



City of Newberry Commission Meeting

September 13, 2021
7:00 p.m.

25440 West Newberry Road
Newberry, Florida 32669

MINUTES

CALL TO ORDER

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

APPROVAL OF AGENDA

Mayor Marlowe asked for approval of the agenda.

Motion made by Commissioner Mazon to approve the agenda.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

QUORUM CHECK

Mayor

Jordan Marlowe

Commissioners

Ricky Coleman

Mark Clark

Monty Farnsworth

Tim Marden

Tony Mazon

City Attorney

Scott Walker

City Manager

Mike New

City Clerk

Judy Rice

Staff:

Assistant City Manager, Director of Finance & Administration

Dallas Lee

Director of Planning & Economic Development

Bryan Thomas

Principal Planner

Wendy Kinser-Maxwell

INVOCATION

Pastor Kenyarda Feathers, Williams Temple Church of God in Christ, provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the pledge.

PRESENTATIONS

1. Opioid Task Force.

Mayor Marlowe presented this item. The Opioid Task Force members present introduced themselves.

It was the consensus of the Commission to adjust the budget to reflect the Opioid Task Force's request of \$15,000 from American Rescue Plan Act Funds.

2. Proclaim October 3 – 9, 2021 Public Power Week in Newberry, Florida.

Manager New presented a PowerPoint presentation overviews the Electric Department.

Mayor Marlowe read the proclamation in its entirety.

3. September 11 Remembrance Proclamation.

Mayor Marlowe presented this item.

Mayor Marlowe read the proclamation in its entirety.

PUBLIC ANNOUNCEMENTS

Ms. Lisa Darling and Mr. Naim Erched made public announcements.

CONSENT AGENDA

4. August 9, 2021, Regular Meeting Minutes.

5. August 10, 2021, Budget Workshop Minutes.

6. August 23, 2021, Regular Meeting Minutes.

7. August 28, 2021, Community Visioning Workshop Minutes.

8. September 7, 2021, Budget Workshop Minutes.

9. September 7, 2021, Special Commission Meeting.

10. American Rescue Plan Act Funding Agreement.

Resolution No. 2021 - 42, Pertaining to the American Rescue Plan Act Coronavirus Local Fiscal Recovery Fund Agreement; Providing for Legislative Findings and Intent; Providing for Approval of Agreement and Authorization to Execute; Providing for the Implementation of Administrative Actions.

11. Amending the City's Schedule of Fees, Charges, and Rates.

Resolution 2021 - 37; Establishing Certain Fees by the Creation of A Schedule of Fees, Rates, and Charges; superseding the Fees Previously Established; Providing Authority to the City Manager.

12. Compensation Program and Salary Schedules.

Resolution 2021 - 38, Amending the Prior Adoption of a Compensation Program and Salary Schedules for City Of Newberry Employees, City Clerk, And Elected Officials; establishing a cost of living adjustment (COLA), and providing an effective date.

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 Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION 5-0

PUBLIC HEARINGS AND ORDINANCES

13. Adopt a Tentative Millage.

Resolution 2021-34, 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 2021- 2022 at 5.9999 mills.

Discussion and Adoption (With Changes, if any) of a Tentative Operating Budget, Debt Service Budget, and Budgets for Other Funds for the Fiscal Year 2021 - 2022.

OPEN PUBLIC HEARING

Mayor Marlowe, Attorney Walker, Manager New, and Assistant Manager Lee, read a script that provided an explanation on the following tentative budget items:

1. Notice of Proposed Property Taxes.
2. Proposed Operating Millage Rate.
3. Explanation of tentative and rolled back millage rates.

Assistant Manager Lee gave an overview of Fiscal Year 2021-2022 tentative budget and adjustments made to the budget.

Mayor Marlowe asked for public comment. There was none. Public comment closed.

Assistant Manager Lee reminded the Commission that any additional adjustments to the tentative budget must be made by motion at this time.

The millage rate the Commission adopts with Resolution 2021-34 will be the highest rate the Commission can adopt at the final hearing.

- Tentative Millage Rate is 5.9999.
- Same as previous 4 years.
- Roll Back Rate is 5.5945
- 7.24% more than Roll Back Rate

Motion made by Commissioner Mazon to adjust the proposed tentative budget to include funding the Opioid Task Force with \$15,000 using the City's American Rescue Plan Act Funding.

Seconded by Commissioner Clark.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

Attorney Walker read Resolution 2021-34 by title only.

Mayor Marlowe asked for public comment. There was none.

Motion made by Commissioner Farnsworth to adopt Resolution 2021-34 setting the tentative millage rate at 5.9999.

Seconded by Commissioner Marden

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

14. Establish a Tentative Budget.

Resolution 2021-35, Relating to the City's Budget for the 2021-2022 Fiscal Year; Providing for the Tentative Appropriation of Funds of the City of Newberry for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Approving a Proposed General City Budget; Setting a Public Hearing Date; Providing For Publication of Notice.

Attorney Walker read Resolution 2021-35 by title only.

Mayor Marlowe asked for public comment. There was none.

Motion made by Commissioner Marden to adopt Resolution 2021-35 establishing the tentative budget with the adjustment of funding the Opioid Task Force with \$15,000 using the City's American Rescue Plan Act Funding.

Seconded by Commissioner Mazon.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

15. Amending Electric Rates.

Legislative Hearing: First Reading of Ordinance 2021-46, 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 Manager Lee presented this item.

- Residential electric rates were adjusted by approximately 2% on the customer charge, for an average residential impact of \$2.00 per month.
- Non-residential rates are proposed to be adjusted in a similar fashion.
- Reduction in the power cost adjustment of (\$1.50), will result in an average residential impact of \$0.50/month increase.

Attorney Walker Ordinance 2021-46 by title only on first reading.

Mayor Marlowe asked for public comment. There was none.

Motion made by Commissioner Coleman to pass Ordinance 2021-46 on first reading.

Seconded by Commissioner Clark.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

16. Amending Water Rates.

Legislative Hearing: First Reading of Ordinance 2021 – 47, Amending the Prior Established Rates and Amending Sections 98 -154 of the Code of Ordinances of the City of Newberry; Amending Ordinance No. 2020 - 25.

Assistant Manager Lee presented this item.

- These changes represent a 4% increase in the consumption charge, there is no proposed change in the customer charge.
- After these rates increases, the City of Newberry will continue to offer the lowest residential water rates in our area.

Attorney Walker read Ordinance 2021-47 by title only on first reading.

Mayor Marlowe asked for public comment. There was none.

Motion made by Commissioner Farnsworth to pass Ordinance 2021-47 on first reading.

Seconded by Commissioner Clark.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

17. Amending Wastewater Rates.

Legislative Hearing: First Reading of Ordinance 2021-48, Amending the Prior Established Rates and Amending Sections 98 -155 of the Code of Ordinances of the City of Newberry; Amending Ordinance No. 2019-24.

Assistant Manager Lee presented this item.

- These changes represent a 3% increase in the consumption charge, there is no proposed change in the customer charge.
- After these rates increases, the City of Newberry will continue to offer the lowest residential water rates in our area

Attorney Walker read Ordinance 2021-48 by title only on first reading.

Mayor Marlowe asked for public comment.

Ms. Mary Gaffney spoke against the Wastewater Rates.

Motion made by Commissioner Marden to pass Ordinance 2021-48 on first reading.

Seconded by Commissioner Mazon.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

18. Amending Solid Waste Rates.

Resolution 2021-36, Approving New Fee Schedule for Solid Waste Services to Replace the City's Existing Fee Schedule.

Assistant Manager Lee presented this item.

- Proposes increasing the monthly rate for collections by \$1.55 to \$18.00 per month for twice a week pick up.
- Non-residential rates have been increased by a proportional amount.

- These proposed rates will keep the city as the lowest cost service provider in the area.
- The increased revenue will be transferred to the City's Capital Improvement Fund for investment into the City's infrastructure.

Attorney Walker read Resolution 2021-36 by title only.

Mayor Marlowe asked for public comment. There was none.

Motion made by Commissioner Coleman to adopt Resolution 2021-36.

Seconded by Commissioner Marden.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

19. Establishing Water Public Service Tax.

Legislative Hearing and First Reading of Ordinance of the City of Newberry, Florida, amending Chapter 86, Article II of the Code of Ordinances of the City of Newberry Regarding Taxation of Utilities, Amending Section 86 – 31 Definitions, Adding Water Service as a Utility Service, Updating Section 86 – 34 Related to Records, Monthly Statements and Payments to City, Updating Section 86 – 35 Regarding Computation n Basis of Aggregate Monthly Sales, Forms and Administrative Rules and Regulations, and Adding Section 86 – 38 Regarding Penalties for Non-Payment or Not Filing Return; Repealing all Ordinances in Conflict and Providing an Effective Date.

Assistant Manager Lee presented this item.

- One of the identified revenue options was establishing a public service tax on water services.
- Currently, the City of Newberry levies a public service tax of 10% on fuel oil, electricity, and kerosene. The City of Newberry is one of only 2 cities in our area that does not impose a water service tax.
- Staff proposes a tax of 6.0% on the sale of water service, including irrigation, within the city. The average impact to a customer is approximately \$1.48.
- The revenue generated will be transferred to the City's Capital Improvement Fund for investment into the City's infrastructure. Additional, clarifying changes have been made throughout the existing Public Service Tax ordinance to address outdated processes and changes in the state law.

Attorney Walker read Ordinance 2021-49 by title only on first reading.

Mayor Marlowe asked for public comment. Ms. Mary Gaffney commented.

Motion made by Commissioner Clark to pass Ordinance 2021-49 on first reading.

Seconded by Commissioner Mazon.

ROLL CALL

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, and Commissioner Mazon.

Voting Nay: Commissioner Marden.

MOTION PASSED 4-1

20. Participating in Alachua County Solid Waste Municipal Service Benefit Unit.

Legislative Hearing: Second Reading of Ordinance 2021-36, Providing Consent for the Entire Corporate Limits of the City of Newberry Florida, to be Included in a Non-Ad Valorem Assessment for Municipal Service Benefit Unit (MSBU) Created by Alachua County for Solid Waste Management Costs.

Assistant Manager Lee presented this item.

- The MSBU rate for residential customers in FY 21-22 is \$20.47, which is the same rate as levied in the current year.

Attorney Walker read Ordinance 2021-36 by title only on second reading.

Mayor Marlowe asked for public comment. There was none.

Motion made by Commissioner Coleman to enact Ordinance 2021-36 on second reading.

Seconded by Commissioner Clark.

ROLL CALL

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, and Commissioner Mazon.

Voting Nay: Commissioner Marden.

MOTION PASSED 4-1

21. Seven requests for Voluntary Annexation into the City of Newberry (thirteen parcels).

Quasi-Judicial Public Hearing First Reading: Ordinances 2021-38, 39, 40, 41, 42, 43, and 44 of the City of Newberry, Florida, to voluntarily annex certain portions of unincorporated Alachua County regarding seven requests: parcel 01928-004-000 consisting of 3 Acres ± (Ordinance 2021-38); parcel 02696-010-007 consisting of 5.06 Acres ± (Ordinance 2021-39); two contiguous parcels 01925-009-000 and 01925-009-001 consisting of 12.26 Acres ±, (Ordinance 2021-40); parcel 01756-000-000 consisting of 254 Acres ± (Ordinance 2021-41);

two contiguous parcels 01834-004-000 and 01834-005-000 consisting of 40 Acres ±, (Ordinance 2021-42); five contiguous parcels 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000 consisting of 256.253 Acres ±, (Ordinance 2021-43); and parcel 04273-001-000 consisting of 40.76 Acres ± (Ordinance 2021-44).

Mayor Marlowe reviewed the Quasi-Judicial Hearing Procedures and explained the process.

Clerk Rice swore in Principal Planner Kinser-Maxwell.

Mayor Marlowe asked for ex parte communication. Commissioner Marden spoke to applicant Keith Lerner for parcel 01756-000-000 (254 acres ±) about the annexation process and the conversation will not affect his vote. Commissioner Coleman has hunted on the parcel 01756-000-000 (254 acres ±) and this will not affect his vote.

**Voting Yea: Commissioner Coleman and
Commissioner Marden.**

**Voting Nay: Commissioner Clark, Commissioner
Farnsworth, and Commissioner Mazon.**

Mayor Marlowe read the presentation order.

There was no applicant or third-party intervenor present.

OPEN PUBLIC HEARING

Principal Planner Kinser-Maxwell presented a PowerPoint that included the staff overview, report, and recommendation. Staff recommendation is to pass Ordinances 2021-38, 39, 40, 41, 42, 43, and 44 as well as establish September 27, 2021, as the enactment hearing.

Mayor asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Walker reminded the Commission of applicable law.

A small discussion ensued.

Attorney Walker read Ordinance 2021-38 by title only on first reading.

**Motion made by Commissioner Coleman to pass
Ordinance 2021-38 on first reading and establish
September 27, 2021, as enactment hearing.**

Seconded by Commissioner Marden.

**Voting Yea: Commissioner Coleman, Commissioner
Clark, Commissioner Farnsworth, Commissioner
Marden, and Commissioner Mazon.**

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-39 by title only on first reading.

Motion made by Commissioner Marden to pass Ordinance 2021-39 on first reading and establish September 27, 2021, as enactment hearing.

Seconded by Commissioner Clark.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-40 by title only on first reading.

Motion made by Commissioner Marden to pass Ordinance 2021-40 on first reading and establish September 27, 2021, as enactment hearing.

Seconded by Commissioner Mazon.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-41 by title only on first reading.

Motion made by Commissioner Coleman to pass Ordinance 2021-41 on first reading and establish September 27, 2021, as enactment hearing.

Seconded by Commissioner Mazon.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-42 by title only on first reading.

Motion made by Commissioner Clark to pass Ordinance 2021-42 on first reading and establish September 27, 2021, as enactment hearing.

Seconded by Commissioner Marden.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-43 by title only on first reading.

Motion made by Commissioner Farnsworth to pass Ordinance 2021-43 on first reading and establish September 27, 2021, as enactment hearing.

Seconded by Commissioner Mazon.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-44 by title only on first reading.

Motion made by Commissioner Marden to pass Ordinance 2021-44 on first reading and establish September 27, 2021, as enactment hearing.

Seconded by Commissioner Farnsworth.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

- 22. Amending the Comprehensive Plan by adding a new Property Rights Element, as required by Section 163.3177, Florida Statutes.**

Legislative Public Hearing Second Reading: Ordinance 2021-34/CPA 21-14, an application by the City of Newberry to amend the Comprehensive Plan to add a new Property Rights Element, as required by Section 163.3177, Florida Statutes.

Principal Planner Kinser-Maxwell presented this item. Staff recommendation is to enact Ordinance 2021-34 on second reading.

Attorney Walker read Ordinance 2021-34 by title only on second reading.

Motion made by Commissioner Marden to enact Ordinance 2021-34 on second reading.

Seconded by Commissioner Clark.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

AGENDA ITEMS

23. Resolution 2021-33, a Resolution Rescinding Resolution 6-92.

Mayor Marlowe presented this item. Staff recommendation is to adopt Resolution 2021-33.

Attorney Walker read Resolution 2021-33 by title only.

Motion made by Commissioner Mazon to adopt Resolution 2021-33.

Seconded by Commissioner Marden.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

MOTION PASSED 5-0

24. 2022 State Legislative Agenda

Manager New presented this item. Staff recommendation is for the Commission to provide feedback/identify priorities regarding items that are to be included on the City's 2022 State Legislative Agenda.

Discussion ensued.

It was the consensus of the Commission to focus on the following three items for the 2022 State Legislative Agenda:

- 1. Appropriate \$2 million funding for construction of a regional wastewater treatment facility in western Alachua County. Support funding for grant / loan programs in FDEP for expansion of wastewater treatment facilities. The project is estimated to cost \$25 million. Newberry anticipates a need of \$4 million in grant funding for construction of advanced treatment effluent facility that will reduce nitrogen loading by more than 90%.**
- 2. Support funding for the Florida Jobs Growth Grant Fund program and support an application from Newberry requesting \$3.2 million in funding for**

Phase 1 infrastructure in the Newberry Ag-tech Innovation Park.

3. Support funding for grant programs such as the SPRINGS and RIVER grant programs that focus on reducing nutrient loading on the aquifer from wastewater treatment facilities. Page 415 Item #24. Newberry anticipates a need of \$4 million in grant funding for construction of advanced treatment effluent facility that will reduce nitrogen loading by more than 90%.

COMMENTS

Manager New, Attorney Walker, Commissioner Marden, Commissioner Farnsworth, Commissioner Clark, Commissioner Coleman, and Mayor Marlowe made comments.

There were no public comments.

MEETING ADJOURNMENT

Meeting adjourned at 9:20 p.m.

Signed and dated this 27th day of September 2021.



Jordan Marlowe, Mayor

Judy S. Rice, City Clerk