

Commission Meeting Minutes

September 26, 2022
7:00 PM

25440 West Newberry Road
Newberry, Florida 32669

QUORUM CHECK

Mayor

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, Chief Financial Officer

Dallas Lee

Director of Planning & Economic Development

Bryan Thomas

Principal Planner

Jean-Paul Perez

Executive Assistant

Ada Schmidt

CALL TO ORDER

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

APPROVAL OF AGENDA

Mayor Marlowe made an announcement that the public hearing for Ordinance 2022-35/LDR 22-14 is to be held Monday, October 10, 2022, not at tonight's meeting.

Mayor Marlowe asked that Resolution 2022-69 be added to the agenda.

Motion made by Commissioner Marden to approve the amended agenda.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

INVOCATION

Pastor Ian Campbell from Newberry United Methodist Church provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the pledge.

PRESENTATIONS

CONSENT AGENDA

- 1. Public Power Week Proclamation**
- 2. September 12, 2022, Regular Commission Meeting Minutes**

Mayor Marlowe asked for approval of the consent agenda.

Motion made by Commissioner Farnsworth to approve the consent agenda.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

PUBLIC ANNOUNCEMENTS

Ms. Lisa Darling announced that the Concerned Citizens of Newberry will be holding an event for all citizens to talk about their light bill with a city representative.

Mr. Sean Brewer, Circuit Court Judge candidate, introduced himself and asked everyone to vote in the November 8th run-off elections.

Mr. Patrick Sell, candidate for Supervisor of Soil and Water Conservation District, introduced himself.

PUBLIC HEARINGS AND ORDINANCES

3. Final Millage

A RESOLUTION DETERMINING AND ADOPTING THE FINAL 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 2022-2023; AND PROVIDING AN EFFECTIVE DATE.

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

- 1. Introduction to final budget.**
- 2. Truth-in-Millage Legislation.**
- 3. Overview of the Fiscal Year 2022-2023 proposed budget.**

Assistant Manager Lee gave an overview of Fiscal Year 2022-2023 final millage.

- Proposed Millage Rate is 5.9244.
- Roll Back Rate is 5.9244
- Tentative Millage set at 5.9244.
- 0.00% greater than Roll Back Rate.

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

Attorney Walker read Resolution 2022-63 by title only.

Motion made by Commissioner Coleman to adopt Resolution 2022-63.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

4. Establish a Final Budget.

A Resolution Of The City Of Newberry, Florida; Relating To The City's Budget For The 2022-2023 Fiscal Year; Providing For The Final Appropriation Of Funds Of The City Of Newberry For The Fiscal Year Beginning October 1, 2022, And Ending September 30, 2023; Approving A Final General City Budget; Adopting The Five (5) Year Capital Improvement Program For The City; Providing Authority To The City Management; Prescribing The Terms Conditions And Provisions With Respect To Supplemental Appropriations And Re-Appropriations; Making A Determination Of Public Purpose; Providing For Severability; And Providing An Effective Date.

Assistant Manager Lee then reviewed the Fiscal Year 2022-2023 final budget.

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

Attorney Walker read Resolution 2022-64 by title only.

Motion made by Commissioner Farnsworth to adopt Resolution 2022-64.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

5. Legislative Hearing: Second Reading of Ordinance 2022 – 41,

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 1.5% on the customer charge, for an average residential impact of \$1.55 per month.
- Non-residential rates are proposed to be adjusted in a similar fashion.
- Rate increase will not take effect until January 1st, 2023, to help mitigate the fuel cost increases

Attorney Walker read Ordinance 2022-41 by title only on second reading.

Mayor Marlowe asked for public comment. There was none

Motion made by Commissioner Marden to enact Ordinance 2022-41 on second reading.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

6. Amending Wastewater Rates.

Legislative Hearing: Second Reading of Ordinance 2022 – 43, Amending the Prior Established Rates and Amending Sections 98 -155 of the Code of Ordinances of the City of Newberry; Amending Ordinance No. 2021 - 48.

Assistant Manager Lee presented this item.

- These changes represent a 2.5% increase.
- After these rates increases, the City of Newberry will continue to offer the lowest residential water rates in our area.

Attorney Walker read Ordinance 2022-43 by title only on second reading.

Mayor Marlowe asked for public comment. There was none.

Motion made by Commissioner Marden to enact Ordinance 2022-43 on second reading.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

7. Amending Water Rates.

Legislative Hearing: Second Reading of Ordinance 2022 – 42, 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 4.5% increase.
- After these rates increases, the City of Newberry will continue to offer the lowest residential water rates in our area.

Attorney Walker read Ordinance 2022-42 by title only on second reading.

Mayor Marlowe asked for public comment. There was none.

Motion made by Commissioner Clark to enact Ordinance 2022-42 on second reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

8. 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.

Assistant Manager Lee presented this item.

- State law restricts increase to 12.5% increase without formal study. Staff proposes increase by 12.5% and has identified funding in the budget for formal study.
- Water Development Fee increases by \$98.50
 - \$788.00 to \$886.50
- Wastewater Development Fee increases by \$462.00
 - \$3,696.00 to \$4,158.00

Attorney Walker read Ordinance 2022-44 by title only on second reading.

Mayor Marlowe asked for public comment. There was none.

Motion made by Commissioner Mazon to enact Ordinance 2022-44 on second reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

- 9. Legislative Hearing: Second Reading of Ordinance 2022 – 45, 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.

- No changes to the MSBU for Solid Waste Management costs.

Attorney Walker read Ordinance 2022-45 by title only on second reading.

Mayor Marlowe asked for public comment.

Motion made by Commissioner Farnsworth to enact Ordinance 2022-45 on second reading.

Seconded by Commissioner Mazon.

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

Voting Nay: Commissioner Marden.

MOTION PASSED 4-1

- 10. Amending the Comprehensive Plan, Future Land Use Element, by deleting a Specific Location Sub-Element.**

Quasi-Judicial Public Hearing, Second Reading: Ordinance 2022-20/CPA 22-01, an application by the City of Newberry to amend the Comprehensive Plan Future Land Use Element by deleting Specific Locations Sub-Element Objective SP.1 and Policy SP1.1., pertaining to the densities and intensities of CPA 03-5, the Avalon Woods (formerly known as Lexington Station) Mixed-Use development.

Mayor Marlowe read the process and procedures for quasi-judicial hearings. He then reviewed the presentation order.

Attorney Walker read Ordinance 2022-20 by title only on second reading.

Clerk Rice swore in Director Thomas.

Mayor Marlowe asked for ex parte.

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

No third-party intervenor was present.

Director Thomas presented the staff overview, report, and recommendation. Staff recommends adoption of Ordinance 2022-20 on second reading.

Mayor Marlowe asked for public comment. There was none.

No cross-examination or final argument.

Attorney Walker reminded the commission of applicable law.

**Motion made by Commissioner Coleman to enact
Ordinance 2022-20 on second reading.**

Seconded by Commissioner Marden.

Ms. Gail Watson asked about signage.

Principal Planner Perez responded to her question.

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

MOTION PASSED 5-0

**11. Request by eda consultants, inc. to change the Future Land Use Map classification on
±123.9 acres from (County) Rural/Agriculture to (City) Mining**

**Quasi-Judicial Hearing: First Reading of Ordinance 2022-39/CPA 22-08, an application by
eda consultants, inc., Agent for Cates & Broome, LLC and Cates and Broome Partnership,
Owner, to amend the Future Land Use Plan Map of the City of Newberry Comprehensive
Plan by changing the Future Land Use Classification from (County) Rural/Agriculture to
(City) Mining on ±123.9 acres, generally located on the east side of Northwest County Road
236, between Northwest 22 Avenue and Northwest 46 Avenue, and identified by Alachua
County Parcel Numbers 01855-000-000, 01855-001-000, 01855-002-000, 01856-000-000,
and 01862-000-000.**

No new participants entered the room.

Clerk Rice swore in Principal Planner Perez, Mr. Clay Sweger, and Mr. Paul Stokey. Director Thomas remained sworn.

Attorney Walker read Ordinance 2022-39 by title only on first reading.

Mayor Marlowe asked for ex parte.

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

No third-party intervenor was present.

Principal Planner Perez presented staff overview, report, and recommendation.

Mr. Sweger presented for applicant.

Entered into cross-examination.

No final argument.

Attorney Walker reminded the commission of the applicable law.

**Motion made by Commissioner Mazon to pass
Ordinance 2022-39 on first reading.**

Seconded by Commissioner Coleman.

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

MOTION PASSED 5-0

**Motion made by Commissioner Mazon to authorize
LDR administrator, Director Thomas, to transmit
petition to the State.**

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

- 12. Rezoning property from (County) Agriculture to (City) Agricultural (A) on Alachua County Parcel Identification Numbers 01855-000-000, 01855-001-000, 01855-002-000, 01856-000-000, and 01862-000-000.**

Quasi-Judicial Public Hearing: First Reading of Ordinance 2022-40/LDR 22-15, an application by eda consultants, inc., Agent for Cates & Broome, LLC and Cates and Broome Partnership, Owner, to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by changing the zoning from (County) Agriculture to (City) Agricultural (A) on approximately 124 acres identified by Alachua County parcel number 01855-000-000, 01855-001-000, 01855-002-000, 01856-000-000, and 01862-000-000.

No new participants entered the room.

Director Thomas, Principal Planner Perez, and Mr. Sweger remained sworn.

Attorney Walker read Ordinance 2022-40 by title only on first reading.

Mayor Marlowe asked for ex parte.

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

No third-party intervenor was present.

Principal Planner Perez presented staff overview, report, and recommendation.

No cross-examination or final argument.

Attorney Walker reminded Commission of applicable law.

Motion made by Commissioner Mazon to pass Ordinance 2022-40 on first reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

AGENDA ITEMS

13. State of Emergency Resolution 2022-69

Manager New presented this item.

Attorney Walker read Resolution 2022-69 by title only.

Motion made by Commissioner Marden to adopt Resolution 2022-69.

Seconded by Commissioner Coleman.

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


MOTION PASSED 5-0

COMMENTS


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

MEETING ADJOURNMENT

Meeting adjourned at 8:40 pm.



Jordan Marlowe, Mayor



Judy S. Rice, City Clerk