

## CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
February 27, 2006

The City Commission met in a formal session Monday, February 27, 2006, at 5:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Mayor George Gardner, and the following were present:

### Roll Call:

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

William B. Harriss, City Manager  
James P. Wilson, City Attorney  
Martha V. (Nell) Porter, City Clerk (Recording)  
Timothy A. Burchfield, Chief Administrative Officer  
John Regan, Chief Operations Officer  
Mark Knight, Director, Planning and Building Department  
Bob Leetch, Director of Utilities and Public Works  
Dr. William Adams, Director, Heritage Tourism  
Paul K. Williamson, Director, Public Affairs  
Loran Lueders, Chief of Police  
Jimmy Owens, Fire Chief

### **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Reverend Byron Hodges, St. Mary's Missionary Baptist Church, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

### **3. ADMINISTRATIVE ITEMS**

#### **3.A/ Modification of Agenda**

(None)

#### **3.B/ Approval of Minutes**

The minutes of the regular City Commission meeting of February 13, 2006 were approved as presented.

#### **3.C/ Proclamations**

- 2006-09 - International Women's Day in the City of St. Augustine

Mayor Gardner read and presented to Nell Porter, City Clerk.

#### **4. General Public Presentations and Comments (3 minutes per presentation with maximum total time limit of 20 minutes).**

Jay Bliss, 12 Oglethorpe Boulevard, spoke on behalf of the boaters regarding Harbor Management and recommended a fair arrangement for transient accommodations along with secure mooring and operational craft. He expressed concern about the potential charges and requested the Commissioner's consideration.

Ed Slavin, P. O. Box 3084, questioned whether the City was dumping toxic material at the Holmes Boulevard infiltration channel,

whether there were wetlands in that area, whether the City had permits to do so, who ordered the dumping, how long it had been going on, why it was being done, the total volume of the dumping, whether the City had acquired legal advice and who was aware of the situation. He recommended that the City Manager and Attorney answer the aforementioned questions under oath. He questioned whether they would call for the dumping to stop, whether there had been remediation and whether there would be an excavation and investigation. He questioned who would respond to the DEP on the February 17<sup>th</sup> national response center report regarding the dumping. He asked further related questions and stated that he had requested documents from the City without response. He criticized the employee minority imbalance in City Hall.

Doneen Strong, 18 S. Leonardi Street, spoke regarding the truck traffic on Leonardi Street and requested the Commission's consideration.

David Thundershield Queen, P. O. Box 270, spoke regarding the City dumping toxic material at the Holmes Boulevard infiltration channel and stated that he was going to follow the matter closely and reminded the Commissioners of their stewardship responsibilities for the land. He again recommended a progressive property tax on the ultra rich citizens buying land and further recommended a moratorium on new residential development.

Jerry Butterbaugh, 21 Leonardi Street, requested that the Commission get the truck traffic off Leonardi Street. He claimed that the City had taken their trucks off the street while conducting a survey to discredit the residents. He suggested that City Staff and the Commissioners were not being cooperative with the residents of Leonardi Street.

## **5. PRESENTATIONS AND STAFF REPORTS**

### **5.A/ Presentation regarding West King Street chicken population.**

Timothy A. Burchfield, Chief Administrative Officer, reported that the City had received a letter from Mr. Carter and Mr. Lewis regarding the chickens in the Arenta Street west to Pellicer Lane area requesting that the City control the chicken population. He stated that staff had not conducted a formal chicken count; however, it was claimed by the aforementioned residents that there were approximately 100-135 chickens.

Mr. Burchfield said staff had contacted a trapper that estimated \$15 per chicken for trapping and relocation making the estimated total cost between \$1,500 and \$2,000.

A brief discussion determined that relocation would be to farmland.

Gregory Carter, 14 South Leonardi Street, requested that the Commission execute a plan to eliminate the chicken problem in his neighborhood. He explained that the Sheriff's Department (the only agency that responded to his first complaint) had tranquilized over 100 chickens the previous spring costing the taxpayers thousands of dollars, but leaving the remaining 100 chickens had caused the population to continue to increase. He pointed out that the bird flu was spreading around the world and 99% of the infected people had contracted the disease from chickens in residential areas.

A brief discussion determined that the St. Johns County Animal Control addressed situations concerning cats and dogs, but not nuisance animals; moreover, there was no apparent ownership of the chickens.

Doneen Strong, 18 S. Leonardi Street, stated that Mr. Carter was the only person complaining about the chickens, which had roamed the area since she was a child. She claimed that the chickens served by cutting down on bugs, they were not diseased; moreover, she and her neighbors liked the chickens. She reiterated that there was only one person complaining about the chickens, and she suggested eliminating the roosters.

Commissioner Boles pointed out that the Commission did not have to provide a solution for every complaint that was brought before them, as he envisioned that if they addressed the chickens they would also be confronted with requests to remedy the parrot, squirrel and raccoons population. He questioned whether there was anything in the Code regarding animal control that could impact the situation; moreover, he did not believe they should do anything.

Mr. Burchfield replied that if a citizen owned chickens they had to be retained on their property; however, no one had claimed ownership of the chickens in question; therefore, the City could not cite anyone.

Commissioner Burk stated that she could not support the City taking action against wild animals; moreover, she thought the chickens were charming.

A brief discussion determined that the residents of the area could legally trap and humanely dispose of the chickens.

Commissioner Crichlow expressed concern about odor and health problems related to the chickens.

Commissioner Burk stated that when recently in the area she had not noticed either chickens or an odor. She pointed out the amount of wild animal dropping that naturally occurred in nature and suggested that the problem would be appropriate for the newly forming neighborhood association in that area.

Commissioner Boles suggested that it was a problem that was going to have to take care of itself, as the City had no mechanism to assess a fine.

Commissioner Crichlow stated that someone would have to do something when there were 100's of chickens roaming the area.

Commissioner Boles suggested deferring to St. Johns County Animal Control.

A brief discussion concerning the number of chickens determined that counting the chickens would be a difficult task.

Ms. Strong stated that the chickens were not a health hazard, Mr. Carter was the only person complaining about the chickens, and she suggested that tax dollars could be better spent. She exclaimed that the Commissioners were spending too much time talking about chickens.

Jerry Butterbaugh, 21 Leonardi Street, noted that the residents were trying to control the number of chickens themselves by disposing of the eggs.

Mr. Harriss agreed that the public was exerting some control, which the City encouraged. He pointed out that the City could remove some of the chickens, but they did not need to get into that type of business.

Commissioner Burk stated that she would like to actually hear from a neighborhood association in the area whether there really was problem.

Commissioner Crichlow pointed out that he had not heard anyone say that they would like some of the chickens gone; therefore, he recommend that the City spend some money to achieve a compromise while the neighborhood association was developing.

Mayor Gardner suggested getting rid of the roosters.

Commissioner Burk questioned what they would do when residents complained about raccoons.

Mr. Harriss agreed that the City would be involving itself with a new element.

## **MOTION**

**Commissioner Boles MOVED that the City continue its current practice of referring animal control issues to the county, which had an Animal Control Division, and other than passing the information on, take no**

**action whatsoever. The motion was SECONDED by Commissioner Burk.**

Commissioner Jones stated that he appreciated the motion; however, it accomplished nothing, as they were well aware the county would not address the matter.

Commissioner Burk pointed out that the county had addressed the matter in the past year.

Mr. Burchfield stated that after talking with the county they had indicated that they addressed dogs and cats only.

Commissioner Jones suggested that the Commission should not try to fool the public by deferring the problem to an agency that would do nothing. He recommended that staff research thinning the chickens, especially the roosters.

**VOTE ON MOTION**

**AYES: Boles, Burk**  
**NAYES: Crichlow, Jones, Gardner**  
**MOTION FAILED 3/2**

**MOTION**

**Commissioner Jones MOVED to ask the City Manager to move forward with contracting the problem to the appropriate body in attempt to eliminate a part of the [chicken] population, maybe 30-40, and target the roosters. Commissioner Crichlow SECONDED the motion.**

Commissioner Crichlow added that the motion would appropriate the necessary funds to address the problem.

Mr. Burchfield added approximately \$15 per chicken, which would be less than \$750. Commissioner Boles clarified that the motion assumed that there was a problem for the neighborhood, assumed that it was the City's responsibility to fix and assumed that the Commission was authorized to use City wide taxpayer money to do so.

**VOTE ON MOTION**

**AYES: Jones, Crichlow, Gardner**  
**NAYES: Boles, Burk**  
**MOTION CARRIED 3/2**

**6. ITEMS BY CITY ATTORNEY**

(None Scheduled)

**7. ITEMS BY CITY CLERK**

**7.A/ Notification of Proclamations**

- 2006-08 – Certificate of Recognition to Avis C. Chase.

**8. ITEMS BY CITY MANAGER (Includes Consent Agenda)**

**8.A/ Consent Agenda**

**8.A.1/ Preview of upcoming Commission Meetings.**

**8.A.2/ Release of Liens on Unit Connection Fee Mortgages.**

Mr. Harriss, City Manager, read the Consent Agenda items.

**MOTION**

**Commissioner Jones MOVED to approve Items 8.A.1. and 8.A.2. on the Consent Agenda. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.**

**8.B/ Discussion Items**

(None Scheduled)

**9. ITEMS BY THE MAYOR AND COMMISSIONERS**

**Commissioner Boles – Harbor Management Plan**

Commissioner Boles reported that the City had received a tentative plan from the engineering firm that was working on the harbor management system.

John Regan, Chief Operations Officer, stated that the Port Commission would deliberate how to proceed over the next couple of months.

Commissioner Jones – Infrastructure

Commissioner Jones requested that staff provide him with documentation regarding the City infrastructure. He added that he had told staff what he required for developing a long term plan to address the City's infrastructure.

Bob Leetch, Director of Utilities and Public Works, reported the status of current projects.

Commissioner Crichlow – Speed Humps

Commissioner Crichlow reported that the speed humps installed by the City did not create a noise problem.

Commissioner Crichlow acknowledged City Staff for their efforts during the Menendez Birthday celebration.

St. George Street

Commissioner Crichlow distributed photographs of the tree wells on St. George Street and recommended that the City plant flowers in the wells in order to beautify the street and enhance the visitor experience.

Mayor Gardner suggested that the curbing around the tree wells was hazardous to foot traffic. He said that he heard of one good suggestion for wrap seating around the tree wells.

Mr. Harriss stated that there was no problem planting flowers, but there was a problem with maintenance, as there was no water on the street; and it would have to be transported.

Commissioner Burk suggested drought tolerant plantings.

Consensus was to move forth with the suggestion.

Mayor Gardner – Menendez Celebration

Mayor Gardner expressed appreciation for the success of the Menendez Birthday Celebration, and suggested that the student exchange was the most important element of the City's relationship with Aviles Spain.

Mayor Gardner delivered an update on obtaining state funding for the state owned historic City properties. He distributed a copy of a brochure made for the legislature outlining what he was trying to accomplish and why.

**10. Appeals and Public Hearings**

(None Scheduled)

**RESOLUTIONS AND ORDINANCES (To include public hearing)**

**11.A/ Resolutions**

(None Scheduled)

**11.B/ Ordinances - First Reading**

(None Scheduled)

**11.C/ Ordinances – First Reading – Public Hearing Required**

(None Scheduled)

**11.D/ Ordinances - Second Reading Public Hearing**

(None Scheduled)

**12.A/ General Public Comments (5 minutes per individual).**

The following people spoke:

- Ed Slavin, P. O. Box 3084, reiterated that he wanted his aforementioned questions regarding dumping answered. He recommended that the entire agenda packet be included on the City website. He reiterated all the items he introduced in item 4. and made further haranguing comments toward the City Manager. He

spoke in support of a strong mayor type of government. He complained about the lack of response to his e-mails.

- David Thundershield Queen, P. O. Box 270, stated that he wanted the ordinance regarding the Red House PUD revisited, because Mr. Graubard and Mr. McClure had lied during their presentation. He stated that it had been a month since he requested the City affirmative action policy regarding hiring, with no response. He stated that he wanted the street entertainer ordinance revisited, and he pointed out that three Commissioners were up for reelection, and he suggested that if they did not revisit the items as he had demanded, they would be out of office. He spoke regarding American Indian history.

Commissioner Jones said that he was not running for reelection and he stated the following:

- The City Manager was not the head of the City the City Commission was, and the City Manager worked for the Commission.
- That he approved of the City Managers actions, although he did not always agree with him.
- He was not totally pleased with the minority employee percentage at City Hall, but he recognized the problems and was constantly talking with the City Manager or staff in effort to address the situation.
- He welcomed any minority group that was interested in moving to the area to work with the City, Firefighters and Police, administrative positions or the school system.
- He was always looking for minority candidate suggestions from residents of the City.
- Minorities, African Americans, were not easy to get but he was always looking for them, and if anyone had any ideas please call him, as he would personally walk a minority member through City Hall and the employment process and attempt to help them find jobs.
- He clarified that he did not believe the City was working against that cause, he

would not accuse the City of doing so at that time, and he stated that he would continue to apply pressure.

- He questioned how a City the size of St. Augustine could operate with a strong mayor type of government.
- He would rather speak to citizens in person and would not do so by e-mail.
- It was easy to make accusations and comments without any proof.

**12.B/ GENERAL PUBLIC PRESENTATIONS AND COMMENTS (15 minutes per presentations)**

(None Scheduled)

**Adjournment**

There being no further business, the meeting was adjourned at 6:40 p.m. <sup>1</sup>

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MAYOR

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CITY CLERK

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<sup>1</sup>Transcribed by Karen Rogers, Recording Secretary