



TOWN COUNCIL REGULAR MEETING MINUTES

**TUESDAY, APRIL 15, 2025 – 6:30 P.M.
PIERSON TOWN CENTER**

1. Call meeting to order

Mayor Gray Leonhard called the meeting to order at 6:30 P.M. and asked Town Clerk Yvonne Braddock to take the roll call.

2. Roll call

PRESENT:

Mayor Gray Leonhard
Vice Mayor Robert Greenlund
Councilmember Jimmy Anderson
Councilmember Linnie Richardson
Councilmember Brandy Peterson

Also present were Town Attorney Scott Simpson, Town Planner Mark Karet, Deputy Clerk Ryan Smith, and a Deputy from the Volusia Sheriff's Office.

3. Invocation and Pledge of Allegiance

Councilmember Linnie Richardson gave the invocation, which was followed by the Pledge of Allegiance.

4. APPROVAL OF MINUTES – Mayor Gray Leonhard

- | | |
|--------------------|---------------|
| a. Regular Meeting | April 1, 2025 |
| b. Workshop | April 7, 2025 |

Mayor Leonhard read the titles and asked if there were any additions and/or deletions, if not he would entertain a motion for approval.

Councilmember Linnie Richardson made the motion to approve the above listed minutes as written; seconded by Vice Mayor Robert Greenlund. All agreed; motion carries.

5. NEW BUSINESS

- a. Updates from the Community Traffic Safety Team (CTST) meeting – Lester Pulley

Resident Lester Pulley gave the Council an update from the CTST meeting which mostly

discussed school zones, crosswalks, and other related topics. Mr. Pulley said that one item of discussion involved speed cameras in school zones. Mr. Pulley said some municipalities were partnering with the speed camera vendor to install the cameras and a system which automatically tickets individuals who are speeding. The vendor receives a percentage of the citation fee. It was also noted at the meeting that traffic fatalities are down, SunRail usage has increased, the County is charging for beach parking unless beachgoers register online, and Shell Harbor Road has been re-paved.

Councilmember Brandy Peterson asked for an update on the striping on Vannote Road. Deputy Clerk Ryan Smith said he spoke with Volusia County Road and Bridge who informed him that the County typically does not re-stripe small roads of that size and speed limit. The Council agreed that they would like to ask the County to re-stripe the portions of Vannote Road as they were before the re-paving.

Councilmember Linnie Richardson asked about the enforcement and appeals process for the speed cameras in school zones. Town Attorney Scott Simpson said in cities such as Lake Helen, a special master is designated for code enforcement.

b. Pierson burn ban ordinance discussion – Linnie R. Richardson – Councilwoman

Councilmember Linnie Richardson said she had spoken to the Volusia County Fire Marshal regarding a County burn ban. Councilmember Richardson said she was advised by the Fire Marshal that the County had not enacted a ban, but that the Town had to authority to pass its own ban. Councilmember Richardson said she reached out to Town Attorney Scott Simpson to discuss this option.

Mr. Simpson said two municipalities, New Smyrna Beach and DeLand, had passed similar bans. Mr. Simpson said that DeLand's Fire Chief was responsible for initiating a ban in DeLand. Mr. Simpson said Pierson was in the County's fire district, but DeLand and New Smyrna Beach were not. This could mean that Pierson would have to defer to the County to make the decision to initiate a burn ban. Mr. Simpson said he was waiting for a response from the Fire Chief. Mr. Simpson noted that the County was considering creating multiple zones in the County so that bans could be initiated for certain areas, rather than the entire County.

Councilmember Linnie Richardson made the motion to table this item until Mr. Simpson collected more information and spoke with the Fire Chief; seconded by Councilmember Jimmy Anderson. All agreed; motion carries.

c. Resolution 2025-05 to create a Charter Review Committee – Town Attorney Scott Simpson

Town Attorney Scott Simpson read the title of Resolution 2025-05. Mr. Simpson noted that the Town Charter required a charter review every ten years with a committee to be established 18 months prior to the next general election. Mr. Simpson said the committee would make recommendations for charter amendments to the Council, but the Council would decide whether to accept those recommendations.

Vice Mayor Robert Greenlund made the motion to approve Resolution 2025-05 to create a Charter Review Committee; seconded by Councilmember Linnie Richardson. Motion carries on a roll call vote 5-0.

d. North Road culvert updated quote and FEMA status – Linnie R. Richardson – Councilwoman

Councilmember Linnie Richardson said she reached out to Louis Trivett of Volusia County Road and Bridge for an updated quote on the culvert replacement at North Road. The total amount had increased by approximately \$1,500.00 from the original quote in 2024. The Council discussed FEMA funding and agreed that it would be best to fix the culvert now and attempt to get reimbursed for a portion of the replacement from FEMA. Councilmember Linnie Richardson said there was no guarantee that FEMA would reimburse the culvert.

Vice Mayor Robert Greenlund asked if the County might allow the Town to pay for the culvert in installments. Deputy Clerk Ryan Smith, Town Clerk Yvonne Braddock, and the Council briefly discussed financing options for the culvert. Ms. Braddock said the CPA had advised against accruing debt and recommended paying for the culvert without financing.

Vice Mayor Greenlund agreed that the culvert needed to be repaired before hurricane season. Mr. Smith said the County could schedule the culvert replacement in 4 to 6 weeks and would need the Town's Public Works department to set up road closures and detours.

Vice Mayor Greenlund made the motion to waive bidding requirements and approve the North Road culvert replacement quote from Volusia County Road and Bridge in the amount of \$62,626.19; seconded by Councilmember Jimmy Anderson. Motion carries on a roll call vote 5-0.

e. Irrigation at Chipper Jones Park rear ball fields – Jimmy Anderson – Councilman

Councilmember Jimmy Anderson met with Adam Braddock regarding irrigation upgrades to the rear ball fields at Chipper Jones Park. Mr. Braddock recommended installing a single valve for each field. Councilmember Anderson said Little League would be providing the main water line. Councilmember Anderson said Mr. Braddock had not yet provided a quote.

Councilmember Linnie Richardson moved to table this item until a quote could be obtained; seconded by Councilmember Brandy Peterson. All agreed; motion carries.

f. Sunday alcohol sales within Town limits – Linnie R. Richardson – Councilwoman

Councilmember Linnie Richardson said that in past years, Planning & Zoning had worked on an ordinance amending the Town's alcohol regulations to allow for alcohol sales after 12:00 P.M. on Sundays, but that the ordinance had failed to pass. Councilmember Richardson said the Town was losing sales tax revenue by not allowing the sales. Councilmember Richardson

said it was time that the Council made the change. Councilmember Brandy Peterson said not allowing alcohol sales was not preventing residents from purchasing alcohol; they drive to Seville, Astor, or Barberville to purchase it.

Town Attorney Scott Simpson said the previously drafted ordinance could be brought back to the next meeting.

g. Public auction methods, George Gideon Auctioneers proposal, and scheduling – Deputy Clerk Ryan Smith

Mr. Smith said Gideon Auctioneers had a blanket contract with Volusia County to provide auction services and that the Town could piggyback on the County contract. Mr. Smith said Gideon Auctioneers would photograph and catalog the items, post the items for auction on their website, receive the payments, and disburse the proceeds to the Town, minus the commission. Mr. Smith said the commission rates were 12.5% for the abandoned aircraft and 15% for all other non-titled items such as tractors and mowers.

Councilmember Linnie Richardson said the Town had a striping machine that needed to be added to the surplus equipment list. Town Attorney Scott Simpson said the staff could bring back a Resolution declaring the striping machine as surplus, as well as a copy of the Gideon Auctioneers contract for approval.

h. Volusia Sheriff's Office contract renewal and Deputy shift hours – Linnie R. Richardson – Councilwoman

Councilmember Linnie Richardson said the annual Sheriff contract rate was going up from approximately \$309,000.00 to over \$345,000.00. Councilmember Richardson asked whether it would be possible to reduce the Volusia Sheriff Deputy's daily hours from twelve to eight hours to save money. Vice Mayor Robert Greenlund said the Town could not continue to absorb the increases every year. Councilmember Richardson said the Town was still paying for County law enforcement on each residents' property taxes.

Town Attorney Scott Simpson said the Town was paying for enhanced services, and a discussion with the Sheriff's Office might offer solutions on ways to reduce the contract amount.

Deputy Clerk Ryan Smith said other municipalities were looking at a tax base increase of 8 – 10 percent which helps those cities offset increases but noted that Pierson did not have as much development as other cities in the County.

The Council discussed how the Sheriff's Office was not utilizing its substation at the Town Center.

Mr. Smith asked Town Attorney Scott Simpson if the Town was required to provide law enforcement services by State or County law. Mr. Smith noted that the four municipalities in the County which did not have their own police departments were under contracts with Volusia Sheriff's Office.

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189 Mayor Leonhard noted that there have been examples of the Town's contracted deputy being
190 outside of Town limits to assist with calls in unincorporated areas of the County.

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192 Vice Mayor Greenlund said he felt the Town should have a conversation with the Sheriff's
193 Office. Mr. Simpson said the Town should obtain copies of Sheriff's Office contracts with
194 other municipalities and research how those contracts are written.

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196 The Council discussed the contract term.

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198 **6. OTHER BUSINESS (Mayor, Council, and Staff Reports)**

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200 a. Updates and reports by Mayor Gray Leonhard

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202 Mayor Leonhard discussed the entrance at Chipper Jones Park and asked if a second entrance
203 could be created halfway between Chipper Jones Lane and the railroad tracks. Vice Mayor
204 Greenlund said it would have bad ruts when it was wet. The Council discussed using the
205 entrance closest to the railroad tracks as an alternative when the gate at the main entrance is
206 closed.

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208 Mayor Leonhard said it would be good to see the Sheriff's Office patrol that area when there
209 were games taking place. Councilmember Brandy Peterson said the gate would only be closed
210 on Tuesday and Friday when games were occurring. Councilmember Brandy Peterson asked
211 Councilmember Jimmy Anderson if he could instruct Public Works to patch the hole at the
212 railroad track entrance off Washington Avenue.

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214 Mayor Leonhard said an average of 7,900 cars a day travel through Pierson per DOT which is
215 why he did not like using the US Highway 17 entrance to the park.

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217 b. Updates and reports by Council Members

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219 Councilmember Jimmy Anderson:

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221 Councilmember Anderson said the Town needed to be able to keep track of the
222 amount of water being used by the fire department. Councilmember Anderson said the
223 fire department used to obtain a hydrant meter from the Town which allowed the
224 Town to keep track of the usage. Councilmember Anderson said he brought up this
225 item because he saw a hose and valve turner at the corner of Vannote Road and Shell
226 Harbor Road, and he knew the fire department had been using water for the fires in the
227 area. Vice Mayor Greenlund said it was the County, not the fire department.
228 Councilmember Anderson said the County knew how many gallons their tanker truck
229 holds, and that number could be reported to the Town.

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231 Councilmember Linnie Richardson:

Councilmember Richardson asked if the old tires from the Town dump site had been hauled off by Public Works. Staff confirmed that they had been taken to Tomoka Landfill.

c. Updates and reports by Town Attorney – Town Attorney Scott Simpson

Mr. Simpson discussed controlling and regulating growth with the Council. Mr. Simpson said he felt this was one of the most important things the Council could do as a small community, but it could also cause the most controversy.

Mr. Simpson said the first step involves the Council acting as a legislative body to set policies and create regulations. Courts give the municipality broad discretion unless it clearly abuses that discretion.

There are two ways the Town sets policies. The first is by creating a State-mandated Comprehensive Plan, a planning document with mandatory elements that must be addressed such as traffic, utilities, schools, and a future land use map. This outlines how the Town sees growth occurring in the Town into the future.

The second way of setting legislative policies is through Land Development Regulations. Comprehensive Plans are written in broader terms while Land Development Regulations get more specific about how land is developed. The policies put into place using these methods give every property owner rights to pursue development pursuant to the policies put in place.

When a property owner makes application for development, the Council acts as a quasi-judicial body to implement or apply a policy to a property owner based on a set of facts. These decisions by the Council must be supported by competent substantial evidence. Mr. Simpson said any good developer would present competent substantial evidence from planners, architects, engineers, and other experts when making an application.

Mr. Simpson explained that if a quasi-judicial decision by the Council were challenged in court, the Council would need to provide competent substantial evidence to support that decision. The Town Planner's recommendations and Planning and Zoning Commission decisions could be considered competent substantial evidence.

Mr. Simpson said he did not think, in general, Commissions gave enough detail to Comprehensive Plans. Mr. Simpson said the Comprehensive Plan was like "the Bible" of how a community grows. Mr. Simpson recommended that the Council very carefully consider any Comprehensive Plan amendments that come before it. Mr. Simpson noted that the State law is currently pro-development; it protects the property owners' rights to develop, but does not consider adjacent property owners' rights to be protected from development.

Mr. Simpson briefly discussed the Bert J. Harris Act, imminent domain, and the Live Local Act. Mr. Simpson explained the two methods of annexation. Mr. Simpson said annexations would help increase revenue by increasing the tax base.

d. Updates and reports by Town Planner – Town Planner Mark Karet, Zev Cohen

Mr. Karet said he would be available to meet with residents regarding their zoning and land use questions on Thursday, April 17, 2025.

Mr. Karet stated that the wells at the new water treatment plant had been tested, and the results were satisfactory. The distribution line will be tested in the upcoming week for submission to FDEP and the Volusia County Department of Health.

Town Attorney Scott Simpson inquired about the easements for four property owners along US Highway 17. Mr. Karet noted that the easements were for the wastewater treatment plant design. FDOT provided feedback on the design for the east side of US Highway 17 between E. 1st Avenue and E. Washington Avenue, explaining the right-of-way was too tight and that the wastewater main line needed to be outside of the right-of-way. Mr. Karet said easements were being created to the east of the right-of-way, and the Town would need to ask the four property owners to grant the Town an easement. Mr. Simpson felt it might be better for the Town to approach the owners rather than receive a letter from an attorney. Deputy Clerk Ryan Smith suggested working with Mr. Karet to draft a letter to be sent by the Town. Mr. Karet said the Town could request the easement and offer free connection fees in exchange for the easement.

e. Updates and reports by Staff

There were no staff reports.

7. GOOD AND WELFARE (Public Participation)

Resident Lester Pulley said that May 1, 2025 was the National Day of Prayer and asked if the Town would be hosting an event. Councilmember Brandy Peterson said participants usually gather at the flag pole at 7:00 A.M. and 7:00 P.M. to pray.

Deland resident Fabian (who did not provide a surname) requested to add an agenda item regarding airport usage for the next meeting. Town Planner Mark Karet asked if a proposal could be provided to staff in advance of the meeting for review.

Pat Anderson of Eagle Sport Aviation Club spoke to Council regarding the future use of the airport. Mr. Anderson said he was also asked to speak at the meeting on behalf of the Aircraft Owners & Pilots Association (AOPA). Mr. Anderson said his neighbor was Todd Whaley of Flagler County FireFlight, which signed a contract with Volusia County to assist in fighting fires. Mr. Anderson stated that Mr. Whaley had been using the Pierson airport for night vision training and staging.

Mr. Anderson said he had created an airport plan for Pierson in past years when he was part of the airport committee. Mr. Anderson said the plan was the first step in seeking funding. Mr. Anderson said adding fuel to the airport would help to pay for it. Mr. Anderson said Greg Shugg, who was also in attendance, had ideas for raising funds at the airport.

Mr. Anderson said he had not been able to move the glider at the Pierson airport because his

trailer disappeared from the airport. Councilmember Linnie Richardson said the glider trailers she had seen at the airport were in disrepair and had been abandoned in the woods. Mayor Leonhard said at that time the Town had a bad relationship with the glider club due to the condition of the clubhouse and surrounding areas at the airport.

Vice Mayor Greenlund said he did not think anyone wanted the airport to close but Pierson did not have the funds to continue maintaining the airport. Councilmember Brandy Peterson noted that there was a donation box at the airport, but it never had money left in it. Mr. Anderson said he would pledge to find the funding to keep the airport open. Mr. Shugg offered to donate \$6,000.00 at the meeting. Deputy Clerk Ryan Smith asked to wait on the donation until the next meeting so that the Town staff could have a discussion with Town Attorney Scott Simpson.

8. PIERSON EVENTS

- a. Pierson Vendor Market – Saturday, April 19, 2025 @ 9:00 A.M. – 2:00 P.M.
- b. Pierson Garden Club Annual Plant & Bake Sale – Saturday, April 19, 2025 @ 9:00 A.M. – 2:00 P.M.
- c. 2nd Annual Seville Derby Day – Seville Community Center – Saturday, May 3, 2025

9. ADJOURNED

Hearing no further business, meeting adjourned at 8:46 P.M.

Minutes prepared by:

Minutes approved by:

Ryan Smith, Deputy Clerk

Gray Leonhard, Mayor