



# City of Newberry Commission Meeting

November 08, 2021  
7:00 PM

25440 West Newberry Road  
Newberry, Florida 32669

## MINUTES

### CALL TO ORDER

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

### APPROVAL OF AGENDA

Mayor Marlowe asked for approval of the agenda with the removal of items 7 through 12. These items will be rescheduled for the meeting on Monday, November 22<sup>nd</sup>.

**Motion made by Commissioner Coleman to approve the amended agenda with the removal of items 7 through 12.**

**Seconded by Commissioner Mazon.**

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

**MOTION PASSED 4-0**

### QUORUM CHECK

Mayor

Jordan Marlowe

Commissioners

Ricky Coleman  
Monty Farnsworth  
Tim Marden  
Tony Mazon

City Attorney

Scott Walker

City Manager

Mike New

City Clerk

Judy Rice

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

Principal Planner

Wendy Kinser-Maxwell

Planner

Alayna Jackson

Absent:

Commissioner

Mark Clark

## **INVOCATION**

Pastor Gary Bracewell, Christian Life Fellowship Church; provided the invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Marlowe led the pledge.

## **PRESENTATIONS**

### **1. Historic Properties Ad Valorem Tax Incentive Program.**

Assistant Manager Lee presented a PowerPoint presentation. A small discussion ensued.

### **2. Country Way Stormwater Remediation Project Completion Report.**

Assistant Manager Jones presented a PowerPoint presentation. Discussion ensued.

## **PUBLIC ANNOUNCEMENTS**

Pastor Bracewell made a public announcement.

Director Thomas introduced Planner Alayna Jackson to the Commission.

## **CONSENT AGENDA**

### **3. October 11, 2021, Regular Meeting Minutes.**

### **4. October 11, 2021, Strategic Planning Workshop Minutes.**

Mayor Marlowe asked for approval of the consent agenda.

**Motion made by Commissioner Farnsworth to  
approve the consent agenda.**

**Seconded by Commissioner Marden.**

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

**MOTION PASSED 4-0**

## **PUBLIC HEARINGS AND ORDINANCES**

### **5. Development Agreement between the City of Newberry and M3 Avalon Woods LLC for Phase 1B of the Avalon Woods Mixed-Use Development.**

**Quasi-Judicial Public Hearing First Hearing: DA-SD 21-02, a proposed development agreement between the City of Newberry and M3 Avalon Woods LLC, Owner. The land which is the subject of the Development Agreement is located to the east of State Road 45 and on the south side of NW 24th Avenue, identified as Alachua County Parcel Number 01874-200-000, consisting of ±9.44 acres. The Development Agreement addresses implementation of the adopted Avalon Woods Mixed-Use Development Approval**

**Ordinance 2021-14 (LDR 21-10), specifically the development of the Residential Phase 1B portion of Avalon Woods Subdivision. The proposed population density of Phase 1B is approximately 10 persons per acre, with a building density of 4 per acre. The maximum building height is 35 feet.**

Mayor Marlowe read the procedures for Quasi-Judicial hearings and reviewed the process.

Clerk Rice swore in Principal Planner Kinser-Maxwell, Director Thomas, Mr. Dave McDaniel, applicant, and Mr. Chris Potts, engineer at JB Pro Group LLC, applicant representative.

Mayor Marlowe asked for ex parte communication. There was none.

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

There was no third-party intervenor present.

Mayor Marlowe reviewed the presentation order. If no new participants enter the chambers, he will not review the procedures, process, and presentation order again.

#### **OPEN PUBLIC HEARING**

Principal Planner Kinser-Maxwell presented a PowerPoint presentation with the staff overview, report, and recommendation. Staff recommendation is to pass DA-SD 21-02 on first reading and establish November 22, 2021, as second public hearing.

There was not presentation made by the applicant or applicant representative.

Mayor Marlowe asked for public comment. There was none.

There was no cross examination.

The Commission asked questions through the chair. A small discussion ensued.

There was no final argument.

#### **CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission of the applicable law.

**Motion made by Commissioner Coleman to pass DA-SD 21-02 on first reading and established November 22, 2021, as second public hearing.**

**Seconded by Commissioner Marden.**

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

**MOTION PASSED 4-0**

**6. Development Agreement between the City of Newberry and M3 Avalon Woods LLC for Phase 3 of the Avalon Woods Mixed-Use Development.**

**Quasi-Judicial Public Hearing First Hearing: DA-SD 21-08, a proposed development agreement between the City of Newberry and M3 Avalon Woods LLC, Owner. The land which is the subject of the Development Agreement is located on the east side of State Road 45 and to the south of NW 16th Avenue and identified as a portion of Alachua County Parcel Numbers 01897-000-000, consisting of ±43.38 total acres. The Development Agreement addresses implementation of the adopted Avalon Woods Mixed-Use Development Approval Ordinance 2021-14 (LDR 21-10) ), specifically the development of the Residential Phase 3 portion of Avalon Woods subdivision. The proposed population density of the residential portion of Phase 3 is approximately 10 persons per acre, with a building density of 4 per acre. The maximum building height is 35 feet.**

No new participants entered the chambers.

Principal Planner Kinser-Maxwell, Director Thomas, Mr. McDaniel, applicant, and Mr. Potts, engineer at JB Pro Group LLC, applicant representative, remained sworn.

Clerk Rice swore in Manager New.

Mayor Marlowe asked for ex parte communication. There was none.

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

There was no third-party intervenor present.

**OPEN PUBLIC HEARING**

Principal Planner Kinser-Maxwell presented a PowerPoint presentation with the staff overview, report, and recommendation. Staff recommendation is to pass DA-SD 21-08 on first reading and establish November 22, 2021, as second public hearing.

Mr. Potts provided a verbal presentation.

Mayor Marlowe asked for public comment. There was none.

There was no cross examination.

The Commission asked questions through the chair. A lengthy discussion ensued.

There was no final argument.

**CLOSE PUBLIC HEARING**

Attorney Walker reminded the Commission of the applicable law.

**Motion made by Commissioner Marden to pass DA-SD 21-08 on first reading and establish November 22, 2021, as second public hearing.**

**Seconded by Commissioner Coleman**

**ROLL CALL**

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

**Voting Nay: Commissioner Farnsworth and  
Commissioner Mazon.**

**MOTION FAILED 2-2**

Discussion ensued.

**Motion made by Commissioner Mazon to  
reconsider DA-SD 21-08.**

**Seconded by Commissioner Marden.**

**ROLL CALL**

**Voting Yea: Commissioner Coleman, Commissioner  
Marden, and Commissioner Marden.**

**Voting Nay: Commissioner Farnsworth.**

**MOTION PASSED 3-1**

**Motion made by Commissioner Coleman to pass  
DA-SD 21-08 on first reading and establish  
November 22, 2021, as second public hearing.**

**Seconded by Coleman Marden.**

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

**MOTION FAILED 4-0.**

**~~7. 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 Second 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,~~**

**~~8. Rezoning from Agricultural (A) to Commercial, Intensive (CI) on 18.48 Acres (parcels 01924-  
002-000 and 01923-005-001),~~**

~~Quasi-Judicial Public Hearing Second 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, GENERAL (CG) [recommended zoning is Commercial, Intensive (CI) which includes 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.)~~

- ~~9. 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 Second 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.~~

- ~~10. 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 Second 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.~~

- ~~11. 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 Second 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.)~~

- ~~12. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number 04265-007-000).~~

~~Quasi-Judicial Public Hearing Second 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.)~~

## **AGENDA ITEMS**

### **15. SW 15th Avenue Extension – Acquisition of Right of Way.**

Manager New presented a PowerPoint presentation for this item. Staff recommendation is to authorize the City Manager to execute each of three (3) agreements to acquire right of way and land rights necessary to extend SW 15 Avenue from SW 260 Street to County Road 337.

A small discussion ensued.

**Motion made by Commissioner Farnsworth  
authorize the City Manager to execute each of three  
(3) agreements to acquire right of way and land  
rights necessary to extend SW 15 Avenue from SW  
260 Street to County Road 337.**

**Seconded by Commissioner Marden**

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

**Abstained: Commissioner Coleman**

**MOTION PASSED 3-0**

### **14. Land Acquisition for Expansion of Wastewater Treatment Facility.**

Manager New presented a PowerPoint presentation for this item. Staff recommendation is to authorize the City Manager to execute a Vacant Land Contract to acquire 93.4 acres of land in the amount of \$12,500 to facilitate upgrade and expansion of the City's wastewater treatment facility as described in the attached contract document and to schedule closing.

Discussion ensued.

**Motion made by Commissioner Mazon to authorize  
the City Manager to execute a Vacant Land Contract  
to acquire 93.4 acres of land in the amount of  
\$12,500 to facilitate upgrade and expansion of the  
City's wastewater treatment facility as described in  
the attached contract document and to schedule  
closing.**

**Seconded by Commissioner Farnsworth**

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

**MOTION PASSED 4-0**

**13. Authorizing Resolution For Participation in the Local Government Surplus Funds Trust Fund. (Resolution 2021 - 48)**

Assistant Manager Lee presented this item. Staff recommendation is to adopt Resolution 2021-48.

Discussion ensued.

Attorney Walker read Resolution 2021-48 by title only.

**Motion made by Commissioner Farnsworth to adopt Resolution 2021-48.**

**Seconded by Commissioner Coleman.**

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

**MOTION PASSED 4-0**

**16. State Road 26 One-Way Pairs Request Letter (Resolution 2021-49)**

Attorney Walker read Resolution 2021-49 by title only.

Manager New presented a PowerPoint presentation. Staff recommendation is to adopt Resolution 2021-49

Discussion ensued.

**Motion made by Commissioner Marden to adopt Resolution 2021-49.**

**Seconded by Commissioner Mazon.**

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

**MOTION PASSED 4-0**

**17. Charter Officer Annual Evaluations. (Resolution 2021 - 47)**

Mayor Marlowe presented this item.

Discussion ensued regarding a 2.5% increase in addition to merit increase Manager New.

Attorney Walker read Resolution 2021-47 by title only.

**Motion made by Commissioner Farnsworth to adopt Resolution 2021-47.**

**Seconded by Commissioner Mazon.**



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

**MOTION PASSED 4-0**

**18. Holiday Meeting Schedule.**

Manager New presented this item and a small discussion ensued.

**Motion made by Commissioner Farnsworth to not have the regularly scheduled commission meeting on December 27<sup>th</sup>, 2021.**

**Seconded by Commissioner Mazon.**

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

**MOTION PASSED 4-0**

**COMMENTS**

Attorney Walker, Manager New, Clerk Rice, Commissioner Mazon, Commissioner Marden, Commissioner Farnsworth, Commissioner Coleman, and Mayor Marlowe made comments.

Ms. Peggy Loy and Ms. Amy Dalusio made public comments.

**MEETING ADJOURNMENT**

Meeting adjourned at 10:37 p.m.

  
\_\_\_\_\_  
Jordan Marlowe, Mayor  
\_\_\_\_\_  
Judy S. Rice, City Clerk

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Coleman RICHARD E.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City of Newberry Commission</i>	
MAILING ADDRESS <i>6448 SW State Rd. 45 Alachua</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Newberry, FL</i>	COUNTY	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>11-8-21</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)



## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Richard Coleman, hereby disclose that on 11.08.2021, 20\_\_ :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- ☒ inured to the special gain or loss of my relative, Kevin, James, Jason Coleman ;
- ☐ inured to the special gain or loss of \_\_\_\_\_ , by  
whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_ , which  
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

- Potential Gain in the future transaction,
- Family

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

11.08.2021  
Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.