

**Town of Pomona Park - Town Council & Public Hearing Meeting Minutes**  
**Tuesday, August 11, 2020 (6pm) This meeting was held at Town Hall for Council only and for Public VIA TELECONFERENCE. Call 1-888-204-5987 Access Code is 3674654#**

Mayor Joseph Svingala presided. Council present were Dr. Robert Warren, CarrieAnn Evans, Patricia Mead, James Griffin, and Victor Szatkowski were all present. Attorney Sherar, Deputy Clerk Kelly Krupski were present. Lynda Linkswiler and Clerk Donna Fontana were absent.

Mayor Joseph Svingala led in the pledge to the flag. There was a moment of silence for residents Beth Carter, one of the best supporters that this Town of Pomona Park has ever had in word and in print with the Crescent City Journal. We will surely miss Beth. Mayor Svingala called the meeting to order at 6:00 pm and welcomed everyone. I just want to say one more time because of all she's done for us, God bless Beth and we will certainly, every one of us in this whole town will miss her input and her support.

Judy Szatkowski said, that it is hard to hear the Mayor. Lynda is probably not there because she had to admit her husband into the hospital today. Mayor said, I am right on top of my speaker and I can't speak much louder. I think the Attorney in the back of the room has ear muffs on because I'm so loud, but I will do my best and I'll have Kelly do as much as possible tonight so you do get the proper communication. Thanks Judy.

Deputy Clerk read correspondence.

The Mayor asked all council members if they were comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this virtual meeting? The Mayor took a roll call and it was unanimous that all council approved.

**Meeting Minutes:**

The Mayor requested approval of the Minutes from 7/21/2020, and 7/28/20. Councilwoman Evans made a Motion I adopt minutes of 7/21, and 7/28/20 minutes and it was seconded by Councilman Warren. The Mayor took a roll call. They were approved with 6 votes and 1 absent.

**Unfinished Business:**

Treasurer Krupski gave the financial review. There were no questions. Councilman Griffin asked about 335.14 on page 16. The mobile home licenses, it says \$370.99. That's per home? Treasurer said yes, that's something that we get from the County. The County sends it directly to us because they're who collects it. Councilman Griffin asked, we can use that for all the home? Treasurer said, I believe that's for new homes. That's what the County has sent us this year, so it changes every year. Councilman Griffin said, so I understand, all the mobile homes that are in Pomona Park, we get the sum of \$370.99? Treasurer said, for new mobile homes. Councilman Griffin asked, do we get a yearly license fee for those? Treasurer said, no sir. Councilman Griffin said, they don't have to buy a tag each year? Treasurer said, no sir. Mayor asked for any other discussions on the financials. Treasurer said, if there's no discussion on the financials and Lynda Linkswiler is not on the call, the next that we'll go down to is the New Business. Attorney Sherar and Council member Szatkowski for 171 Lake St. Mayor said, let me

just speak one second for Lynda Linkswiler for Beautification. I know I do at the end of the meeting so just in case something happens here, who knows. The Beautification will have a meeting 10am, Thursday morning at Mayor's Park under the pavilion. Everyone must wear a face mask for everybody else's safety.

**Guest Speakers:**

None.

**Public Hearing items:**

None.

**New Business:**

Attorney Sherar said, the issue is this. Mayor asked if everyone could hear the Attorney and several replied, no. Attorney said, this is the situation and I'll sum it up and Vic has got some issues and the perspective buyer has an attorney here, Lex Taylor and he and I have been talking about this. I sent something out, I don't know if everybody got it and I know Vic delivered something today too on this same issue. This is the property. Councilwoman Evans said, the attorney is echoing and cutting in and out. Councilwoman Mead said, we hear about every 4<sup>th</sup> word. Attorney asked if that is better and they said yes. This involves the property at 171 Lake St. which is where the kennels are. The lady is getting ready to sell the property. The new buyer is looking for a Zoning Letter, he raises. Let me ask you this, can everybody when you're not talking put your phone on mute? That might cut out a lot of the background that we're getting. The person that is purchasing the property trains service dogs and he's looking for a Zoning Letter or some kind of a comfort letter so if he buys the property he doesn't have to worry about doing that activity on the property. Attorney again asked everyone to mute their phones. We're trying to sort out 171 Lake St. In doing the research on this, I thought the property was zoned commercial, because the Property Appraiser for some reason has the front part of the property which is on Lake St. as a commercial use, which it is a commercial use but then they also have on the back of the property its low density residential. Apparently, the only official document that we have in Town as to the zoning of the property is the Zoning Map and it shows it as being AG. I've talked with Donna and Kelly to try and go back in the old ordinances and see if we can find any ordinance on the zoning and apparently, we've got nothing on the computer. There's a Zoning Map that says its AG. Vic in doing his research, which I think all of you got a copy of his paperwork. There's a notation from I guess some minutes, where in 1993 the owner of the property came up when the Town put in zoning and had issues and as Vic talks about in his summary, this was something which was supposed to be taken care but apparently never taken care of. Why its zoned AG now, I don't know. This is the only thing I can go by, if somebody can come up with something that shows the zoning was changed to something else, my opinion would change. I would recall to those of us that were here during the Comp Plan which was I know was Joe, Doc Warren, Pat, Vic was here at the end of it. This property came up and I remember us having a discussion because the lady came in to talk about it and somehow on the future land use the front part of that property got designated for commercial. Councilwoman Mead said, I thought we had straightened it all out at that time. I remember her coming in and we spent a lot of time discussing it. Attorney said, I thought we had straightened it out too, well, it looks like the way we straightened it out was we acknowledged her use because we approved a future land use change to commercial. Now kind of jumping ahead, not to steal Vic's thunder.

Vic brings up this points in the Comp Plan which are valid points but unfortunately when you put in a map change, you kind of override your policies because your policies are where you're going to go on your generally designated property as opposed to your specific properties which have already designated. If this map is correct, which is the only thing I can go by. The current use is AG and I sent something out, I don't know if everybody got it. I emailed it to everybody. Raising dogs is considered animal husbandry and in Florida, animal husbandry is a general definition for AG activity, therefore the activity which they are proposing would be consistent with the current zoning on the property. Now as my understanding that the lady down there now has got these little yappy dogs which cause problems because like Vic is right there in the neighborhood. There's a difference between a permitted use and using the property in a permitted manner which operates to interfere with your neighbors use of their property. Those are 2 separate, distinct issues. For instance, in an AG area you can have a hog farm but that doesn't mean you can have the hog poop so close to your neighbor that he can't live in his house because it stinks so bad from the hog poop. I'm kind of saying some things that other people would be saying because of the situation we're in but I've talked with Mr. Taylor who is the attorney for the proposed property owner. These are going to be service dogs, so this is not a boarding kennel which is what I believe is what the lady is operating now. This is a training and I've talked to the prospective buyer and he says that their dogs aren't yappy dogs because they are trained not to do that. Whether or not it does or doesn't, doesn't make any difference. If he turns out to be raising yappy dogs, he can't raise yappy dogs because that's a violation that creates a public nuisance. Its kind of like, I don't know if ya'll recall the guy that bought the family fitness center. When he was here, I had a discussion with him about it because he's putting dogs in there and it's the same thing. If he can do it and the dogs aren't making noise then it's a permitted use but he can't have a permitted use that interferes with his neighbors quiet enjoyment of their property. With that, I'll answer any questions and then I'll turn it over to Vic for his presentation. Councilman Griffin asked, is he going to be raising dogs or just training dogs, because if he's just training dogs that's certainly not raising dogs. Attorney said, Lex, do you know the answer to that? Mr. Taylor said, he should be on the phone so he can answer that. I'm not sure on that distinction. James said, I'm James Marshall. We are set to close tomorrow and we wanted to be on this meeting. I'll kind of give you guys an overview of what the program is and how we got here and why we're looking for this property. My wife and daughter about 6 years ago started a program to raise service dogs for children with special needs. My oldest daughter was born profoundly deaf and when we were in Michigan, she wanted a service dog at that point. We were looking for a hearing assistance dog and it was very hard to find, very expensive and when we moved down here to Florida we got our first poodle and my daughter asked my wife if we could maybe breed that dog to do some service dogs for people. That's kind of how it started and its kind of grown from there. We currently live in Sorrento on 5 acres. We are actually in an HOA. We don't have problems here. Are our dogs going to bark? Of course, they are going to bark every now and again if somebody pulls up, but are they going to be a consistent barking? No, I would stand for that, nor would a HOA. In regards to raising the dogs, yes, we do have a couple of litters a year because you have to have the dogs that you can train, but I know that the big concern is the actual kennel. In the words kennel and boarding. Boarding is something we wouldn't do. Our dogs are too valuable to even bring another dog onto the property. Also, we are waiting for the approval on a 501C3 for the program where it would be a non profit. We are going to have a trainer that is going to be living on the property and that's kind of it. They are Bernese Mountain dogs and Poodles. They are not smaller dogs.

They are bigger dogs, so we still have our stuff here at our house and its definitely not going to be anywhere where people are going to bring their dogs to board. That would drive me crazy to be honest with you so that's our story. If you guys have any questions, I'll be happy to answer them. My wife was on but we're at the high school right now. Our kids go to school in Seminole County and their over there right now, it's my daughter's senior year. Councilman Griffin asked, you are doing this in Sorrento at the present time? Mr. Marshall said yes, we are training here in Sorrento. We have a lot of dogs that are in homes so that they actually live with families and once they're trained, they go to seizure alert dogs, diabetes alert dogs, children with autism, children with down syndrome as well some adults. We've got dogs that are with 911 victims. We've got 3 dogs with survivors of Stoney, the Stoneman Douglas shooting down there that happened a few years ago. 3 families that have our dogs that are survivors of that. We do a lot of that all over the world. Its not just in Florida. Councilman Griffin said I personally feel that something of this nature should be on 10 or 20 acres so that they don't disturb the neighbors because no matter what you do there's going to be some disturbance. Mr. Marshall said, somebody could have one dog and there might be a disturbance. Mayor asked, how many dogs do you generally train at a time? Mr. Marshall said, we only breed a few dogs. We only do 1 every 2 years but there might be 3 or 4 but a lot of that is done at our house. The dogs there will be 9-12 dogs. Mayor said, so you've got dogs at your house, you've got dogs here. What will the age of the dogs here be and where will they be in the process of being adopted out. In other words, how long would each dog you presume would be there? Mr. Marshall said, the dogs are, we've got a list of about 400 people that are waiting. They're not here for long. Dogs leave very early after training. We do have some older dogs, a few older dogs but the dogs themselves are in and out. Once they are trained they got to get to the home. Mayor asked, so what's the general length of time that you have the dog there? Mr. Marshall said, there are going to be dogs there 24/7. There will always be dogs there. There will never be a time that there won't be dogs. Councilwoman Evans asked, how much property is there? Councilman Vic said, almost 5 acres. Councilman Warren asked, Vic, what are you trying to accomplish with what you're doing? Councilman Szatkowski said, the dogs aren't the problem. The problem is the zoning on the commercial on Lake St., nonconforming with the area. Its all residential down Lake St. all the way from one end to the other except that one lot and across the road is all lakefront. Its nonconforming and noncompatible zoning on that one piece of property. Everything was zoned, they took up permits, had 6 commercial permits, 1 residential and they never took out any agriculture. The property was never zoned agriculture, cause it never needed agriculture zoning because the dogs were never considered live stock and that's the definition on that. The Comprehensive Plan on A11.1 and A1.21 incompatible land use and that's the part I'm not upset about, but need to get it straightened out. Take that commercial zoning off that one front piece of property. The back piece of property is residential and that's land locked. There's no exit to it except through that front piece of property. She tried to buy the end property from Harry Carter and he refused to sell it to her so it's a locked in area on the residential. Councilman Warren asked, would a variance satisfy the problem? Councilman Szatkowski said, you can't do a variance on commercial property. Councilman Warren said, I certainly can't contest that, I have no idea. He said something about an ordinance. Councilman Szatkowski said, I can read you all the ordinances if you want them. Councilman Warren said, we could build one that will satisfy your needs without going through a zoning change. Councilman Szatkowski said, like I say its noncompatible on the piece of property on Lake St. One piece of commercial on the whole mile and a half of the road there. Someone was speaking that did not identify herself.

When we did the Comp Plan and the lady was there, I can't tell you how many times the property was changed to agriculture because you cannot have 2 zonings on one piece of property so I don't know where all this other stuff is coming from because its supposed to be AG. All of it and I was supposed to be grandfathered in and there shouldn't be a problem. Councilwoman Mead said, if you're selling it, is he grandfathered in? The woman said, yes, that was the deal when we did all that stuff 2 years ago, a year ago. Attorney Sherar said, I remember there was a big discussion about this. We spent a lot of time on this property. I forget the name of the girl from NEFRC that was up here. I think we spent one session just about on this property. Councilwoman Evans said her name was Lindsey. Attorney said, the only thing is this, despite everything we said and everything we talked about, unless somebody's got something that says different this is what we've got. You've got 2 things with land use. You have zoning and future land use. Your zoning is what you are today, your future land use is where you want to be. As you make zoning changes you're supposed to make them consistent with your future land use. According to the Zoning Map, the current zoning of that entire property plus a little square that appears not to be owned and the property across the street is AG. Everything in that area is low density residential. For some reason when we did the Comp Plan which people would tell you should have happened but you guys can vote anything you want, that everything in there should have gone to yellow but it didn't. There was a specific vote, I'm not saying I remember this, I'm just only looking at the result of why it happened. We took the front 1 or 2 acres of that property and we made it commercial. Probably shouldn't have done that, I don't know why we did it, but it got voted on. The property across the street which is AG probably should have been changed to low density residential on the Future Land Use Map, but it got kept as AG. If its an AG zoning, raising dogs would not be considered an inconsistent use and I've gone through our zoning chart and it says, regular AG activites. You go to the statute and look at how they define regular AG activities and that's in that case I sent you and its beyond ducks and chickens and sheep and those things that we eat. The Legislature of the State of Florida has not limited agriculture to specific animals. They only talk about animals that are beneficial for human beings. In that case I sent you the issue was whether or not bird raising, which in that case was exotic birds for pets was animals for the beneficial use of humans and they decided that birds based upon the testimony was animals for the beneficial use of humans. Based upon that case and what this guy says that he's doing it would be an AG activity. I think if we got taken to court it would be an AG activity but remember that has nothing to do with the way that he's doing it. It has to do with the specific. If what he does creates a nuisance, he's subject to sanctions just like everybody else that creates a nuisance. I think the way that this is, and I have to look at this as if we got taken to court, what would we be held to? What we would be held to is the current zoning is AG. His activity is a recognized AG activity and he can do it. The lady I think where the grandfathering comes in is Ms. Little that is currently running a commercial boarding operation but he's not going to do a commercial boarding operation. He's doing animal raising not boarding and those are 2 very distinct operations. Now if he wanted to go in there and start doing boarding, I think he would have a problem and would definitely have to go to a zoning change. Frankly I'll tell you, people board horses and if we were boarding horses we wouldn't be having this discussion. Councilman Vic said, she did have horses there. Attorney said, let me say this, I know it sounds like I'm advocating for one position, I'm trying to get information. There is this, because this came up in the discussion. You have to do what's called BMP, which are best management practices. Now if we were dealing with cows, we go to the University of Florida book they have a BMP for cows and it tells you 1 cow per acre. If the

proposition was, he's got 5 acres and he wants to run 10 cows in there, he could run cows but he couldn't run 10 cows because that's beyond best management practices. I did not look to see what BMP's were for dog raising. There may not even be BMP's for dog raising but I mean I hate to be more confusing than this already is but that's what I'm trying to say. I guess what I'm really saying is in my opinion, you've got to allow the use and if he doesn't do it the way he's supposed to be doing it he would be subject to either a violation of the zoning code because he's not using BMP's or creating a public nuisance. Unfortunately, that's not a case by case basis. I don't know why we got where we got. I know we sat there and talked this thing to death. When this first came up I had an impression in my mind which I was not able to sustain after going through the charts. I thought for sure the zoning in there had been changed from AG and I thought that we had done something else on the Future Land Use Map but I've got to default to the Future Land Use Map and the Zoning Map. Councilwoman Mead asked, assuming that you are correct that right now its zoned AG, and that the man has a perfect legal right to buy it and have his dogs on it. At what point, how do we get out of this circle between getting that back to residential where it should be and AG where he's perfectly legal to what he wants to now? Attorney said, on the back part of the property the Town could propose a zoning change from AG to residential and we would have to have a zoning hearing. We would be the applicant and its not a conflict of interest for the Town to be an applicant and have the Council sitting as a zoning board cause that's the way we are set up. That would change the back part of the property as far as the front part of the property on the Comp Plan its commercial. First, we would have to do a Comp Plan change from commercial to residential and then we would have to do a zoning change from AG to residential. Then you get into this issue about grandfathering. Grandfathering gets very complicated because what the basic principle behind grandfathering is you can't make a change, the general principle is you can't make a change that changes the value of a person's property because that's a taken, but that's a pretty broad net. For instance, I'll give you an example. In Lake Tahoe, they put a 15 year moratorium on construction. You can imagine the Town, everybody ran in and sued the government and said you took our property and the Supreme Court said no, they have only slowed down what you can use. They haven't taken it away because it was time bound by 15 years. We do not have a grandfathering ordinance. There are different general legal principles on grandfathering which apply differently. The problem we have on grandfathering on the front part is we have it currently designated commercial and I don't really think he's got a commercial activity. I really think his activity there is AG but for us to stop it the way it is now, we would run into an issue. If we changed the Future Land Use Map and the zoning it then becomes a different issue. Councilman Szatkowski asked, couldn't that just change the front to residential and the back to AG? Attorney said, based on the maps we wouldn't have to change the back. It's my understanding that the kennels that Mrs. Little has been using are in the front half. Councilman Szatkowski said, no, the trailer is in the front and the kennels are in the back. Mayor said, they live on the front part and the back part is dogs. Attorney asked, James is that right? James said, you live on the front part yes. The trailer is in the front of the property. Attorney asked, where are you going to be raising the dogs? When you and I talked maybe I got it backwards. Are you going to be raising the dogs in the back? James said, no its right by the, now there's a horse barn and then there's a little horse pasture. We're not doing anything back there right now. We're just doing right up at the front where everything is. Deputy Clerk said, the kennel out buildings are behind the trailer currently. Someone who didn't identify herself said, I can answer your question. The back part of the property is residential and right now there are no dogs on the residential part. There is 3 parcels.

The front 2 are commercial, I guess, although I was under the impression everything was AG now and the back one is residential and that's what I've been fighting for almost 30 years. I thought we had this under control with the Comp Plan that we did. Attorney said, I think when we did the Comp Plan, we made the front of it commercial because that was consistent with her current uses. The woman said, its always been commercial, always. Attorney said, so what you're asking for Vic, I've got to go according to the plans and Mrs. Little, I know you're going to sit there and tell me I don't know what I'm talking about but I'm looking at a piece of paper that's got designations on it. Forgive me if I'm going to say things that you think aren't right. I'm working off of a map that's got the coloring and I have to go by that map over what everybody else is saying. My opinion is subject to change because there might be a map or an ordinance out there that says otherwise. Right now, the zoning on all 3 parcels is agriculture. Mrs. Little said, correct. Attorney said, then that means what he's talking about doing in my opinion so long as there's not A. a BMP issue or B. bothering your neighbor issue, you can do the dog raising anywhere on the property. Mayor asked, well then where does the commercial and residential fit into everything being there, where does that come in? Attorney said, well what we could do is, the part that's in red on here, I'm pointing to the Future Land Use Map, where there's red. That part is currently AG but if the Town was the applicant for a zoning change, we could change the front part to commercial which is inconsistent with what Vic is talking about but that would be consistent with the map. If we wanted to change it to, if we wanted to make a Future Land Use Map change, a small scale Land Use Map change, we could do that and it would probably have to pass because all of the things that Vic is talking about in his presentation would come into play about being consistent with the surrounding properties and those kind of things. Is everybody following me or am I losing you? Mayor said, where are we right now with Vic's question? Can they do what they want to do now? That's why we're here. Attorney said, the bottom line in as few words possible is, my opinion is dog raising is allowed on all the property because the current zoning is AG. Mayor said, see that's where I get confused. If its all AG, which you're saying everything there is. Where does residential and commercial on that property come in? When is that effective? Attorney said, the Future Land Use Map. For instance... Mayor said, when does future come effective, versus the AG? Attorney said, when someone makes an application. Councilwoman Mead said, it says 2030, does that mean the year 2030? Attorney said, well the 2030 is when we have to do the next review of the Comp Plan. Councilwoman Mead said, well then I guess we'll go through this all over again. Mayor said, maybe you Pat, I won't. Attorney said, let's take the back 2 or 3 acres. If he were to go in and say I want to zone it change to industrial. We could properly say no because the Future Land Use Map is low density residential. That's where it comes in on the back part and the front if he wanted to make any change other than commercial, we could deny it because that would be inconsistent with the Comp Plan. Mayor said, how did we get a piece of commercial in that whole residential area. All the way up and down that street on both sides. We got one little piece. Councilwoman Mead said, you had to have been here Joe. We spent hours and hours with all this and that's what we ended up with. Mayor said, I've been here since 09. I don't understand how we got one little red square in that whole neighborhood. Councilwoman Mead said, I thought we changed it, but apparently we didn't. Attorney said, do you want me to tell you what my recollection is? Yes. Somebody felt sorry for Mrs. Little that she had been doing it for so long and it wasn't fair to make it so that if she ever wanted to sell the property it would cause her a problem and I think that's what happened. Councilwoman Mead said, right now it looks like to me that legally this man can do what he wants to do with that

piece of property. Mayor and attorney said, because its agriculture. Attorney said, I mean we definitely said we want it changed from agriculture. Councilwoman Mead said, that may be but that didn't happen so here we are. Attorney said, but that actually is what the Future Land Use is supposed to be doing. We're saying this is what we want it to be and changing the back half to residential is 100% in compliance and made sense and all of the things that Vic brought up. The front part on the commercial, for all the reasons that Vic says. If we were doing a single site Future Land Use Map change all those things that Vic is talking about would come into play in your decision. Since we did this during the general review of the Comp Plan, the once every 25 year review, we decided to do that, we basically can override a lot of the policies. I mean we kicked the can down the road and we just kicked it in a direction we didn't think we were going to go. Councilwoman Mead asked, but you've given us your bottom line right? Attorney said, my bottom line is... Mayor said, right now its agriculture and its legal... Attorney said, is currently zoned AG and... Councilwoman Mead said, unless we want to get sued which we don't want to be sued. Attorney said, well but its also, Mrs. Little has certain rights and we can try and change that in the future but as it exists today, and the thing is this, even if the Town made an application there's a doctrine in land use zoning that if you put in an application before a change actually gets made and then the change gets made before your application gets approved, they've got to do you under the old rules not the new rules. Maybe that's too much information but anyway. So even if we changed it then he would be grandfathered because of the application process. Mayor said, so the bottom line is they can do it. Attorney said, the bottom line is if he wants a letter from the Town that says what can he do there, the letter would say the property is currently zoned AG and everything under section 90 that you can do in an AG, you can do. In my opinion, raising dogs is an agricultural activity but you need to do them in compliance with BMP and I don't know what the BMP's are for dogs. Councilman Warren said, you know Vic did a lot of work on this and a lot of research, what does he want to happen after all this research? Mayor said, I'll kind of speak, he just wants to make it right. Its up in the air now and Vic wants to make it right but I'm going to let Vic speak for himself. He's here. Councilman Szatkowski said, let me just read this to you what I had. Councilman Warren said, I've always respected the amount time and energy you put into these efforts of yours and it's a benefit to all of us but I just wondering, you did a lot of work on this and what were you hoping to be the end product? Councilman Szatkowski said, well I was just wanting Lake St. to be all residential like it should be from one end to the other and that was basically it. We got one piece of agriculture, we have that there that sets a precedent and we can put a piece of agriculture 2 blocks down where I live and there's 2 houses down and make that agriculture and put some other kind of thing in there. I'm trying to prevent that. Councilman Warren asked, Joe do you know were we planning on revisiting this anytime in the future. I mean if there's something wrong with (unintelligible). Mayor said, Doc my understanding is we have to have a consensus tonight. This gentleman and his wife are having a closing tomorrow. Councilwoman Evans said, my theory is if he's doing some good for some very needy people, he's going to abide by the noise issues. They're not going to raise noisy dogs to be placed in homes with special needs children. Let the man have his nonprofit, he's trying to go for a nonprofit right? Mayor said, yeah, he is and CarrieAnn all that makes all the sense in the world. Nobody is going to disagree. All we got to do tonight, if we listen to Craig its all agriculture right now what this gentleman and his wife want to do. It fits under agriculture. I understand why Vic's here because I know what Vic has put up with since he's been there. James said, I understand Vic's concern as well, being 2 houses down. I wouldn't put up with it if the dogs on our property barked, I wouldn't.



Am I going to tell you that they're going to come there when they're first there and you're not going to hear any barking? No, I can't make that guarantee but is it going to be controlled and will last maybe a day and they'll bark once in a while, sure. I can't make a guarantee that they're never going to bark. I mean dogs bark when people pull up. But, like I said, I wouldn't put up with it, nor would my neighbors in an HOA down here. Put up with it at all. Councilman Szatkowski said, that part wouldn't bother me. What happens the dogs start barking at 4 o'clock in the morning and continue till noon. That's the part that bothers me. Attorney said, and that's a valid thing but that's an enforcement. Let me say, there's something that I'm thinking of, it might be a little off, but I got to say this. Whatever the real status of zoning and the Future Land Use Map is, is what controls. I've said a couple of times, I'm relying on these maps. My recollection was a little bit different, but I have to rely on these maps. I want everybody, the people from the Town, Mr. Marshall's attorney and Mr. Marshall. They built a building in New York that was 35 stories and the residents went crazy. They finished the building, a guy found that the zoning on the building did not allow 35 stories. They had drawn the map wrong. They went to court and the court said, it's what the Council voted not what some bureaucrat drew on a map and they took 10 stories off of a building that had been built in the middle of New York City. That was on Manhattan so you can imagine what that was like. The reason I'm saying that is this, if somebody digs in there Mr. Marshall and I'm telling your lawyer, and they find out that this thing was not zoned AG, there will be a problem. I don't want somebody to come back to me and say well you told us. Yes, I said based upon this map the way it's drawn. We can't find the original zoning ordinances. I don't know what they said. If the minutes that Vic dug up from 1993 are accurate, you know it should be commercial on the front and who knows what it's supposed to be on the back but we don't have that, so I just want to make sure everybody understands that if there's any questions about that, we address those now because I don't want somebody coming to me and saying well you said this. No, what I said was, based upon the best information I have, my opinion is and Kelly raises her hand, so I'll shut up. Deputy Clerk said, I just want everyone to know that on the Putnam County Property Appraiser's the property is currently zoned commercial and residential so that conflicts with our map that we have as well. Attorney said, yes and I talked to Clay Davis down at the Property Appraiser's office because I saw that and I asked him where they got that and he said, we don't know probably from you guys. They aren't our official records keeper. They're doing assessments for property tax rolls but somewhere, somebody gave them that. Whether or not someone at the GIS dept. at the County looked at the wrong map because what they're talking about is consistent with the Future Land Use Map, I don't know. I was hoping that he would say, Oh, because I've done this with Clay before, why does this map look this way and he pulls out a document and he tells me why it looks that way. I was hoping he was going to do that and he couldn't do that. All he could say is, that's the best information we have. Councilman Griffin said, I personally don't feel that Vic and his neighbors should be held for the incompetence of previous councils. If that's true. Attorney said, let me say this Jim, I think using the word incompetent is not fair. I was here, arguments were made in many different directions. We spent a lot of time on this. This wasn't like somebody said, oh let's do it this way and 5 minutes later we were done. We spent a lot of time on this issue. There's a lot of different policy considerations that went into it. 7 years ago, the Council decided it was the right decision. I might have disagreed with it, but I'm not going to sit there and say that they weren't competent. They certainly had discussed it to the fullest ability that we had to discuss it. Today is today, it isn't 7 years ago. Mayor said, and just because 1 person doesn't agree with somebody else doesn't make the other person incompetent.

Councilman Griffin, but you know when you put a commercial property right in the middle of low residential and its such a small piece of property that just doesn't fit. Attorney said, but Jim just to give you a, I mean you're right. The general principle of what you're saying is right, but we also used to have and maybe we still have a crab business behind the Community Center. It's the same thing. Why is there a crab business behind the Community Center? Well there was a crab business because in 1920 somebody was running a crab business there and nobody cared. Councilwoman Mead said, Robbie Shoals owned a crab factory behind the CC. Attorney said, I don't know if you remember, we fought about that for a long time. I remember Lindsey going like nobody has a crab thing in the middle of town. The middle of town has changed since 1920 or whenever that crab place went in there it might have been later. I only bring that up Jim just to indicate that you know, we were doing something back then, this is something different. Back then we were mainly looking at a boarding situation and a lady that had been there for a long time. This is a totally different situation. You know we're human beings, we do the best we can. We've all already established that a camel is horse designed by a committee. Lex Taylor said, I'm the attorney for Mr. Marshall and I don't want to be in a spot where I'm making anything worse, and I certainly don't want to say anything bad about Ms. Little. I think you're going to be very happy to have Mr. Marshall in the community. He's got a good community service. I feel like his use of the property is going to be a lot better if its not used as a kennel and a boarding where you have dogs that are not used to being there. Being upset and being there all night. Instead you have dogs that use training to be quiet and to be soothing for kids with special needs. I think you'll be happy to have them in the community and I think its going to be an improvement for the neighbors. If we have to work out some zoning things to get this back to residential in the long run. There's a process for that but today, this is an agricultural use. The case law that has been provided by your city attorney is right on and still good. He would like to get this done. I think he's going to be a good neighbor and a good improvement and the type of person you're going to want in the neighborhood. I hope that you take everything to heart. He's been in an HOA and be able to function in an HOA with HOA neighbors. One of the reasons I don't live in an HOA is that's just usually awful. I'm assuming he'll be good to his word but if he's not there's still nuisance law and some other things that can pop in. I do think we should try to move this forward if we can. I'm happy to answer questions if I can help. Mayor said, ok well I think we really beat this a lot tonight. I'm a little bit more clear than I was before. I need to be careful, I've got Vic sitting next to me here. I was 1000% coming in tonight on Vic's side and against putting more dogs in. I figured it was the neighborhood's way of getting out of a situation none of them have enjoyed being in all these years and it has nothing to do with the people that owned that business. It has to do with the dogs themselves but after listening to Craig and everything we got here in color on these maps. Its all getting a little bit more clear and not personal and its what's right and what's wrong and I think its come out to me 180° difference in saying if AG they can do it and we can't say no. James said, I'm not familiar with low density residential. Mayor said, that's 2 houses on 1 acre of land, that's all. James said, ok I just wanted to make sure because I've look at some of the properties in the area and I want to make sure that at some point in the next possibly year we can actually put a physical home on that property and not a trailer. Mayor said, you have 5 acres there. James said, I just want to make sure we don't run into, because when I hear low density we only have a trailer on it, I didn't know and I just want to make sure that we'd rather have a home actually built on there. Mayor said, listen, please don't try to confuse the issue more tonight. Councilman Vic said, agriculture is 1 house on 5 acres. Mayor asked, Craig where are we at here sir? The Council needs your guidance so

we can finish this up. Attorney said, officially the way this got started is he came to Donna for a Zoning Letter. We're kind of doing this out of turn but giving the amount of money the man's investing, my without objection from the council, I'm going to tell the Town Zoning Official which is Donna, the Town Clerk that she can issue a letter that says the current zoning is AG and so long as BMP's are followed, dog raising is permitted in that zoning activity. Councilman Warren said, I make a Motion to that effect. Mayor said, Doc I don't think we need to vote on it because its whatever the law is, it is what it is. We're not here to change the law. We just need to do it properly I think, but I would say we really, truly need a consensus of everybody.

Attorney said, under other circumstances Joe I would agree with you but like I say because of the kind of sensitivity of this, and even though what you guys are voting on would be nonbinding if it went to court, I would just like the comfort. I know that Jim's got concerns, so I think just to be fair to Mr. Marshall he should see where we are. Mayor said, ok so let's just move forward. Somebody just wanted to make a Motion? Make your motion Doc. Councilman Warren said, I leave the wording up to Craig. I say that we provide them with our activities this evening and our support of whatever zoning, I guess if its agricultural with the 2 front pieces. Mayor said, alright, we've done this before Doc, I'll let Craig describe the Motion and you just say that's your Motion. Attorney said, the Motion would be that the Council at this time recognizes that the zoning of the property is agriculture and that so long as the dog raising is done consistent with the ordinances and Florida Statute it is not a prohibited activity. Mayor asked, is that your Motion Doc? Councilman Warren said, that's perfect. Councilwoman Evans seconded the Motion. Mayor asked anymore discussion. Mayor called seat 3 CarrieAnn, she said Yay, seat 2 is absent, seat 1 is Doc, he said Yes, seat 4 Pat, she said Yay, seat 5 Jim, he said Yay, seat 6 Vic, he said Yes and the Mayor is Yes. Mayor said, we have 5 yes' and 1 absent. No sorry we have 6 yes' and 1 absent. Thank you everybody. James said, Vic I will reach out to you so you can know us a little more.

Mayor said, we have this problem with the beach. The water is contaminated with feces. We have no idea where its coming from. Our proper levels are between 60 and 80, we're ok. We're sitting at 1180, its not ok. You can't go in there and swim. I don't believe this Town is responsible to find out where this problem is coming from. We're responsible for the beach. We're on a Federal Grant for that beach for 25 years. We have to open it up, we can't close it but I can't open it up with the lake problem. We don't even know how far it goes. We just know its right there at the beach. We don't know how far east or west it goes. We don't know how far across the lake it goes, if it goes, we don't know. I would like for, somebody's got to be a lot smarter than me to get people above us to get this thing done and get it done properly. I think it's the Department of Environmental Protection should come in and do something, but you know if it costs us a few bucks for our Attorney Craig Sherar to get in and do this thing legally. To put the fire under somebody's butt, its got to get fixed and not by us. I believe he's the one that has to force someone to do something here. We can't just let it go. Councilwoman Mead asked, have you looked to the Lake Broward Association for their assistance. Mayor said, no I haven't, no. Councilwoman Mead said, well we should. Mayor said, we can do that. Councilwoman Mead said, cause they started the Lake Watch and I would think they'd be concerned. Mayor said, you're probably right, there's probably a couple of people on the council that may be on that. Jim's on that. Attorney said, based upon one of the emails I saw. I think Donna tried to get a hold of DEP. Probably we should start with water management district first and see if they can do anything. Maybe get a hold of Bruce and see if he knows who we should

get a hold of. Mayor said, I already talked to Bruce and he said they don't do it. Councilwoman Mead said, you need to talk to Phillip Rowe, the President of the Lake Broward Association. He's the one who goes around the lake and takes water samples. Attorney said, you know we're ahead of a legislative session, maybe we could get Perry. There's a guy that's our legislative rep, maybe we could get some money. I know they always have something for clean water and if the Lake Broward Assoc. kind of gets into it, there's an outfit called River Keepers. They generally are more concerned with the river, but they may be a source of somebody that will come out and do water testing for us. I think, unscientifically, somebody's got a septic tank dumping straight into the lake. It's probably down at that end of the lake because that end tends to be a little more ponded off from the rest of the lake. If you took a water sample in the main part of the lake and it was low and you took one there then you're definitely looking at somebody living along. Don't the Griffin's have lake property? Probably them. Mayor said, it probably is. Attorney said, see he didn't object, he knows he got caught. Mayor said, I know the sample that did come through, the west side of the beach was a lot worse than the east side. If you're standing at the beach looking out at the lake, the left hand side was way worse on the sample testing than the right hand side. Attorney said, I've got a lake property and we got a weed problem because the wind blows in our direction. The guy opposite us from the lake has nothing and we got all the weeds so it could be the way. It gets to be complicated. Councilman Griffin said, the septic at the trailer park possibly. Mayor said, it could possibly be there, or it could possibly anywhere along there but not necessarily the trailer people. Attorney asked, does the trailer park have a water treatment system or are they on individual tanks? Councilman Griffin said, its not me I have a 5 section for a 3 bedroom. Mayor said, well that's not the question here and listen guys I really, it's not funny it's a serious problem. It's got to get fixed. It's not us laypeople that's going to fix this thing. There's somebody responsible for it. It's a State lake, there's somebody responsible for that lake to get it clean. I want the Council to approve for Craig to just go forward and something's got to get done. Attorney said, does anybody know if the trailer park is on a water treatment system or is on individual septic tanks. Kelly and Vic said, I believe individual, not sure. Attorney said, alright well if you guys want me to look into it I'll look into it. Mayor said, alright that's the way I'm going to leave it. You can't just hang out here any longer. I'm going to give Craig approval to investigate what he can through whomever and let's get this thing fixed.

With that, the last thing we have here is if anybody wants to discuss anything at all on Covid-19. Councilwoman Evans said, I wish that I would have known that we were allowed to come to the Town Hall for this meeting because I would be there and not here. Mayor said, you know something, I thought Donna put the word out that we're having it here. Councilwoman Mead said it has it on here by teleconference, it doesn't have anything about meeting at the Town Hall. That's why Doc said he's surprised, cause I would have been at the Town Hall had I known we could go. Mayor said, I was certainly wishing everybody was at the town here for the 2 main things tonight which was the lake water and for the Lake St. property. Councilwoman Evans said, half of these emails that you guys are talking about from the lawyer and from Vic, I'm not getting these so we need to figure out why I'm not getting some of those emails. Councilwoman Mead said, I didn't get anything from Craig either. Councilman Griffin said, I didn't either. Councilwoman Evans said, I'm not real happy about people picking and choosing which emails we can get and which ones we can't get. Mayor said, me either. I didn't get any of them. Attorney said, Pat I may have forgotten you. As soon as you said that I was thinking I missed

you. CarrieAnn, I thought. I will go back. Councilwoman Mead said, its not CarrieAnn its all of us. Joe didn't get it. Attorney said, Joe didn't get it? Mayor said, no, and I usually get all your emails. Attorney said, well I shouldn't admit this but never underestimate my ability to hit send and run out of the house and not realize that I spelled the word the tha and the spell check stopped it from going out. I will check on that, if nobody got it I think that's what happened. I will look into it, I'm sorry. Mayor said, other than that I don't have anything here. There's no meetings, there's no nothing next month except for our which the date for us next month is September 8<sup>th</sup> and unless anything changes, it will be at the Council chambers for the Council. Anybody outside the Council that wants any interest in the Town Council meeting will call in. If there's a change to that you'll be notified of that. Right now, please everybody come here. With that does anybody else have anything that you want to talk about on the Council? Councilman Warren said, I will definitely do teleconference. Councilwoman Mead said, the calendar, its got September 7<sup>th</sup> and 8<sup>th</sup> as Monday. I thought our September meetings were on a Monday. Mayor said, you know something Pat, you're right, because of the commission and the end of the fiscal year. Vic said, Monday is the 8<sup>th</sup>. Councilwoman Evans asked, is that Labor Day? Mayor said no it couldn't be. Councilwoman Mead said, we got a notice saying the meeting will be at 5:30 on the 7<sup>th</sup>? Is that the Council meeting or the budget meeting? Councilwoman Evans said, the 7<sup>th</sup> is Labor Day. Mayor went over the upcoming meetings. There was discussion about the meetings. Clerk said, this is Donna. Just to clear this up there actually is a budget workshop the Tuesday when I return, that would be on the 18<sup>th</sup>. There is also on the 7<sup>th</sup>, which I didn't realize it was Labor Day, my mistake, the 7<sup>th</sup> is our first actual budget reading on the Ordinance. We cannot do it on the 8<sup>th</sup> because that is when either the School Board or Putnam County is doing it. Councilwoman Mead said, that's why we don't have a Town council meeting in September on the second Tuesday. Clerk said, well we do, the 8<sup>th</sup> is our Town Council meeting. Mayor said, Donna I don't think legally we can have it on the Tuesday. Every year we have it on that Monday because of the County Commission. Clerk said, that is just for the budget meeting, you cannot have your budget meeting on the same day. Councilwoman Mead said, we've never had the Town Council meeting on the second Tuesday in September. Mayor said, yeah, never had one. Clerk said, we did last year. Mayor said, no we haven't had one since 09 when I came on the Council. Clerk said, I will check that when I get back. Mayor said, we're going to send out a new calendar to everybody. It's not here when the budget meeting, what Donna just told us was the 18<sup>th</sup> at. Kelly said 5:30 and Clerk said, 6 o'clock. Clerk said, I sent out a couple of emails to you all saying that I would like to have our last budget workshop on the 18<sup>th</sup> after I returned. Councilwoman Mead said, yes that's what you said, that's what I've got. Clerk said, I will try and change it from Labor Day to the 9<sup>th</sup>. I will let you guys know. I only jumped on here in case you needed something from me. Councilman Warren said, there is no vacation for this Clerk. Mayor said, Donna don't look into it until next week, enjoy your vacation. Clerk said, thank you.

Councilwoman Evans made a motion to adjourn.

Questions and comments. – None

Upcoming events: Were reviewed from the packet.

Councilman Warren made a Motion to adjourn. Adjourned at 7:29 pm.

9-21-20