



# TOWN COUNCIL REGULAR MEETING MINUTES

**TUESDAY, JUNE 23, 2015 – 7:00 PM  
PIERSON TOWN HALL**

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## **1. Call meeting to order**

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9 Chairman Samuel G.S. Bennett called the meeting to order at 7:01 PM and asked Deputy  
10 Clerk Carrie Ward to take the roll call.

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## **2. Roll call**

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### **PRESENT:**

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Chairman Samuel G.S. Bennett

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Vice Chairman James Peterson

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Councilmember Herbert Bennett

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Councilmember Robert Greenlund

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Councilmember Thomas R. Larrivee

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Mayor James Sowell

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Also present were Town Foreman Louis Longo, Town Planner Jim Smith and representatives  
23 from the Volusia County Sheriff's office. Town Clerk Spelorzi was excused absent.

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## **3. Invocation and pledge of allegiance**

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Vice Chair Peterson gave the invocation, which was followed by the Pledge of Allegiance.

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## **4. Approval of Minutes – Chairman Samuel Bennett**

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### **a. Council Meeting June 9, 2015**

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Chair Bennett read the date for the Minutes and asked if there are any changes/additions or  
34 deletions and hearing none he entertained a motion for approval of the minutes listed above.

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**Vice Chair Peterson made the motion to approve the minutes listed above; seconded by  
37 Councilmember Tom Larrivee. All agreed; motion carries.**

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## **5. NEW BUSINESS**

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### **a. Water Billing Adjustments Requests: – Water Committee Chairman/ 42 Councilman Robert F. Greenlund**

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i. #3.150 – Antolín Benítez – 635 N Volusia Ave

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1. Request \$254.10 – Leak from toilets. Has been repaired.

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ii. #2.169 – Ricky Hartley – 202 S Center Street

47 1. Request \$374.40 – Leak from toilets. Has been repaired.

48 Chair Bennett turned the items over to Councilmember Robert Greenlund who summarized  
49 them and stated that they have been repaired.

50 **Councilmember Herbert Bennett made the motion to approve the credits as requested;**  
51 **seconded by Vice Chair James Peterson. All agreed; motion carries.**

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53 b. Discussion on Sanitation fees being charged to all residents versus those that  
54 are not paying currently to the waste company - James Peterson, Vice  
55 Chairman

56 Chair Bennett summarized the item and stated that Vice Chair James Peterson had requested  
57 to have it tabled until a later date.

58 **Councilmember Tom Larrivee made the motion to table the item until a later date;**  
59 **seconded by Councilmember Robert Greenlund. All agreed; motion carries.**

60 c. Seek approval to hire; Chinchor Electric, Inc , a county company used for the  
61 repair / replacement of the Baseball fields lights and Chipper Jones Park is  
62 needing immediate attention due to games going on – Public Works Director  
63 Herbert Bennett

64 Chair Bennett summarized the item and turned it over to Councilmember Herbert Bennett  
65 who asked Town Foreman Louis Longo to update the Council on the actual needs. Mr. Longo  
66 gave a brief report and stated that time is of the essence. Discussion ensued about cost for  
67 materials/labor and the need for lights due to tournaments.

68 **Councilmember Robert Greenlund made the motion to hire Chinchor Electric at the**  
69 **same rate charged Volusia County; seconded by Councilmember Tom Larrivee. All**  
70 **agreed; motion carries.**

71 d. Discussion on US 17 setback issue and FDOT policy regarding construction  
72 of sidewalks associated with road construction – Town Planner James Smith

73 Chair Bennett summarized the item and turned it over to Town Planner Smith who updated  
74 the Council on his findings on the setback issue. Mr. Smith stated that the FDOT  
75 representatives felt that a setback study might be premature and that is was also recommended  
76 to consult an Attorney to check into the legalities of restricting residents from using all of  
77 their property if changes to the setbacks were imposed.

78 Mr. Smith continued that FDOT has a policy that depends on various factors, like if there are  
79 existing sidewalks, bike paths and the scale/type of the project.

80 Mr. Smith updated the Council that a partnership package was sent to the Department of  
81 Economic Opportunity for a long-term arrangement for assistance with work in economic  
82 development for Pierson. Mr. Smith stated that he would keep the Council apprised of the  
83 outcome.

84 Brief discussion ensued about what could cause a denial of membership; competition with  
85 other Communities and that Towns can apply more than once. Mr. Smith feels that Pierson is  
86 in a good position and elaborated on the benefits of a partnership.

87 Mr. Smith also commented the proposed 2040 long range transportation plan for the widening  
88 of US 17. Discussion ensued that construction monies would still have to be allocated.

89 e. To share with Council what the TPO can do for the Town - Robert Keeth  
90 R2CTPO

91 Chair Bennett summarized the item and asked Robert Keeth, representative with the River to  
92 Sea TPO to introduce himself. Mr. Keeth gave summary of what the TPO can do for Pierson  
93 and what the Transportation improvement study findings were.

94 Discussion ensued about the 4-laning of US 17. Mayor Sowell gave his reasons for being in  
95 favor with this expansion. Mayor Sowell also felt that a proper septic system would give  
96 Pierson an advantage in attracting businesses to assist the Town in economic growth.

97 Discussion ensued about the work staff has done on the feasibility studies for sidewalks and  
98 that small cities may be challenged to manage larger projects in compliance with FDOT  
99 regulations. Further discussion ensued that some roads are in the jurisdiction of the County  
100 and that partnering with them would be beneficial.

101 Mr. Keeth distributed a copy of their latest R2CTPO annual report and summarized how  
102 priorities for transportation projects and funds are to be assigned. Mr. Keeth stated that Pierson  
103 has representation through Mr. Smith on the TCC and Sue Elliott on the CAC.

104 Ms. Linnie Richardson asked for clarification with FDOT's concerns about a setback study.  
105 Ms. Smith stated that opinions differ and that legal counsel should be sought and that a  
106 preliminary design would aid in making an educated decision. Discussion ensued about  
107 designs for Right-of-Ways and the rules and regulations pertaining to acquisition of ROWs.

108 Mr. Smith recommended having an FDOT liaison attend a regular Council meeting to answer  
109 questions and offered making contact.

110 Chair Bennett thanked Mr. Keeth and Mr. Smith for the report.

111 **6. OLD BUSINESS**

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113 a. None

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115 **7. OTHER BUSINESS**

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117 a. Council and staff reports

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119 Vice Chair James Peterson had no comments.

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121 Councilmember Herbert Bennett had no comments.

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123 Councilmember Robert Greenlund asked the Council to declare an emergency to have Built  
124 Right Construction (BRC) make repairs to a waterline on 1<sup>st</sup> and Washington. Mr. Greenlund  
125 continued that he was made aware that valves exist that can be installed to prevent the need

126 to shut off the water, which will eliminate boil water notices. Discussion ensued about the  
127 cost and amount of the valves as well as the advantage of not having to boil water.

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129 Councilmember Greenlund stated that he would attend a project meeting as daily fines may  
130 be imposed if the project is being delayed.

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132 **Councilmember Robert Greenlund made the motion to declare the item of the**  
133 **abandonment and repair of the waterline on 1<sup>st</sup> Ave and Washington an emergency;**  
134 **seconded by Councilmember Tom Larrivee. All agreed; motion carries**

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136 **Councilmember Robert Greenlund made the motion to authorize BRC to make the**  
137 **repairs using the valves and necessary machine that would not cause a delay in the**  
138 **project or disruption in water service at a cost of \$10,000; seconded by Vice Chair James**  
139 **Peterson. All agreed; motion carries.**

140 Councilmember Robert Greenlund informed the Counsel that he had been approached by a  
141 few residents about the rules and regulations for obtaining a building permit. The residents  
142 felt that they had been denied a permit for reasons that may too restrictive. Discussion ensued  
143 about investigating those claims; to confer with legal counsel about the use of a licensed  
144 contractor; a homeowner being able to pull a permit as owner/builder and to make this an  
145 agenda item at the next regular meeting.

146 Councilmember Tom Larrivee stated that he has been in touch with Mr. Patterson and that the  
147 proposed 4-way stop sign project was moving forward.

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149 Mayor Sowell inquired about the 4<sup>th</sup> of July preparations. Deputy Clerk Ward gave a report  
150 on the progress staff had made including an increase in sponsorship dollars.

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152 Chair Bennett gave an update on

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154 • the Florida League of Cities annual conference in Orlando August 13 – 15<sup>th</sup>, 2015 and  
155 encouraged attendance.

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157 • Central Florida Water Initiative Workshop June 29<sup>th</sup>, 2015

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159 Deputy Clerk Carrie Ward had no comments.

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161 Volusia County Sheriff's office had no comments.

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## 163 **8. GOOD AND WELFARE (public participation)**

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165 None

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## 167 **9. ADJOURNED**

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### 169 **a. Chairman -**

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171 i. Next Council Meeting: Tuesday, July 7, 2015 at 7:00 p.m

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173 **Hearing no further business, meeting adjourned at 8:45 PM**

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Minutes prepared by:

Minutes approved by:

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177 Carrie Ward, Deputy Clerk

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Samuel G.S. Bennett, Chairman

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