



# TOWN COUNCIL REGULAR MEETING MINUTES

**TUESDAY, OCTOBER 27, 2020 - 7:00 P.M.  
PIERSON TOWN HALL**

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## **1. CALL MEETING TO ORDER**

Chairman Samuel G.S. Bennett called the meeting to order at 7:05 PM and asked Town Clerk Carmen Spelorzi to call roll.

## **2. ROLL CALL**

### **PRESENT:**

Chairman Samuel G.S. Bennett  
Vice Chairman Robert Greenlund  
Councilmember James Peterson  
Councilmember Thomas R. Larrivee

Also present were Town Attorney Christian Waugh; Town Planner Mark Karet as well as representatives from the Volusia County Sheriff's office.

## **3. Invocation and pledge of allegiance**

Councilmember James Peterson gave the invocation, which was followed by the Pledge of Allegiance.

## **4. APPROVAL OF MINUTES – Chairman Samuel Bennett**

### **a. Regular Meeting – October 13, 2020**

Chair Bennett entertained a motion for approval if there are no additional deletions or additions.

**Councilmember Tom Larrivee made the motion to approve the minutes with the addition listed above; seconded by Vice Chairman Robert Greenlund. All agreed; motion carries.**

## **5. NEW BUSINESS**

### **a. Biometric Quote for Well testing and additional equipment needed – Chairman Samuel G.S. Bennett**

Chair Bennett read the title and asked Mr. Karet to elaborate on the need for the well testing and the increase of \$1,798 for the additional equipment and labor needed. The total new cost for testing of one (1) well will be \$2,348.00.

49 **Vice Chairman Robert Greenlund made the motion to approve Biometrics' Quote for**  
50 **well testing in the amount of \$2,348.00; seconded by Councilmember Tom Larrivee. All**  
51 **agreed; motion carries.**

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53 b. Renewal request – Florida League of Mayors 2020-2021 Annual Membership  
54 Dues for \$350 - Chairman Samuel G.S. Bennett

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56 Chair Bennett read the title and stated that the Town is a current member.

57

58 **Vice Chairman Robert Greenlund made the motion to approve the renewal request for**  
59 **Florida League of Mayors 2020-2021 Annual Membership dues in the amount of \$350;**  
60 **seconded by Councilmember James Peterson. All agreed; motion carries.**

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62 c. UBsync Tablet Reader by Softline Data Inc – Town Clerk Carmen Spelorzi

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64 Mrs. Spelorzi asked the Council to table the item until the next meeting.

65

66 **Vice Chairman Robert Greenlund made the motion to table this item until a later time;**  
67 **seconded by Councilmember Tom Larrivee. All agreed; motion carries.**

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69 d. Water Billing Adjustments: September- October 2020- Water Committee  
70 Chairman/ Councilmen Robert F. Greenlund

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72 Councilmember Robert Greenlund stated that three (3) adjustments were made and the issues  
73 have been fixed.

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75 e. State of Emergency Florida / Town of Pierson - Chairman Samuel G.S. Bennett

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77 Chair Bennett recommended continuing the State of Emergency for a period of seven (7) days.

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79 **Vice Chairman Robert Greenlund made the motion extend the State of Emergency for**  
80 **the Town of Pierson for an additional seven (7) days; seconded by Councilmember**  
81 **James Peterson. All agreed; motion carries.**

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83 f. Updates by Chairman - Chairman Samuel G.S. Bennett

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85 Chair Bennett stated that he would forgo his report and give his time to the Town Attorney.

86

87 g. Update of Town projects from Town Attorney – Town Attorney Christian  
88 Waugh

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90 Mr. Waugh spoke on:

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- 92 • RFPs for waste services have been issued
- 93 • Town Council directive to send letter to Teft family to clean up property. Letter was  
94 sent on 10/20/2020 by US mail and email
- 95 • P&Z did not take action on a proposed LDR amendment to clarify who can send out  
96 official code enforcement letters. Has to be approved in order to send out code  
97 enforcement letters as they can be challenged if proper protocol is not followed.

98 Vice Chair Greenlund felt that the Town Council should be the acting Code enforcement  
99 board. Mr. Waugh explained that the Town has the power to make sure code violations are  
100 corrected, but they cannot conduct the investigation and send out the letters as this would be  
101 holding dual offices. An executive delegation is needed.

102

103 Chair Bennett asked how the Town was able to address prior violations and Mr. Karet  
104 explained the current procedure as defined in the Land Development code and that it starts  
105 with a complaint being forwarded to the Development Regulation Administrator, which  
106 usually is an employee of the Town and that the term Chief Building Official is synonymous.  
107 Mr. Karet continued that the Town currently does not have an employee holding the title of  
108 Chief Building official, but is using a vendor to provide building services to its residents.

109 Mr. Karet stated that the administrative proposal to amend Section 2.2 of the Unified Land  
110 Development Code (LDC) recommends removing language that indicates that the  
111 Development Regulation Administrator is the Chief building Official and replacing it with  
112 the Town Clerk and adding language clarifying that the Planning Commission is also the  
113 Board of Adjustments. Mr. Karet informed the Council that, since the P&Z did not take any  
114 action on this item at the last P&Z meeting, staff will be presenting it again when the full P&Z  
115 Commission will be present.

116 Mr. Waugh clarified that the Town Council can ultimately step in if they didn't like the way  
117 an investigation is being handled, but with the current unclear verbiage, respondents can  
118 simply ignore the Town's code enforcement letters and if any appeals were to be filed there  
119 really is no designated Board of Adjustments.

120 Mrs. Spelorzi stated that the Town needs to assign a dedicated Development Regulation  
121 Administrator (DRA) who can then delegate any violations that are being received. Mrs.  
122 Spelorzi strongly recommends approval of the proposed amendment and that this will give  
123 guidance to staff and protect the Town.

124 Chair Bennett stated that in the past the Council has voted against having a Code enforcement  
125 board in Pierson and that he is still against it. Mr. Karet and Mrs. Spelorzi stressed that the  
126 proposed amendment has nothing at all to do with creating a code enforcement board, but  
127 rather establishing the proper legal procedure for the Clerk's office to address code  
128 complaints.

129 Mr. Waugh gave several options available to Municipalities to address their code enforcement  
130 needs and reiterated that the proposed amendment is not intended to change the process in  
131 which the Town handles code enforcement complaints, but to fortify that process legally so  
132 any action taken by the Town cannot be ignored or dismissed on technicalities. Mr. Waugh  
133 also explained that the Town could repeal their code enforcement laws, which would reduce  
134 or eliminate the need for code enforcement action.

135 Councilmember Tom Larrivee recommended waiting until the Planning and Zoning  
136 Commission forwards the amendment to the Council.

137 h. Update of Town projects from Town Planner – Town Planner Mark Karet, Zev  
138 Cohen & Associates

139

140 Mr. Karet spoke on

141

- 142       • the P&Z meeting on 10/20/2020 and the upcoming P&Z meeting on 11/17/2020  
143       • being onsite for meetings with potential applicants 11/5/2020  
144       • Business directory signs  
145

146 Councilmember Peterson inquired about the annexation of a 5 acre property on Vannotte Rd.  
147 Mr. Karet explained that it has a County's zoning designation and spoke on the process to  
148 annex into the Town and the duration from start to finish.  
149

150 Discussion ensued if the Council can vote to allow the family to annex the parcel into the  
151 Town and to issue a building permit and to also amend the Comp plan simultaneously. Mr.  
152 Waugh stated that the Council has the authority to issue a building permit, but he strongly  
153 advises against issuing a permit until all the zoning is in place to not violate any laws.  
154

155 Mrs. Spelorzi stated that she will contact the applicants to advise on what steps can legally be  
156 started to expedite the process. She recapped that the Council is ok with her telling them  
157

- 158       • Annexation - no cost  
159       • Comp plan - fee  
160       • Zoning amendment - fee  
161       • Welcome to take zoning package.  
162

## 163 **6. OLD BUSINESS**

164 None

## 165 **7. OTHER BUSINESS**

166  
167 Councilmembers James Peterson, Tom Larrivee, the Town Attorney and the VCSO had no  
168 additional comments.  
169

170 Vice Chair Greenlund commended the Lion's Club for a large crowd at their Rodeo event.  
171

172 Mrs. Spelorzi spoke on the New Town Center coming soon sign at the Elementary school and  
173 fire safety survey.  
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## 175 **8. GOOD AND WELFARE (public participation)**

176  
177 Antolin Benitez, 625 N. Volusia Ave, owns properties in Pierson and spoke about cars racing  
178 down CR 3 at over 60 MPH and that the speed limit is only 35 MPH. The VCSO will do radar  
179 checks and Vice Chair Robert Greenlund spoke on getting stop signs. Discussion ensued to  
180 get a 4-way stop sign from the County. All in consensus.  
181

182 Mr. Paul Martel spoke on

- 183       • Tree at entrance flags cleared  
184       • Getting a gas station  
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## 186 **9. ADJOURNED**

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188 **Hearing no further business, meeting adjourned at 8:18 PM.**

189 Minutes prepared by:

Minutes approved by:

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Carmen Spelorzi, Town Clerk

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Chairman Samuel G.S. Bennett