

CITY OF ST. AUGUSTINE

City Commission Workshop Meeting
May 7, 2003

The City Commission met in a workshop session Wednesday, May 7, 2003, at 4:07 p.m. in The Alcazar Room at City Hall. The meeting was called to order by Mayor Gardner, and the following were present:

1. Roll Call:

George Gardner, Mayor/City Commissioner
Susan Burk, City Commissioner
Errol D. Jones, City Commissioner
Donald A. Crichlow, City Commissioner

Absent: William Lennon, City Commissioner

William B. Harriss, City Manager
James P. Wilson, City Attorney
Timothy A. Burchfield, Director, General Services
Mark Litzinger, Director, Financial Services
Paul Williamson, Director, Public Affairs
David Shoar, Chief of Police
Orfeo Paolini, Sound Technician
Karen Rogers, Recording Secretary

2. Discussion concerning street entertainers and vendors.

Mayor Gardner said the workshop was to provide the opportunity for the community to discuss whether the City could create a regulated busking experience in the historic district. He said that he considered it a test of whether the community could debate all the challenges facing the City and whether there were concerns that people should not be allowed to debate. He said they would have to face many challenges and make tough decisions in effort to move forward. He said that he would be more comfortable having an open debate from the entire community while planning the City's future. He stated that the argument of whether the plan would or would not work should be kept to a minimum, as he wanted to hear why

and how the plan would or would not work.

Commissioner Crichlow stated that it was good to have a forum in which everyone could discuss the situation intelligently and rationally to reach a livable solution.

Mayor Gardner opened the public hearing.

Leslie Garcia pointed out that they should not dwell on the past, but then he proceeded to reiterate past situations, and when Commissioner Jones pointed out his behavior he apologized.

Commissioner Jones suggested that they all be kind to one another or the Commissioners would have to workshop the situation without the help of the

public. He added that the Commissioners would not accept rudeness from anyone.

The following people spoke against opening St. George Street to the street entertainers:

- Deborah Spengler, 98 St. George Street
- Donna Parks, 18 St. George Street
- James Pennington, 103 Dolphin Drive
- Fred Harris, 12 S. Castillo Drive
- Phillip Castillo, 97 St. George Street
- Annmarie Smith, 23 May Street
- Sally Ann Freeman, 134 Marine Street
- Tom Wright, 410 Arrendondo Drive
- Frederick Williams, 62 Spanish Street
- Robert Hall, 42 Spanish Street
- Richard Pinto, 105 St. George Street
- Michael Ellis, 166 Twine Street
- Michael Pounds, 21 Orange Street
- Amber Bolean, 316 13th Street
- Len Weeks, 64 Hypolita Street
- Michelle Vygen, 206 16th Street
- Crystal Kessler, 81 St. George Street
- Joy MacMillan, 154 St. George Street

Some of the comments made by those against opening St. George Street to the street entertainers were as follows:

- People against busking on St. George Street had been verbally abused, threatened, and their belongings vandalized
- The noise from the entertainers distracted customers and interfered with business in general
- The constant noise from the entertainers caused a great deal of stress to the residents and business owners
- Who would monitor the entertainers
- Do not change the ordinance
- The street entertainers could not be controlled, because they would not obey the rules

- St. George Street was too narrow for the entertainers to perform on; in some areas 20-feet wide
- The entertainers were provided with all the rest of the City to perform and they chose not to use it
- The entertainers needed monitoring and proper space, as they should not infringe on people's privacy
- St. George Street was a neighborhood
- Why did the Commissioners think they were charged with the responsibility to provide street entertainment, and who were they providing it for
- Street entertainers did not vote or pay taxes
- St. George Street was not better with the entertainers on it
- Changing the ordinance would result in another lawsuit
- A good idea to close the surrounding streets and expand the walking pedestrian base
- Merchants or residents should not have to ask the entertainers to move, it would not work anyway
- The entertainers blocked the entrances to businesses
- Street entertainers in Europe and other areas of the U.S. were stationed in areas that were big enough to accommodate them
- The congestion on the street made it difficult to get through the crowds
- The crowds were a safety hazard
- The charm of the historic City would be destroyed and discourage visitors
- When the Peck House was removed it could be used for the entertainers
- *Art in Public Places* should be examined to see how they functioned
- The street entertainers required control and monitoring on Spanish Street as they were keeping people from sleeping at night
- The Commission was repeating the past

- Did the City want visitors to think the street entertainers were sponsored by the City
- Everyone on St. George Street feared that the past situation on the street would be repeated
- The Commission was commended for allowing visual artist to paint on St. George Street as well as special events such as Night Watch
- If it was the Mayor's vision it was visionary, but if it was the merchants and residents vision it was the past and not to be heard
- Do not want vendors selling T-shirts in front of my shop
- The City would be throwing away more money by changing the ordinance
- There are more important issues that should be addressed than street entertainers
- How can they regulate the entertainers
- The matter was a recipe for conflict and anxiety
- A committee had been formed (6 merchants, 6 entertainers, 6 residents and 2 people from the newspaper and Commissioner Reardon) in the past to write an ordinance but they had failed
- Vancouver had written an ordinance for the busker which drove them off the street into the parks and currently they were having problems in the parks
- Most cities that had a working relationship with street entertainers did not allow performance on the pedestrian right-of-way
- A sincere effort to promote the street entertainers in the Plaza, bayfront or some other area should be made ¹
- The Key West Art Association leased and controlled Mallory Square, and to Busk one had to audition
- The street entertainers had never been banned
- Street performers should be investigated to be certain they were not criminals, because they made comments and actions that were threatening to women and a bad influence on children
- A lottery situation could work for the street performers
- Qualified performers in period dress would be nice
- The neighborhood was serious about protecting itself
- Seek the best legal advice available to be certain whatever decision was made would hold up in court
- The problem was not the street entertainers it was imposing them in the middle of the most historic street in the community
- It was suggested that as an elected official Mayor Gardner put his personal views aside and listen to the neighborhood
- The busker proposal was a good idea in theory, but it was not practical
- Sales had increased on St. George Street since the street entertainers had gone
- The issue was about money, but the merchants took responsibility to earn their money
- Street entertainers did contribute to the history and charm of the City
- The entertainers had manipulated the City and the Constitution of the United States long enough, and they were not on the same level as the re-enactors, as the re-enactors did not receive money for their participation in the City's rich history

The following people spoke in support of opening St. George Street to the street entertainers:

- Bob Jones, 45 Carrera Street
- Ralph Hayes, 1505 SR 207
- Roger Jolley, 82 Kingsferry Way
- Britt Craig, 111A Avenida Menendez
- Charles Dickinson, 1356 Grant Street

¹ End of audio tape one

- David Thundershield Queen, Fountain of Youth Boulevard
- Les Garcia, 205 West King Street
- Amy Barnes, 51 Cordova Street
- Debbie Boon, 1356 Grant Street

Some of the comments made by those in support of opening St. George Street to the street entertainers were as follows:

- Did not like the term buskers
- Ghost Tours congested St. George Street
- People were hawking Ghost Tour tickets on the street
- If the entertainers were regulated it would be successful; therefore the City needed a coordinator
- The clubs made more noise
- Allow the entertainers on St. George Street at night
- The workshop was a farce
- They heard continual lies and false arguments about a neighborhood and a street when in fact St. George Street was a commercial district
- In the past the entertainers had followed all the rules, but there had not been rules or regulations for about 2-years
- A buskers convention in St. Augustine was a good idea
- The community was a greater body than the people currently present at the meeting
- A distinction should be made for visual artists
- They were experiencing the privatization of a public street
- St. George used to be beautiful, but currently it was devoid of the diversity of culture, arts, crafts, and small vendors, which had taken the life out of the City
- They should all work together for the middle ground
- The Commission was sworn to defend the Constitution of the United States
- The Commission had destroyed the prohibited public area concept by allowing the self serving activities,

- such as parades/processions and painters on St. George Street
- The giving and taking of money was considered protected speech
- Every dollar that the merchants lost to the entertainers was a vote for the entertainers
- Visitors asked where the street entertainers have gone
- The situation was discrimination
- Set up small booths in the middle of St. George Street for the entertainers to rent for performance
- There should be a one hour rotation for the entertainers on St. George Street
- There should be a committee that would hear any problems created by the entertainers
- Allow the entertainers in the Plaza during the day and on St. George Street from 6:00-10:00 p.m.
- Prior to 1995 there were 12 street entertainers who paid a \$50 fee, were finger printed, provided proof they had no communicable diseases, and they rotated on a voluntary basis every two hours.

Some comments made by the Mayor in response to the public were as follows:

- The definition of buskers is traveling minstrels and performance for donations
- Performing in an area that was not congested was an excellent point
- The Commission was exercising the right of all elements of the community being heard
- The community was bigger than the four blocks of St. George Street
- Wished he had it in his power to open St. George Street to vehicular traffic and close Charlotte, Treasury, and Cuna Streets so the hordes of ugly people could screw up their neighborhoods
- The current noise ordinance should be thrown out

- The street entertainers situation had gotten out-of-hand in the past
- He was not married to the idea of bringing the entertainers back, but he wanted the whole community's input
- A monitor would be certain that residents or visitors were not uncomfortable with the entertainers
- People were living the past, but he was looking for fresh new visionary ideas to determine whether street entertainment was a colorful addition to the market place or not
- There were intentions of using the property the Peck House sits on to link the Costillo and the Spanish Quarter
- If the street entertainers were keeping people awake at night they should call the police
- It was interesting the no one came up with the idea to allow visual artists and parade/processions until the current Commission
- Allowing the artists and the parades on St. George Street was opening the City up to a 14th Amendment challenge

Commissioner Burk stated that she was not hearing anything new, and she suggested that the Commission form a committee to develop a street entertainer ordinance to prevent a repeat of the past.

²

Commissioner Crichlow stated that he respected the plights of both sides of the issue. He said most importantly it was the impression that visitors left St. Augustine with. He said that if they did not give the visitors what they wanted they would not return, which would be the downfall of the City. He said there had been some good suggestions; however, the reality and legality constraints were prohibitive.

Commissioner Jones stated that some good points had been revealed through

the public hearing; however, there were few comments on the Mayor's proposal. He said that because of the Sunshine Laws he had not been able to discuss the Mayor's proposal with him. He suggested that the Commission continue the workshop at another time to enable them to discuss the matter, because he wanted to hear what they thought about the matter, and he wanted to hear from the City Attorney and Chief Shoar. He said that it might not be possible to change the ordinance, but he would like to work with the situation a bit longer.

After a brief discussion it was determined that the workshop would be held on May 13, 2003 after the San Sebastian project.

Mayor Gardner stated that he appreciated the input, but he was sorry it was a history lesson rather than a creative new venture. He added that he was disappointed in the community at large for not taking part in the workshop.

Commissioner Jones noted that perhaps it was an issue the community did not care about.

Mayor Gardner stated that he had originally supported the ordinance although it took everything off the street according to the law. He said the idea of revisiting the ordinance was to rectify the error the City had been forced into. He said that he would like to restore former Mayor Frasier's vision of a Spanish Williamsburg. He suggested that the architecture on St. George Street from Hpolita to the Cathedral had no redeeming value. He said that he would like to get Disney to bring that historic experience to the street.

Commissioner Jones noted that the Commission had not addressed the issue of the vendors in the Plaza, but they would do that on May 13th also.

² Commissioner Burk departed at 5:30 p.m.

Mayor Gardner stated that he had received complaints from people about the attention St. George Street received when King Street, San Marco Avenue, and other historic streets needed attention.

Commissioner Crichlow suggested that if the Commission was going to address the issue of the architecture on St. George Street from Hypolita Street to the Cathedral that they bring in historians and not Disney.

3. Adjournment

There being no further business, the meeting was adjourned at 6:48 p.m. ³

MAYOR

CITY CLERK

³ Transcribed by Karen Rogers, Recording Secretary