



TOWN COUNCIL REGULAR MEETING MINUTES

**TUESDAY, SEPTEMBER 28, 2021 - 7:00 P.M.
PIERSON TOWN HALL**

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1. CALL MEETING TO ORDER

Mayor Samuel G.S. Bennett called the meeting to order at 7:01 PM and asked Town Clerk Carmen Spelorzi to call roll.

2. ROLL CALL

PRESENT:

Mayor Samuel G.S. Bennett
Vice Mayor Robert Greenlund
Councilmember Thomas R. Larrivee
Councilmember Sergia Cardenas
Councilmember Gray Leonhard

Also present were Town Attorney Christian Waugh, Town Planner Mark Karet and representatives from the VCSO.

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. Regular Meeting September 14, 2021
- b. Budget 2nd Public Hearing September 23, 2021

Mayor 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 Councilmember Gray Leonhard. All agreed; motion carries.

5. NEW BUSINESS

- a. Farmworker Association request for waiver of Community Center Rental fees for Saturday, October 16, 2021– Nezahualcoyotl Xiuhtecutli

Mayor Bennett stated that the Farmworker Association representative has not arrived yet and that he will continue with the agenda.

The item is being discussed after agenda item 5. h.

49 b. Volusia Sheriff's Office Interlocal Agreement FY 21/22 – Captain Benjamin
50 Yisrael

51
52 Mayor Bennett announced that Sheriff Chitwood was also in attendance and invited Captain
53 Yisrael and Sheriff Chitwood to speak on the Interlocal Agreement.

54
55 Captain Yisrael

- 56 • gave an update in regard to crime and stated that there has been a slight uptick. Captain
- 57 Yisrael commented on the unauthorized removal of political signs and asked for
- 58 anybody that might have information on who is doing it, to contact the VCSO.
- 59 • Spoke on planned probation/parole operation to be happening soon in the Pierson area
- 60 • No changes to interlocal agreement – Mr. Waugh stated to change Town Manager to
- 61 Town Council for all instances throughout the agreement.
- 62 • More control presence of officers in Pierson

63 Mrs. Spelorzi advised that the dollar amount will remain the same.

64 Councilmember Gray Leonhard feels Pierson is not receiving the same response level as some
65 bigger Towns and would like a higher Sheriff's office presence when the VCSO is responding
66 to a complaint.

67 Captain Yisrael explained that when a complaint gets called in through dispatch, the caller
68 has to agree to be put in touch with law enforcement, otherwise the VCSO will not get
69 dispatched. Captain Yisrael also feels that his office is able to give proper response to calls
70 because it is a rural area and they don't encounter many other calls that would take priority
71 over a noise complaint. He also remembers his Deputies responding to two noise complaints
72 where they were not able to establish a noise violation.

73 Sheriff Chitwood suggested emailing him the addresses for noise complaints directly, so that
74 they can start a tracking system.

75 Mayor Bennett stated that it's important to have complaints addressed in a reasonable fashion.
76 Sheriff Chitwood offered to a few scenarios on how to communicate with the caller when the
77 Deputies may be able to arrive on scene.

78
79 Mayor Bennett recapped that the Council had voted for folks to be able to leave anonymous
80 complaints but that this was overruled by the legislation. So for any complaint to be legit, the
81 caller has to leave their name.

82
83 **Councilmember Gray Leonhard made the motion to approve Volusia Sheriff's Office**
84 **Interlocal Agreement FY 21/22 for provisions of Law Enforcement services for the Town**
85 **of Pierson in the amount of \$304,990; seconded by Councilmember Tom Larrivee. All**
86 **agreed; motion carries.**

87
88 c. Verizon Proposed Equipment Modification and review of current lease
89 agreement at 138 W Third St Water Tower – Karina Fournier, Tower
90 Engineering Professionals Inc - Mayor Samuel G.S. Bennett

91
92 Chair Bennett read the title and discussion ensued to table the item until the Council can
93 properly review the lease agreement. Mr. Waugh stated that the Town is currently within the

94 lease term and that, with the Council's permission, he will contact Verizon to find out what it
95 is they are looking to modify.

96

97 **Councilmember Tom Larrivee made the motion to table this item until the next regular**
98 **Council meeting; to also invite a Verizon representative to be present at that meeting as**
99 **well as authorizing the Town Attorney to contact Verizon to get more details on their**
100 **intent; seconded by Vice Mayor Robert Greenlund. All agreed; motion carries.**

101

102 d. Amendment to AT&T Dedicated Internet & Voice Bundle Agreement for a
103 term extension of 36 months - Mayor Samuel G.S. Bennett

104

105 Mayor Bennett read the title and Mrs. Spelozzi explained that this is to lock the current rate
106 for an additional 24 or 36 months. Mr. Waugh stated that there are certain provisions in this
107 amendment to include an early termination penalty.

108

109 Discussion ensued about

- 110 • the Town currently being on a month by month payment plan
- 111 • very limited provider choices
- 112 • what the current bundle entails
- 113 • contacting Verizon as a competitor

114 **Vice Mayor Robert Greenlund made the motion to table this item and get more**
115 **information on rates; seconded by Councilmember Gray Leonhard. All agreed; motion**
116 **carries.**

117

118 e. Renewal of the FY 2021/2022 of the General Liability / Workers Comp
119 Insurance with Brown & Brown PRIA - Mayor Samuel G.S. Bennett

120

121 Mayor Bennett read the title and introduced Kyle Stoekel of Brown and Brown PRIA who
122 spoke on the renewal of the FY2021/2022 General Liability/Workers Comp insurance.
123 Discussion ensued.

124

125 **Councilmember Tom Larrivee made the motion approve the annual renewal with**
126 **Brown and Brown PRIA for \$53,530 for FY 2021/2022; seconded by Vice Mayor Robert**
127 **Greenlund. All agreed; motion carries.**

128

129 f. Renewal of Annual Scheduled Maintenance Agreement with Florida Detroit
130 Diesel for the two generators located at Town Hall and Well Pump - Mayor
131 Samuel G.S. Bennett

132

133 Mayor read the title and spoke on the item. Discussion ensued about the cost and to have the
134 Mayor call the company to negotiate.

135

136 **Vice Mayor Robert Greenlund made the motion to table this item and to get more**
137 **information on the 50% rate increase; seconded by Councilmember Tom Larrivee. All**
138 **agreed; motion carries.**

139

140 g. Team Volusia Economic Development Corporation Agreement for FY
141 2021/2022 - Mayor Samuel G.S. Bennett

142 Mayor Bennett read the title and stated that he would like to discuss this agreement further
143 with Mr. Dwight Durant of Zev Cohen and recommends tabling this item.

144

145 **Vice Mayor Robert Greenlund made the motion to table the Team Volusia Economic**
146 **Development Corporation Agreement for FY 2021/2022; seconded by Councilmember**
147 **Tom Larrivee. All agreed; motion carries.**

148

149 h. No Parking on Right-of-Way in Town areas - Mayor Samuel G.S. Bennett

150

151 Mayor Bennett read the title and stated that the No Parking signs have come in and were
152 placed on the right of way.

153

154 **The representative for the Farmworkers Association arrived at the meeting and Mayor
155 Bennett proceeded to discuss item 5.a. which was skipped at the beginning of the meeting. **

156

157 Maria Valdivia, Area Coordinator; on behalf of Nezahualcoyotl Xiuhtecutli, apologized for
158 being late and thanked the Council for allowing her to discuss this matter and to ask for a
159 waiver of the rental/deposit fees. Ms. Valdivia informed the Council about a festival that the
160 Farmworkers association is going to hold, which will include COVID testing and vaccinations
161 and asked the Council if they can use the Community center free of charge.

162

163 Robin Green, 571 Pine Street offered to pay the rental and deposit for the Farmworkers
164 Association. Mr. Waugh stated that in this case the fee would not be waived and that Ms.
165 Green will pay on the Farmworkers behalf, and thus this matter would not require any further
166 action from the Council.

167

168 ***The agenda resumed with item 5. i.***

169

170 i. New Town Center - Mayor Samuel G.S. Bennett

171

172 Mayor Bennett asked the Town Attorney to speak on ad valorem property taxes. Mr. Waugh
173 spoke on the process of tax exemption and stated that if the Town were to lease of a portion
174 of the Town Center to businesses for commercial use, it could lose its tax exemption.

175

176 Mayor Bennett informed the Council that he has been working with the Volusia County
177 Library about moving their operation over to the Town Center as well as offering space to the
178 VCSO, which should not affect the tax exempt status.

179

180 Vice Mayor Greenlund asked if it would be wise to meet with the property appraiser's office
181 to ask about options for working around this rule. Mr. Waugh stated that he will look into it.

182

183 Mayor Bennett spoke on a few additional expenses including changing locks. Mr. Waugh
184 suggested that from a legal aspect it is advisable to establish some kind of budget for Town
185 Center expenses, if the purchases are being made by a Councilmember.

186

187 Discussion ensued that the Council can meet at the property and advertise this as a workshop
188 as long as conversations are audible/recorded and no decisions are made. This will be open to
189 the Public.

190

191 Resident Sue Elliott suggested filming the visit.

192

193 **Councilmember Gray Leonhard made the motion to authorize the Mayor to purchase**
194 **locks for the New Town Center not to exceed \$1,000; seconded by Councilmember Tom**
195 **Larrivee. All agreed; motion carries.**

196

197 j. Electric Panel at Rodeo Grounds - Mayor Samuel G.S. Bennett

198

199 Mayor Bennett read the title and stated that the electric panel needs to be replaced. Discussion
200 ensued about the quote that was received in the amount of \$1,180 for materials and labor.

201

202 **Vice Mayor Robert Greenlund made the motion to approve the quote for Hough Electric**
203 **in the amount of \$1,180.00 for materials and labor; seconded by Councilmember Gray**
204 **Leonhard. All agreed; motion carries.**

205

206 k. Employees/ Raises - Mayor Samuel G.S. Bennett

207

208 Mayor Bennett read the title and discussion ensued about benefits and COLA. Mrs. Spelorzi
209 handed out a COLA sheet and clarified that this is only for full-time employees.

210

211 Mayor Bennett, as a separate request, would like to increase the rate for part-time employees
212 who have been with the Town for several years without an increase.

213

214 Mrs. Spelorzi clarified that this increase will be in addition to the 3% COLA approved at the
215 final budget hearing and was confirmed.

216

217 **Councilmember Gray Leonhard made the motion to increase the rate for full-time**
218 **employees by 5% and Marci Nichols by \$1.00 and Chris Nichols by \$2.00 per hour;**
219 **seconded by Councilmember Tom Larrivee. All agreed; motion carries.**

220

221

222 l. Tree limbs and trimming - Mayor Samuel G.S. Bennett

223

224 Mayor Bennett stated that he was approached on the Town's policy on picking up tree limbs
225 throughout the Town. Discussion ensued that the Town agreed a while back to help residents.
226 Mayor Bennett suggested expanding this service to include all Homeowners and Churches.

227

228 Mrs. Spelorzi stated that other Town's offer a quarterly pick up for a minimal fee.

229

230 Sue Elliott suggested a yearly event to animate residents to trim back their properties.

231

232 Discussion ensued about the Public accessing ordinances and the current Charter and Mr.
233 Waugh explained.

234

235 m. Discuss current waste services of WCA and the new company GFL
236 Environmental - Mayor Samuel G.S. Bennett

237

238 Mayor Bennett read the title and Mrs. Spelorzi elaborated on some of the resident complaints.
239 Mrs. Spelorzi stated that she forwards complaints and questions to Ms. Maddie Moore.

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n. Update on Business Street signs - Mayor Samuel G.S. Bennett

Town Planner Mark Karet spoke of the reasons why FDOT denied the signs. Discussion ensued. Mayor Bennett would like signage on Highway and Mr. Karet stated that he will look into it.

o. Updates by Mayor - Mayor Samuel G.S. Bennett

Mayor Bennett spoke on

- Home Coming Parade on Saturday October 9, 2021
- Parade Fall Festival, Football game the week of October 1st.

p. Update of Town projects from Town Attorney – Town Attorney Christian Waugh

Mr. Waugh spoke on

- Property up for Auction, deed has been drafted
- SB 280 – a bill to impact what local government does with passing laws. Mr. Waugh explained the implications of the SB 280 if it passes.

q. Update of Town projects from Town Planner – Town Planner Mark Karet, Zev Cohen & Associates

Mr. Karet spoke on:

- Water project CDBG – need for further info for DEP
- SRF – good news, they will increase the original loan amount for engineering/design since there is an existing loan agreement
- Available on site 10/7/21 for potential applicants
- 9/21/21 P&Z meeting discussed noise ordinance. Invite VCSO to next P&Z meeting for discussion on noise level readings

6. OLD BUSINESS

None

7. OTHER BUSINESS

Vice Mayor Robert Greenlund, Councilmembers Tom Larrivee and Gray Leonhard as well as Town Attorney Waugh had no additional comments.

Councilmember Sergia Cardenas informed the Council that she is still working on the Scholarship. She is also working to proclaim the Town as a “Purple Heart Town”. She asked to let her know if anybody in the Town is a Purple Heart recipient and that a proclamation will be presented during the 10/12/21 Council meeting.

Town Clerk Spelorzi spoke on an email she received from Florida Emergency Management that the grant process is open for Hazard Mitigation grants and Mrs. Spelorzi would like to

283 get permission to have Fred Fox assist with the application to apply for a new generator for
284 the new town center. All agreed.

285

286 Mayor Bennett read dates of upcoming meetings.

287

288 **8. GOOD AND WELFARE (public participation)**

289

290 Resident Kathy Whidden

291 • Inquired about the opening hours for the dumpster as well as the burn pile. Mrs.
292 Spelorzi answered those questions.

293 • Stated that a deputy told her that Pierson had a noise ordinance that could not be
294 enforced. Mr. Karet explained that there is language in the current ordinance about
295 being able to do anonymous complaints, which has since been overturned by the State

296 • There is a homeless camp at 457 Western Ave. next to her house and she would like
297 to see something done about it. Discussion ensued that the cooperation of the
298 landowner is necessary and Mr. Waugh gave suggestions to Mrs. Whidden on how
299 she can get the process started.

300

301 Resident Linnie Richardson

302 • Spoke about the new DRA position and that this needs to be on the agenda ASAP.
303 Mayor stated to add to the October 12, 2021 agenda.

304

305 **9. ADJOURNED**

306 **Hearing no further business, meeting adjourned at 9:45 PM.**

307 Minutes prepared by:

Minutes approved by:

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312 _____
Carmen Spelorzi, Town Clerk

Mayor Samuel G.S. Bennett