

City of Coral Gables City Commission Meeting
Agenda Item G-3
March 28, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner James Cason

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Deputy City Attorney, Stephanie Throckmorton

Public Speaker(s)

Agenda Item G-3 [2:16 p.m.]

Update on the peafowl mitigation program.

(Sponsored by Mayor Lago) (Sponsored by Commissioner Menendez)

Mayor Lago: Let's move to G-3. Peafowl mitigation – we have been getting a lot of e-mails about people who are wanting to find a solution for peafowls in one form or another. I want to put on the record, what do we have available at our disposition right now?

Deputy City Attorney Throckmorton: Certainly, so thank you Mayor. If you all may recall, at the end of last year in the fall, the City Commission adopted an updated peafowl mitigation policy which was also approved by the County Commission. We initially brought this policy to the County Commission for approval, resulting from a change in the county code, which allowed municipalities to opt out of a prohibition on the removing of peafowl if they had a peafowl mitigation plan approved by the city, by the County Commission. So, this peafowl mitigation policy went to the County Commission with some feedback from the County Commission, it was then approved. So, this is the current peafowl mitigation policy adopted pursuant to Resolution

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2022-285 and approved by the Board of County Commissioners. On private property, residents and business owners may contract with a private entity that specializes in the humane removal and relocation of peafowl to address peafowl on private property. Peafowl, their nests and eggs may not be harmed or killed in the process of removal and relocation. The city does not have an animal control department and shall not address any nuisance animal complaints related to privately owned property. For public rights-of-way and city owned property, the city shall annually budget \$5,000 for the removal and relocation of peafowl from the public rights-of-way and city owned property. Again, peafowl, their nests, and eggs may not be harmed or killed in the process of removal or relocation and the Code Enforcement Division shall be responsible for administering the fund and coordinating the removal of peafowl using one or more private companies that specializes in the humane removal and relocation of peafowl. The humane neutering program, the city shall research and investigate options to professionally and humanly sterilize or neuter peacocks in order to manage the peafowl population in the city. Any neutering program implemented by the city will be done so without causing harm or death to the peafowl, their nests, or eggs. As you recall, there's a county code provision which preempts the city from doing or residents from doing the harm of death to peafowl, their nests or eggs, and because of that in the limited scope we've been given by the County Commission, we adopted this peafowl mitigation policy which is approved by the County Commission. So that's the current status of the law as it relates to peafowl here in the city.

Mayor Lago: So basically, our hands are tied.

Deputy City Attorney Throckmorton: So, residents can, in accordance with this policy, contact private catchers, just like you would for a racoon or whatever other pest animals you have, and then the city has a budget of \$5,000 through the Manager and the Code Enforcement Division to address those on public rights-of-way and public property.

Mayor Lago: And let me tell you the issue. First off, by the time you call for the service they're gone; number two, Coconut Grove is infested with peafowl, and they are just crossing LeJeune nonstop, they are coming into our area. They are in my neighborhood already; they are all over the neighborhood.

Commissioner Anderson: They are up here too.

Mayor Lago: Again, I feel bad when residents send us e-mails, as you can tell this past week we've had several, and I have to basically send it to the county for County Commission and say, what would you like to do about this issue.

Commissioner Menendez: Is my peafowl photo available? – there it is. I take pictures of peafowl too. That is on Ponce, that is north of Bird Road, and my concern has to do with our downtown, because we've gone to great efforts to have outdoor cafes, events, activities, you know people –

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Our downtown area is, I think, thriving and my concern, other than obviously, the residential areas and what they can do, the damage they can do to cars and disrupt life, as we try to enjoy it, but if that continues to migrate towards the downtown, it could have a serious implication on the health, the economic health of a lot of businesses, because you can only imagine its lunchtime and you have people outside, and the peafowl are disrupting patrons of restaurants, movement around. So, one thing is what we've come to know as their migration; the other thing is, if this gets any worse, basically the economic engine of our city could be at risk. So, I have a concern, big concern there.

Commissioner Anderson: Well, I'm going to give you the flip side of the coin there. I'm concerned about the businesses too and the loud noises and the stretching that they do, but for the county's concerned on environmentally endangered lands, I've learned a lot going down to Camp Mahachi and helping out with the girl scouts project down there. These are very damaging to some of the Paradise trees that they are putting in. These birds are not shy at all. You basically have to almost run them over to get them out of the way, they finally move out of the way, but they are kind of stubborn. They are used to humans; they are damaging a very expensive project; we have to protect the trees from that. So, on one hand you want to protect the invasive species, but on the other hand we're trying to restore lands, we're putting hundreds of thousands of dollars into the restoration of those lands, but yet you're allowing this to go on. So, there's got to be a balance to be able to control the species, this invasive species from not only migrating into our communities, but sensitive lands, the Everglades. We've got to draw the line somewhere because before it gets to the point where we have the snakes out in the Everglades that we don't want.

Commissioner Cason: I used to have these in my residence grounds in Paraguay and what a nuisance, what a disaster. Peafowl pooh is a mess. Can you imagine and talking about million-dollar statues, on the awnings of downtown, you're sitting underneath. We were just talking about cleaning up sidewalks, the damage they are going to cause to our downtown and to our statues and our villages are going to be tremendous. It's going to cost us a lot of money to clean up after them.

Mayor Lago: The reason why we put this on was to make sure people are aware, these are not native species, they are taking the place of native species, and they don't have any natural...so we're in a situation where they are loud, wake people up early in the morning, they are aggressive to young children, they ruin things, cars and fecal matter is pretty significant.

Commissioner Menendez: So, since we're sort of tied at the hip with the county...

Mayor Lago: City of Miami doesn't want to address it.

Commissioner Menendez: Has the state ever addressed this? Now it's a little late but is it something that we can try to bump up with other cities and let the state sort of help dictate.

Deputy City Attorney Throckmorton: So euthanization of peafowl is not prohibited on a state level, on their relocation is covered by the Florida Administrative Code, as they are an invasive species, you cannot simply relocate them anywhere. But there's nothing in state law that prohibits the capturing or euthanization of peafowl. There is a county code provision and that's what governs here and what ties our hands.

Commissioner Menendez: As a government body, next state session, legislative session, maybe with the help of the Law Department, see if we can perhaps talk to someone there, if not a bill, administratively that they can overrule county and provide us some wiggle room, you know.

Deputy City Attorney Throckmorton: So perhaps addressing the county code provision would be the simplest way to do that. This body has urged the County Commission to address that multiple times and this new adoption of the policy was a first step in that direction and I believe we were the first municipality to bring our peafowl mitigation plan to the BCC for approval, I'm not sure if anyone else has in the meantime, but this was sort of the first concession that the Board of County Commissioners made to those requests.

City Manager Iglesias: Mayor, Commissioners, we tried to approach Dade County on the fact that this is an invasive species, it really should not be protected, and to maybe change the ordinance to protect the native species. We also contacted Friends of the Everglades and Everglades National Park to try to help us convince the County Commission, to no avail. Friends of the Everglades and the Feds from Everglades National Park did not provide the kind of help that I thought we would get, because just like the pythons got to Everglades National Park, these will eventually cross Krome Avenue and get into Everglades National Park. So, we could not, but I do think that maybe since we have a totally different County Commission, maybe we could look at the ordinance based on protecting native species. We are losing our native species from South Florida. These species are much more aggressive, they come from a much more aggressive eco-system and our species really don't have a chance, as we see with the pythons and everything else.

Mayor Lago: By the way, the lizards outside, you see less and less native lizards.

City Manager Iglesias: They are huge and the pythons at Everglades National Park, Mayor, as you know. So, the park is in danger; it's in danger now from another invasive species. I was surprised that we got no help from them.

Commissioner Menendez: Can we get updates on progress with regards to the county, like I said, it's a race between government enacting something that makes sense and the migration. The last thing I want is at a Commission meeting at the podium is a peafowl, you know, its getting closer and disrupting life as we know it, and if the county or others want to drag their feet, then we need to push a little bit harder, if you could please update us. And for the folks that are watching, we're actually trying to preserve the quality of life of our residents, the people. This isn't one type of

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animal versus, it's about quality of life. We want to do things fairly, but we are aware that it's an encroaching problem that will impact the quality of life of a lot of residents and residents in other parts of the county. So, it's not something that we have a vendetta against peafowl, it's that we honestly are concerned we want to protect our community and the people that live here.

Deputy City Attorney Throckmorton: We can certainly work with the City Attorney and the City Manager's office to reach out to the county to see if there is any movement on that.

City Manager Iglesias: We will attempt to reach out again to see if there is any change.

Mayor Lago: Maybe to Commissioner Cabrera. Okay. Thank you.

Deputy City Attorney Throckmorton: Thank you.