



# City of Newberry Commission Meeting

October 25, 2021  
7:00 p.m.

25440 West Newberry Road  
Newberry, Florida 32669

## MINUTES

### CALL TO ORDER

Mayor Marlowe called the meeting to order at 7:01 p.m.

### APPROVAL OF AGENDA

Mayor Marlowe asked for approval of the agenda.

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

**Seconded by Commissioner Mazon.**

**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

Staff:

Assistant City Manager, Director of Finance & Administration

Dallas Lee

Assistant City Manager, Director of Public Works & Utilities

Jaime Jones

Director of Planning & Economic Development

Bryan Thomas

Fire Chief

Ben Buckner

City Clerk Staff Assistant

Sierra Nyberg

Absent:

Clerk

Judy Rice

Manager

Mike New

### INVOCATION

Reverend Ian Campbell, Newberry United Methodist Church; provided the invocation.

## **PLEDGE OF ALLEGIANCE**

Commissioner Clark led the pledge.

## **PRESENTATIONS**

Commissioner Mazon asked for Newberry Main Street Organization to be added to presentations.

**Motion made by Commissioner Marden to add Newberry Main Street Organization to presentations.**

**Seconded by Commissioner Clark.**

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

**MOTION PASSED 5-0**

The Newberry Main Street Organization provided a presentation to the Commission.

## **PUBLIC ANNOUNCEMENTS**

Mr. Marlin Day, Alachua County Library Newberry Branch Manager; Ms. Gail Watson, Concerned Citizens of Newberry; Ms. Lisa Tate, Newberry Main Street Organization; and Mr. Mark Modas, Newberry Lions Club; made public announcements.

## **CONSENT AGENDA**

### **1. September 27, 2021, Regular Meeting Minutes.**

Mayor Marlowe asked for approval of the consent agenda.

**Motion made by Commissioner Coleman 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 HEARINGS AND ORDINANCES**

### **2. Request to change Future Land Use from Agriculture to Commercial on 18.48 Acres (parcels 01923-005-000 and 01923-005-001).**

**Quasi-judicial Public Hearing First Reading: Ordinance 2021-50/CPA 21-15, an application by Joseph J. and Teresa L. Hoffman, Owners, to amend the Future Land Use Plan Map of**

**the Comprehensive Plan by changing the Future Land Use classification from AGRICULTURE to COMMERCIAL on the property consisting of approximately 18.48 acres, located at 20785 and 20737 West Newberry Road, as shown on the location map below and identified by Alachua County Parcel Numbers: 01923-005-000 and 01923-005-001.**

Mayor Marlowe explained the process and read the procedures for Quasi-Judicial Hearings. He reviewed the presentation order. If no new participants enter the chambers, he will not read again.

Attorney Walker read Ordinance 2021-50 by title only on first reading and swore in Director Thomas and Mr. Joseph Hoffman, applicant.

Mayor Marlowe asked for ex parte communication. Commissioner Farnsworth and Commissioner Marden disclosed they have spoken to applicant, but the conversation had no effect on their decision making.

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

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

No third-party intervenor was present.

#### **OPEN PUBLIC HEARING**

Director Thomas presented the staff overview and report by PowerPoint. Staff recommends passing Ordinance 2021-50 on first reading.

Applicant did not make a presentation.

Mayor Marlowe asked for public comment. There was none.

No cross examination.

The Commission asked questions. Discussion ensued.

No final argument was made.

#### **CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission about applicable law.

**Motion made by Commissioner Coleman to pass  
Ordinance 2021-50 on first reading.**

**Seconded by Commissioner Farnsworth.**

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

**MOTION PASSED 5-0**

**3. Considering a Development Agreement between the City of Newberry and Joseph J. and Teresa L. Hoffman**

**Quasi-Judicial Public Hearing, Second Hearing: DA-LDR 21-23, a development agreement proposed to be entered into between the City of Newberry and Joseph J. and Teresa L. Hoffman, Owners. The land which is the subject of the Development Agreement is located on the south side of West Newberry Road, addressed as 20785 and 20737 West Newberry Road, and identified as Alachua County Parcel Numbers 01923-005-000 and 01923-005-001, respectively, consisting of ±18.48 total acres. The property is also the subject of an associated, separate application to amend the existing site's zoning from Agricultural (A) to Commercial, Intensive (CI) which is the Planning & Zoning Board-recommended classification. The CI zoning classification limits building intensity to maximum Floor Area Ratios from 1.0 to 0.50 for properties between one and twenty acres and requires no portion of any structure shall exceed 72 feet high. The Development Agreement addresses compliance with design and landscaping requirements resulting from the Community Visioning process, connection to water prior to development, and connection to wastewater when available. The proposed Development Agreement provides that necessary infrastructure improvements and design considerations are in place at the appropriate time.**

No new participants entered the chambers.

Mayor Marlowe asked for ex parte communication. Commissioner Farnsworth and Commissioner Marden disclosed they have spoken to applicant, but the conversation had no effect on their decision making.

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

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

Director Thomas and Mr. Hoffman remained sworn.

No third-party intervenor was present.

**OPEN PUBLIC HEARING**

Director Thomas presented the staff overview and report by PowerPoint. Staff recommends approving DA-LDR 21-23 on second reading.

Applicant did not make a presentation.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

**CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission about applicable law.

**Motion made by Commissioner Coleman to approve  
DA-LDR 21-23 on second reading.**

**Seconded by Commissioner Clark.**

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

**MOTION PASSED 5-0**

- 4. Rezoning from Agricultural (A) to Commercial, Intensive (CI) on 18.48 Acres (parcels 01924-002-000 and 01923-005-001).**

**Quasi-Judicial Public Hearing First Reading: Ordinance 2021-51/LDR 21-23, an application by Joseph J. and Teresa L. Hoffman, Owners, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from AGRICULTURAL (A) to COMMERCIAL, INTENSIVE (CI), revised from the originally requested Commercial, General (CG), on property consisting of approximately 18.48 acres, located at 20785 and 20737 West Newberry Road and identified by Alachua County Parcel Numbers: 01923-005-000 and 01923-005-001. (This application is contingent upon approval of Application CPA 21-15.)**

No new participants entered the chambers.

Attorney Walker read Ordinance 2021-51 by title only on first reading.

Mayor Marlowe asked for ex parte communication. Commissioner Farnsworth and Commissioner Marden disclosed they have spoken to applicant, but the conversation had no effect on their decision making.

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

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

Director Thomas and Mr. Hoffman remained sworn.

No third-party intervenor was present.

**OPEN PUBLIC HEARING**

Director Thomas presented the staff overview and report by PowerPoint. Staff recommends passing Ordinance 2021-51 on first reading.

Applicant did not make a presentation.

Mayor Marlowe asked for public comment. There was none.

No cross examination.

The Commission asked questions. Discussion ensued.

No final argument was made.

## **CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission about applicable law.

**Motion made by Commissioner Coleman to pass Ordinance 2021-51 on first reading.**

**Seconded by Commissioner Marden.**

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

**MOTION PASSED 5-0**

- 5. Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Numbers 01861-001-001, 01861-001-000, and 1858-000-000).**

**Quasi-Judicial Public Hearing First Reading: Ordinance 2021-29/CPA 21-13, 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 previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers: 01861-001-001, 01861-001-000, and 1858-000-000.**

Mayor Marlowe explained the process and read the procedures for Quasi-Judicial Hearings. He reviewed the presentation order. If no new participants enter the chambers, he will not read again.

Attorney Walker read Ordinance 2021-29 by title only on first reading

Director Thomas remained sworn.

Mayor Marlowe asked for ex parte communication.

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

No applicant or third-party intervenor was present.

## **OPEN PUBLIC HEARING**

Director Thomas presented the staff overview and report by PowerPoint. Staff recommends passing Ordinance 2021-29 on first reading.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument was made.

## **CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission about applicable law.

**Motion made by Commissioner Marden to pass  
Ordinance 2021-29 on first reading.**

**Seconded by Commissioner Farnsworth.**

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

**MOTION PASSED 5-0**

- 6. Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Numbers: 01834-003-000 and 01834-006-000).**

**Quasi-Judicial Public Hearing First Reading: Ordinance 2021-52/CPA 21-16, 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 previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers: 01834-003-000 and 01834-006-000.**

No new participants entered the chambers.

Attorney Walker read Ordinance 2021-52 by title only on first reading.

Director Thomas remained sworn.

Mayor Marlowe asked for ex parte communication.

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

No applicant or third-party intervenor was present.

**OPEN PUBLIC HEARING**

Director Thomas presented the staff overview and report by PowerPoint. Staff recommends passing Ordinance 2021-52 on first reading.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument was made.

**CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission about applicable law.

**Motion made by Commissioner Farnsworth to pass  
Ordinance 2021-52 on first reading.**

**Seconded by Commissioner Marden.**

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

**MOTION PASSED 5-0**

- 7. Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 04265-007-000).**

**Quasi-Judicial Public Hearing First Reading: Ordinance 2021-54/CPA 21-17, 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 previously voluntarily annexed to the City, identified by Alachua County Parcel Number 04265-007-000.**

No new participants entered the chambers.

Attorney Walker read Ordinance 2021-54 by title only on first reading

Director Thomas remained sworn.

Mayor Marlowe asked for ex parte communication.

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

No applicant or third-party intervenor was present.

**OPEN PUBLIC HEARING**

Director Thomas presented the staff overview and report by PowerPoint. Staff recommends passing Ordinance 2021-54 on first reading.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument was made.

**CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission about applicable law.

**Motion made by Commissioner Clark to pass Ordinance 2021-54 on first reading.**

**Seconded by Commissioner Farnsworth.**



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

**MOTION PASSED 5-0**

- 8. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Numbers: 01861-001-001, 01861-001-000, and 1858-000-000).**

**Quasi-Judicial Public Hearing: Ordinance 2021-30/LDR 21-21, 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 AGRICULTURE (A) to CITY OF NEWBERRY AGRICULTURAL (A) on property recently annexed into the City and identified by Alachua County Parcel Numbers: 01861-001-001, 01861-001-000, and 1858-000-000. (This application is contingent upon approval of Application CPA 21-13.)**

No new participants entered the chambers.

Attorney Walker read Ordinance 2021-30 by title only on first reading.

Director Thomas remained sworn.

Mayor Marlowe asked for ex parte communication.

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

No applicant or third-party intervenor was present.

**OPEN PUBLIC HEARING**

Director Thomas presented the staff overview and report by PowerPoint. Staff recommends passing Ordinance 2021-30 on first reading.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument was made.

**CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission about applicable law.

**Motion made by Commissioner Mazon to pass Ordinance 2021-30 on first reading.**

**Seconded by Commissioner Farnsworth.**

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

**MOTION PASSED 5-0**

9. **Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Numbers: 01834-003-000 and 01834-006-000).**

**Quasi-Judicial Public Hearing First Reading: Ordinance 2021-53/LDR 21-24, 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 Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Numbers: 01834-003-000 and 01834-006-000. (This application is contingent upon approval of Application CPA 21-16.)**

No new participants entered the chambers.

Attorney Walker read Ordinance 2021-53 by title only on first reading

Director Thomas remained sworn.

Mayor Marlowe asked for ex parte communication.

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

No applicant or third-party intervenor was present.

**OPEN PUBLIC HEARING**

Director Thomas presented the staff overview and report by PowerPoint. Staff recommends passing Ordinance 2021-53 on first reading.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument was made.

**CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission about applicable law.

**Motion made by Commissioner Mazon to pass Ordinance 2021-53 on first reading.**

**Seconded by Commissioner Marden.**

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

**MOTION PASSED 5-0**

10. **Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number 04265-007-000).**

**Quasi-Judicial Public Hearing First Reading: Ordinance 2021-55/LDR 21-25, 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 Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Number 04265-007-000. (This application is contingent upon approval of Application CPA 21-17.)**

No new participants entered the chambers.

Attorney Walker read Ordinance 2021-55 by title only on first reading

Director Thomas remained sworn.

Mayor Marlowe asked for ex parte communication.

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

No applicant or third-party intervenor was present.

#### **OPEN PUBLIC HEARING**

Director Thomas presented the staff overview and report by PowerPoint. Staff recommends passing Ordinance 2021-55 on first reading.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument was made.

#### **CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission about applicable law.

**Motion made by Commissioner Coleman to pass Ordinance 2021-55 on first reading.**

**Seconded by Commissioner Clark.**

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

**MOTION PASSED 5-0**

#### **11. Fireworks Permitting.**

**Legislative Public Hearing and First Reading of Ordinance 2021-56; An Ordinance Of The City Of Newberry, Florida Pertaining To Fireworks Permitting; Amending Chapter 38, Article I, Section 38-7 Of The Code Of Ordinances Of The City Of Newberry Regarding Fireworks And Creating Chapter 38, Article V Regarding Fireworks, Authorizing The City Manager Or Designee To Issue A Special Permit For The Discharge Of Fireworks Upon Written Application; Providing For Applicability; Providing For A Repealing Clause;**

**Providing For Inclusion In Code; Providing For Modification; Providing For Severability And Providing An Effective Date.**

Attorney Walker read Ordinance 2021-56 by title only on first reading.

Chief Buckner presented this item with a PowerPoint. Staff recommendation is to pass Ordinance 2021-56 on first reading and advertise November 8, 2021, as second hearing.

A lengthy discussion ensued regarding bond, general liability, commercial use sale, and use in City of Newberry.

Mr. Robert Miles provided expert testimony.

A small discussion ensued.

**Motion made by Commissioner Farnsworth to table Ordinance 2021-56.**

**Seconded by Commissioner Mazon.**

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

**MOTION PASSED 5-0**

**AGENDA ITEMS**

**12. Land Acquisition Related to Seaboard Drive Road Connector Project.**

Assistant Manager Lee presented this item. Staff recommendation is to authorize the City Manager to execute a Vacant Land Contract to acquire a 0.21-acre land parcel (Parcel ID: 01989-020-038) in the amount of \$12,000 to facilitate the Seaboard Drive Connector Road Project as described and to schedule closing.

Discussion ensued.

**Motion made by Commissioner Marden to authorize the City Manager to execute a Vacant Land Contract to acquire a 0.21-acre land parcel (Parcel ID: 01989-020-038) in the amount of \$12,000 to facilitate the Seaboard Drive Connector Road Project as described and to schedule closing.**

**Seconded by Commissioner Mazon.**

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

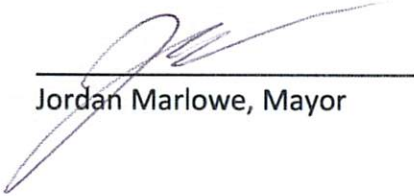
**MOTION PASSED 5-0**

**COMMENTS**

Assistant City Manager Lee, Attorney Walker, Commissioner Mazon, and Mayor Marlowe made comments.

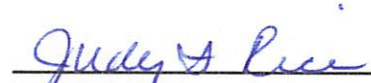
**MEETING ADJOURNMENT**

Meeting adjourned at 8:50 p.m.



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Jordan Marlowe, Mayor



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Judy S. Rice, City Clerk