



# TOWN COUNCIL REGULAR MEETING MINUTES

**TUESDAY, JULY 9, 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 6:30 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 Sergia Cardenas  
Councilmember Linnie Richardson  
Councilmember Brandy Peterson

Also present were Deputy Clerk Ryan Smith, Utility Clerk Marci Nichols, Town Attorney Christian Waugh, Town Planner Mark Karet, and a deputy from Volusia Sheriff's Office.

## **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 June 25, 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.

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

## **5. NEW BUSINESS**

**Regular meeting in recess**

**Public Hearing called to order**

Town Attorney Christian Waugh read the text of Ordinance 2024-02:

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**a. PUBLIC HEARING**

**2<sup>nd</sup> READING**

**ORDINANCE 2024-02**

**AN ORDINANCE OF TOWN OF PIERSON, FLORIDA AMENDING THE TOWN OF PIERSON COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP IN THE FUTURE LAND USE ELEMENT RELATIVE TO CERTAIN REAL PROPERTY CONTAINING 15± ACRES, OWNED BY LISL AND TODD ANGEL, BEARING PARCEL IDS: 581200000470 AND 581200000473, LOCATED 225± SOUTH OF THE INTERSECTION OF LAMAR ROAD AND SOUTH VOLUSIA AVENUE/CR-3 FROM VOLUSIA COUNTY “AGRICULTURAL RESOURCE” TO TOWN OF PIERSON “AGRICULTURAL AND RURAL RESIDENTIAL USE” FUTURE LAND USE DESIGNATION; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE ASSIGNMENT OF THE FUTURE LAND USE DESIGNATION TO THE PROPERTY; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR NON-CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**End of Public Hearing**

**Call regular meeting to order**

**Vice Mayor Robert Greenlund made the motion to approve the second reading of Ordinance 2024-02; seconded by Councilmember Linnie Richardson. Motion carries on a roll call vote 5-0.**

**Regular meeting in recess**

**Public Hearing called to order**

Town Attorney Christian Waugh read the text of Ordinance 2024-03:

**b. PUBLIC HEARING**

**2<sup>nd</sup> READING**

**ORDINANCE 2024-03**

**AN ORDINANCE OF THE TOWN OF PIERSON, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 15± ACRES, OWNED BY LISL AND TODD ANGEL BEARING PARCEL IDS: 581200000470 AND 581200000473, LOCATED 225± SOUTH OF THE INTERSECTION OF LAMAR ROAD AND SOUTH VOLUSIA AVENUE/CR-3 FROM VOLUSIA COUNTY “A-1, PRIME AGRICULTURE” TO THE TOWN OF PIERSON “A-1, AGRICULTURAL” ZONING DISTRICT; PROVIDING FOR THE TAKING OF IMPLEMENTING**

94 **ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF**  
95 **MAPS BY REFERENCE; PROVIDING FOR IMPLEMENTING**  
96 **ADMINISTRATIVE ACTIONS; REPEALING ALL CONFLICTING**  
97 **ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR**  
98 **NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**  
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100 **End of Public Hearing**

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102 **Call regular meeting to order**

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104 **Councilmember Linnie Richardson made the motion to approve the second reading of**  
105 **Ordinance 2024-03; seconded by Vice Mayor Robert Greenlund. Motion carries on a**  
106 **roll call vote 5-0.**

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108 c. Airport Abandoned Planes – Town Attorney Christian Waugh

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110 Town Attorney Christian Waugh stated that, per Florida law, the airport director must note  
111 the date an abandoned aircraft or glider is found, contact the FAA to determine the owner of  
112 the craft, perform a title search, and send a notice to the owner within 10 days. Mr. Waugh  
113 said the owner would then have 30 days to retrieve the aircraft. In the event that the owner is  
114 unknown, a laminated notice must be posted on the aircraft citing the 30 day timeline. If the  
115 aircraft has not been removed by the 30 day deadline, the Town may sell, scrap, or dispose of  
116 the aircraft. Mr. Waugh said that Florida Statute §705.183 contained the appropriate verbiage  
117 for the notice.

118  
119 d. Property Appraiser for Town Leases – Town Attorney Christian Waugh

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121 Town Attorney Christian Waugh said he spoke with Chief Deputy Mark Wright at the Volusia  
122 County Property Appraiser's office regarding the leasing of commercial spaces at the Town  
123 Center. The Town Center is currently not assessed for real estate taxes because it is a  
124 municipal building for public use. Spaces rented for commercial use would be taxed at the  
125 current millage rate for Town of Pierson. Mr. Waugh stated that the Property Appraiser  
126 required a copy of the tenants' signed lease agreements showing the square footage of the  
127 leased spaces. Mr. Waugh said the Property Appraiser would visit the space to verify its  
128 square footage. The Property Appraiser would use this information to assess real estate taxes  
129 on the portions of the Town Center which were leased for commercial use. Mr. Waugh  
130 confirmed that no survey would be needed, but that the Property Appraiser would need the  
131 square footage.

132  
133 e. Open Nuisance Complaint by Kathy Whidden – Town Attorney Christian  
134 Waugh

135  
136 Town Attorney Christian Waugh spoke on a lawsuit brought by Kathy Whidden regarding a  
137 nuisance neighbor. Mr. Waugh said his recommendation was to dismiss the lawsuit because  
138 the issue with Ms. Whidden and her neighbor was partially resolved. Mr. Waugh stated that  
139 these issues could be handled by the DRA in the future.  
140

141 **Vice Mayor Robert Greenlund made the motion to dismiss the nuisance lawsuit;**  
142 **seconded by Councilmember Linnie Richardson. All agreed; motion carries.**

143

144 f. Approval of a Memorandum of Understanding (MOU) between Town of  
145 Pierson and Volusia County School Board for Construction and Connection of  
146 New Wastewater Treatment Plant (WWTP) – Town Planner Mark Karet, Zev  
147 Cohen

148

149 Town Planner Mark Karet presented a Memorandum of Understanding between Town of  
150 Pierson and Volusia County School Board regarding the design and planning of the  
151 wastewater treatment plant. Mr. Karet described the MOU as “an agreement to enter into an  
152 agreement.” Mr. Karet gave a brief history on the various phases of the wastewater treatment  
153 plant.

154

155 The first phase was a \$50,000 planning phase of which 50% was forgiven by the State; the  
156 remaining 50% was financed at 0% interest for thirty years and is currently being paid by the  
157 Town.

158

159 The second phase is the design phase which is currently underway. This phase is \$693,375,  
160 with \$554,700 being paid by the State Revolving Fund grant and the remaining balance being  
161 the responsibility of the Town as a 20-year loan. Mr. Karet explained that the original plans  
162 were to construct a wastewater treatment plant on the Taylor Middle-High School property,  
163 but after two turnovers in staff at the School Board there have been negotiations to relocate  
164 the plant off-campus at the request of the School Board. The new proposed site for the plant  
165 is on the north side of the airport runway. Mr. Karet stated that the school is needed as a  
166 customer for the Town’s wastewater plant to operate with sufficient flow.

167

168 Mr. Karet presented an illustration to the Council showing a pressurized line which would  
169 move sewage from a collection site or lift station on Washington Avenue across the airport  
170 property to the treatment plant. The MOU outlined the construction and implementation of  
171 the plant, the creation of an easement, and the transfer of ownership of the School’s current  
172 4” forced main line to the Town once construction was completed. The MOU states that  
173 Volusia County School Board would be responsible for modifying its existing lift station or  
174 constructing a new one. The treatment plant at the school would be decommissioned once the  
175 Town system goes online. The MOU also includes an agreement to waive the September 2024  
176 requirement of the Town to disconnect its Town Center from the school’s current sewer  
177 system. This connection would remain in place until the Town’s own system was online.

178

179 Councilmember Linnie Richardson asked about the cost of the first construction phase. Mr.  
180 Karet explained that the original number was an estimated \$5 million dollars as of 2019.  
181 Councilmember Richardson questioned whether costs had changed due to the relocation of  
182 the wastewater treatment plant onto Town property. Mr. Karet stated that the design plan had  
183 always included the construction of a new plant and that only the location had changed. Mr.  
184 Karet said that actual numbers for the construction would not be known until the design phase  
185 was completed and the project was sent out for bid. The Town would then apply for a  
186 construction grant through the State Revolving Fund.

187

188 Councilmember Richardson asked what would become of the agreement with the School  
189 Board in the event that the Town decided not to proceed with the construction of the  
190 wastewater treatment plant. Town Attorney Christian Waugh said he did not feel the Town  
191 could legally be removed from the School's current sewer system but that eventually the Town  
192 would have to deal with the issue.

193

194 Planning & Zoning Commission Chairman Paul Martel thanked the Council for addressing  
195 the issue and said the Town would not be able to accomplish anything without first talking to  
196 State representatives and relaying the importance of this project for the Town. Mr. Martel said  
197 he spoke with Senator Wright previously and was told that millions were available in funds,  
198 but claimed the Town was turned down due to late paperwork filing. Mr. Martel stressed that  
199 the School Board should work with the Town to facilitate this project.

200

201 Resident Denise Colflesh asked who owned the property where the wastewater treatment  
202 plant would be constructed. Mr. Karet explained that the property belonged to Town of  
203 Pierson and that soil sampling had been completed to ensure the site was suitable for the plant.

204

205 Resident Robin Powell commented that all Pierson residents paid taxes to the schools and that  
206 the School Board should use those funds to run their own sewer system. Ms. Powell's concern  
207 is that the School Board would use those funds to support other schools outside of Pierson in  
208 the event that the Town took over the treatment plant.

209

210 Resident Mike Jones asked the Council to consider a full presentation to the Town's residents  
211 regarding the wastewater treatment plant because most residents would not want to see the  
212 project move forward until more information was obtained.

213

214 Resident Deanna Bennett asked Mark Karet for clarification on a comment earlier in the  
215 meeting regarding Oak Hill's cost for their sewer system. Mr. Karet said that Oak Hill  
216 received 100% funding for the construction of their system between a State Revolving Fund  
217 grant and other programs. Ms. Bennett said the State wanted septic tanks gone and highlighted  
218 the expense of constructing and inspecting a septic tank.

219

220 Resident Rick Davis asked the Council to sign the MOU so that the Town could complete the  
221 design phase and end the wastewater treatment plant project at that point.

222

223 **Vice Mayor Robert Greenlund made the motion to approve the Memorandum of**  
224 **Understanding between Town of Pierson and Volusia County School Board; seconded**  
225 **by Councilmember Brandy Peterson. All agreed; motion carries.**

226

227 g. Updates by Mayor Samuel G.S. Bennett

228

229 Mayor Bennett highlighted the recent 4<sup>th</sup> of July event and acknowledged the  
230 Councilmembers and residents who volunteered their time. Mayor Bennett also thanked the  
231 Town staff for helping to organize and work the event.

232

233 h. Updates on Town Projects from Town Attorney Christian Waugh

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235 Town Attorney Christian Waugh did not have any updates.

236

237 j. Updates on Town Projects from Town Planner Mark Karet

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239 Town Planner Mark Karet said that a Planning & Zoning Commission Meeting was scheduled  
240 for Tuesday, July 16, 2024 to address a rezoning on West Hagstrom Road.

241

242 Mr. Karet will be at the Town Center on Thursday, July 18, 2024 to meet with residents about  
243 their planning questions.

244

245 Mr. Karet stated he was currently working with Town Attorney Christian Waugh on drafting  
246 a Request For Proposal for licensed water operators to manage the Town's two water plants.

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## 248 **6. OLD BUSINESS**

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250 a. Travis Roach/Extreme Welding quote for Rodeo Grounds bleachers discussion  
251 and action (tabled 6/25/2024) – Mayor Samuel G.S. Bennett

252

253 Mayor Bennett received a quote from Travis Roach of Extreme Welding Works in the amount  
254 of \$9,206.65 to weld new metal railings on the tall sections of the rodeo bleachers. Jackie  
255 North, President of the Pierson Lions Club, said the club had considered renting sections of  
256 bleachers for the annual rodeo if more space was needed. Resident Paul George said he felt  
257 the price was fair for the seven sections of bleachers that needed railings fabricated and  
258 installed. Councilmember Sergia Cardenas asked if the Lions Club would consider sharing  
259 the cost of the railings.

260

261 **Councilmember Linnie Richardson made the motion to approve the Extreme Welding**  
262 **quote in the amount of \$9,206.65; seconded by Vice Mayor Robert Greenlund. All**  
263 **agreed; motion carries.**

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## 265 **7. OTHER BUSINESS (Council and Staff Reports)**

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267 Vice Mayor Greenlund asked if quotes had been received for repairing the culvert on North  
268 Road. Vice Mayor Greenlund would like the Clerk's Office to contact Built-Rite Construction  
269 and Volusia County for pricing, and have an update by the next Council meeting.

270

271 Councilmember Sergia Cardenas had three items:

272

273 • Councilmember Cardenas asked for an update on the status of the repairs at the water  
274 tower. Deputy Clerk Ryan Smith explained that valves were ordered and the work  
275 would be scheduled once all material had been received.

276

277 • Councilmember Cardenas said Volusia League of Cities would be offering a  
278 cybersecurity workshop and asked the Clerk's office to be aware of a forthcoming  
279 email on the topic.

280

281 • Councilmember Cardenas asked to schedule a budget workshop to discuss the current

282 Town budget and allocate funds to address issues around the Town. The Council  
283 agreed to schedule a budget workshop for Monday, July 15, 2024 at 4:00 PM.  
284

285 Councilmember Linnie Richardson had two items:  
286

- 287 • Councilmember Richardson said that Rusty Peterson had serviced the generators and  
288 found them in good working condition.
- 289
- 290 • Councilmember Richardson approved the replacement of a spindle on a mower which  
291 was broken.  
292

293 Councilmember Brandy Peterson said that Little League would begin practicing at Chipper  
294 Jones Park in mid-August and asked for an update regarding the ballfield maintenance  
295 contract with Volusia County. Mayor Bennett stated that he would contact Volusia County  
296 Parks & Recreation again to discuss the maintenance.  
297

## 298 **8. GOOD AND WELFARE (Public Participation)**

299

300 Resident Katie Ruth said she was concerned that people would stop playing ball at Chipper  
301 Jones Park if the Town did not address the condition of the ballfields. Ms. Ruth asked the  
302 Council if they could make a decision regarding the general maintenance and upkeep of the  
303 fields.  
304

305 Mayor Bennett asked Deputy Clerk Ryan Smith about the purchase of new gate valves at the  
306 water tower. Mr. Smith stated that the gate valves had been ordered on Monday, July 8, 2024  
307 after it was confirmed by USG Water that the proposed valves were the correct size. Mayor  
308 Bennett stated that Todd Bush of Zev Cohen & Associates had requested waiting a few days  
309 on ordering the valves until it could be determined if the existing valves could be refurbished.  
310 Mayor Bennett asked the Deputy Clerk to call the company and postpone the order.  
311

## 312 **9. ADJOURNED**

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314 **Hearing no further business, meeting adjourned at 8:35 PM.**  
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316 Minutes prepared by:

Minutes approved by:

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Ryan Smith, Deputy Town Clerk

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Samuel G.S. Bennett, Mayor