



# City of Newberry Commission meeting

February 08, 2021  
7:00 p.m.

25440 West Newberry Road  
Newberry, Florida 32669

## MINUTES

### CALL TO ORDER

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

**Motion made by Commissioner Marden to excuse all past and future absences of Commissioner Coleman due to COVID-19.**

**Seconded by Commissioner Clark.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

### APPROVAL OF AGENDA

Mayor Marlowe asked for approval of the agenda.

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

**Seconded by Commissioner Norfleet.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

### QUORUM CHECK

Mayor

Jordan Marlowe

Commissioners

Mark Clark

Monty Farnsworth, virtual

Tim Marden

Paul Norfleet

City Attorney

Rich Maltby, virtual

City Manager

Mike New

City Clerk

Judy Rice, virtual

Staff:

Director of Finance and Administration  
Director of Planning and Economic Development  
Director of Public Works and Utilities  
Principal Planner

Dallas Lee  
Bryan Thomas  
Jamie Jones, virtual  
Wendy Kinser-Maxwell, virtual

Absent:

Commissioner

Rick Coleman

## INVOCATION

Reverend Karen Burris, Newberry United Methodist Church, provided the invocation.

## PLEDGE OF ALLEGIANCE

Mayor Marlowe led the pledge.

## PRESENTATIONS

1. **Proclamation Declaring March 19, 2021, as “The Great American Cleanup” Day in Newberry.**

Mayor Marlowe read the proclamation. Director Jones announced the cleanup dates.

2. **CDBG-Housing Rehabilitation Presentation.**

Manager New introduced Mr. Dennis Dingman, Summit Professional Services, Inc.

Mr. Dingman provided a PowerPoint presentation showing the completed CDBG projects.

3. **Road Transfers between Government Entities.**

Manager New presented this item. A lengthy discussion ensued.

## PUBLIC ANNOUNCEMENTS

There were no public announcements made.

## CONSENT AGENDA

4. **January 25, 2021, Commission Meeting Minutes.**
5. **Florida Municipal Power Agency (FMPA) Liaison Report.**
6. **National African American History Month Proclamation.**
7. **Power Cost Adjustment.**
8. **Payment Register.**

Mayor Marlowe asked for approval of the consent agenda.

**Motion made by Commissioner Norfleet to approve consent agenda.**

**Seconded by Commissioner Marden.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION 4-0**

## **PUBLIC HEARINGS AND ORDINANCES**

- 9. Changing previously annexed property's future land use from Alachua County Rural/Agriculture to City of Newberry Agriculture.**

**Quasi-Judicial Hearing First Reading: Ordinance 2021-08/CPA 21-03, 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: 02667-007-000.**

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

Attorney Maltby read Ordinance 2021-08 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

**Voting Nay: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

Clerk Rice swore in Planner Kinser-Maxwell

### **OPEN PUBLIC HEARING**

Planner Kinser-Maxwell presented a PowerPoint with the staff overview and report. Staff recommendation is to pass Ordinance 2021-08 on first reading.

No applicant present. No third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

### **CLOSE PUBLIC HEARING**

Attorney Maltby advised the Commission of applicable law.

**Motion made by Commissioner Marden to pass Ordinance 2021-08 on first reading.**

**Seconded by Commissioner Norfleet.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

**10. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural.**

**Quasi-Judicial Hearing First Reading: Ordinance 2021-09/LDR 21-06, 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 into the City, identified by Alachua County Parcel Numbers: 02667-007-000. (This application is contingent upon approval of Application CPA 21-03.)**

No new participants entered the meeting.

Attorney Maltby read Ordinance 2021-09 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

**Voting Nay: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

Planner Kinser-Maxwell remained sworn.

**OPEN PUBLIC HEARING**

Planner Kinser-Maxwell presented a PowerPoint with the staff overview and report. Staff recommendation is to pass Ordinance 2021-09 on first reading.

No applicant present. No third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

**CLOSE PUBLIC HEARING**

Attorney Maltby advised the Commission of applicable law.

**Motion made by Commissioner Norfleet to pass Ordinance 2021-09 on first reading.**

**Seconded by Commissioner Marden.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

**11. Application for Special Permit for Temporary Use to Allow Three 2-Day Outdoor Vintage Market events during 2021**

**Quasi-Judicial Hearing: Resolution 2021-04/STUP 21-01, an application by Gail Hodge, Agent for DGH HOLDINGS LLC and DAVID E. & GAILEN S. HODGE, Owners, for a special**

permit for a temporary use to allow an outdoor Vintage Market, as provided for in “Section 14.10.1. Temporary use permits issued by city commission” of the City of Newberry Land Development Regulations, to be held as a 2-day event occurring three times during the year 2021 (the first event to be held the third weekend of February), on property approximately 5 acres in size and zoned “A” Agricultural, located at 20077 W NEWBERRY RD, and identified as Alachua County Tax Parcel Numbers 04386-004-000 and 04386-001-000

No new participants entered the meeting.

Attorney Maltby read Resolution 2021-04 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

**Voting Nay: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

Planner Kinser-Maxwell remained sworn.

#### **OPEN PUBLIC HEARING**

Planner Kinser-Maxwell presented a PowerPoint with the staff overview and report. Staff recommendation is to pass Resolution, as amended by the Planning and Zoning Board.

No applicant present. No third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

#### **CLOSE PUBLIC HEARING**

Attorney Maltby advised the Commission of applicable law.

Discussion ensued.

**Motion made by Commissioner Marden to adopt Resolution 2021-04 as amended by the Planning and Zoning Board.**

**Seconded by Commissioner Farnsworth.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

#### **12. Amending the City of Newberry’s Codes to allow tiny home neighborhoods.**

**Legislative Public Hearing: Ordinance 2021-01, an application by the City of Newberry, amending the Newberry, Florida Code of Ordinances, Section 2.1. Definitions, Section 4.2.**

Supplementary Regulations, And List of Principle Uses and/or Uses Allowed By Special Exception In Section 4.4. – “A” Agricultural, Section 4.5 – “RSF” Residential Single Family, Section 4.6. - “RSF/MH” RSF/MH Residential, (Mixed) Single-Family/Mobile Home, Section 4.7. – “RMH” Residential, Mobile Home, Section 4.8. – “RMH-P” Residential, Mobile Home Park, Section 4.9. – “RMF” Residential, Multiple Family, Section 4.19. - “MU” Mixed Use Development, Section 4.20. – “PRD” Planned Residential Development, And Section 4.21. – “PD” Planned Development Zoning Districts, To Allow Tiny Home Neighborhoods.

Director Thomas presented a PowerPoint presentation reviewing Ordinance 2021-01. Discussion ensued.

Attorney Maltby read Ordinance 2021-01 by title only.

**Motion made by Commissioner Marden to pass Ordinance 2021-01.**

**Seconded by Commissioner Clark.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

## **AGENDA ITEMS**

### **13. SR 26 Lift Station 26 Construction Project Contract Award.**

Director Jones presented this item and background information. A lengthy discussion ensued.

**Motion made by Commissioner Farnsworth to:**

- 1. Authorize the City Manager to execute a contract including Owner Direct Purchasing terms/conditions in the amount of \$512,817.17 for the total of the Base bid with Andrews Paving, Inc. for the SR 26 LS#26 Construction Project. This authorization would be conditioned upon the completion of the land rights process.**
- 2. Authorize the City Manager to approve change orders not to exceed ten percent (10%) of the contract amount.**

**Seconded by Commissioner Norfleet.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, and Commissioner Norfleet.**

**Voting Nay: Commissioner Marden.**

**MOTION PASSED 3-1**

**14. Advanced Metering Infrastructure (AMI) Contract.**

Manager New presented this item. Discussion ensued.

**Motion made by Commissioner Marden to authorize the City Manager to execute contract with the Sensus USA Inc. to provide an Advanced Metering Infrastructure (AMI) system as outlined in the AMI Contract between Sensus USA Inc. and the City of Newberry.**

**Seconded by Commissioner Norfleet.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

**15. Advanced Metering Infrastructure (AMI) Project Owner's Engineer (OE) Phase 3 Services Agreement.**

Manager New presented this item. Discussion ensued.

**Motion made by Commissioner Marden to:**

- 1) Authorize the City Manager to execute agreement with the Florida Municipal Power Agency (FMPA) to provide Owner's Engineer Phase 3 Services for Newberry's AMI Deployment in the amount of \$70,140,**
- 2) Authorize the City Manager to execute change orders with FMPA for Phase 3 Services for Newberry's AMI Deployment in an amount not to exceed \$7,014 (10%).**

**Seconded by Commissioner Clark.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

**16. Request to Transfer a Portion of Barry Park to Adjacent Property Owner.**

Manager New presented Alternative 3: Driveway Connects to Seaboard Coastline Drive. Both parties are in an agreement that this is best option.

**Motion made by Commissioner Clark to approve Alternative 3: Driveway Connects to Seaboard Coastline Drive.**

**Seconded by Commissioner Farnsworth.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

**Motion made by Commissioner Norfleet to extend the meeting past 10:30 p.m. cutoff time.**

**Seconded by Commissioner Marden.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

**17. Master Land Use and Zoning on Newberry Road Corridor East.**

Director Thomas presented this item. A lengthy discussion ensued.

It was the consensus of the Commission to direct staff to construct a Master Land Use and Zoning for Newberry Road Corridor East.

**18. Proclamation Calling for a Regular Election.**

Mayor Marlowe read the proclamation. There are two corrections to the election calendar February 18 and February 25 are the dates for advertising the proclamation in the paper.

**19. Solid Waste Rates.**

Manager New presented this item.

Attorney Maltby read Resolution 2021-01 by title only.

**Motion made by Commissioner Marden to:**

- 1) Authorize the City Manager to execute the Second Amendment to the Agreement for Solid Waste Collection Services between City of Newberry and Waste Pro of Florida, Inc. to reflect the new rates adjusted for Alachua County's tipping fee increase.**
- 2) Adopt Resolution 2021-01 amending the City's solid waste rates.**

**Seconded by Commissioner Norfleet.**



**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

**COMMENTS**

Comments were made by Manager New, Attorney Maltby, Mayor Marlowe, and Mr. Joe Hoffman, citizen.

**MEETING ADJOURNMENT**

Meeting adjourned at 11:08 p.m.

Signed and dated this 8<sup>th</sup> day of March 2021.

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Jordan Marlowe, Mayor

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Judy S. Rice, City Clerk