



Special Commission Meeting Minutes

May 28, 2024
7:00 PM

25440 West Newberry Road
Newberry, Florida 32669

QUORUM CHECK

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| Mayor | Jordan Marlowe |
| Commissioners | Mark Clark Rick Coleman Monty Farnsworth Tim Marden Tony Mazon |
| City Manager | Mike New |
| City Clerk | Judy Rice |
| City Attorney | Kiersten Ballou |
| Staff: | |
| Assistant City Manager/CFO | Dallas Lee |
| Director of Planning & Economic Development | Bryan Thomas |
| Assistant Director of Utilities & Public Works | Rance Green |
| Principal Planner | Jean-Paul W. Perez |
| Staff Specialist | Jeannene Mironack |

CALL TO ORDER

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

APPROVAL OF AGENDA

Mayor Marlowe announced Item 4 is being continued from the Consent Agenda to the June 10th, 2024, Commission Meeting. He also announced a Scrivener's Error in Item 8, Continuation of The Ranch Quasi-Judicial Public Hearing; it is the Second reading, not First reading of Ordinance 2024-14/LDR 23-06.

Motion to approve the agenda as updated was made by Commissioner Marden, Seconded by Commissioner Coleman.

Discussion ensued.

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

MOTION PASSED 4-0

INVOCATION

Tim Marden provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the Pledge of Allegiance.

PRESENTATIONS

(Please limit presentations to 15 minutes)

1. Recognizing David and Gail Hodge of Hodge Farms for receiving a Florida Farm Bureau County Alliance for Responsible Environmental Stewardship (CARES) Award.

Director Thomas presented a PowerPoint recognizing Hodge Farms for receiving a CARES Award.

New. Proclamation Declaring June 3, 2024 as Bryan Thomas Day

Mayor Marlowe proclaimed June 3, 2024 as “Bryan Thomas Day” in Newberry. He presented a proclamation recognizing Bryan’s 10 years of service to, and accomplishments for, the City of Newberry.

Commissioner Farnsworth entered and joined the dais at 7:08 PM.

PUBLIC ANNOUNCEMENTS

Peggy Loy invited everyone to the Newberry Main Street Organization’s Splash Days this summer. They will be on South Seaboard Drive on June 14th, July 12th, and August 9th, 2024, from 5 to 7 PM.

CONSENT AGENDA

Motion to approve the Consent Agenda as amended was made by Commissioner Clark, Seconded by Commissioner Coleman.

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

MOTION PASSED 5-0

2. May 13, 2024 Commission Meeting Minutes

3. Payment Registers

~~4. Special Permit for Temporary Use and Alcohol Service for the Vibes on the Lawn Car & Bike Show to be held on June 22, 2024. (Continued to June 10, 2024.)~~

5. Authorization for the Mayor to Send a Letter to the BOCC in Support of Local Veterans Services

6. Post Woods Planned Residential Development Construction Plans

Resolution 2024-24/SD 23-13, an application by eda consultants, inc., agent, on behalf of Post Woods, LLC, owner, for approval of construction plans for the Post Woods Planned Residential Development identified by Alachua County Tax Parcels 01993-000-000 and 02002-000-000.

PUBLIC HEARINGS AND ORDINANCES

7. Authorize the Issuance of \$6.29 million in Capital Improvement Bonds for the Construction of City Hall

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NEWBERRY, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$6,290,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE CITY OF NEWBERRY, FLORIDA CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2024, TO PROVIDE FUNDS TO FINANCE CERTAIN CAPITAL IMPROVEMENTS WITHIN THE CITY; COVENANTING TO BUDGET AND APPROPRIATE CERTAIN LEGALLY AVAILABLE NON-AD VALOREM REVENUES TO PAY DEBT SERVICE ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF BONDS ISSUED HEREUNDER; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH BONDS ISSUED HEREUNDER; AUTHORIZING THE AWARDED OF SAID BONDS PURSUANT TO A PUBLIC BID; DELEGATING CERTAIN AUTHORITY TO THE CITY MANAGER FOR THE AWARD OF THE BONDS AND THE APPROVAL OF THE TERMS AND DETAILS OF SAID BONDS; AUTHORIZING THE PUBLICATION OF AN OFFICIAL NOTICE OF SALE FOR THE BONDS OR A SUMMARY THEREOF; APPOINTING THE PAYING AGENT AND REGISTRAR FOR SAID BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT TO SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE WITH RESPECT TO THE BONDS AND THE APPOINTMENT OF A DISSEMINATION AGENT THERETO; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS RESOLUTION.

Attorney Ballou read Resolution 2024-23 by Title only.

Assistant City Manager/CFO Lee and Jeremy Niedfeldt, PFM Managing Director, presented the item with a PowerPoint.

Discussion ensued.

Dallas Lee, Jeremy Niedfeldt, and Mike New responded to questions.

Motion to Pass Resolution 2024-23; Authorize appropriate officials to execute any required documents for the issuance of bonds; and Authorize the CFO to create any necessary funds, accounts, and procedures and to make appropriate budget amendments related to bond issuance was made by Commissioner Marden, Seconded by Commissioner Mazon.

Mayor Marlowe asked for public comment. There was none.

ROLL CALL VOTE

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

Voting Nay: Commissioner Clark

MOTION PASSED 4-1

8. Continuation from May 13, 2024, NC Ranch Planned Development rezoning from Agricultural (A) to Planned Development (PD).

Quasi-Judicial Public Hearing: ~~Second reading~~ ~~First reading~~ of Ordinance 2024-14/LDR 23-06, an application by Patrice Boyes, Esq. and CHW Professional Consultants, agent, on behalf of Norfleet Properties, LLLP; E.D. Norfleet & Sons, Inc.; E.D. Norfleet, Jr. and Phyllis Norfleet; E.D. Norfleet III; Katrina Bill; and, Norfleet Construction Co., owners, to change the zoning designation from Agricultural (A) to Planned Development (PD) for a development known as NC Ranch Planned Development on a site consisting of approximately 1,293 acres; more particularly described in Exhibit A of Ordinance 2023-24.

Mayor Marlowe reviewed the quasi-judicial procedures and read through the presentation order. There was no third-party intervenor present.

Attorney Ballou read Ordinance 2024-14 by title only.

Clerk Rice swore in Principal Planner Jean-Paul Perez; City Manager Mike New; Director Bryan Thomas; CHW Vice President Gerry Dedenbach, AICP, LEED AP; CHW Director of Engineering Jim Harriott, P.E.; and Tripp Norfleet.

Mayor Marlowe asked for ex parte communication on the application.

ROLL CALL

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

Principal Planner Perez presented a PowerPoint of the staff overview and recommendation for the application.

Gerry Dedenbach requested that all prior hearings on this item be included in the record.

There was no cross examination or final arguments.

Discussion ensued.

Principal Planner Perez and Gerry Dedenbach responded to questions.

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

Motion to adopt Ordinance 2024-14 on Second Reading was made by Commissioner Coleman, Seconded by Commissioner Marden.

Mayor Marlowe asked for public comment. There was none.

ROLL CALL VOTE

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

Voting Nay: Commissioner Mazon

MOTION PASSED 4-1

9. Highland Park (f.k.a. Newberry Plaza) Planned Development Construction Plans.

Resolution 2024-18/SD 24-01, an application by CHW, an NV5 company., agent, on behalf of Newberry Plaza LLC, owner, for approval of construction plans for the nonresidential portion of the Highland Park Planned Development on ±33.8 acres; a portion of Parcel No. 01932-000-000.

Attorney Ballou read Resolution 2024-18 by title only.

Commissioner Clark abstained from participation in Items 9 and 10 and stepped away from the dais. His completed Form 8B is attached to these Minutes.

Principal Planner Perez presented the item with a PowerPoint including staff's conditions of approval.

Discussion ensued.

Motion to adopt Resolution 2024-18/SD 24-01 with staff's conditions, adding the equivalent residential trip generation into the trigger for the traffic signal, was made by Commissioner Farnsworth, Seconded by Commissioner Marden.

Gerry Dedenbach, CHW, presented the Preliminary Development Plan application with a PowerPoint. He responded to questions. Henry Fuertes, Newberry Plaza LLC, responded, confirming that Newberry Plaza LLC will commit to funding the gap in funds for the future traffic light as a condition in Resolution 2024-18.

Mayor Marlowe asked for public comment. There was none.

ROLL CALL VOTE

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

MOTION PASSED 4-0

10. Highland Park (f.k.a. Newberry Plaza) Preliminary Plat of All Residential Phases

Resolution 2024-17/SD 24-07, an application by CHW Professional Consultants, Agent, on behalf of Newberry Plaza, LLC, Owner, for a preliminary of the Newberry Plaza Planned Development located at 23479 West Newberry Road.

Attorney Ballou advised this item is Quasi-Judicial. Mayor Marlowe confirmed no one had entered the room since he read the Quasi-Judicial Procedures.

Commissioner Clark remained away from the dais in abstention. His completed Form 8B is attached to these Minutes.

Attorney Ballou read Ordinance 2024-17 by title only.

Principal Planner Perez presented the item with a PowerPoint including staff's conditions of approval.

Clerk Rice swore in Travis Hastay, P.E., CHW Senior Project Manager. Those sworn in earlier remained sworn.

Mayor Marlowe asked for ex parte communication on the application.

ROLL CALL

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

Principal Planner Perez presented a PowerPoint of the staff overview and recommendation for the application.

Gerry Dedenbach requested that all prior hearings on this item be included in the record.

Discussion ensued.

Jean-Paul Perez, Mike New, and Henry Fuertes responded to questions.

There was no cross examination.

Gerry Dedenbach requested Phases be delineated as 1A, 1B, 1C, not as 5 separate phase numbers.

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

Motion to approve Resolution 2024-17, with conditions as forwarded by the Planning and Zoning Board, was made by Commissioner Farnsworth, Seconded by Commissioner Mazon.

Mayor Marlowe asked for public comment. There was none.

ROLL CALL VOTE

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

MOTION PASSED 4-0

AGENDA ITEMS

Commissioner Clark rejoined the dais.

11. SW 4th Avenue Turn Lane Project Contract

Assistant Director of Utilities & Public Works Green presented the item with a PowerPoint.

Discussion ensued.

Motion to authorize the City Manager to execute a contract with O'Steen Brothers Inc. in the amount of \$305,431 and authorize the City Manager to execute change orders up to 10% of the contract amount was made by Commissioner Marden, Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

12. Newberry Public Charter School Update

City Manager New presented the item with a PowerPoint.

Discussion ensued.

COMMENTS

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

MEETING ADJOURNMENT

The meeting was adjourned at 9:20 PM.

Signed and approved on this 10th day of June 2024.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk

ATTACHMENT: Commissioner Clark's completed Form 8B.