



TOWN COUNCIL REGULAR MEETING MINUTES

TUESDAY, FEBRUARY 9, 2021 - 7:00 P.M.
PIERSON TOWN HALL

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

1. CALL MEETING TO ORDER

Mayor Samuel G.S. Bennett called the meeting to order at 7:02 PM and asked Town Clerk Carmen Spelorzi to call roll.

2. ROLL CALL

PRESENT:

- Mayor Samuel G.S. Bennett
- Vice Mayor Robert Greenlund
- Councilmember James Peterson
- Councilmember Thomas R. Larrivee
- Councilmember Sergia Cardenas

Also present were Town Attorney Christian Waugh, Town Planner Mark Karet, Volusia County Sheriff's office representatives and Deputy Clerk Carrie Ward.

3. Invocation and pledge of allegiance

Mayor Samuel Bennett gave the invocation, which was followed by the Pledge of Allegiance.

4. APPROVAL OF MINUTES – Mayor Samuel Bennett

- a. Workshop Meeting January 26, 2021
- b. Regular Meeting January 26, 2021

Mayor Samuel Bennett entertained a motion for approval if there are no deletions or additions.

Councilmember Tom Larrivee made the motion to approve the minutes as written; seconded by Vice Mayor Robert Greenlund. All agreed; motion carries.

5. NEW BUSINESS

a. ORDINANCE 2020-10 PUBLIC HEARING SECOND READING

AN ORDINANCE THE TOWN OF PIERSON, FLORIDA, ANNEXING BY VOLUNTARY PETITION CERTAIN REAL PROPERTY OWNED BY TYLER J BRADDOCK WITH PARCEL ID 483300000290 AND LOCATED ON THE EAST SIDE OF VANNOT ROAD ABOUT 910± FEET SOUTH OF WEST WASHINGTON AVENUE. IT IS EAST OF AND ACROSS THE STREET FROM 710 VANNOT ROAD CONTIGUOUS TO THE TOWN OF PIERSON IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES, AND OTHER CONTROLLING LAW; REDEFINING THE BOUNDARIES OF THE TOWN OF PIERSON TO INCLUDE SAID PROPERTY; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; DIRECTING THE TOWN

49 CLERK TO RECORD THE ORDINANCE WITH THE CLERK OF THE
50 CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICE OF
51 VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE;
52 PROVIDING FOR LEGAL DESCRIPTION AND A MAP; REPEALING ALL
53 ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR
54 SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND THE
55 TAKING OF ADMINISTRATIVE ACTIONS AND PROVIDING FOR AN
56 EFFECTIVE DATE
57

58 Mayor Bennett asked Town Attorney Waugh to read the title into record. No discussion
59 followed.

60 Mayor Bennett opened the floor to the Public. Hearing no comments, the Mayor closed Public
61 Participation.

62 **Vice Mayor Robert Greenlund made the motion to approve ordinance 2020-10 on**
63 **Second Reading; seconded by Councilmember Tom Larrivee. All agreed; motion carries**
64 **on roll call vote 5-0.**

65

66 **b. ORDINANCE NO. 2021-01 FIRST READING**

67 AN ORDINANCE OF THE TOWN OF PIERSON, FLORIDA, ADOPTING
68 AND PROVIDING FOR THE LEVY OF TAXES ON THE CONSUMPTION
69 OF PUBLIC UTILITIES WITHIN THE CORPORATE LIMITS OF
70 PIERSON, FLORIDA; PROVIDING FOR THE COLLECTION THEREOF
71 BY THE SELLER; PAYMENT THEREOF BY THE SELLER TO THE
72 TOWN OF PIERSON, FLORIDA; PENALTY FOR THE VIOLATION BY
73 THE SELLER OR PURCHASER; SEVERABILITY AND EFFECTIVE
74 DATE.

75 Mayor Bennett asked Town Attorney Waugh to read the title into record. Mr. Waugh stated
76 that this is a correction to the due process in notification of all pertinent parties that was
77 inadvertently overlooked the last time this ordinance was before the Council.

78 **Councilmember Tom Larrivee made the motion to approve ordinance 2021-01 on First**
79 **Reading; seconded by Councilmember James Peterson. All agreed; motion carries on**
80 **roll call vote 5-0.**

81

82 **c. Water & Sewer Availability on US HWY 17- Deanna J Bennett**

83 Mayor Bennett advised that Mrs. Bennett was not able to be present and asked for this item
84 to be tabled.

85

86 **Vice Mayor Robert Greenlund made the motion to table the item until further notice;**
87 **seconded by Councilmember Tom Larrivee. All agreed; motion carries**

88

89 **d. Repair bill from Chinchor Electric Inc for the Chipper Jones Baseball Field**
90 **lights- Vice Mayor Robert Greenlund**

91 Vice Mayor informed the Council that several of the lights were not working for one reason
92 or another and that the total bill to repair the lights comes to \$5,432.63.

93

94 **Vice Mayor Robert Greenlund made the motion to pay Chinchor Electric, Inc. a total of**

95 **\$5,432.63 for completed repairs; seconded by Councilmember Tom Larrivee. All**
96 **agreed; motion carries**

97 e. Volusia Sheriff's Office Presentation – Captain Benjamin Yisrael

98 Mayor Bennett introduced Captain Benjamin Yisrael and noted that Sheriff Michael
99 Chitwood was present. Captain Yisrael spoke on the Town of Pierson “Year 2020 in review”
100 with a PowerPoint presentation. Deputy Amelia spoke on partnerships with the Florida
101 Highway Patrol and other agencies assisting in keeping Pierson safe.

102 The Mayor and Council thanked the Volusia Sheriff's office for their presentation and
103 assistance.

104 f. Discuss and answer questions regarding the Noise Ordinance and the Volusia
105 Sheriff's Office – Captain Benjamin Yisrael

106 Mayor Bennett spoke on issues that have been experienced by residents with loud noises and
107 that he would like to more aggressively pursue enforcement of the noise ordinances by
108 partnering with the VCSO.

109 Captain Yisrael spoke on research with the County Attorney and touched on

- 110 • Enforcement of noise ordinance in incorporated versus unincorporated areas
- 111 • Use of decibel meter, only enforceable if outside set noise perimeters
- 112 • Anonymous complaints allowed, but negates the enforcement authority by the
- 113 VCSO, because affidavit needs to be signed
- 114 • County and Town Attorneys will get together
- 115 • Town needs to have code enforcement processes in place. Mr. Waugh stated that
- 116 Pierson has mechanism in place, but is working to fix an enforcement issue in the
- 117 ordinance.

118 Discussion ensued that

- 119 • Several municipalities allow anonymous complaints, rules of engagement have to be
- 120 clear
- 121 • Town noise ordinance was modeled after County's ordinance
- 122 • Important to allow anonymous complaints
- 123 • Having Town and County Attorneys get together to bring forth an amendment to the
- 124 noise ordinance.

125
126 g. State of Emergency Florida / Town of Pierson - Mayor Samuel G.S. Bennett

127 **Councilmember Tom Larrivee made the motion to extend the State of Emergency for**
128 **the Town of Pierson for an additional seven (7) days; seconded by Councilmember**
129 **James Peterson. All agreed; motion carries.**

130 h. Updates by Mayor - Mayor Samuel G.S. Bennett

131 Mayor Bennett updated the Council on

- 132 • Repairs to the War Memorial at Community Center should start soon, Public Works
- 133 set up barrier to secure markers

- 134 • Met with Heritage Air to finish HVAC repairs at the new Town Center
135 • New Town Center Grand opening expected to be in April.
136
137 i. Update of Town projects from Town Attorney – Town Attorney Christian
138 Waugh

139 No new report or updates

- 140
141 j. Update of Town projects from Town Planner – Town Planner Mark Karet, Zev
142 Cohen & Associates
143

144 Mr. Mark Karet spoke on

- 145 • As of 2/3/21 Mead Hunt contract in process for the potable water system and will be
146 put on agenda for Council review at the next meeting.
147 • Onsite for meetings 2/19/21
148 • P&Z meeting scheduled for 3/16/21.
149

150 **6. OLD BUSINESS**

151 None

152 **7. OTHER BUSINESS**

153 Councilmembers Sergia Cardenas and James Peterson, the Town Attorney and the Town
154 Clerk as well as the Volusia County Sheriff's office had no additional comments.
155

156 Vice Mayor Greenlund inquired about an annexation rule and discussion ensued about the
157 process and those properties that are unincorporated within the town boundaries.
158

159 Councilmember Tom Larrivee spoke on the temporary signage on 1st Ave creating a visual
160 hazard entering US HWY 17 and Mayor Bennett spoke on how this temporary sign placement
161 came about and that the permanent sign application is with FDOT. The permanent sign(s) will
162 be placed in a way that won't obstruct the view of traffic.
163

164 **8. GOOD AND WELFARE (public participation)**
165

166 Mr. Paul Martel, 506 N. Pine Street, suggested hanging the grand opening banner on the
167 marquis.
168

9. ADJOURNED

169 **Hearing no further business, meeting adjourned at 7:58 PM.**
170

171 Minutes prepared by:

Minutes approved by:

172

173

174

175

176

Carmen Spelorzi, Town Clerk

Mayor Samuel G.S. Bennett