



TOWN COUNCIL REGULAR MEETING MINUTES

**TUESDAY, MAY 28, 2024 – 6:30 PM
PIERSON TOWN HALL**

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1. Call meeting to order

Mayor Samuel G.S. Bennett called the meeting to order at 6:32 PM and asked Town Clerk Yvonne Braddock to take the roll call.

2. Roll call

PRESENT:

Mayor Samuel G.S. Bennett
Vice Mayor Robert Greenlund
Councilmember Linnie Richardson
Councilmember Brandy Peterson

Also present were Deputy Clerk Ryan Smith, Town Attorney Christian Waugh, Town Planner Mark Karet, and a deputy from Volusia Sheriff's Office. Councilmember Sergia Cardenas was absent.

3. Invocation and Pledge of Allegiance

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

4. Approval of Minutes – Mayor Samuel G.S. Bennett

a. Regular Meeting May 14, 2024

Mayor Bennett read the title and asked if there were any additions and/or deletions, if not he would entertain a motion for approval. Vice Mayor Robert Greenlund stated that the agenda incorrectly labeled the date of the minutes as May 11, 2024, and should read May 14, 2024.

Councilmember Linnie Richardson made the motion to approve the above listed minutes as written; seconded by Councilmember Brandy Peterson. All agreed; motion carries.

5. NEW BUSINESS

a. Farmworker Association of Florida – Ernesto Ruiz

Mr. Ernesto Ruiz of The Farmworker Association of Florida spoke to the Town Council regarding the association's building on Fountain Drive in Pierson and the issue regarding parking in front of the building. Mr. Ruiz apologized for beginning construction on a paved

47 parking area in front of the building which encroached on Town right-of-way. Mr. Ruiz said
48 that he would like to work with the Council to find a solution to their parking situation and
49 asked if a compromise might be possible. Mr. Ruiz stated that they had explored multiple
50 non-permanent options including gravel, rock, pavers, or asphalt. The Council explained
51 that a non-movable, permanent surface such as a paved parking lot would be prohibited
52 because it would prevent utility work in the right-of-way. Town Planner Mark Karet stated
53 that many towns do allow improvements to be made in the right-of-way, but this is not a
54 permanent right and could be changed by the Town at its discretion. Councilmember Brandy
55 Peterson noted that Limitless Repair Services also parks in the right-of-way in front of their
56 building on the same street. Vice Mayor Robert Greenlund said that he was not opposed to
57 improvements if they were temporary or non-permanent. Town Attorney Christian Waugh
58 said that he was not concerned with legal issues in the event of an accident or injury because
59 the right-of-way is not Town property. Mayor Bennett asked Mr. Ruiz to prepare a proposal
60 and present it at the next meeting.

61

62 b. Commercial Rentals at New Town Center discussion and action – Vice Mayor
63 Robert Greenlund

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65 Vice Mayor Robert Greenlund said that he spoke with Beth Harper who had expressed interest
66 in renting a room at the Town Center for tutoring. Vice Mayor Greenlund said the price of
67 \$650.00 was more than she was willing to spend at this time and would explore other options.
68 The Council briefly discussed rental options including potential daily or weekly rentals of
69 event spaces and month-to-month leases, in addition to traditional commercial leases.

70

71 **Vice Mayor Robert Greenlund made the motion to table this item until rooms were**
72 **ready for lease; seconded by Councilmember Linnie Richardson. All agreed; motion**
73 **carries.**

74

75 c. 4th of July discussion and action – Brandy Peterson – Councilwoman

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77 The Council received updates from the Clerk’s Office regarding concession items for the 4th
78 of July event which were discussed at a workshop on May 20, 2024. Councilmember Brandy
79 Peterson stated that a popcorn machine rental was \$50.00 from Jumpin’ Beans Party Rentals
80 and had been reserved for the event. The Council agreed at the prior workshop to purchase a
81 snow cone machine. The Clerk’s Office provided a print-out of the snow cone machine to the
82 Council. Deputy Clerk Ryan Smith noted that the machine had a one-year warranty.

83

84 **Councilmember Brandy Peterson made the motion to purchase a Paragon Snow Cone**
85 **Machine for \$577.66; seconded by Councilmember Linnie Richardson. All agreed;**
86 **motion carries.**

87

88 d. Efird Surveying at New Town Center discussion and action – Deputy Clerk
89 Ryan Smith

90

91 Deputy Clerk Ryan Smith explained to Council that in order to rent rooms at the Town Center
92 for commercial use, the Volusia County Property Appraiser’s office required that each
93 building be identifiable with a boundary map and a formal description. Mr. Smith and Town

94 Clerk Yvonne Braddock explained that the current Town Center property was listed as a single
95 parcel through the Property Appraiser's Office and would need to be broken into sub-parcels
96 for rental purposes, allowing the Property Appraiser to accurately assess real estate taxes on
97 the rented portions of the Town Center. The Deputy Clerk obtained a quote from Efird
98 Surveying to create a boundary map for \$4,000.00 and a description of each building for
99 \$250.00 each, for a quote total of \$6,500.00. Town Attorney Christian Waugh said that a
100 drawing should be adequate and did not think a full survey was necessary. Vice Mayor Robert
101 Greenlund and Mayor Samuel Bennett felt this was too expensive and did not want to move
102 forward at this time.

103

104 **Councilmember Linnie Richardson made the motion to table this item until Town**
105 **Attorney Christian Waugh could verify the requirements with Volusia County Property**
106 **Appraiser; seconded by Vice Mayor Robert Greenlund. All agreed; motion carries.**

107

108 e. 103 2nd Avenue Political Event – Stephanie Cox and William Bittorf

109

110 Volusia County resident Stephanie Cox asked the Council if there were any restrictions on
111 hosting political events on private property. Town Attorney Christian Waugh suggested that
112 Ms. Cox should have her own legal counsel. Mr. Waugh noted that from the Town's
113 perspective, there are no restrictions if no ordinances or laws are violated. Ms. Cox asked if
114 she must obtain an event permit. Town Planner Mark Karet informed Ms. Cox that special
115 event permits have been issued by Town of Pierson in the past. Mr. Karet and Mr. Waugh
116 asked for more specific information on the type of event being planned. Ms. Cox stated that
117 she did not have specific details. Mr. Karet said that special event permits do come with
118 restrictions. Mr. Waugh suggested that the Clerk's Office could provide information regarding
119 the special event permit. Mayor Bennett asked Ms. Cox to attend a future meeting when she
120 had obtained specific dates, times, and details on the type of event she planned to host.

121

122 f. DRA – Linnie R. Richardson – Councilwoman

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124 Councilmember Linnie Richardson said that the Town had put off appointing a DRA for too
125 long but that there are many issues in Town which needed to be addressed. Councilwoman
126 Richardson said she felt it was time to nominate an employee as DRA so that the Town could
127 enforce its ordinances and deal with infractions. Mayor Bennett asks Town Planner Mark
128 Karet to explain the DRA process. Mr. Karet said an ordinance had been passed to clarify the
129 duties and powers of a DRA, but no one had ever been appointed to the position. Mr. Karet
130 explained that there is a code enforcement process in the Land Development code which
131 requires a DRA to initiate reports, conduct investigations, and enforce ordinances. Town
132 Attorney Christian Waugh said that if violations were found, the DRA must issue the
133 violation.

134

135 Councilmember Brandy Peterson asked for clarification about the roles of the DRA. Mr. Karet
136 explained that Town Clerk Yvonne Braddock already performs certain tasks which would fall
137 under the DRA. Mr. Waugh said the Town had enforced its code without a DRA in the past.
138 Mr. Waugh stated that a lawsuit was instigated based on code in the past, which was resolved,
139 but that the Town would have lost the lawsuit due to illegal code enforcement if it had been
140 challenged.

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Councilmember Brandy Peterson asked for clarification on the reporting process. Mr. Karet explained that a DRA would receive reports and initiate investigations. Mr. Waugh said that the DRA would also issue notices to residents or businesses found in violation of ordinances. Mr. Waugh said this would happen without the involvement of the Council. Councilmember Peterson stated that more people would violate Town codes if there was no DRA to begin enforcing them. Vice Mayor Greenlund stated that he did not want a DRA unless it was mandated by the State to enforce ordinances. Attorney Christian Waugh explained that it was not a State law and that the DRA requirement had been established by the Town's own ordinances.

Resident Rick Davis spoke to the Council and said that while he hated the idea of code enforcement, there were too many issues happening which the Town needed to address. Resident Robin Green said the Town got very lucky with the prior lawsuit mentioned by Attorney Christian Waugh. Ms. Green said that the expectation was that the Town would enforce ordinances passed by the Council, and asked what the point of the Council was if it did not do so.

Vice Mayor Robert Greenlund said he was under the impression that the Town had been enforcing its ordinances for years. Town Attorney Christian Waugh explains that one example of enforcement in the past involved a State statute regarding nuisances which allowed Mr. Waugh to circumvent the Town's DRA requirement. Mayor Samuel Bennett suggested that the Town could amend its charter to allow the Council to enforce code violations. Mr. Waugh explained that while the Town could change its code enforcement mechanism, it would never be the job of the Council to receive complaints and conduct investigations.

Vice Mayor Greenlund stated that he did not mind trying out a DRA but he did not want it to turn into a code enforcement board. Councilmember Linnie Richardson said that a DRA would only be enforcing the ordinances currently on the books for the Town. Town Planner Mark Karet explained that the original Land Development code assigned enforcement responsibilities to the Building Official, but that the Town does not employ a Building Official. Mr. Karet said that the Town's options were to hire a qualified Building Official or to change the code to designate a DRA for that role; the Town chose the latter.

Mayor Bennett asks for clarification on the Town's current process for receiving complaints. Discussion ensued; it was determined that residents often report complaints to Town Hall or a Council member and it is placed on the agenda as a discussion item. Town Planner Mark Karet explained that the Council could write a strong letter or file a lawsuit but nothing more. Vice Mayor Greenlund said that it sounded like the DRA would have more authority than Council. Mr. Waugh explained that the Council would have no enforcement authority. Resident Rick Davis said that the Council's responsibility was to make ordinances and the DRA would enforce them. Vice Mayor Greenlund asked if the DRA's position could be repealed; Mr. Waugh said the position could be removed or reassigned by Council at any time.

Mr. Karet explained that there are no anonymous complaints to the DRA except for an environmental issue. Councilmember Linnie Richardson said that the DRA could also delegate various tasks to other Town employees to assist with investigations. Councilmember

188 Brandy Peterson asked to schedule a workshop for further clarification on the DRA duties and
189 procedures.

190

191 **Councilmember Linnie Richardson made the motion to appoint Town Clerk Yvonne**
192 **Braddock as the DRA; seconded by Councilmember Brandy Peterson. Motion carries**
193 **on a roll call vote 4-0.**

194

195 g. ADA Compliance discussion and action – Mayor Samuel G.S. Bennett

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197 Mayor Samuel Bennett said the Council should address the ADA compliance issues raised by
198 resident Gray Leonhard at the previous meeting. The Council was provided with a list from
199 Melissa Fox of Fred Fox Enterprises in a prior year. Councilmember Linnie Richardson
200 suggested having a workshop. Vice Mayor Robert Greenlund and Councilmember Richardson
201 agreed that the Community Center needed upgrades. Mayor Bennett said the Town should
202 also be compliant at Chipper Jones Park. Deputy Clerk Ryan Smith discussed the possibility
203 of applying for a Volusia County ECHO Grant to improve the Community Center while also
204 making it ADA compliant. Town Clerk Yvonne Braddock noted that the handicap parking
205 space was not compliant at the Community Center. Mayor Bennett said the Town needed to
206 review the ADA specifications and bring the Community Center into compliance.

207

208 **Vice Mayor Robert Greenlund made the motion to table this item until there is a**
209 **workshop on the ADA specifications; seconded by Councilmember Linnie Richardson.**
210 **All agreed; motion carries.**

211

212 h. Water Supply Security discussion and action – Linnie R. Richardson –
213 Councilwoman

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215 Councilmember Linnie Richardson stated that she had seen a news article in which the federal
216 government warned municipalities to be diligent about the security at their water treatment
217 plants. Councilmember Richardson asked the Council if the Town should add security
218 measures at the new well sites including surveillance and fencing. Mayor Bennett asked Town
219 Planner Mark Karet if the quotes for the new wells included any type of security; Mr. Karet
220 said he was not sure about fencing but that cameras would be the responsibility of the Town.
221 Mayor Bennett stated that the Town could install a fence with access gates. Councilmember
222 Richardson suggested that the 8-foot-tall chain link fence which was removed from the Town
223 Center property could be used to secure the well site.

224

225 Resident Robin Green asked when the new wells would be online. Town Planner Mark Karet
226 stated that the wells are now energized after a delay from Duke Energy and that water testing
227 is being done. Mr. Karet estimated that the wells could be online within three weeks.

228

229 **Vice Mayor Robert Greenlund made the motion to obtain pricing on security cameras**
230 **and construct a fence; seconded by Councilmember Linnie Richardson. All agreed;**
231 **motion carries.**

232

233 i. Municode discussion and action – Deputy Clerk Ryan Smith

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235 Deputy Clerk Ryan Smith obtained a quote from CivicPlus for Municode codification and
236 online code hosting services. Mr. Smith explained that Municode was a service which codified
237 and hosted ordinances and land development regulations for municipalities. Mr. Smith stated
238 that Pierson was the only municipality in Volusia, Flagler, and Putnam Counties, except for
239 Crescent City, that did not host its code of ordinances online with Municode. Town Planner
240 Mark Karet clarified that Crescent City had recently signed up with Municode and was
241 currently working on implementing the service. Mr. Smith said that Municode would ensure
242 ADA compliance and make the codes searchable online.

243

244 The Council asked about the various quote options. The selected services in the quote showed
245 a total of \$6,590.00 but only added up to \$4,890.00. The Council asked for clarification on
246 the discrepancy.

247

248 **Vice Mayor Robert Greenlund made the motion to table this item until the correct price**
249 **of the proposal could be verified; seconded by Councilwoman Linnie Richardson. All**
250 **agreed; motion carries.**

251

252 j. Flooring Quotes Building 2 discussion and action – Deputy Clerk Ryan Smith

253

254 Deputy Clerk Ryan Smith asked for this item to be tabled until the items discussed in 5b could
255 be completed.

256

257 **Councilmember Linnie Richardson made the motion to table this item until a future**
258 **meeting; seconded by Councilmember Brandy Peterson. All agreed; motion carries.**

259

260 k. Updates by Mayor Samuel G.S. Bennett

261

262 Mayor Bennett spoke about a small single-plane crash at Pierson Municipal Airport on
263 Sunday, May 26, 2024 in which a student pilot and instructor had trouble landing their aircraft
264 due to power failure. Councilmember Linnie Richardson noted that if the aircraft had not hit
265 the small retainage ditch at the airport, the plane would have crossed into Highway 17.

266

267 Mayor Bennett gave an update regarding the water tower cleaning and ventilation/mixer
268 installation at the water tower. USG Water has obtained the proper permits and work is
269 tentatively scheduled to begin on June 18, 2024.

270

271 l. Updates on Town Projects from Town Attorney Christian Waugh

272

273 Mr. Waugh had no updates at this time.

274

275 m. Updates on Town Projects from Town Planner Mark Karet

276

277 Mr. Karet stated that he would bring an amendment for the sign code to address electronic
278 signs at the Planning & Zoning Commission Meeting in July. Mr. Karet will also be at the
279 Town on June 6, 2024 to meet with residents of the Town regarding Planning issues.

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6. OLD BUSINESS

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- a. Travis Roach/Extreme Welding quote for Rodeo Grounds bleachers discussion and action (tabled 5/14/2024) – Mayor Samuel G.S. Bennett

Councilmember Linnie Richardson made the motion to table this item until the next meeting; seconded by Councilmember Brandy Peterson. All agreed; motion carries.

- b. Proclamation – Teacher Appreciation (tabled 5/14/2024) – Mayor Samuel G.S. Bennett

Mayor Bennett reads a proclamation for Teacher Appreciation:

PROCLAMATION

TEACHER APPRECIATION

Whereas, the teachers of Pierson Elementary and T. Dewitt Taylor Middle-High School have committed themselves to providing a quality education for the students under their leadership; and

Whereas, said teachers spend countless hours before, during, and after work hours preparing lessons, grading papers, providing learning opportunities, leading extracurricular events, communicating with parents, and attending school and team meetings; and

Whereas, these teachers are making an investment in future leaders for our town, county, state, and country, and;

Now Therefore, on behalf of the Town of Pierson, I, Mayor Samuel G.S. Bennett, would like to encourage all citizens to thank the teachers of our community.

As read at our Public Meeting and has become a permanent record in the Minutes for the Town of Pierson on this 28th day of May, 2024.

- c. Resolution 2024-05 Amending Public Records Request and Procedures (tabled 4/23/2024) – Town Attorney Christian Waugh

Town Attorney Christian Waugh read the title of Resolution 2024-05 and highlighted portions of the resolution relating to public records requests, including exempt items and a schedule of fees. Mr. Waugh explained that in addition to per-page fees for produceable documents, the Town may also charge an hourly “extensive use” rate for the Clerk’s Office to compile information, which is based on the clerk’s total wages including base pay and benefits.

Councilmember Linnie Richardson made the motion to approve Resolution 2024-05; seconded by Vice Mayor Robert Greenlund. Motion carries on a roll call vote 4-0.

- d. Chipper Jones Park discussion and action (tabled 5/14/2024) – Mayor Samuel

329 G.S. Bennett

330
331 Vice Mayor Robert Greenlund said that he had not had time to evaluate the parking area at
332 the Community Center.

333
334 **Councilmember Linnie Richardson made the motion to table this item until after the**
335 **upcoming workshop on June 3, 2024; seconded by Vice Mayor Robert Greenlund. All**
336 **agreed; motion carries.**

- 337
338 e. Survey from Jeremy Steadman sidewalk discussion and action (tabled
339 3/12/2024) – Linnie R. Richardson – Councilwoman

340
341 Property owner Jeremy Steadman provided the Town with a copy of a survey showing that
342 the sidewalk in front of his building at 162 W. 2nd Avenue belongs to the Town of Pierson.
343 Councilmember Linnie Richardson recommended removing the sidewalk. Mayor Samuel
344 Bennett said that he would like to repair the sidewalk and add No Parking signage.
345 Councilmember Richardson stated that the Town should charge Limitless Repair Services for
346 the damaged sidewalk due to parking on the sidewalk. Resident Kelly Green said that people
347 were likely to continue parking on the sidewalk which would damage it again and potentially
348 open the Town to liability. Mayor Bennett asked for clarification on whether the No Parking
349 signs would be enforceable by law enforcement if the sidewalk was removed.

350
351 **Councilmember Linnie Richardson made the motion to table this item until clarification**
352 **can be obtained regarding the No Parking enforcement; seconded by Councilmember**
353 **Brandy Peterson. All agreed; motion carries.**

- 354
355 f. Efird Surveying Canal on Hagstrom Road discussion and action (tabled
356 4/23/2024) – Mayor Samuel G.S. Bennett

357
358 The Clerk's Office received a written quote from Efird Surveying for a total cost of \$5,000.00
359 to include surveying the existing drainage canal with legal descriptions, a topographic survey,
360 and elevations.

361
362 **Councilmember Brandy Peterson made the motion to approve the Efird Surveying**
363 **quote of \$5,000.00; seconded by Councilmember Linnie Richardson. All agreed; motion**
364 **carries.**

365
366 **7. OTHER BUSINESS (Council and Staff Reports)**

367 There was no other business at this time.

368 **8. GOOD AND WELFARE (Public Participation)**

369
370 There was none at this time.

371
372 The Council agreed to schedule a workshop for Monday, June 3, 2024 at 4:00 PM.

373
374 **9. ADJOURNED**

375

376 **Hearing no further business, meeting adjourned at 9:14 PM.**

377

378 Minutes prepared by:

Minutes approved by:

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Ryan Smith, Deputy Town Clerk

Samuel G.S. Bennett, Mayor