



Commission Meeting Minutes

February 27, 2023
7:00 PM

25440 West Newberry Road
Newberry, Florida 32669

QUORUM CHECK

Commissioners

Ricky Coleman
Mark Clark, Chair Pro-Tempore
Monty Farnsworth
Tim Marden

City Attorney

Scott Walker

City Manager

Mike New

Staff:

Assistant City Manager/Chief Financial Officer
Assistant City Manager/Utilities & Public Works
Assistant Director of Utilities & Public Works
Director of Planning & Economic Development
Principal Planner
Director of Parks & Recreation
Executive Assistant, City Manager
Staff Assistant, City Clerk

Dallas Lee
Jamie Jones
Rance Green
Bryan Thomas
Jean-Paul Perez
Travis Parker
Ada Schmidt
Jeannene Mironack

Absent:

Mayor
Commissioner
City Clerk

Jordan Marlowe
Tony Mazon
Judy Rice

CALL TO ORDER

Mark Clark, Chair Pro-Tempore called the meeting to order at 7:02 pm.

APPROVAL OF AGENDA

Mark Clark, Chair Pro-Tempore asked for approval of the agenda.

**Motion made by Commissioner Farnsworth to
approve the agenda.**

Seconded by Commissioner Coleman.

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

MOTION PASSED 4-0

INVOCATION

Reverend Joy Glanzer provided the invocation.

PLEDGE OF ALLEGIANCE

Chair Clark led the pledge.

PUBLIC ANNOUNCEMENTS

Chair Clark announced that qualifying for the 2023 Election Cycle closed at Noon Thursday, February 23rd, 2023, with three candidates completing qualifying:

- Jordan Marlowe, Incumbent / Mayor
- Tim Marden, Incumbent / Commissioner Group IV
- Tony Mazon, Incumbent / Commissioner Group V

Due to these candidates running for their offices unopposed, the City of Newberry will not hold an election on April 11th, 2023.

Rob Baker, President, Newberry Lions Club, announced a Pancake Breakfast will be held on Saturday, March 4, 2023, to benefit Oak View Middle School's Robotics team's trip to competition.

CONSENT AGENDA

1. **February 13, 2023, Regular Commission Meeting Minutes**
2. **Comprehensive Plan Update Contract**

3. **Authorizing submittal of USDA RBDG Grant Application
Resolution 2023-26**

4. **Approving Construction Plans for Cedar Estates Addition Replat**

Resolution 2023-25/SD 22-13, a request by Joe Montalto, Jr., P.E., of JMJ Consulting Engineering, LLC, agent for Turnsole Builders, LLC, owner, for approval of the construction plans for Cedar Estates Addition Replat located on the east side of Cedar Estates (Alachua County tax parcel numbers 01951-005-014, 01951-005-015, 01951-005-016, 01951-005-017, 01951-005-018 and 01951-005-019).

5. **A request for approval construction plans for the Small-Scale Rural Subdivision known as Lakota.**

Resolution 2023-20/SD 23-01, an application by CHW, Inc., Agent on behalf of Jilanne Belcher, Owner, for approval of construction plans related to a plat entitled Lakota on ±45 acres generally located at the northwest corner of Southwest 15 Avenue and Southwest 170 Street; Alachua County Tax Parcels 04371-001-001 and 04379-000-000.

Chair Clark asked for approval of the consent agenda.

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

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 4-0

PUBLIC HEARINGS AND ORDINANCES

6. Budget Amendment

Attorney Walker read Resolution 2023-24 by title only.

Assistant City Manager Lee presented a PowerPoint presentation for the first-quarter review and the requested budget amendments.

**Motion made by Commissioner Farnsworth to
approve Resolution 2023-24.**

Seconded by Commissioner Marden.

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

MOTION PASSED 4-0

Commissioner Mazon entered the room at 7:24 p.m.

7. Petition for Cedar Estates Addition Replat

Quasi-judicial proceeding, Resolution 2023-22/SD 22-13, a request by Joe Montalto, Jr., P.E., of JMJ Consulting Engineering, LLC, agent for Turnsole Builders, LLC, owner, for approval of the preliminary plat for Cedar Estates Addition Replat located on the east side of Cedar Estates (Alachua County tax parcel numbers 01951-005-014, 01951-005-015, 01951-005-016, 01951-005-017, 01951-005-018 and 01951-005-019).

Chair Clark reviewed the quasi-judicial procedures and read through the presentation order. If no one new enters the chambers, he will not read through these again.

Attorney Walker read Resolution 2023-22 by title only.

Staff Assistant Mironack swore in Director Thomas and Joe Montalto, Jr. PE, agent for the applicant.

Chair Clark asked for ex parte communication.

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

There was no third-party intervenor present.

Director Thomas provided staff's overview of the application with a PowerPoint.

Joe Montalto discussed the project.

Director Thomas provided the staff report and staff's recommendation with a PowerPoint.

Discussion ensued.

No cross examination or final arguments were made.

Attorney Walker reminded the commission of applicable law.

**Motion made by Commissioner Marden to approve
Resolution 2023-22.**

Seconded by Commissioner Mazon.

Chair Clark asked for public comment. There was none.

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

MOTION PASSED 5-0

8. A request to rezone ±220 acres from Agricultural (A) to Planned Development (PD).

Quasi-Judicial Hearing, Second Reading: Ordinance 2022-37/LDR 22-16, an application by Causseaux, Hewett, and Walpole, Inc. dba CHW, Agent for Tanglewood Properties of Gainesville, LLC, Owner, to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by changing the zoning from Agricultural (A) to Planned Development (PD) on ±220-acres, generally located at the southwest corner of West Newberry Road/State Road 26 and Southwest 202 Street, Alachua County Parcel Numbers 01923-000-000, 01923-004-000, 01923-007-001, 01923-008-000, and 01923-009-000.

No new participants entered the room.

Attorney Walker read Ordinance 2022-37 by title only on second reading.

Staff Assistant Mironack swore in Principal Planner Perez and Gerry Dedenbach, AICP, CHW, agent for the applicant.

Chair Clark asked for ex parte communication.

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

There was no third-party intervenor present.

Principal Planner Perez provided staff's overview of the application with a PowerPoint.

Gerry Dedenbach discussed the project.

Principal Planner Perez provided the staff report and staff's recommendation with a PowerPoint.

Discussion ensued.

Attorney Walker reminded the commission of applicable law.

Motion made by Commissioner Marden to approve Ordinance 2022-37.

Seconded by Commissioner Coleman.

Chair Clark asked for public comment. There was none.

ROLL CALL

Voting Yea: Commissioner Coleman, Chair Clark, and Commissioner Marden.

Voting Nay: Commissioner Farnsworth and Commissioner Mazon.

MOTION PASSED 3-2

- 9. Amending the Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on an annexed property (Parcel Numbers 01859-001-000 and 01806-001-000).**

Legislative Public Hearing: Second Reading of Ordinance 2023-01/CPA 23-01, an application by the City of Newberry 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 on property voluntarily annexed to the City, identified by Alachua County Parcel Numbers 01859-001-000 and 01806-001-000.

Attorney Walker read Ordinance 2023-01 by title only on second reading.

Principal Planner Perez provided the staff report and staff's recommendation with a PowerPoint.

Discussion ensued.

Attorney Walker reminded the commission of applicable law.

Motion made by Commissioner Mazon to approve Resolution 2023-01.

Seconded by Commissioner Coleman.

Chair Clark asked for public comment. There was none.

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

MOTION PASSED 5-0

- 10. Amending the Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on an annexed property (Parcel Number 01887-010-000).**

Legislative Public Hearing: Second Reading of Ordinance 2023-03/CPA 23-02, an application by the City of Newberry 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 on property voluntarily annexed to the City, identified by Alachua County Parcel Number 01887-010-000.

Attorney Walker read Ordinance 2023-03 by title only on second reading.

Principal Planner Perez provided the staff report and staff's recommendation with a PowerPoint.

Discussion ensued.

Attorney Walker reminded the commission of applicable law.

Motion made by Commissioner Coleman to approve Resolution 2023-03.

Seconded by Commissioner Mazon.

Chair Clark asked for public comment. There was none.

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

MOTION PASSED 5-0

- 11. Amending the Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on an annexed property (Parcel Number 01928-005-000).**

Legislative Public Hearing: Second Reading of Ordinance 2023-05/CPA 23-03, an application by the City of Newberry 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 on property voluntarily annexed to the City, identified by Alachua County Parcel Number 01928-005-000.

Attorney Walker read Ordinance 2023-05 by title only on second reading.

Principal Planner Perez provided the staff report and staff's recommendation with a PowerPoint.

Discussion ensued.

Attorney Walker reminded the commission of applicable law.

Motion made by Commissioner Marden to approve Resolution 2023-05.

Seconded by Commissioner Coleman.

Chair Clark asked for public comment. There was none.

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

MOTION PASSED 5-0

- 12. Amending the Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on an annexed property (Parcel Numbers 01834-008-000 and 01834-012-000).**

Legislative Public Hearing: Second Reading of Ordinance 2023-07/CPA 23-04, an application by the City of Newberry 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 on property voluntarily annexed to the City, identified by Alachua County Parcel Numbers 01834-008-000 and 01834-012-000.

Attorney Walker read Ordinance 2023-07 by title only on second reading.

Principal Planner Perez provided the staff report and staff's recommendation with a PowerPoint.

Discussion ensued.

Attorney Walker reminded the commission of applicable law.

Motion made by Commissioner Mazon to approve Resolution 2023-07.

Seconded by Commissioner Farnsworth.

Chair Clark asked for public comment. There was none.

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

MOTION PASSED 5-0

- 13. Rezoning previously annexed property from Alachua County Agricultural (A) to City of Newberry Agricultural (A) (Parcel Numbers 01859-001-000 and 01806-001-000).**

Quasi-Judicial Public Hearing: Second Reading of Ordinance 2023-02/LDR 23-01, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agricultural to City of Newberry

Agricultural (A) on property annexed into the City and identified by Alachua County tax parcel numbers 01859-001-000 and 01806-001-000. (This application is contingent upon approval of Application CPA 23-01.)

No new participants had entered the room.

Attorney Walker read Ordinance 2023-02 by title only on second reading.

Principal Planner Perez remained sworn in.

Chair Clark asked for ex parte communication.

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

There was no third-party intervenor present.

Principal Planner Perez provided the staff report and staff's recommendation with a PowerPoint.

Attorney Walker reminded the commission of applicable law.

**Motion made by Commissioner Mazon to approve
Ordinance 2023-02.**

Seconded by Commissioner Marden.

Chair Clark asked for public comment. There was none.

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

MOTION PASSED 5-0

- 14. Rezoning previously annexed property from Alachua County Agricultural (A) to City of Newberry Agricultural (A) (Parcel Number 01887-010-000).**

Quasi-Judicial Public Hearing: Second Reading of Ordinance 2023-04/LDR 23-02, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agricultural to City of Newberry Agricultural (A) on property annexed into the City and identified by Alachua County tax parcel number 01887-010-000. (This application is contingent upon approval of Application CPA 23-02.)

No new participants entered the room.

Attorney Walker read Ordinance 2023-04 by title only on second reading.

Principal Planner Perez remained sworn in.

Chair Clark asked for ex parte communication.

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

There was no third-party intervenor present.

Principal Planner Perez provided the staff report and staff's recommendation with a PowerPoint.

Attorney Walker reminded the commission of applicable law.

**Motion made by Commissioner Marden to approve
Ordinance 2023-04.**

Seconded by Commissioner Mazon.

Chair Clark asked for public comment. There was none.

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

MOTION PASSED 5-0

- 15. Rezoning previously annexed property from Alachua County Agricultural (A) to City of Newberry Agricultural (A) (Parcel Number 01928-005-000).**

Quasi-Judicial Public Hearing: Second Reading of Ordinance 2023-06/LDR 23-03, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agricultural to City of Newberry Agricultural (A) on property annexed into the City and identified by Alachua County tax parcel number 01928-005-000. (This application is contingent upon approval of Application CPA 23-03.)

No new participants entered the room.

Attorney Walker read Ordinance 2023-06 by title only on second reading.

Principal Planner Perez remained sworn in.

Chair Clark asked for ex parte communication.

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

There was no third-party intervenor present.

Principal Planner Perez provided the staff report and staff's recommendation with a PowerPoint.

Attorney Walker reminded the commission of applicable law.

Motion made by Commissioner Coleman to approve Ordinance 2023-06.

Seconded by Commissioner Marden.

Chair Clark asked for public comment. There was none.

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

MOTION PASSED 5-0

- 16. Rezoning previously annexed property from Alachua County Agricultural (A) to City of Newberry Agricultural (A) (Parcel Numbers 01834-008-000 and 01834-012-000).**

Quasi-Judicial Public Hearing: Second Reading of Ordinance 2023-08/LDR 23-04, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agricultural to City of Newberry Agricultural (A) on property annexed into the City and identified by Alachua County tax parcel numbers 01834-008-000 and 01834-012-000. (This application is contingent upon approval of Application CPA 23-04.)

No new participants entered the room.

Attorney Walker read Ordinance 2023-08 by title only on second reading.

Principal Planner Perez remained sworn in.

Chair Clark asked for ex parte communication.

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

There was no third-party intervenor present.

Principal Planner Perez provided the staff report and staff's recommendation with a PowerPoint.

Attorney Walker reminded the commission of applicable law.

Motion made by Commissioner Mazon to approve Ordinance 2023-08.

Seconded by Commissioner Farnsworth.

Chair Clark asked for public comment. There was none.

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

MOTION PASSED 5-0

AGENDA ITEMS

17. County Road 337 Watermain Extension Project Bid Award (RFB #2022-08)

Assistant Manager Jones presented this item. Discussion ensued.

Motion made by Commissioner Coleman to:

- 1. AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT INCLUDING OWNER DIRECT PURCHASING TERMS/CONDITIONS IN THE AMOUNT OF \$1,249,227.00 FOR THE TOTAL OF THE BASE BID WITH ANDREWS PAVING, INC., FOR THE NEWBERRY 337 WATERMAIN PROJECT.**
- 2. AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS NOT TO EXCEED FIFTEEN PERCENT (15%) OF THE CONTRACT AMOUNT**

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

COMMENTS

Manager New, Commissioner Coleman, Chair Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon made comments.

MEETING ADJOURNMENT

Meeting adjourned at 8:18 pm.

Signed and approved on this 13th day of March 2023.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk