



Commission Meeting Minutes

October 23, 2023

7:00 PM

25440 W Newberry Road

Newberry, FL 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, Chief Financial Officer

Dallas Lee

Assistant City Manager for Utilities and Public Works

Jamie Jones

Director of Planning & Economic Development

Bryan Thomas

Fire Chief

Mike Vogel

Human Resources Generalist

Tracy Fair

Principal Planner

Jean-Paul Perez

Fire Lieutenant

Justin Asbell

Fire Driver Operator

Amby Cason

Executive Assistant

Randa Paul

Absent:

Commissioner

Monty Farnsworth

CALL TO ORDER

Mayor Marlowe called the meeting to order at 7:00 PM. Mayor Marlowe noted Commissioner Farnsworth is absent.

APPROVAL OF AGENDA

Motion to pull Item 10, Solid Waste Collection Services Agreement; and Item 15, Legal Services; and approve the Agenda 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

INVOCATION

Mr. Tim Marden provided the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the pledge.

PRESENTATIONS

(Please limit presentations to 15 minutes)

1. Promotional Recognition

Mayor Marlowe and Chief Vogel recognized Amby “AJ” Cason’s promotion to Driver Operator and Justin “Garrett” Asbell’s promotion to Lieutenant. Each of them received the highest grades in performance and written exams among those firefighters who qualified to take the exams.

2. Community Development Districts Presentation

Jonathan T. Johnson, Esq., Kutak Rock; Wesley S. Haber, Esq., Kutak Rock; and Dave McDaniel, M3 Development; gave a PowerPoint presentation on how Community Development Districts (CDDs) work as an alternative funding source for infrastructure and amenities construction in residential and commercial developments.

3. Annual review of Planning and Economic Development Department Accomplishments

Bryan S. Thomas, AICP, Director, Planning & Economic Development, presented a PowerPoint with the Planning and Economic Development Department’s annual accomplishments.

PUBLIC ANNOUNCEMENTS

(Please limit announcements to 2 minutes)

Michael Cowart spoke about traffic jams during the morning school zone hours. Mayor Marlowe explained that the City had an agreement with the Alachua County's Sheriff's Office that included a crossing guard to stop traffic. The newly appointed Sheriff may need to be updated on this agreement.

Lisa Darling asked about the City's tree permit requirements. Bryan Thomas will discuss the City's Tree Code with Ms. Darling.

CONSENT AGENDA

- 4. October 9, 2023, Commission Meeting Minutes**
- 5. Approve Joint Infrastructure Surtax Applications**
- 6. Approve Federally Funded Subaward and Grant Agreement for DR-4734 Hurricane Idalia**
- 7. Payment Registers**

**Motion to approve the Consent Agenda was made by
Commissioner Mazon, 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

PUBLIC HEARINGS AND ORDINANCES

8. Second Reading: Local Business Impact Estimate Ordinance

Creating a Local Business Impact Estimate Ordinance in compliance with the new §166.041, Florida Statutes.

Legislative, Second Reading of Ordinance 2023-31, An Ordinance Of The City Of Newberry, Florida; Implementing The State's Statutory Mandate To Prepare Business Impact Estimates Prior To The Adoption Of Proposed Ordinances Pursuant To Section 166.041(4), Florida Statutes; Providing Findings; Adopting Business Impact Estimate Procedures, Requirements, & Exemptions; Providing For Severability, Conflicts, And An Effective Date.

Scott Walker, Esq., Folds Walker/City Attorney's Office, read Ordinance 2023-31 by Title only. He explained the exemptions included in Section 166.041(4), Florida Statutes.

**Motion to enact Ordinance 2023-31 on Second Reading was
made by Commissioner Marden, Seconded by
Commissioner Clark.**

Mayor Marlowe asked for public comment. Jeff Holcomb and Michael Wyrick spoke.

Discussion ensued.

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

MOTION PASSED 4-0

9. (QJ) Barrington Replat

Request for a replat of Lots 8 through 11 and 23 of the Barrington subdivision entitled Barrington Replat.

Quasi-Judicial Public Hearing: Resolution 2023-56/SD 23-09, a request by CHW Professional Consultants, Agent, on behalf of Hawley Family Holdings, LLC, Owner, for approval of the Barrington Replat final plat on noncontiguous land consisting of approximately 39.8 acres generally located at the northwest corner of Southwest 15 Avenue and Southwest 170 Street.

Attorney Walker read Resolution 2022-35 by title only. (Resolution 2022-35 approving the initial Barrington Final Plat was Attachment 4 for this item. Resolution 2023-56, for the Replat, was Attachment 5 for this item. The item will be reheard.)

Mayor Marlowe read the quasi-judicial procedures and presentation order.

Clerk Rice swore in Director Bryan Thomas, Principal Planner Jean-Paul W. Perez, and Aaron Hickman, P.S.M., Vice President, CHW Professional Consultants, Inc.

Mayor Marlowe asked for ex parte communication.

**Voting Nay: Commission Clark, Commissioner Coleman,
Commissioner Marden, and Commissioner Mazon. Mayor
Marlowe, non-voting, none.**

There was no third-party intervenor present.

Jean-Paul Perez provided the staff overview and recommendation with a PowerPoint.

Aaron Hickman stated that he was present to answer questions.

There was no cross-examination by either party.

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

**Motion to approve the Resolution 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

AGENDA ITEMS

~~10. Solid Waste Collection Services Agreement~~

11. Alachua County Sheriff's Office Amended Agreement

Mike New, PE, City Manager presented the item with a PowerPoint.

Motion to authorize execution of the Amended Agreement with the Alachua County Sheriff's Office 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

12. Water Tower Antenna Space Lease

Jamie Jones, Assistant City Manager for Utilities and Public Works, presented the item with a PowerPoint.

Discussion ensued.

Motion to authorize execution of the Water Tower Antenna Space Lease 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

13. SW 30th Avenue Road Improvements – SR 45 East to SW 202 Street

Jamie Jones, Assistant City Manager for Utilities and Public Works, presented the item with a PowerPoint.

Discussion ensued.

By consensus, the Commission approved pursuing discussions with property owners to determine if they are willing partners to the City obtaining right-of-way both 40 feet to North and 40 feet to the South of the Section Line so that the City can eventually improve (chip seal or pave) SW 30th Avenue Road from SR 45 East to SW 202 Street.

14. Solar Farm Land Development Regulations

Bryan Thomas, Director of Planning & Economic Development, presented the item with a PowerPoint.

Florida Renewable Partners (FRP) requests an opportunity to present information about solar farm developments at the November 27, 2023, regular City Commission meeting.

Discussion ensued.

Jeff Holcomb, Travis Edmond, Jay Lerew, Monica Lerew, and Michael Wyrick spoke.

By consensus, the Commission directed staff to do further research on how other communities regulate solar farms, and to draft an amendment to the existing solar farm ordinance for consideration by the Commission. City Manager New stated that staff will also contact other solar farm developers to find out what their practices are so that the draft ordinance will reflect best practices across the industry, not just one company.

~~15. Legal Services~~

COMMENTS

City Manager New, Commissioner Coleman, Commissioner Clark, Commissioner Mazon, and Mayor Marlowe made comments.

During Citizen Comment, Monica Lerew, spoke regarding the costs to residents to plant buffering vegetation on their own property compared to developments planting vegetative buffers while they develop their property.

Jay Lerew complimented Newberry Main Street's Scarecrow Row and the City's new sign on SR 26.

MEETING ADJOURNMENT

The meeting was adjourned at 9:58 PM.

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

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk