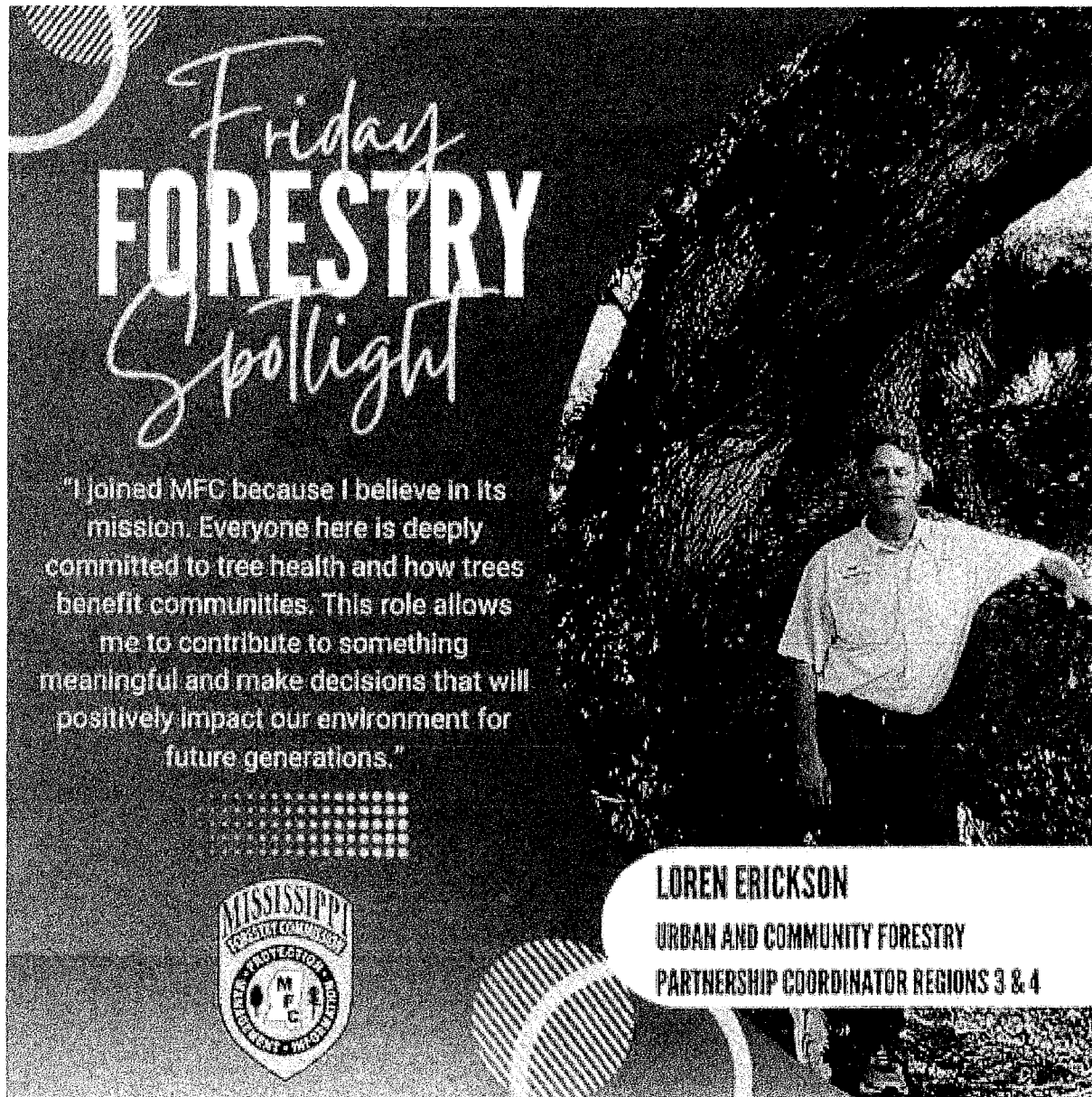
Opinion - This tree has had some damage to it and shows some sizable bark loss spots. The areas of bare trunk are larger than I typically like to see, but the adaptation of the response growth is doing what it is designed to do. I do not find the wounding of the trunk to be cause for concern or removal. The tree needs some pruning of breakage and there are a few stubs left from prior pruning that can be cleaned up. The tree is a little asymmetrical with the removal of the West lowest limb, but that cannot be remedied immediately. I would recommend only pruning what is stubbed off or has already been improperly pruned prior, and not much else needs to be done. When viewed by traffic and when driving Westbound, the tree definitely provides a good visual screen for the new home there. I will not say it is the healthiest or best-looking Live oak on the beach, but it is by no means anywhere near the worst. If it were mine, I would tidy up the lower crown and retain it in that spot for certain. That would be my course of action and my opinion on the matter.

This assessment of the health and condition of the Live oak at 4719 West Beach Blvd, Gulfport, MS is not a tree risk assessment, nor does it imply any guarantee of stability or longevity. This inspection is not meant to represent or be regarded as anything other than an expert professional opinion. This is the least formal, yet still thorough version of a visual tree inspection I could provide. Thank you for providing the opportunity to weigh in on this important tree.

Loren Erickson

ISA Board Certified Master Arborist #SO-9940B

Further credentials and experience provided upon request



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Nadine Phillips
Yay, Loren!!!

1y

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Mississippi Forestry Commission



Mississippi Forestry Commission ●

January 24, 2025 · 🌐

Meet Loren Erickson, MFC's new Urban and Community Forestry Partnership Coordinator for Regions 3 and 4.

Loren's passion for forestry ignited in a University of Montana Silviculture class. Growing up, he was immersed in the world of plants, thanks to his educator parents, who specialized in plant identification, soil science, and dendrology. This early exposure, combined with rigorous involvement in horticulture and forestry activities, instilled in him a strong work ethic and a deep understanding of trees.

Loren's experience is diverse, ranging from managing 27,000 street trees in Seattle to working with Live Oaks in MS. He has been a valuable asset to MFC for over a decade, primarily through the **#TreeCityUSA** and **#TreeCampusUSA** programs, and we are thrilled he has joined us.

As a Board-Certified Master Arborist, Loren possesses a comprehensive knowledge of tree biology, care, and management. He thrives on engaging with communities through plantings, garden renovations, and presentations, always striving for excellence and welcoming audience questions. He is eager to share his expertise with South MS and contribute to the long-term health and sustainability of urban forests.

Interesting fact about Loren.... "I climbed trees competitively and competed in aerial rescue and speed climbing jamborees on the West Coast."

Welcome to the MFC Team, Loren!

#MSforestry #greenjobs #careers

CREDENTIALS

CREDENTIALS TYPES OF CREDENTIALS ISA BOARD CERTIFIED MASTER ARBORIST

READY TO BECOME ISA CREDENTIALLED?

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SECTION MENU

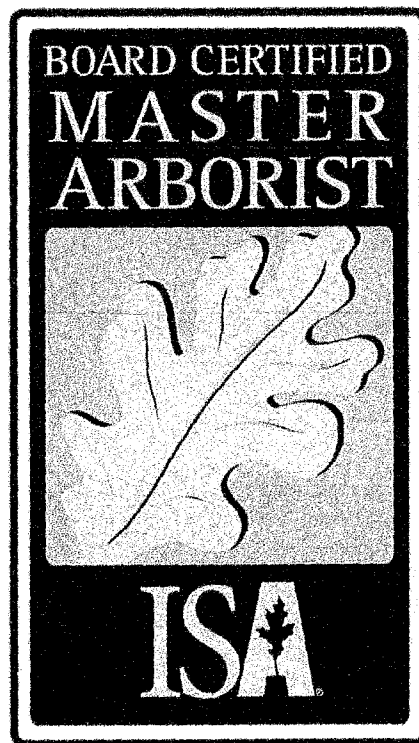
The ISA Board Certified Master Arborist® credential is the highest level of certification offered by ISA. This credential recognizes ISA Certified Arborists® who have reached the pinnacle of their profession. In addition to passing an extensive scenario-based exam, candidates must abide by a Code of Ethics, which ensures quality of work. Fewer than two percent of all ISA Certified Arborists® currently hold this certification.

To be eligible for the exam, you must be an ISA Certified Arborist® in good standing and have a sufficient amount of any or all of the following:

- Measurable experience
- Formal education
- Related credentials
- Professional experience

Accept the challenge and become one of the elite ISA Board Certified Master Arborist®. For more information on how to become an ISA Board Certified Master Arborist®:

- [ISA Board Certified Master Arborist® Program Guide \(PDF\)](#)
- [ISA Board Certified Master Arborist® Exam Outline \(PDF\)](#)
- [ISA Code of Ethics](#)



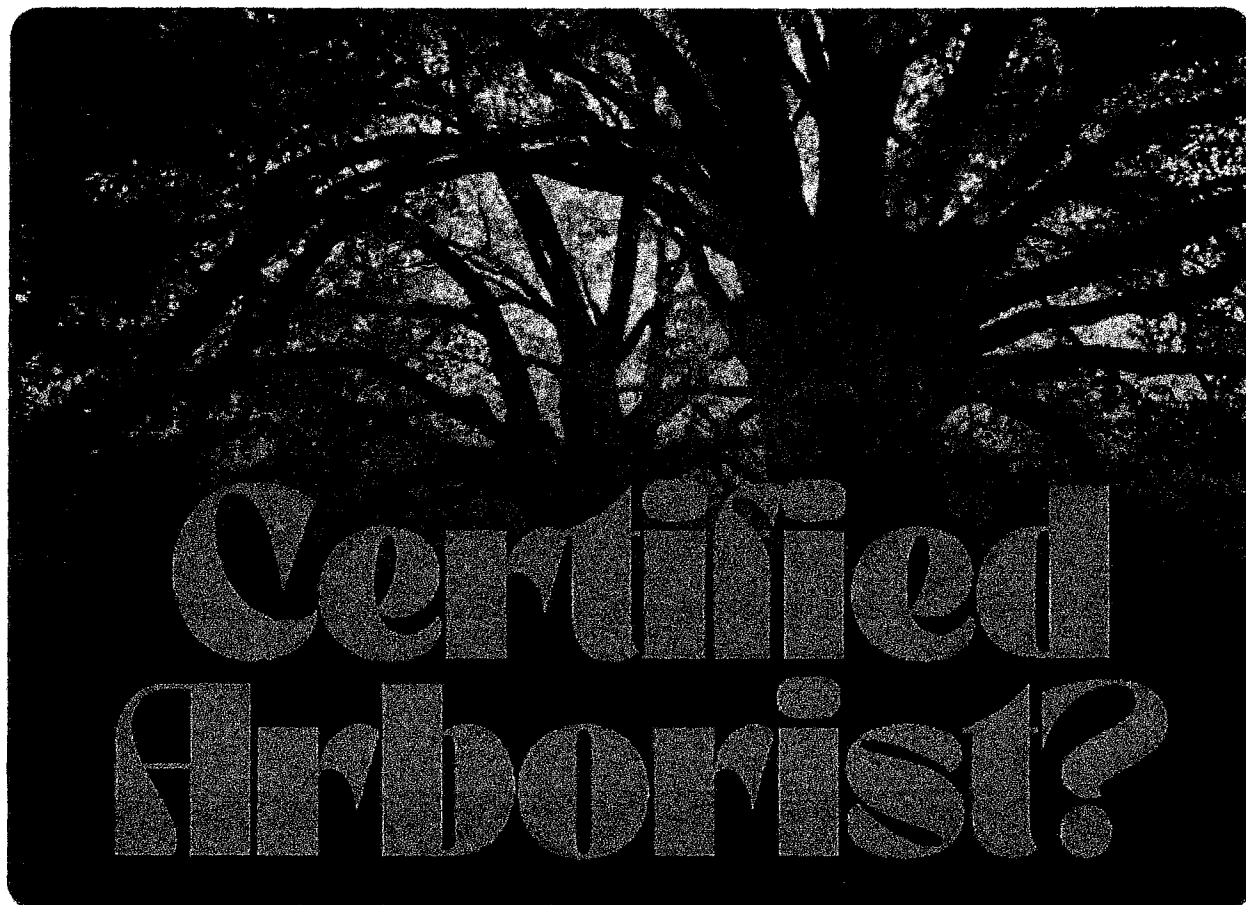
TM

ISA Board Certified Master Arborist® Study Materials

While you may use any materials you choose during your exam preparation, we encourage you to use materials that are grounded in best practices and scientific theory, and those that are supported by external reviewers, such as accreditation organizations or governing bodies.

Study Materials

ISA offers a full list of recommended study resources that cover multiple domains in each handbook and in the [ISA webstore](#).



ISA Certified Arborist vs. Board Certified Master Arborist: What's the Difference?

As you advance in your tree care career, you'll encounter various levels of certification offered by the International Society of Arboriculture (ISA). The two most prominent are the **ISA Certified Arborist** and the **Board Certified Master Arborist (BCMA)**.

Understanding the differences between these credentials is crucial for planning your professional development. This guide breaks down the key distinctions.

The ISA Certified Arborist Credential

The ISA Certified Arborist credential is the foundational certification for tree care professionals. It demonstrates a comprehensive understanding of general arboriculture principles.

- **Target Audience:** Professionals with a few years of experience looking to establish their credibility and competence in the field.

- **Experience Requirements:** Requires three or more years of full-time, eligible, practical work experience in arboriculture, or a relevant degree coupled with lesser experience.
- **Exam Difficulty:** The exam is challenging, covering 10 broad domains including tree biology, pruning, risk assessment, and safe work practices. However, it is accessible to those who diligently study the core concepts.
- **Career Impact:** This certification is often considered the "gold standard" for entering the professional tier of tree care. It significantly boosts employability, credibility with clients, and often leads to higher pay.

The Board Certified Master Arborist (BCMA) Credential

The Board Certified Master Arborist is the highest level of certification offered by the ISA. It recognizes arborists who have reached the pinnacle of their profession. Less than 2% of all ISA Certified Arborists hold this elite credential.

- **Target Audience:** Highly experienced arborists, consultants, and managers who have a deep, scientific, and practical understanding of all aspects of arboriculture.
- **Experience Requirements:** To even apply for the BCMA exam, you must first be an ISA Certified Arborist in good standing. Furthermore, you must earn a minimum of 8 points from a combination of measurable experience, formal education, and related credentials. This often equates to many years (often 7-10+) of high-level experience and advanced degrees.
- **Exam Difficulty:** The BCMA exam is exceptionally rigorous. It is a scenario-based exam that tests not just recall, but the ability to synthesize complex information, analyze situations, and apply advanced arboricultural science to solve difficult problems. It heavily tests management, science, and practical applications at an expert level.
- **Career Impact:** Achieving BCMA status places you in an elite group of experts. It is ideal for consulting arborists, expert witnesses, and those seeking senior management roles. It commands the highest level of respect and earning potential in the industry.

Key Differences at a Glance

While both certifications prove a commitment to the arboriculture profession, the leap from Certified Arborist to BCMA is significant.

- **Focus:** Certified Arborist focuses on demonstrating foundational competence; BCMA focuses on expert-level mastery and complex problem-solving.
- **Prerequisites:** Certified Arborist requires entry-level experience (3 years); BCMA requires holding the Certified Arborist credential plus significant additional points in

education and advanced experience.

- **Exam Style:** Certified Arborist relies heavily on testing foundational knowledge across 10 domains; BCMA uses complex, scenario-based questions to test synthesis and application.

Which Certification is Right for You?

If you are relatively new to the field or looking to solidify your professional standing, the **ISA Certified Arborist** certification is your starting point. It is essential for career growth. If you have been in the industry for many years, perhaps hold an advanced degree, and regularly handle complex consulting, diagnostic, or management challenges, the **Board Certified Master Arborist** credential is the ultimate goal to distinguish yourself as a leading expert.



ISA Certified Arborist Flashcards

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DELIBERATE CONCEALMENT AND SUPPRESSION OF COUNTER-EVIDENCE

DATE: July 9, 2026

TO:

Rashida Bell, City Clerk
City of Gulfport, Department of Planning and Zoning
2309 15th St, Gulfport MS, 39501

FROM:

Mike and Kirsten Russell, Plaintiff/Applicant
4719 W Beach Blvd, Gulfport MS, 39501
913-488-5588/ 913-242-5913 – jayhawkkruss@gmail.com/ kirstencwilson@gmail.com

RE:

Case/Permit Number: 2605PC070

Property Address: 4719 W Beach Blvd, Gulfport MS, 39501

Subject: DELIBERATE CONCEALMENT AND SUPPRESSION OF COUNTER-EVIDENCE

I. DELIBERATE CONCEALMENT AND SUPPRESSION OF COUNTER-EVIDENCE

1 Plaintiffs possess definitive, objective evidence that completely refutes and disproves the factual findings contained in the tree report submitted by Lauren Eckerson.

2 Prior to the second scheduled administrative hearing, Appellants' previous legal counsel disclosed this specific refutation data directly to Malcolm Jones.

3 Armed with advance knowledge of the evidence that would expose the fundamental flaws in the City's position, Malcolm Jones and City representatives engineered a systemic suppression of testimony during the second hearing to shield their report from professional scrutiny.

4 Specifically, during the second hearing, the Plaintiffs were explicitly silenced and told they could not speak, present their evidence, or defend their property rights before the committee.

II. SILENCING OF AN EXPERT TRAQ ARBORIST AND MATERIAL WITNESSES

5 To ensure the flawed Eckerson report remained unchallenged, the city explicitly blocked the Plaintiffs retained expert—a Tree Risk Assessment Qualified (TRAQ) certified arborist—from speaking or presenting testimony during the hearing.

6 This TRAQ-certified expert was present in the hearing room, prepared to speak, and fully equipped to formally defend her professional arborist report, which directly contradicted and disproved the City's administrative findings.

7 In addition to silencing this credentialed expert, the city actively blocked neighboring residents from speaking. These neighbors were eyewitnesses who possessed independent, highly relevant evidence regarding the condition and history of the tree.

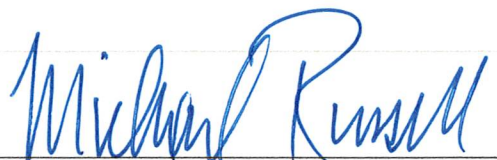
8 Preventing a highly qualified TRAQ arborist, the property owners, and neighboring witnesses from speaking constitutes a severe violation of procedural due process and fundamental fairness under Mississippi law. An administrative body cannot lawfully base an ordinance decision on a contested, unverified report while simultaneously banning a certified expert from offering professional counterevidence.

III. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that this Planning and Zoning Commission:

- Vacate any provisional findings or determinations from the second hearing due to severe procedural defects and due process violations;
- Grant Plaintiffs, their retained TRAQ-certified arborist, and their designated neighboring witnesses full speaking rights at the next evidentiary hearing to formally enter their expert rebuttal into the record;
- Completely strike and exclude the Lauren Eckerson report from consideration as a remedy for the bad-faith suppression of expert counterevidence; and
- Order an independent, objective review of Case No. 2605PC070 uninfluenced by the tainted actions of Malcolm Jones.

Exhibit A – Neighbor – Lynn Prussia (Neighbor) insight into Mr. Eriksons report versus his on document “Tree Protection Standards in Construction Sites”

X 
Michael Russell, Plaintiff / Applicant

X 
Kirsten Wilson-Russell, Plaintiff / Applicant

From: Lynn Prussia lynnp3412@gmail.com
Subject: Tree ordinance Appeal 2605PC070
Date: Jul 8, 2026 at 11:41:50 AM
To: Lynn Prussia lynnp3412@gmail.com

Good afternoon. My name is Lynn Prussia and I live at 4701 West Beach Blvd. Gulfport, MS 39501. My house is located next door to the Russell's house with an empty lot between our houses. The tree in question is on the side of their house adjacent to my home. I'm just a lay person who was present at the May appeal meeting which was tabled.

After that meeting, I read the report from the ISA certified arborist obtained by the Russell's. Much of it was over my head; therefore, I went on-line to the Mississippi Forestry Commission Management website. I read where Mr. Loren Erickson works with the MFC as the Region 3 & 4 Partnership Coordinator for the Urban Community Forestry Program. This gave even more credence to the information found on this site. I copied information from this site and made packets for each of you and for Mr. Jones. I would like all of it placed into the official record. The information under the section "Tree Protection Standards in Construction Sites" appears to clearly address the tree on the Russell's lot.

It appears to me in this specific case the horse has already left the barn. The lots in our subdivision 9 Water which are beach front are all approximately 40 feet wide. This tree is about 6 feet from the trunk/stem to the large corner piling at the front corner of the Russell's house.

I'm going to quickly take you through the information from the [MFC.ms.gov](https://www.mfc.ms.gov) site. I have numbered the pages.

Page 2: Mr. Loren Erickson and his position and contact information.

Page 3: states the purpose of the Urban and Community Forestry Program.

Page 4: begins the explanation of Tree Protection Standards in Construction Sites. This explains critical steps needed to take when doing construction around trees.

Page 5: 1st -the most critical is the structural root plate of the tree. These large strong roots extend up to 11 feet from the stem/trunk in larger trees and damage to these is stated to be usually fatal to the tree.

Page 5: 2nd critical —the Critical Root Area (CRA). 85% of the tree root mass is contained in this area. Any damage will likely reduce tree health & survival. CRA is 1.25 feet for every inch in stem/trunk diameter. The distance a builder would like to stay away from is called Critical Root Radius (CRR).

Page 6: Susceptible trees are most impacted by any damage to the Critical Root Area. Susceptible in this case would be trees in poor health based on the ISA certified arborist risk assessment report submitted in May. Figure 3, Table 2 lists the CRA and CRR based on the diameter of the tree.

Page 7: The table continued. The chart stops at 40 inches in diameter. The tree in question is over 50 inches. Using the 40 inches in the chart & extrapolating to 50 inches diameter, 11 feet from stem/trunk is the Critical Root Plate.

Approximately 60 feet would be the Critical Root Radius & over 8,000 feet for the Critical Root Area.

Live Oaks are resistant trees; however, when they are damaged they also become susceptible. Moderate fair health fall between resistant & susceptible in their survival of Critical Root damage.

Page 8: explains construction damage to the Critical Root Area is capable of slowly killing HEALTHY trees. If restorative treatments are to be effective they need to be done immediately after damage occurs.

Page 9: IF a tree is stressed then construction damage further damages & weakens tree to the point it is susceptible to insect disease attacks. This can be deadly and the tree does not usually show ANY signs of a problem except maybe foliage appearing a little sparse & off color. The severity determines IF the tree health can be restored.

Live Oaks are slower to die BUT if damaged, they still DIE!

Page 10: Which Trees to Save? Avoid trying to save trees classified as

susceptible to damage.OR may have a serious to fatal defect (figure 6). Problems make susceptible trees less valuable AND much more difficult to keep alive and healthy! This figure looks almost identical to the photograph submitted at the May meeting.

#5 cavity looks extremely similar to the hole at the base of the tree in question on the Russell's property. Large trees may be desired & extremely valuable to a property BUT they are also very difficult AND expensive to save.

Now an exterminator employed by a well known local exterminator company has found the tree infested with active termites. I have previously seen mice/ rats come out of the trunk of the tree & scamper to my property. My exterminator company has treated our property for rodents & the treatment has resulted in dead rodents found on our property closest to the tree.

Page 11: Live Oaks are typically great & display few pest problems. However, this tree DOES have major pest problems of termites and rodents ONLY 6 feet from their house. The tree is about 65 feet from my house.

Page 12: How Close can trees get to structure? Critical Root Radius (CRR) is approximately 60 feet plus 10 additional feet; therefore, 70 feet for this particular tree.

Damage resistant trees (Live Oaks) can be located 20 feet of buildings & 10 feet of sidewalks BUT a combination of fencing & root buffer need to be in place to protect roots. Structures must be kept outside the Critical Root Radius of damage-susceptible trees. THAT DIDNOT HAPPEN when the Russell's house was built.

Page 13: What if a Tree is Too Close? If too close the only options are to remove the tree OR move the structure. Their house is built & occupied so only option based on this information from the Mississippi Forestry Commission website appears to be to remove the tree.

Page 14: Trenching

Critical importance is to protect the Structural Root Plate -11 feet from tree

stem/trunk. Protection of the Critical Root Area (60 feet) is also very important. Living next door, I watched the Russell's house be built from the preparation of the site through completion.

When the Russell's builder trenched for the concrete footings and pilings the 11 foot Critical Root Plate was in all likelihood damaged. For certain the Critical Root Area was damaged. I say this because the builder dug trenches throughout the footage of the house, filled them in with concrete & rebar & constructed the concrete pilings ONLY to then STOP construction after that. After concrete cured, I watched a group of men spread plans out on saw horses & make shift table. The concrete footings & pilings had the house facing the WRONG way. Big equipment was then brought in and they dug up all of the pilings, footings, rebar & all of it was hauled away. More dirt was brought in, spread and then they redug trenches for concrete footings & pilings with rebar for the 2nd time in completely different places. Two times I observed heavy equipment dig through what I now understand is the Critical Root Area of this particular tree and most likely through the Critical Root Plate.

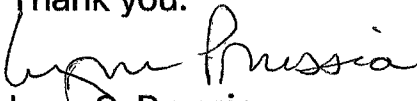
I believe all of the digging, redigging etc. likely made this tree susceptible to the identified fungus the ISA certified arborist found & the active termites identified just this week.

I know all of you have an enormous responsibility in your position & know that you each take it seriously having to weigh keeping old live oaks whenever possible while also protecting the interests of homeowners and the huge asset of their home.

My brother served as County Mayor in West Tennessee for over 26 years & my Father & other brother as elected county officials for 20 & 28 years in West Tennessee. I understand the responsibility you are charged with on this committee.

I ask as you weigh all of the information that has been shared/provided to you, replace the Russell's in your minds with the image of your son, daughter, brother, sister, mother or father and they are the ones seeking permission for this particular tree on their property to be removed. I ask for the Russell's and also ask for me living within 65 feet of this tree that you vote to grant the Russell's the removal of this tree.

Thank you.


Lynn S. Prussia

4701 West Beach Dr
Gulfport, MS 39501
Lynnp3412@gmail.com

I was not able to present this at the June 25, 2026 meeting since the planning commission voted to table the decision until the July meeting before I had the opportunity to speak.

I will not be in attendance at the July 2026 meeting for the appeal as I will be out of town.

I hope that this packet of information from the MFC website and my written testimony/explanation will be submitted/read into the official record regarding the tree ordinance appeal 2605PC070 by Michael Russell & Kirsten Wilson-Russell.

Lynn Prussia
4701 West Beach Dr
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College of Forest Resources

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mfc.ms.gov

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Tympel Harrison Urban & Community Forestry Partnership Coordinator – Regions 1 & 2	Cell: <u>(601) 586-9829</u> Email: <u>tharrison@mfc.ms.gov</u>
Loren Erickson Urban & Community Forestry Partnership Coordinator – Regions 3 & 4	Cell: <u>601-278-3330</u> Email: <u>lerickson@mfc.ms.gov</u> <u>v</u>

2:39

c09 77

mfc.ms.gov

 PROGRAMS

Urban and Community Forestry

Mississippi's Urban and Community Forestry (U&CF) Program promotes the development, care, and protection of the trees growing where people live, work, and play in Mississippi. These trees help our economy as forest products, by saving energy, increasing property values and lowering electricity costs. They protect our environment by cleaning our air and water, stabilizing the soil, and supporting wildlife. They improve our health and enrich our lives by providing shade, blocking UV-B radiation, improving hospital recovery times, and providing many other aesthetic and health benefits.

Urban and Community Forestry Program Staff

State Program Coordinator

Alex Ballard

aballard@mfc.ms.gov

769-237-2934

Region 1 & 2 Partnership Coordinator

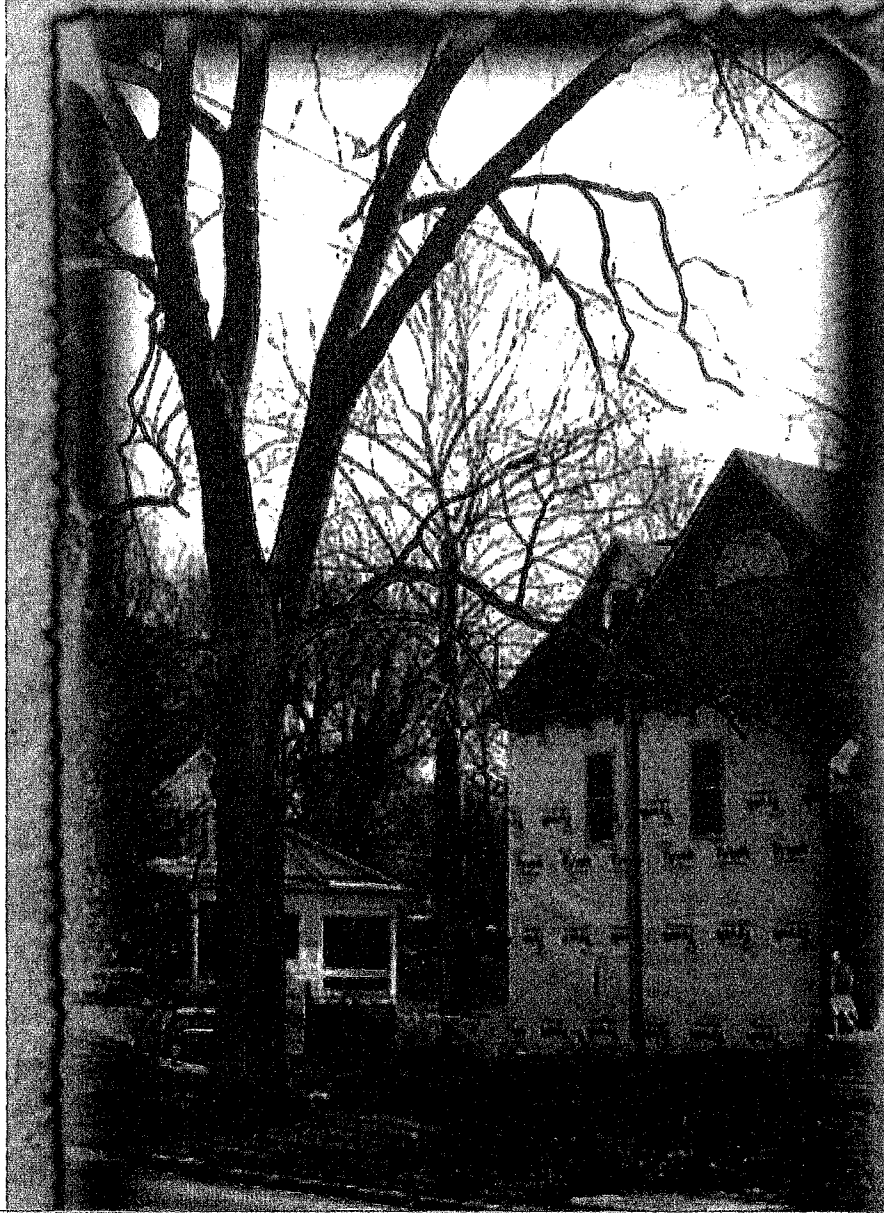
Tympel Harrison

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601-586-9829

Region 3 & 4 Partnership Coordinator

Tree Protection Standards in Construction Sites



To estimate the size of the structural root plate and the critical root area, we used a common tree measurement, **Stem Diameter** at 4.5 feet above the ground. Stem diameter can be measured directly with calipers or a diameter tape. Or you may measure stem circumference and divide by pi (3.14) to calculate diameter.

The most essential roots form the **Structural Root Plate** (Figure 2 red area). These large strong roots extend up to 11 feet from the stem in larger trees (Table 2). Damaging these roots in any way is usually fatal and may leave a tree unable to hold itself up. This could spell disaster.

Second in importance is the **Critical Root Area** located under the reach of the branches (Figure 2 green area). This area contains about 85% of the root mass. Any damage to the transport and feeder root system in this area will likely reduce tree health and survival. The size of the critical root area is estimated again using stem diameter (Table 2). The area is defined as a circle with a radius that is 1.25 feet for every inch in stem diameter. Thus, the distance from the tree stem you would like to stay away from a tree is called the **critical root radius**.

Tolerance to Damage

38	11	47.5	7085
40	11	50	7850

Trees classified as **Resistant** to construction damage are healthy, young to middle aged, and of a resistant species (Table 3). Resistant trees generally are able to tolerate some root damage, at least until it approaches 1/3 of the critical root area (Figure 3).

Trees **Moderate** in their tolerance to injury include those in fair health, past middle aged to old, or a moderate species (Table 3). These trees fall between resistant and susceptible in their survival of critical root damage.

Roots outside of the critical root area are the least important for tree health (Figure 2). A tree can lose all these roots with minimal problems. But to compensate for this root loss, extraordinary care must be given to roots within the critical root area.

Construction Damage

Most people are not aware that tree roots are on the soil surface and very vulnerable to injury. That is why damage to the root system is the number one killer of trees. Unfortunately, any activity under a tree is a potential root killer, including the storage of equipment or supplies as well as minor vehicle and foot traffic. Injury to roots within the critical root area is capable of slowly killing **Healthy**

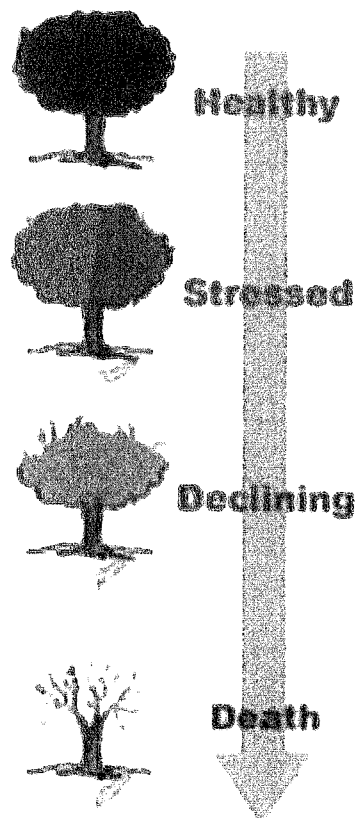


Figure 4. Construction damage to roots begins a mortality spiral that can kill healthy trees in 1 to 10 years. (Matheny & Clark 1998).

trees (Figure 4). The process of tree death following injury is termed a "mortality spiral". The further a tree falls down the mortality spiral the harder it is to get back up to Healthy. So, if restorative treatments are to be effective they need to be applied immediately after damage occurs. Do not wait until the tree is **Stressed** or **Declining**.

Stressed

Construction damage weakens a tree and sets it up to be injured by another stress that normally would not cause damage. Thus, drought and insect/disease attacks can be deadly when combined with construction. As stressors accumulate, a tree becomes weaker and weaker. The tree does not usually show any signs of a problem, except maybe the foliage appearing a little sparse and off color. The severity and longevity of these stressors determines if tree health can be restored.

Declining

Upper growing points in the tree cannot be supported and die. Signs of decline include very low leaf density and leaves may appear yellow and small. Many dead branches and twigs are in the top portion of tree. Wood borers and bark beetles may attack. Once a tree reaches this stage, they are considered beyond help.

Death

A tree usually dies from a fatal combination of structural failure, health degradation, and pest infestation. Pine trees will typically die within a year following severe root damage. Generally, hardwoods are slower to die. After a fatal blow, hardwoods may live for another 2-10 years.

Which Trees to Save?

Trees classified as resistant to construction damage should be a high priority for saving. These healthy, young to middle-aged trees of a resistant species (Table 3) have the highest likelihood of survival. Avoid trying to save trees classified as susceptible to damage. These trees are unhealthy, old, of a susceptible species or may have a serious to fatal defect (Figure 6). Problems make susceptible trees less valuable and much more difficult to keep alive and healthy.

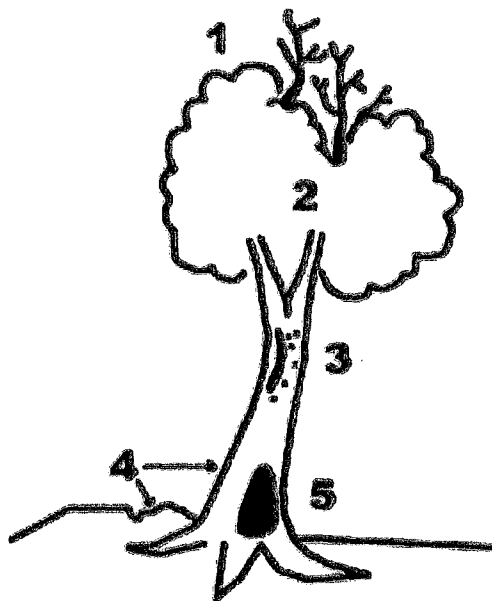


Figure 6. Avoid trying to save trees with serious to fatal defects. 1- dead top and/or dieback in the larger top branches, 2- narrow branch angles and/or co-dominant stems, 3- history of damage from lightning, insects, and/or equipment, 4- lean and/or soil heaving, and 5- cracks, cavities, rotten wood, fungal conks, termites, carpenter ants, and cankers. (Elmendorf et al 2005).

The size of trees should be compared to ownership goals and finances. Large trees may be desired and extremely valuable to a property but they are also very difficult and expensive to save. Construction activity may have to be adjusted considerably to protect a large tree's root system. The owner must have the willingness to pay for construction

to protect a large tree's root system. The owner must have the willingness to pay for construction adjustments before a big tree can be saved. Owners with moderate budgets may have to concentrate on saving smaller trees. These are much easier and cheaper to protect and save.

Some species of trees are a better long-term investment. Live oaks for example tend to grow into

large extremely valuable trees. Strong wood in their branches, stem, and roots resists breakage during storms. Live oaks also have a long life span and display few pest problems. Species of trees that display these kinds of characteristics are more desirable for saving than others.

How close can trees get to structures?

The ideal distance between a tree stem and structures is the critical root radius plus at least 10 feet (Table 4). This distance allows a protective fence around the entire critical root area and leaves enough room for normal construction activity.

Whenever a tree is closer than ideal to a structure, the protective fence may have to be moved closer to the tree, which exposes some of the critical root area to construction activity. An additional **Root Buffer** is needed to protect the exposed critical root area outside the fence. To create a root buffer, begin by covering the exposed critical root area with wood chips to a minimum 6-inch depth. Overlay this with quarry gravel to stabilize a working surface and place $\frac{3}{4}$ inch plywood or mats on top. The root buffer should be maintained throughout the construction process.

Damage-resistant trees can be located within 20 feet of buildings and 10 feet of sidewalks. A combination of fencing and a root buffer will be needed to protect the roots (Table 4).

Structures must be kept outside the critical root radius of damage-susceptible trees (Table 4). Use a stem wrap to protect scaffold branches or the stem itself whenever they are exposed to construction injury. Wrap exposed tree parts with 2 inches of plastic orange fencing as padding and then securely bind 2x4s on the outside. During installation avoid ~~damaging any bark or branches~~

Table 4. Minimum distances between structures and trees and required tree protection.

Type of structure	Tolerance of tree to damage ¹	Minimum distance	Tree protection required
All	All	$CRR^2 + 10 \text{ ft}$	Fence ³
All	Susceptible	CRR^2	Fence ³ + Root Buffer ⁴
Buildings	Resistant	Lessor of 20 ft or CRR^2	Fence ³ + Root Buffer ⁴ + Stem wrap ⁵
Sidewalk or Driveway	Resistant	10 ft.	Fence ³ + Root Buffer ⁴ + Stem wrap ⁵ + Adjust construction

¹Trees tolerance to construction damage classified using health, age, and species (see page 8 and Table 3)

²CRR=Critical root radius (see page 6 and Table 2)

³Fence protecting CRR (see page 11)

⁴Buffer protecting roots outside fence (see page 14)

⁵Stem wrap to prevent a direct hit to stem

What if a tree is too close?

Generally when a tree is closer to a structure than the minimum distance above your options are to remove the tree or move the structure. But in some situations you may consider alternative construction techniques. This includes ramping a walking surface over roots on a lifted slab. Or you could substitute driveway concrete with interlocking pavers or flexible paving, elevate

Trenching

Trenching is any linear excavation for utility lines, foundations, roads, sidewalks and irrigation.

Foremost, protect the structural root plate from trenching. This plate can extend up to 11 feet from a tree stem (Table 2). Protecting the critical root area is also very important. Its size is also predicted using the stem diameter measurement (Table 2). No trenching machinery should ever be allowed in the critical root area.

Utility lines may be placed under the roots by digging a tunnel using a soil auger (Figure 8).

Tunneling within the critical root area at a minimum depth of 2 feet will avoid most roots. Tunnel at least one foot deeper if utility is located directly under the stem.

Another option is to dig a trench that leaves the roots intact. This can be done with a pneumatic air excavator. Another option is careful hand digging below the roots from the side for short distances. Avoid trenching on hot, dry, or windy days. Protect exposed roots by immediately wrapping with wet burlap and keep moist. Do not leave the trench open for very long (1 hour is best), quickly replace the soil and soak with water to pack. If a root is severely damaged it heals quicker if a clean cut is made above the damage. Cut with a reciprocating

RECEIVED
7/19/26

**EMERGENCY MOTION TO COMPEL MUNICIPAL REMOVAL OF A
CATASTROPHIC PUBLIC SAFETY HAZARD AND BIOLOGICAL INFESTATION
NUISANCE**

DATE: July 9, 2026

TO:

Rashida Bell, City Clerk
City of Gulfport, Department of Planning and Zoning
2309 15th St, Gulfport MS, 39501

FROM:

Mike and Kirsten Russell, Plaintiff/Applicant
4719 W Beach Blvd, Gulfport MS, 39501
913-488-5588/ 913-242-5913 – jayhawkruss@gmail.com/ kirstencwilson@gmail.com

RE:

Case/Permit Number: 2605PC070

Property Address: 4719 W Beach Blvd, Gulfport MS, 39501

**Subject: EMERGENCY MOTION TO COMPEL MUNICIPAL REMOVAL OF A
CATASTROPHIC PUBLIC SAFETY HAZARD AND BIOLOGICAL INFESTATION
NUISANCE**

The Plaintiffs, Michael and Kirsten Russell, formally moves this administrative body and the Office of the City Attorney for an immediate order compelling the City to execute the emergency removal of the municipal hazard tree situated adjacent to the subject property. In support of this Motion, the Plaintiffs demonstrate that the city is currently maintaining an extreme public nuisance, destroying neighborhood structural integrity, and exposing municipal taxpayers to millions in predictable civil liabilities:

**I. THE BIOLOGICAL THREAT: UNTREATABLE EXTRA-TERRITORIAL TERMITE
SWARMS**

1 Petitioner has submitted independent, certified expert reports confirming the subject tree is structurally hollowed out by a heart-rot condition caused by an active infestation of a rare drywood termite species.

2 Unlike standard subterranean termites, this highly aggressive, destructive pest does not require soil contact or ground moisture to initiate or sustain a colony. They thrive entirely inside dry, structural wood.

3 This infestation poses an immediate biological and financial threat to every property owner in the development. Twice a year, this infected municipal tree releases thousands of flying "swarmer" termites.

4 These swarming pests actively target surrounding residential roof lines, penetrating minute cracks and crevices to establish untreatable, hidden colonies that remain entirely undetected until catastrophic structural failure occurs.

5 By refusing to remove this biological vector, the city is actively maintaining an ongoing, hazardous public nuisance, intentionally contaminating private residential homes, and breaching its duty to protect the broader community.

II. MUNICIPAL CAUSATION: HISTORIC PLOT PLANS AND CRITICAL ROOT ZONE DESTRUCTION

6 The present hazard is the direct, structural consequence of municipal design, planning, and engineering failures executed by the city.

7 In 2001, the city formally approved a compact neighborhood plot plan explicitly designed with zero tree protection constraints. In accordance with this plan, the City has already granted multiple adjacent neighbors permits to remove similar trees to facilitate construction.

8 The City intentionally authorized the construction of the Plaintiffs home to sit a mere nine (9) feet from the trunk of this massive tree.

9 To facilitate this city-approved foundation footprint, contractors executed a continuous trench cut at 7.5 feet from the tree trunk. This deep, unmitigated trench severed a massive portion of the tree's root plate and permanently destroyed over 50% of its critical root zone (CRZ) required for windward stability and biological survival.

10 The City's own historical zoning files prove the municipality never intended for this tree to remain in perpetuity. The trenching mandated by the city-approved plot plan structurally sabotaged the tree, causing the current rapid heart-rot decline and rendering it highly susceptible to catastrophic wind-throw collapse.

III. PRAYER FOR RELIEF

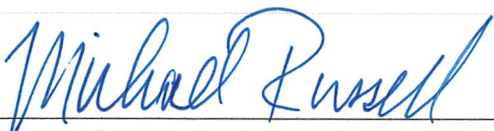
WHEREFORE, PREMISES CONSIDERED, the Plaintiffs formally requests that this Committee bypass all further administrative stall tactics and order:

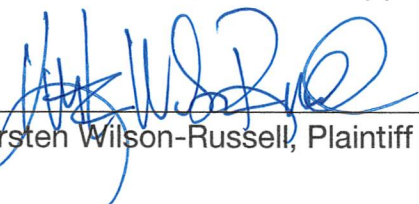
- IMMEDIATE MUNICIPAL ABATEMENT: An order directing City public works crews, or a licensed city contractor, to safely remove the hazard tree down to the grade line within forty-eight (48) hours.

- INDEMNIFICATION NOTICE: Let the record reflect that if the City fails to act on this emergency motion, the City shall be held fully and strictly liable for all subsequent structural damages, biological termite remediation costs, and personal injury claims brought by the Plaintiffs or surrounding neighbors due to gross negligence and deliberate indifference to a known catastrophic public safety risk.

Dated this 9th day of July, 2026.

Respectfully submitted,

X 
Michael Russell, Plaintiff / Applicant

X 
Kirsten Wilson-Russell, Plaintiff / Applicant



MOTION TO COMPEL PUBLICATION OF SUPPRESSED EVIDENCE AND FOR MANDATORY REVIEW OF THE ORDINANCE 3481 EVADED EVALUATION METRICS

DATE: July 9, 2026

TO:

Rashida Bell, City Clerk
City of Gulfport, Department of Planning and Zoning
2309 15th St, Gulfport MS, 39501

FROM:

Mike and Kirsten Russell, Plaintiff/Applicant
4719 W Beach Blvd, Gulfport MS, 39501
913-488-5588/ 913-242-5913 – jayhawkkruss@gmail.com/ kirstencwilson@gmail.com

RE:

Case/Permit Number: 2605PC070

Property Address: 4719 W Beach Blvd, Gulfport MS, 39501

Subject: MOTION TO COMPEL PUBLICATION OF SUPPRESSED EVIDENCE AND FOR MANDATORY REVIEW OF THE ORDINANCE 3481 EVADED EVALUATION METRICS

The Petitioner, Mike and Kirsten Russell, formally moves this administrative body and the Office of the City Attorney to order the immediate publication of the Plaintiffs suppressed evidence package onto the municipal portal, to strike any previous adverse committee determinations, and to compel a transparent evaluation of the 12 statutory criteria mandated by City Ordinance 3481. In support of this Motion, the Petitioner demonstrates the following material breaches of due process:

I. DELIBERATE SUPPRESSION OF THE STATUTORY EVIDENCE PACKET AND PORTAL BLOCKADE

1 Prior to the second administrative hearing, the Plaintiffs formally submitted a complete evidence packet via electronic mail directly to Code Official Malcolm Jones, the Office of the Mayor, the City Clerk, and Greg Holmes.

2 This packet contained the definitive, binding technical criteria answering all twelve (12) mandatory evaluation questions established under **City Ordinance 3481**—the exact parameters a Tree Protection Advisor is legally required to assess and answer when reviewing a removal permit.

3 Despite receiving this packet prior to the hearing, city administrative staff **intentionally withheld and suppressed this documentation**, failing to upload the files to the public portal for the Committee's review.

4 This portal blockade was executed in bad faith. By hiding the 12 questions and their definitive answers, Malcolm Jones and complicit staff intentionally kept this Committee blind to the fact that the city has no lawful basis to deny the emergency removal permit.

II. VIOLATION OF ADMINISTRATIVE DUE PROCESS AT THE PODIUM

5 During the active proceeding, while at the speaker's podium, the Petitioner **explicitly stated on three (3) separate occasions** that they were in possession of the complete 12-question statutory breakdown proving the tree must be removed.

6 Despite the Plaintiffs explicitly raising this critical statutory framework three distinct times, the Committee failed to ask the Plaintiffs to present or read the answers, failed to demand the administration locate the missing packet, and proceeded under a corrupted, incomplete administrative record.

7 Under Mississippi administrative law, a public board or committee cannot issue a lawful ruling when the underlying administrative record has been intentionally scrubbed, hidden, or manipulated by the very department under review.

III. MANDATORY STANDARDS OF ORDINANCE 3481

8 The Committee must be made aware that a Tree Protection Advisor does not possess unchecked, arbitrary power to deny a permit based on personal whim. Ordinance 3481 establishes rigid, non-negotiable legal grounds that an advisor *must* acknowledge, evaluate, and fulfill.

9 Reviewing the Plaintiffs 12 submitted answers reveals that the subject heart-rotten, termite-infested tree meets every single condition required for mandatory removal, leaving the city with no legal ground to enforce its preservation.

IV. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs formally requests that this Committee:

- **COMPEL** the immediate, unedited publication of the Plaintiffs 12-question Ordinance 3481 packet onto the public city portal within twenty-four (24) hours.
- **HALT** all further adverse actions until the Committee has physically reviewed all 12 answers under Ordinance 3481 on the active record.
- **ORDER** the City Attorney to review the administrative handling of this case file to determine why a citizen's evidence was deliberately intercepted and withheld from a public committee.

Dated this 9th day of July, 2026.

Respectfully submitted,

X Michael Russell
Michael Russell, Plaintiff / Applicant

X Kirsten Wilson-Russell
Kirsten Wilson-Russell, Plaintiff / Applicant

RECEIVED
7/9/26

MOTION TO SET ASIDE PROCEEDINGS, STRIKE UNAUTHORIZED AGREEMENTS, AND DISQUALIFY FORMER COUNSEL FOR FATAL CONFLICT OF INTEREST AND COLLUSION

DATE: July 9, 2026

TO:

Rashida Bell, City Clerk
City of Gulfport, Department of Planning and Zoning
2309 15th St, Gulfport MS, 39501

FROM:

Mike and Kirsten Russell, Plaintiff/Applicant
4719 W Beach Blvd, Gulfport MS, 39501
913-488-5588/ 913-242-5913 – jayhawkruss@gmail.com/ kirstencwilson@gmail.com

RE:

Case/Permit Number: 2605PC070

Property Address: 4719 W Beach Blvd, Gulfport MS, 39501

Subject: MOTION TO SET ASIDE PROCEEDINGS, STRIKE UNAUTHORIZED AGREEMENTS, AND DISQUALIFY FORMER COUNSEL FOR FATAL CONFLICT OF INTEREST AND COLLUSION

The Plaintiffs, Mike and Kirsten Russell, appearing pro se for the limited purpose of this filing, and formally moves this administrative body to set aside all administrative actions taken during the previous hearing, strike any unauthorized agreements to table this matter, and disqualify all past representations made by attorney Virgil Gillespie. In support of this Motion, the Plaintiffs shows the following:

I. CONFLICT OF INTEREST & TOTAL ABANDONMENT OF CLIENT DUTIES

1 Plaintiffs retained attorney Virgil Gillespie for the express purpose of presenting bulletproof, certified technical evidence—including a professional TRAQ report and a rare termite infestation report—and to aggressively cross-examine assistant attorney Malcolm Jones regarding his unlicensed practices and fraudulent administrative setups.

2 The day prior to the scheduled public hearing, the Plaintiffs held explicit meetings and sent extensive digital correspondence to Mr. Gillespie, laying out the exact evidence to be introduced and instructions to be executed on the record.

3 Unknown to the Plaintiffs at the time, Mr. Gillespie possessed a severe, undisclosed Conflict of Interest based on a close-friendship relationship with the primary adverse actor in this case, assistant attorney Malcolm Jones.

4 Rather than executing his absolute fiduciary and ethical duties to his paying clients, Mr. Gillespie completely abandoned the Plaintiffs case to protect his personal friend, Malcolm Jones.

II. PHYSICAL COLLUSION ON THE RECORD AND FRAUD UPON THE PLAINTIFF

5 During the official administrative proceeding on June 25, 2026, Mr. Gillespie physically separated himself from his clients and chose to sit directly next to Malcolm Jones.

6 Throughout the active hearing, Mr. Gillespie engaged in ongoing, private, un-minuted consultations with Malcolm Jones while simultaneously refusing to present a single piece of the definitive evidence provided to him by the Plaintiffs. Mr. Gillespie sat completely mute while his clients were subjected to un-credentialed testimony, falsified ordinance claims, and structural endangerment.

7 Most egregiously, without the prior knowledge, consent, or consultation of the Petitioner, Mr. Gillespie actively volunteered to table the hearing a third time.

8 When officially questioned by the Committee regarding yet another administrative delay, Mr. Gillespie instantly agreed to table the matter without ever conferring with the plaintiffs, directly violating his lawful scope of representation and actively trapping the homeowners in a high-risk, catastrophic safety hazard.

III. LEGAL ARGUMENT: UNAUTHORIZED ACCORD IS VOID

9 Under long-standing Mississippi jurisprudence, an attorney cannot bind a client to a material waiver of rights—such as delaying emergency safety relief—without explicit, informed consent.

10 A proceeding where a plaintiff's counsel actively colludes with the defendant to suppress evidence, silence the client, and volunteer administrative delays is a violation of the 14th Amendment's Due Process clause and constitutes a fraud upon this Committee. Any administrative agreements or "tabling orders" born from this collusive dynamic are legally void ab initio (void from the beginning).

IV. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs formally request that this Committee:

- VACATE and SET ASIDE the third tabling order enacted during the previous hearing due to the documented, un-disclosed conflict of interest and unauthorized collusion of Virgil Gillespie.
- STRIKE any and all admissions, waivers, or procedural agreements entered into by Virgil Gillespie on behalf of the Plaintiffs.
- RE-OPEN the record immediately to allow the Plaintiffs to present the TRAQ data, termite data, and cross-examine Malcolm Jones without the taint of conflicted representation.

Dated this 9th day of JULY, 2026.

Respectfully submitted,

☒ Michael Russell
Michael Russell, Plaintiff / Applicant

☒ Kirsten Wilson-Russell
Kirsten Wilson-Russell, Plaintiff / Applicant



MOTION TO STRIKE FRAUDULENT EVIDENCE, SANCTION PERJURY UNDER OATH, AND DISQUALIFY TESTIMONY FOR CONCEALMENT OF WITNESSES

DATE: July 9, 2026

TO:

Rashida Bell, City Clerk
City of Gulfport, Department of Planning and Zoning
2309 15th St, Gulfport MS, 39501

FROM:

Mike and Kirsten Russell, Plaintiff/Applicant
4719 W Beach Blvd, Gulfport MS, 39501
913-488-5588/ 913-242-5913 – jayhawkruss@gmail.com/ kirstencwilson@gmail.com

RE:

Case/Permit Number: 2605PC070

Property Address: 4719 W Beach Blvd, Gulfport MS, 39501

Subject: MOTION TO STRIKE FRAUDULENT EVIDENCE, SANCTION PERJURY UNDER OATH, AND DISQUALIFY TESTIMONY FOR CONCEALMENT OF WITNESSES

The Plaintiffs, Michael and Kirsten Russell, formally moves this administrative body to **strike** the unauthorized inspection report read by Randy Wales, **disqualify** all statements made by assistant attorney Malcolm Jones, and grant an **immediate default approval** for the emergency removal of the subject hazard tree. In support of this Motion, the Plaintiffs show the following material breaches of law and administrative procedure:

I. PERJURY UNDER OATH & ILLEGAL DELEGATION OF AUTHORITY

1 During the first official hearing, Mr. Randy Wales testified **under oath** that he possessed a current state horticulture license and active arborist certifications.

2 Official state licensing records reveal this testimony was **patently false and constitutes perjury**. Mr. Randy Wales does *not* possess a current Mississippi horticulture license, nor does he hold valid arborist certifications.

3 During the second hearing, Malcolm Jones attempted to circumvent the city ordinance by having Randy Wales read a report authored by Mr. Erickson. Malcolm Jones claimed that under city ordinances, Randy Wales can legally delegate tasks and send proxies out if he is "too busy."

4 This administrative justification is a legal nullity. An official who is completely un-credentialed and unlicensed under Mississippi law **cannot legally delegate specialized arborist authority to a shadow proxy**. Randy Wales cannot transfer a professional credential or regulatory authority that he does not lawfully possess.

II. DELIBERATE CONCEALMENT OF WITNESSES TO EVADE CROSS-EXAMINATION

5 Neither Mr. Randy Wales nor the shadow proxy, Mr. Erickson, were able to refute or scientifically challenge the Plaintiff's certified TRAQ (Tree Risk Assessment Qualification) report.

6 To actively prevent the truth from entering the public record, Malcolm Jones engineered a calculated **suppression of confrontation and cross-examination**.

7 The Petitioner's certified TRAQ arborist was physically present in the courtroom, ready to defend her peer-reviewed data. However, Malcolm Jones purposefully structured the proceeding, so she was **never permitted to defend her report or speak**.

8 Simultaneously, Malcolm Jones deliberately ensured that **neither Mr. Erickson nor Mr. DeWitt were present in the courtroom**.

9 Malcolm Jones intentionally withheld his own "witnesses" from the chamber because he knew he could not risk having them cross-examined under oath. Such cross-examination would have immediately exposed that:

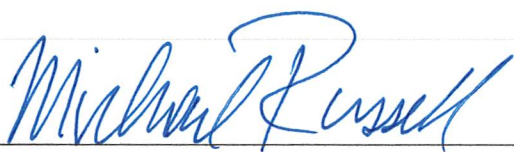
- **Mr. DeWitt** is entirely un-credentialed and unqualified under state law.
- **Mr. Erickson** was placed inappropriately, deceptively, and via a criminal trespass onto the Petitioner's private residential lot.
- **Malcolm Jones** had staged a malicious lie, intentionally falsifying a narrative to try and frame the homeowners for "tampering" to obscure his own administrative fraud.

III. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs formally requests that this Committee immediately enter an order:

- **STRIKING** the Erickson report read into the record by Randy Wales as an unauthorized, un-licensed fruit of an illegal delegation of power and a physical trespass.
- **DISQUALIFYING** any and all testimony or recommendations put forth by Malcolm Jones due to the malicious staging of false claims and the intentional denial of the Petitioner's administrative right to cross-examine city proxies.
- **ISSUING** an immediate emergency tree removal permit to protect human life and residential structures, thereby halting this multi-layered municipal fraud.

Dated this 9th day of JULY, 2026.
Respectfully submitted,

X 
Michael Russell, Plaintiff / Applicant

X 
Kirsten Wilson-Russell, Plaintiff / Applicant



URBAN DEVELOPMENT
PLANNING & ZONING
PO BOX 1780 | GULFPORT, MS | 1410 24TH AVENUE
228.868.5710 | PLANNERS@GULFORT-MS.GOV

PLANNING COMMISSION

Hearing Date: Thursday, August 6, 2026

Planning Commission Recommendation