



# Commission Meeting Minutes

August 14, 2023  
7:00 PM

25440 West Newberry Road  
Newberry, Florida 32669

## QUORUM CHECK

Mayor

Jordan Marlowe

Commissioners

Mark Clark

Rick Coleman

Monty Farnsworth

Tim Marden

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 Public Works and Utilities

Jamie Jones

Director of Parks & Recreation

Travis Parker

Director of Planning & Economic Development

Bryan Thomas

Assistant Director of Parks & Recreation

Ryan Young

Assistant Director of Finance

Amanda Hagan

Principal Planner

Jean-Paul Perez

Senior Planner

Uma Sarmistha

Project Manager

Armon Lowry

Customer Service Manager

Tammy Snyder

Executive Assistant

Randa Paul

Staff Assistant

Jeannene Mironack

Absent:

Commissioner

Tony Mazon

## CALL TO ORDER

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

## APPROVAL OF AGENDA

**Motion to approve agenda made by Commissioner Marden, Seconded by Commissioner Clark.**

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

**MOTION PASSED 4-0**

## **INVOCATION**

Minister Armon Lowry provided the Invocation.

## **PLEDGE OF ALLEGIANCE**

Commissioner Clark led the pledge.

## **PRESENTATIONS**

### **1. Certified Public Manager (CPM) Program Graduates**

Mayor Marlowe and Manager New recognized Certified Public Manager graduates Judy Rice, City Clerk; Jamie Jones, Assistant City Manager for Public Works & Utilities; Dallas Lee, Assistant City Manager and Chief Financial Officer; Travis Parker, Director of Parks, Recreation, and Facilities; Bryan Thomas, Director of Planning & Economic Development; and Tammy Snyder, Customer Service Manager.

### **2. FMEA Presentation**

Jamie Jones introduced Amy Zubaly, Executive Director, Florida Municipal Electric Association (FMEA). Ms. Zubaly presented an update on FMEA legislative lobbying, annual Conference activities, and Newberry's ranking among Florida's municipally-owned electricity providers.

**Mayor Marlowe issued a Proclamation naming Melinda New a Hometown Hero.**

### **3. FMEA's 2023 Member of the Year Award**

Mayor Marlowe and Amy Zubaly recognized City Manager Mike New as FMEA's 2023 Member of the Year.

## **CONSENT AGENDA**

**Motion to approve the Consent Agenda was made  
by Commissioner Coleman, Seconded by  
Commissioner Marden.**

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

**MOTION PASSED 4-0**

- 4. Suwannee River Water Management District and the Florida Department of Environmental Protection Fee Reduction Program (Resolution 2023-49)**
- 5. July 10, 2023, Alachua County BoCC -City of Newberry Joint Special Meeting Minutes**
- 6. July 24, 2023, Regular Commission Meeting Minutes**
- 7. August 2, 2023, Budget Workshop (Enterprise Funds) Minutes**

## **PUBLIC HEARINGS AND ORDINANCES**

- 8. A request for a large-scale Future Land Use Map Amendment from Agriculture to Planned Development for a project known as Newberry Plaza on a site consisting of ±128 acres.**

Legislative Public Hearing: Second reading of Ordinance 2023-15/CPA 23-07, an application by CHW Professional Consultants on behalf of Glenn Thomas Arpin, Senior, Jennifer Gray, Johanna Yarborough, Mary Jane Schofield James, Michael Gray, and Robyn E. Bond to amend the Future Land Use Plan Map of the Comprehensive Plan from Agriculture to Planned Development for a project known as Newberry Plaza generally located at the southeast corner of State Road 26/West Newberry Road and Southwest 242 Street consisting of approximately 128 acres; identified by Alachua County Tax Parcel 01932-000-000.

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

Attorney Walker read Ordinance 2023-15 by title only.

Principal Planner Perez presented the staff report and recommendation with a PowerPoint.

**Motion made by Commissioner Coleman, Seconded  
by Commissioner Farnsworth.**

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

**Abstaining: Commissioner Clark**

**MOTION PASSED 3-0**

- 9. A request to rezone a property from Agricultural (A) to Planned Development (PD) for a project known as Newberry Plaza on a site consisting of ±128 acres.**

Quasi-Judicial Public Hearing: Second reading of Ordinance 2023-16/LDR 23-07, an application by CHW Professional Consultants on behalf of Glenn Thomas Arpin, Senior, Jennifer Gray, Johanna Yarborough, Mary Jane Schofield James, Michael Gray, and Robyn E. Bond to change the zoning designation from Agricultural (A) to Planned Development (PD) for a development known as Newberry Plaza generally located at the southeast State Road 26/West Newberry Road and Southwest 242 Street consisting of approximately 128 acres; identified by Alachua County Tax Parcel 01932-000-000.

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

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

Attorney Walker read Ordinance 2023-16 on Second Reading by title only.

Clerk Rice swore in Principal Planner Perez and Ryan Thompson, AICP, Senior Project Manager, CHW.

Mayor Marlowe asked for ex parte communication.

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

There was no third-party intervenor present.

Principal Planner Perez provided the staff overview and recommendation with a PowerPoint. He stated that the applicant 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 enact Ordinance 2023-16 on Second Reading was made by Commissioner Marden, Seconded by Commissioner Coleman.**

Mayor Marlowe asked for public comment. There was none.

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

**Abstaining: Commissioner Clark**

**MOTION PASSED 3-0**

Commissioner Clark rejoined the dais.

**10. A request for final plat approval for Phase 2 of the Avalon Woods Mixed-Use development**

Quasi-Judicial Hearing, Resolution 2023-38/SD 23-05, an application by JBPro, Agent for M3 Avalon Woods, LLC, Owner, for approval of the final plat for Phase 2 of the Avalon Woods Mixed-Use development on a site consisting of approximately 24.28 acres; identified by Alachua County Tax Parcel 01874-001-005.

No new participants had entered the room.

Attorney Walker read Resolution 2023-38 by title only.

Principal Planner Perez remained sworn in.

Mayor Marlowe asked for ex parte communication.

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

There was no third-party intervenor present.

Principal Planner Perez provided the staff overview and recommendation with a PowerPoint. He stated that the applicant was present to answer questions.

Mayor Marlowe asked for public comment. There was none.

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 Resolution 2023-38 was made made by Commissioner Coleman, Seconded by Commissioner Marden.**

Mayor Marlowe asked for public comment. There was none.

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

**MOTION PASSED 4-0**

**11. A request for preliminary plat for the Post Woods subdivision.**

Quasi-Judicial Public Hearing, Resolution 2023-47/SD 23-06, a request by eda consultants, inc., Agent, on behalf of Pat M. Post, Owner, for preliminary plat of the Post Woods subdivision, formerly known as Post 40 Planned Residential Development; Alachua County Tax Parcels 01993-000-000 and 02002-000-000.

No new participants had entered the room.

Clerk Rice swore in Clay Sweger, AICP, LEED AP, Principal/Director of Planning, eda consultants, inc.

Attorney Walker read Resolution 2023-47 by title only.

Mayor Marlowe asked for ex parte communication.

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

Principal Planner Perez remained sworn in.

There was no third-party intervenor present.

Principal Planner Perez provided the staff overview with a PowerPoint.

Clay Sweger, eda consultants, inc., provided the application with a PowerPoint.

Principal Planner Perez provided the staff recommendation to approve Resolution 2023-47 with a PowerPoint.

Mayor Marlowe asked for public comment. There was none.

Clay Sweger, eda consultants, inc., stated the applicant would work with staff to resolve outstanding comments.

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 Resolution 2023-47 was made made by Commissioner Marden, Seconded by Commissioner Clark.**

Mayor Marlowe asked for public comment. There was none.

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

**MOTION PASSED 4-0**

**12. Second Reading Impact Fee Ordinance 2023-14**

AN ORDINANCE OF THE COMMISSION OF CITY COMMISSIONERS OF CITY OF NEWBERRY, FLORIDA, REGARDING IMPACT FEES; CREATING A NEW CHAPTER 87 OF THE CITY OF NEWBERRY CODE OF ORDINANCES ENTITLED IMPACT FEES; PROVIDING GENERAL DEFINITIONS; PROVIDING RULES OF CONSTRUCTION AND GENERAL LEGISLATIVE FINDINGS; PROVIDING ADMINISTRATIVE PROVISIONS RELATED TO THE IMPOSITION, COLLECTION, AND USE OF IMPACT FEES; PROVIDING FOR EXEMPTIONS, ALTERNATIVE IMPACT FEES, AND DEVELOPER CONTRIBUTION CREDITS; PROVIDING FOR IMPACT FEE REVIEW HEARINGS AND NOTICE REQUIREMENTS GOVERNING THE ADOPTION OF IMPACT FEES OR INCREASE OF IMPACT FEE RATES; PROVIDING FOR THE REVIEW OF IMPACT FEES AND FOR ADMINISTRATIVE COSTS; PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS RELATED TO TRANSPORTATION IMPACT FEES; PROVIDING FOR THE IMPOSITION, COLLECTION, AND USE OF TRANSPORTATION IMPACT FEES; PROVIDING DEFINITIONS AND LEGISLATIVE FINDINGS RELATED TO PUBLIC BUILDING IMPACT FEES; PROVIDING FOR THE IMPOSITION, COLLECTION, AND USE OF PUBLIC BUILDING IMPACT FEES; PROVIDING FOR NOTICE OF IMPACT FEE RATES; PROVIDING FOR SEVERABILITY, CODIFICATION, LIBERAL CONSTRUCTION, AND PROVIDING AN EFFECTIVE DATE.

Attorney Walker read Ordinance 2023-14 by title only.

Dallas Lee, CGFO, CPM, Assistant City Manager/CFO, presented the staff report with a PowerPoint.

**Motion to adopt Ordinance 2023-14 on Second Reading made by Commissioner Coleman, Seconded by Commissioner Clark.**

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

**MOTION PASSED 3-1**

Dallas Lee read the Notice of Enactment, pursuant to Florida Statute 163.31801, into the record.

## **AGENDA ITEMS**

### **13. Impact Fee Economic Development Incentive Program Resolution**

Dallas Lee, CGFO, CPM, Assistant City Manager/CFO, presented the staff report.

Attorney Walker read Resolution 2023-48 by title only.

**Motion to pass Resolution 2023-48 was made by Commissioner Coleman, Seconded by Commissioner Clark.**

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

**MOTION PASSED 4-0**

### **14. Phase 1 Strategy Development Grant for Establishing a Regional Tech Hub in Newberry**

Mike New, PE, City Manager, presented the opportunity to apply for a \$500,000 grant for analysis to establish a regional tech hub in Newberry. The City is required to pledge a 9:1 funding match.

Discussion ensued.

**Motion to authorize the City Manager to execute the commitment letter pledging \$50,000 towards the Phase 1 Strategy Development Grant for establishing a regional tech hub in Newberry made by Commissioner Clark, Seconded by Commissioner Coleman.**

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

**MOTION PASSED 4-0**

Mayor Marlowe directed that the minutes record that Commissioner Marden expressed caution regarding his vote.

### **15. Resolution 2023-50**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NEWBERRY, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF THE FORMS OF THE ATTACHED TAX-EXEMPT MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT BETWEEN THE CITY AND FLAGSTAR PUBLIC FUNDING CORP AND THE ESCROW DEPOSIT AGREEMENT REFERENCED THEREIN, AUTHORIZING THE ACQUISITION, FINANCING AND LEASING OF CERTAIN EQUIPMENT AS DESCRIBED THEREIN; PROVIDING FOR REPEAL OF INCONSISTENT**

PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney Walker read Resolution 2023-50 by title only.

Dallas Lee, CGFO, CPM, Assistant City Manager/CFO, presented the Fire Department Quint Apparatus Capital Lease Funding Agreement staff report.

Discussion ensued.

**Motion to pass Resolution 2023-50 was made by  
Commissioner Farnsworth, Seconded by  
Commissioner Marden.**

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

**MOTION PASSED 4-0**

**16. Request by Alachua County BOCC for Joint City / County Commission Meeting**

Mike New, PE, City Manager, presented the item.

Discussion ensued.

Commissioners approved Mayor Marlowe submitting a letter to BOCC respectfully declining a Joint Meeting at this time.

**COMMENTS**

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

The Commission requested inclusion of financial reports in the Meeting Consent Agendas.

During Citizens Comment, Monica Lerew, and her father, Jay Lerew, each spoke regarding changes to the City's Solar Farm Codes. Manager New stated that staff intends to have an item regarding the City's Solar Farm Codes on a September Commission agenda.

**MEETING ADJOURNMENT**

The meeting was adjourned at 9:15 PM

Signed and approved on this 28th day of August, 2023.

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Jordan Marlowe, Mayor

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Judy S. Rice, City Clerk

Attachment: Commissioner Clark's Form 8B