



Commission Meeting Minutes

September 09, 2024
7:00 PM

25440 West Newberry Road
Newberry, Florida 32669

QUORUM CHECK

Mayor	Jordan Marlowe
Commissioners	Mark Clark Rick Coleman Tim Marden Tony Mazon
City Manager	Mike New
City Clerk	Judy Rice
City Attorney	Scott Walker
Staff:	
Assistant City Manager/CFO	Dallas Lee
Assistant City Manager for Public Works and Utilities	Jamie Jones
Fire Chief	Mike Vogel
Director of Capital Project & Facilities	Joe Lovelady
Director of Community Development	Stacey Hectus
Assistant Director of Capital Project & Facilities	Ryan Young
Senior Planner	Uma Sarmistha
Staff Specialist	Jeannene Mironack
Absent:	
Commissioner	Monty Farnsworth

CALL TO ORDER

Mayor Marlowe called the meeting to order at 7:00 PM. He noted that Commissioner Farnsworth would be absent.

Mayor Marlowe made comments regarding meeting procedures and the opportunities for the public to speak.

APPROVAL OF AGENDA

Item 22, Preliminary Plat for Country Way South Phase 2, was withdrawn from the agenda.

**Motion to approve the Agenda as amended was made by
Commissioner Marden, Seconded by Commissioner Mazon.**

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

INVOCATION

Reverend Joy Glanzer provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the Pledge of Allegiance.

PRESENTATIONS

(Please limit presentations to 15 minutes)

1. Introduce Joe Lovelady – Director of Capital Projects and Facilities

City Manager New introduced Joe Lovelady, Director of Capital Projects and Facilities.

Discussion ensued.

New Presentation of Core Values & Guiding Principles Challenge Coin

Community Development Director Hectus presented the Leadership Coin to Senior Planner Uma Sarmistha in recognition of being a Session Leader at the Florida American Planning Association's Annual Conference.

Discussion ensued.

2. City Roadway Inventory

Assistant City Manager/Director of Utilities & Public Works Jones presented the item with a PowerPoint.

PUBLIC ANNOUNCEMENTS

(Please limit announcements to 2 minutes)

There were none.

CONSENT AGENDA

**Motion to approve the Consent Agenda was made by
Commissioner Clark, Seconded by Commissioner Coleman.**

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

3. August 26, 2024 Commission Meeting Minutes

4. August 28, 2024, Budget Workshop Minutes

5. September 3, 2024 Budget Workshop Minutes

6. Resolution 2024-38 Compensation and Salary Schedules

*A RESOLUTION OF THE CITY OF NEWBERRY, FLORIDA, AMENDING THE PRIOR ADOPTION OF
A COMPENSATION PROGRAM AND SALARY SCHEDULES FOR CITY OF NEWBERRY EMPLOYEES,*

CITY CLERK, AND ELECTED OFFICIALS, PROVIDING FOR COST OF LIVING ADJUSTMENTS, REPEALING ALL RESOLUTIONS IN CONFLICT, AND ESTABLISHING AN EFFECTIVE DATE.

7. A Request For a One-time 12-month Extension of Time Limitations to Submit a Final Development Plan for the Edens Garden Planned Residential Development.

PUBLIC HEARINGS AND ORDINANCES

Mayor Marlowe, Attorney Walker, City Manager New, and Assistant City Manager/CFO Lee read a script that provided an explanation of the following tentative budget items.

Notice of Proposed Property Tax

Proposed Operating Millage Rate

Explanation of tentative and rolled back millage rates

Mayor Marlowe asked for public comments or questions.

Brandy Oldman spoke.

Motion to proceed to change the tentative millage rate from 6.0000 to 5.9000 was made by Commissioner Marden, Seconded by Commissioner Coleman.

Mayor Marlowe asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

8. Resolution 2024-39, A Resolution Determining and Adopting the Tentative Rate of Taxation on Real and Personal Property, and Making the Annual Levying of Ad Valorem Taxes for the City of Newberry, Florida, for the Fiscal Year 2024-2025 at 6.0000 mills.

Assistant City Manager/CFO Lee presented the item with a PowerPoint, verbally changing the millage rate from 6.0000 to 5.9000.

Attorney Walker read Resolution 2024-39 by Title only, with a millage rate of 5.9000.

Discussion ensued.

Motion to approve Resolution 2024-39 with a millage rate of 5.900 was made by Commissioner Coleman, Seconded by Commissioner Mazon.

Mayor Marlowe asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

9. Establish a Tentative Budget

Resolution Relating to the City's Budget for the 2024-2025 Fiscal Year; Providing for the Tentative Appropriation of Funds of the City of Newberry for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Approving a Proposed General City Budget; Setting a Public Hearing Date; Providing For Publication of Notice.

Assistant City Manager/CFO Lee presented the item with a PowerPoint.

Attorney Walker read Resolution 2024-40 by Title only.

Discussion ensued.

**Motion to approve Resolution 2024-40 was made by
Commissioner Marden, Seconded by Commissioner Clark.**

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

10. Amending Electric Rates

Legislative Hearing: First Reading of Ordinance 2024 – 30, An Ordinance of the City of Newberry, Florida Pertaining to Electric Utility Services in the City of Newberry to Amend and Revise Section 98-63 Subsections 1, 2, 3, and 8 of the Code of Ordinances of the City of Newberry Pertaining to the Energy Charged, Providing for Codification of the Same.

Assistant City Manager/CFO Lee presented the item with a PowerPoint.

Attorney Walker read Ordinance 2024-30 by Title only.

Discussion ensued.

**Motion to approve Ordinance 2024-30 was made by
Commissioner Clark, Seconded by Commissioner Mazon.**

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

11. Amending Wastewater Rates

An Ordinance Pertaining To Wastewater Service Within The City Of Newberry; Amending The Prior Established Rates And Section 98-155 Of The Code Of Ordinances Of The City Of Newberry; Amending Ordinance No. 2023-27; Repealing All Ordinances In Conflict And Providing An Effective Date.

Assistant City Manager/CFO Lee presented the item with a PowerPoint.

Attorney Walker read Ordinance 2024-31 by Title only.

Discussion ensued.

**Motion to approve Ordinance 2024-31 was made by
Commissioner Clark, Seconded by Commissioner Coleman.**

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

12. Amending Water Rates

An Ordinance Pertaining To Water Service Within The City Of Newberry; Amending The Prior Established Rates And Amending Sections 98-154 Of The Code Of Ordinances Of The City Of Newberry; Amending Ordinance No. 2023-28; Repealing All Ordinances In Conflict And Providing An Effective Date

Assistant City Manager/CFO Lee presented the item with a PowerPoint.

Attorney Walker read Ordinance 2024-32 by Title only.

Discussion ensued.

**Motion to approve Ordinance 2024-32 was made by
Commissioner Mazon, Seconded by Commissioner Clark.**

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

13. Fire Assessment Rates Resolution

A Resolution Of The City Of Newberry, Florida, Relating To The Provision Of Fire Rescue Services, Facilities And Programs In The City Of Newberry, Florida; Amending And Restating The Final Assessment Resolution; Providing Authority, Definition, And Interpretation; Imposing Fire Rescue Assessments Against Assessed Property Located Within The City For The Fiscal Year Beginning October 1, 2024; Approving The Rate Of Assessment; Confirming The Amended And Restated Initial Assessment Resolution; Approving The Assessment Roll; And Providing for Effect, Severability, And An Effective Date.

Attorney Walker read Ordinance 2024-35 by Title only.

Assistant City Manager/CFO Lee presented the item with a PowerPoint.

Discussion ensued.

**Motion to approve Ordinance 2024-35 was made by
Commissioner Clark, Seconded by Commissioner Coleman.**

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

14. Amending Development Fees

Legislative and First Reading- An Ordinance Pertaining to Utilities Within the City Of Newberry; Amending Division 2 And Division 3 Of Article Vi, Chapter 98 Of The Code Of Ordinances Of The City Of Newberry Pertaining To Water System Development Charges And Sewer System Development Charges; Repealing All Ordinances In Conflict And Providing An Effective Date.

Attorney Walker read Ordinance 2024-33 by Title only.

Assistant City Manager/CFO Lee presented the item with a PowerPoint.

Discussion ensued.

**Motion to approve Ordinance 2024-33 was made by
Commissioner Clark, Seconded by Commissioner Mazon.**

Discussion ensued.

City Manager New responded to the Commission.

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

15. Small Scale Future Land Use Map Amendment from Alachua County Rural/Agriculture to City of Newberry Agriculture on an Annexed Property (Parcel Number 04442-000-000).

Attorney Walker read Ordinance 2024-22 by Title only.

Senior Planner Sarmistha presented the item with a PowerPoint.

Discussion ensued.

**Motion to approve Ordinance 2024-22 was made by
Commissioner Marden, Seconded by Commissioner
Coleman.**

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

16. Small Scale Future Land Use Map Amendment from Alachua County Rural/Agriculture to City of Newberry Agriculture on an Annexed Property (Parcel Number 01925-010-000).

Legislative Public Hearing: First reading of Ordinance 2024-20/CPA 24-07, an application by Jamie Nelson, owner, to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the future land use classification from Alachua County Rural/Agriculture to City Of Newberry Agriculture (A) on property previously voluntarily annexed to the City as shown on the location map below and identified by Alachua County Parcel Number 01925-010-000 consisting of approximately 4.76 acres more or less.

Attorney Walker read Ordinance 2024-20 by Title only.

Senior Planner Sarmistha presented the item with a PowerPoint.

**Motion to approve Ordinance 2024-20 was made by
Commissioner Coleman, Seconded by Commissioner Mazon.**

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

17. First reading for a Small-Scale Future Land Use Map Amendment from Residential Low Density to Commercial

Legislative Public Hearing: First reading of Ordinance 2024-26/CPA 24-05, an application by Robert F. Phillips and Gena M. Phillips, Trustees of the Robert F. Phillips and Gena M. Phillips Revocable Living Trust, owner, to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the future land use classification from Residential Low Density to Commercial on a site located at 25909 West Newberry Road consisting of approximately 0.24 acres; Alachua County Tax Parcel Number 02268-000-000.

Attorney Walker read Ordinance 2024-26 by Title only.

Community Development Director Hectus presented the item with a PowerPoint.

**Motion to approve Ordinance 2024-20 was made by
Commissioner Mazon, Seconded by Commissioner Clark.**

Discussion ensued.

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

18. A request to Rezone Agriculture Classification from Alachua County to City of Newberry Agriculture (A) Zoning on an Annexed Property (Parcel Number 01925-010-000).

Quasi-Judicial Public Hearing: First Reading: Ordinance 2024-21/LDR 24-17, a petition by Jamie Nelson, owner, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from ALACHUA COUNTY AGRICULTURAL (A) to CITY OF NEWBERRY AGRICULTURAL (A) on property previously voluntarily annexed to the City as shown on the location map below and identified by Alachua County Parcel Number 01925-010-000 consisting of approximately 4.76 acres more or less. (This application is contingent upon approval of Application CPA 24-07.)

Mayor Marlowe reviewed the quasi-judicial procedures and read through the presentation order. There was no third-party intervenor present.

Attorney Walker read Ordinance 2024-21 by title only.

Clerk Rice swore in Director of Community Development Stacey Hectus, Senior Planner Uma Sarmistha, and Kyle Willems, PE, JBPro Project Manager.

Mayor Marlowe asked for ex parte communication on the four applications.

ROLL CALL

Commissioner Clark: NONE

Commissioner Coleman: NONE

Commissioner Marden: NONE

Commissioner Mazon: NONE

Senior Planner Sarmistha presented a PowerPoint of the staff overview and recommendation.

The applicants were not present.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Attorney Walker advised the Commission that their decisions on the application must be based upon substantial and competent evidence.

Motion to approve Ordinance 2024-21 on first reading was made by Commissioner Marden, Seconded by Commissioner Clark.

Mayor Marlowe asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

19. A Request to Rezone Agriculture Classification from Alachua County to City of Newberry Agriculture (A) Zoning on an Annexed Property (Parcel Number 04442-000-000).

Quasi-Judicial Public Hearing: First Reading: Ordinance 2024-23/LDR 24-18, a petition by Daniel and Meghan Shore, owner, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from ALACHUA COUNTY AGRICULTURAL (A) to CITY OF NEWBERRY AGRICULTURAL (A) on property previously voluntarily annexed to the City as shown on the location map below and identified by Alachua County Parcel Number 04442-000-000 consisting of approximately 9.85 acres more or less. (This application is contingent upon approval of Application CPA 24-08.)

Attorney Walker read Ordinance 2024-23 by title only.

Mayor Marlowe confirmed that no new participants had entered the room.

Senior Planner Sarmistha remained sworn.

Senior Planner Sarmistha presented a PowerPoint of the staff overview and recommendation.

The applicants were not present.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Attorney Walker advised the Commission that their decisions on the application must be based upon substantial and competent evidence.

Motion to approve Ordinance 2024-23 on first reading was made by Commissioner Coleman, Seconded by Commissioner Marden.

Mayor Marlowe asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

20. First Reading for Rezoning the Property Located at 25909 West Newberry Road from Residential, Single-Family (RSF-2) to Commercial, Central Business District (C-CBD).

Quasi-Judicial Public Hearing: First reading of Ordinance 2024-25/LDR 24-11, an application by Robert F. Phillips and Gena M. Phillips, Trustees of the Robert F. Phillips and Gena M. Phillips Revocable Living Trust to change the zoning designation from Residential, Single-Family (RSF-2) to Commercial, Central Business District (C-CBD) for a site located at 25909 West Newberry Road consisting of approximately 0.24 acres; Alachua County Tax Parcel Number 02268-000-000.

Mayor Marlowe confirmed that no new participants had entered the room.

Attorney Walker read Ordinance 2024-25 by title only.

Director of Community Development Hectus remained sworn.

Director of Community Development Hectus presented a PowerPoint of the staff overview and recommendation.

The applicants were not present.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Attorney Walker advised the Commission that their decisions on the application must be based upon substantial and competent evidence.

Motion to approve Ordinance 2024-25 on first reading was made by Commissioner Marden, Seconded by Commissioner Mazon.

Mayor Marlowe asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

21. First Reading for Rezoning the Property Located at 311 Northwest 250 Street from Commercial, Intensive (CI) to Commercial, Central Business District (C-CBD).

Quasi-Judicial Public Hearing: First reading of Ordinance 2024-24/LDR 24-19, an application by eda consultants, inc., agent, on behalf of Thamina Kader and Mohammed Abul Chowdury, owners, to change the zoning designation from Commercial, Intensive (CI) to Commercial, Central Business District (C-CBD) for a site located at 311 Northwest 250 Street consisting of approximately 1.34 acres; Alachua County Tax Parcel Number 01963-001-000.

Clay Sweger entered the room.

Mayor Marlowe reviewed the quasi-judicial procedures and read through the presentation order. There was no third-party intervenor present.

Attorney Walker read Ordinance 2024-24 by title only.

Clerk Rice swore in Clay Sweger, AICP, LEED AP, Director of Planning, eda consultants, inc.

Mayor Marlowe asked for ex parte communication on the application.

ROLL CALL

Commissioner Clark: NONE

Commissioner Coleman: NONE

Commissioner Marden: NONE

Commissioner Mazon: NONE

Director of Community Development Hectus remained sworn.

Director of Community Development Hectus presented a PowerPoint of the staff overview and recommendation.

Clay Sweger spoke representing the applicants.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Discussion ensued.

Attorney Walker advised the Commission that their decisions on the application must be based upon substantial and competent evidence.

Motion to approve Ordinance 2024-24 on first reading was made by Commissioner Mazon, Seconded by Commissioner Marden.

Mayor Marlowe asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

~~22. Preliminary Plat for Country Way South Phase 2.~~

~~*Resolution 2024-16/SD 24-06, an application by CHW, agent on behalf of Norfleet Properties LLLP, Owner, for approval of construction plans related to Phase 2 of the Country Way South on 10.22 acres generally located west of US 27/SR 45. Parcel No: 02540-001-000*~~

23. A Request for Final Plat Approval for Phase 4A of the Avalon Woods Mixed-Use Development

Resolution 2024-15/SD 24-08, an application by JBPro, Agent for M3 Avalon Woods, LLC, Owner, for approval of the final plat for Phase 4A of the Avalon Woods Mixed-Use development. The project is approximately 16.46 acres containing 72 lots, identified by Alachua County Tax Parcel 01874-001-000.

Attorney Walker read Resolution 2024-15 by title only.

Senior Planner Sarmistha presented the item with a PowerPoint.

Dave McDaniel, M3 Avalon Woods, LLC, was present to respond to questions. There were none.

Motion to approve Resolution 2024-15 was made by Commissioner Marden, Seconded by Commissioner Clark.

Mayor Marlowe asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

AGENDA ITEMS

24. Purchasing Thresholds

By consensus, the Commission directed staff to increase the City Manager’s Purchasing Thresholds to \$100,000 and mirror the City of Alachua’s hard-bid threshold of \$100,000.

These changes will be made in the Budget Resolution to be voted on during the September 23, 2024 Meeting.

COMMENTS

City Manager New, City Attorney Walker, Commissioner Clark, Commissioner Marden, Commissioner Mazon, and Mayor Marlowe made comments.

Travis Adair, Brandy Oldman, Susan Beltz, Dr. Annie Muscato, Tripp Norfleet, Dr. Peggy Vermont, and Holly Adair made comments.

MEETING ADJOURNMENT

The meeting was adjourned at 9:11 PM.

Signed and approved on this 23rd day of September 2024.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk