



# City of Newberry Commission Meeting

July 13, 2020  
7:00 p.m.

25440 West Newberry Road  
Newberry, Florida 32669

## MINUTES

### CALL TO ORDER

Mayor Marlowe called the virtual meeting to order at 7:00 p.m.

### APPROVAL OF AGENDA

Mayor Marlowe added an item 2 under presentations: Ms. Wendy Sapp, Alachua County Property Appraiser Candidate. He asked for approval of the amended agenda.

**Motion made by Commissioner Coleman to approve the amended agenda.**

**Seconded by Commissioner Marden.**

**Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 5-0**

### VIRTUAL QUORUM CHECK

Mayor

Jordan Marlowe

Commissioners

Ricky Coleman  
Rocky McKinley  
Monty Farnsworth  
Tim Marden  
Paul Norfleet

City Attorney

Rich Maltby

City Manager

Mike New

City Clerk

Judy Rice

Staff:

Director of Finance and Administration  
Director of Planning and Economic Development  
Principal Planner

Dallas Lee  
Bryan Thomas  
Wendy Kinser-Maxwell

### INVOCATION

Rocky McKinley, Pastor, Destiny Community Church, provided the invocation.

## PLEDGE OF ALLEGIANCE

Mayor Marlowe led the Pledge of Allegiance.

## PRESENTATIONS

1. **Alachua County Sheriff, Sadie Darnell will provide an overview of the 2019 State of the City Law Enforcement Annual Report.**

Sheriff Sadie Darnell, ACSO, provided the 2019 overview.

Discussion ensued regarding the potential defunding of Gainesville Police Department (GPD) and the effect it could have on ACSO.

2. **Ms. Wendy Sapp, Alachua County Property Appraiser Candidate.**

Ms. Wendy Sapp, Alachua County Property Appraiser Tax Roll Compliance Coordinator, introduced herself and spoke about her platform for Property Appraiser.

## PUBLIC ANNOUNCEMENTS

No public announcements.

## CONSENT AGENDA

3. **June 22, 2020, Commission Meeting Minutes**

4. **Payment Register**

Mayor Marlowe asked for approval of the consent agenda.

**Motion made by Commissioner Marden to approve the consent agenda.**

**Seconded by Commissioner Farnsworth.**

**Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 5-0**

## PUBLIC HEARINGS AND ORDINANCES

5. **A Request by Oak View Village Homeowners Association (HOA) to gate/close SW 251st Way at 15th Avenue at the southern end of the Oak View Village subdivision. (Resolution 2020-32/SP 20-01)**

Attorney Maltby read Resolution 2020-32 by title only.

Director Thomas presented this item. Staff recommendation is to deny HOA's request, approve turning southernmost leg of SW 251st Way into southbound only, and allow HOA to install raise curb and/or stripping in ROW to block northbound traffic from SW 15th entering neighborhood.

The potential options are:

1. Place additional traffic control signage at entrances,
2. Convert southern end of SW 251st way into one-way (exit only)
3. HOA hires a traffic engineer to study area and make recommendation.
4. Allow HOA to gate and close SW 251st way during heavy traffic hours.
5. Close SW 251st way to all traffic.

Mr. Niam Erched, HOA President, spoke in favor of the resolution.

Discussion ensued.

**Motion made by Commissioner Farnsworth to  
adopt Resolution 2020-32 as written.**

**Seconded by Commissioner Coleman.**

Comments made by the Commissioners.

Manager New spoke on this item.

**Motion made by Commissioner Farnsworth to  
amend the motion to approve Resolution 2020-32  
with a six month trial period.**

**Seconded by Commissioner Coleman.**

Commissioner McKinley stated that if the motion fails, he would make a motion to make SW 251st way a one-way street and for the City to pay for the striping, the next time the item is brought to the Commission.

Mayor Marlowe asked for public comment. Citizens spoke both in favor and opposition.

**Voting Yea: Commissioner Farnsworth and  
Commissioner Norfleet**

**Voting Nay: Commissioner Coleman, Commissioner  
McKinley, and Commissioner Marden**

**MOTION FAILED 3-2**

Mayor Marlowe tabled this item to allow the HOA to review their options.

6. **Quasi-judicial Hearing: Second Reading of Ordinance 2020-20/LDR 20-01, to allow existing electric utility service lines to remain above ground at the Alachua County Agricultural and Equestrian Event Center.**

**LDR 20-01 is an application by CHW Professional Consultants, Inc., Agent, for Alachua County, Owner, to amend the Alachua County Agricultural and Equestrian Event Center Planned Development (Development Order 19-01), located at 23100 W. Newberry Road,**

**Newberry, Florida, on property identified as Alachua County Tax Parcel #01919-003-000, consisting of 36.7 Acres, more or less.**

Mayor Marlowe explained the Quasi-Judicial process.

Attorney Maltby read Ordinance 2020-20 by title only on second reading.

Mayor Marlowe asked for ex parte communication.

**Nay: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

Clerk Rice swore in Director Thomas, Mr. Ryan Thompson, CHW Project Manager, Mr. Ramon Gavarrete, Alachua County Engineer, Ms. Gina Peebles, Alachua County Assistant County Manager, and Ms. Monique Heathcock, CHW Engineer.

Mayor Marlowe read the Quasi-Judicial Procedures.

#### **PUBLIC HEARING OPEN**

Director Thomas provided the staff overview and report.

Applicant had no presentation.

Director Thomas presented the staff recommendation.

No third party intervenor.

Mayor Marlowe asked for public comment. There was none.

No cross-examination.

No final argument.

#### **PUBLIC HEARING CLOSED**

Attorney Maltby reminded the Commission of factual findings and applicable law.

**Motion made by Commissioner Marden to enact Ordinance 2020-20/LDR 20-01 conditioned upon the Alachua County Board of County Commission's approval of capping the City's expenses to extend water and wastewater utilities to the agricultural center site and the cooperative extension offices site at \$175,000.**

**Seconded by Commissioner Coleman.**

**Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet**

**MOTION PASSED 5-0**

7. **Quasi-judicial Hearing: Second Reading of Ordinance 2020-21/LDR 20-02, the purpose of this request is to amend the front and side yard setbacks in the residential development areas.**

**An application by M3 Development, LLC, Agent, for C.L. Brice, Inc., Owner, to amend the Mixed-Use Development (Development Order 05-1), located directly north and west of the Easton-Newberry Sports Complex, in Newberry, Florida, on property identified as Alachua County Tax Parcel #01874-001-000 and 01897-000-000, consisting of 196-Acres, more or less.**

Attorney Maltby read Ordinance 2020-21 by title only on the second reading.

Clerk Rice swore in Director Thomas, Mr. Dave McDaniel, M3 Development, LLC, Agent for Owner, and Mr. Jay Brown, Engineer, JBrown Professional Group.

Mayor Marlowe asked for ex parte communication.

**Nay: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

#### **PUBLIC HEARING OPEN**

Director Thomas provided staff overview, report, and recommendation.

Applicant did not present.

No third party intervenor.

Mayor Marlowe asked for public comment. There was none.

No cross-examination.

No final arguments.

#### **PUBLIC HEARING CLOSED**

Attorney Maltby reminded the Commission of factual findings and applicable law.

**Motion made by Commissioner Marden to enact Ordinance 2020-21 on second reading.**

**Seconded by Commissioner McKinley.**

**Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Marden, and Commissioner Norfleet**

**Voting Nay: Commissioner Farnsworth**

**MOTION PASSED 4-1**

8. **Legislative Hearing: Stimulate economic development by providing criteria for refunds of commercial development fees. (Resolution 2020-29/LDR 20-04.)**

**A Resolution of the City Commission of the City of Newberry, Florida, providing for a Schedule of Refunds of Fees and Charges for matters pertaining to commercial development in the City of Newberry as specified in Section 14-110. "Fees Enumerated," Section 98-192. "Charge Imposed," and Section 98-172. "Charge Imposed," of the City of Newberry Land Development Regulations, and Resolution 2018-08, to stimulate development; providing qualification criteria; providing severability; repealing all resolutions in conflict; and providing an effective date.**

Attorney Maltby read Resolution 2020-29 by title only.

Director Thomas provided a presentation.

A lengthy discussion ensued.

**Motion made by Commissioner Coleman to adopt Resolution 2020-29 with language change.**

**Seconded by Commissioner Marden.**

**Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet**

**MOTION PASSED 5-0**

## **AGENDA ITEMS**

### **9. Oak Park Phase 2 Subdivision Construction Plans (Resolution 2020-31/SD 20-02)**

Attorney Maltby read Resolution 2020-31 by title only.

Planner Kinser-Maxwell presented this item. Mr. Dave McDaniel, M3 Development, LLC, and Mr. Jay Brown, Engineer, JBrown Professional Group, spoke in favor of the resolution.

Commissioner Marden lost connection.

**Motion made by Commissioner McKinley to adopt Resolution 2020-31.**

**Seconded by Commissioner Coleman.**

**Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

### **10. Preliminary Fire Assessment Rate (Resolution 2020 - 30)**

**A Resolution Relating To The Provision Of Fire Rescue Services, Facilities And Programs In The City Of Newberry, Florida; Amending And Restating The Initial Assessment Resolution; Providing Authority, Purpose And Definitions, And Certain Legislative Findings; Establishing The Cost Apportionment And Parcel Apportionment; Establishing**

**The Estimated Rate For Fire Rescue Assessments For The Fiscal Year Beginning October 1, 2020, And Maximum Fire Rescue Assessment Rates; Directing The Preparation Of An Assessment Roll; Providing For Hardship Assistance (Resolution 2020 – 30)**

Attorney Maltby read Resolution 2020-30 by title only.

Director Lee presented this item.

**Motion made by Commissioner Farnsworth to adopt Resolution 2020-30.**

**Seconded by Commissioner McKinley.**

**Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

**COMMENTS**

**City Manager**

Extended condolences to the Attorney's office. Provided updates on City business. Proprietary Budget Workshop on Tuesday, July 27th at 6:00 p.m. on Zoom.

**City Clerk**

Provided election updates.

**Citizens**

No public comments.

**MEETING ADJOURNMENT**

Meeting adjourned at 9:45 p.m.

Signed and approved this 27<sup>th</sup> day of June 2020.

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Jordan Marlowe, Mayor

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Judy S. Rice, City Clerk