



City of Newberry Commission Meeting

December 14, 2020
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.

APPROVAL OF AGENDA

Mayor Marlowe asked for approval of the agenda.

Motion made by Commissioner Coleman to approve the agenda.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

QUORUM CHECK

Mayor

Jordan Marlowe

Commissioners

Ricky Coleman

Mark Clark

Monty Farnsworth

Tim Marden

Paul Norfleet

City Attorney

Scott Walker

City Manager

Mike New

City Clerk

Judy Rice

Staff:

Director of Finance and Administration

Dallas Lee

Director of Planning and Economic Development

Bryan Thomas

Director of Utilities and Public Works

Jamie Jones, virtual

Principal Planner

Wendy Kinser-Maxwell, virtual

PLEDGE OF ALLEGIANCE

Mayor Marlowe led the pledge.

INVOCATION

Reverend Joy Glanzer provided the invocation.

PRESENTATIONS

1. COVID-19 Update.

Manager New introduced Mr. Paul Myers, Administrator of the Alachua County Health Department.

Mr. Myers presented a PowerPoint presentation. Discussion ensued.

PUBLIC ANNOUNCEMENTS

Ms. Joy Glanzer, Newberry Main Street Organization, provided updates on their events.

Mr. Marlin Day, Newberry Branch Manager, Alachua County Library District, provided updates on upcoming events.

CONSENT AGENDA

2. Payment Register.

3. November 23, 2020, Regular Commission Meeting Minutes.

Mayor Marlowe asked for approval of the consent agenda.

Motion made by Commissioner Marden to approve consent agenda.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

PUBLIC HEARINGS AND ORDINANCES

4. Water and Wastewater System Development Charge Ordinances Revision

Legislative Hearing: Second Reading of Ordinance 2020 – 23. An Ordinance Pertaining To Utilities Within The City Of Newberry; Amending Division 2 And Division 3 Of Article VI, Chapter 98 Of The Code Of Ordinances Of The City Of Newberry Pertaining To Water System Development Charges And Sewer System Development Charges.

Attorney Walker read Ordinance 2020-23 by title only on second reading.

Director Jones presented this item.

Motion made by Commissioner Farnsworth to enact Ordinance 2020-23 on second reading amending Article VI, Chapter 98, Division 2-3 of the Code of Ordinance of the City of Newberry to reflect that

water and wastewater system development charges will be calculated based on water meter size on first reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

5. **Changing Recently Annexed Property's Future Land Use Designation from Alachua County Rural/Agriculture to City of Newberry Agriculture.**

Quasi-Judicial Hearing First Reading: Ordinance 2020-32/CPA 20-03, 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 properties previously voluntarily annexed to the City, identified by Alachua County Parcel Number 01816-001-000.

Mayor Marlowe explained the process for Quasi-Judicial Hearings.

Attorney Walker read Ordinance 2020-32 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

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

Clerk Rice swore in Planner Kinser-Maxwell.

Mayor Marlowe read the Quasi-Judicial Procedures.

OPEN PUBLIC HEARING

Planner Kinser-Maxwell provided staff overview and report. Staff recommendation is to pass Ordinance 2020-32/Application CPA 20-03 on first reading.

There is no applicant or third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Walker advised the Commission of competent substantial evidence.

Motion made by Commissioner Coleman to pass Ordinance 2020-32/Application CPA 20-03 on first reading.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 5-0

6. Changing Recently Annexed Property's Future Land Use Designation from Alachua County Rural/Agriculture to City of Newberry Agriculture.

Quasi-Judicial Hearing First Reading: Ordinance 2020-34/CPA 20-03, 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 properties previously voluntarily annexed to the City, identified by Alachua County Parcel Number 02568-007-000.

No new participants entered the room.

Attorney Walker read Ordinance 2020-34 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

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

Planner Kinser-Maxwell remained sworn.

OPEN PUBLIC HEARING

Planner Kinser-Maxwell provided staff overview and report. Staff recommendation is to pass Ordinance 2020-34/Application CPA 20-03 on first reading.

There is no applicant or third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Walker advised the Commission of competent substantial evidence.

Motion made by Commissioner Marden to pass Ordinance 2020-34/Application CPA 20-03 on first reading.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

7. **Changing Recently Annexed Property's Future Land Use Designation from Alachua County Rural/Agriculture to City of Newberry Agriculture.**

Quasi-Judicial Hearing First Reading: Ordinance 2020-36/CPA 20-03, 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 properties previously voluntarily annexed to the City, identified by Alachua County Parcel Number 02519-003-000.

No new participants entered the room.

Attorney Walker read Ordinance 2020-36 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

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

Planner Kinser-Maxwell remained sworn.

OPEN PUBLIC HEARING

Planner Kinser-Maxwell provided staff overview and report. Staff recommendation is to pass Ordinance 2020-36/Application CPA 20-03 on first reading.

There is no applicant or third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Walker advised the Commission of competent substantial evidence.

Motion made by Commissioner Clark to pass Ordinance 2020-36/Application CPA 20-03 on first reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

8. **Rezoning Recently Annexed Property from Alachua County Agriculture to City of Newberry Agricultural.**

Quasi-Judicial Hearing First Reading: Ordinance 2020-33/LDR 20-09, 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 Number 01816-001-000. (This application is contingent upon approval of Application CPA 20-03.)

No new participants entered the room.

Attorney Walker read Ordinance 2020-33 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

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

Planner Kinser-Maxwell remained sworn.

OPEN PUBLIC HEARING

Planner Kinser-Maxwell provided staff overview and report. Staff recommendation is to pass Ordinance 2020-33/ Application LDR 20-09 on first reading, contingent upon the City Commission's approval of CPA 20-03.

There is no applicant or third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Walker advised the Commission of competent substantial evidence.

Motion made by Commissioner Coleman to pass Ordinance 2020-33/ Application LDR 20-09 on first reading, contingent upon the City Commission's approval of CPA 20-03.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

- 9. Rezoning Recently Annexed Property from Alachua County Agriculture to City of Newberry Agricultural.**

Quasi-Judicial Hearing First Reading: Ordinance 2020-35/LDR 20-09, 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 Number 02568-007-000. (This application is contingent upon approval of Application CPA 20-03.)

No new participants entered the room.

Attorney Walker read Ordinance 2020-35 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

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

Planner Kinser-Maxwell remained sworn.

OPEN PUBLIC HEARING

Planner Kinser-Maxwell provided staff overview and report. Staff recommendation is to pass Ordinance 2020-35/ Application LDR 20-09 on first reading, contingent upon the City Commission's approval of CPA 20-03.

There is no applicant or third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Walker advised the Commission of competent substantial evidence.

Motion made by Commissioner Norfleet to pass Ordinance 2020-35/ Application LDR 20-09 on first reading, contingent upon the City Commission's approval of CPA 20-03.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

10. Rezoning Recently Annexed Property from Alachua County Agriculture to City of Newberry Agricultural.

Quasi-Judicial Hearing First Reading: Ordinance 2020-37/LDR 20-09, 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 Number 02519-003-000. (This application is contingent upon approval of Application CPA 20-03.)

No new participants entered the room.

Attorney Walker read Ordinance 2020-37 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

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

Planner Kinser-Maxwell remained sworn.

OPEN PUBLIC HEARING

Planner Kinser-Maxwell provided staff overview and report. Staff recommendation is to pass Ordinance 2020-37/ Application LDR 20-09 on first reading, contingent upon the City Commission's approval of CPA 20-03.

There is no applicant or third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Walker advised the Commission of competent substantial evidence.

Motion made by Commissioner Farnsworth to pass Ordinance 2020-37/ Application LDR 20-09 on first reading, contingent upon the City Commission's approval of CPA 20-03.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

AGENDA ITEMS

11. Food Truck Regulations.

Director Thomas presented this item. A lengthy discussion ensued regarding the following topics:

- What zoning districts should food trucks be allowed to operate in?
- Should food trucks be allowed to set up shop on vacant lots or in public right-of-way?

- Should food trucks be required to move daily, or allowed to stay indefinitely in one location?
- Should food trucks be allowed to set up picnic tables/seating for customers?
- Should food trucks be allowed to connect to City water and wastewater utilities?
- What type of signage (other than signage affixed to the food truck) should food trucks be allowed to display?
- Should the City facilitate the development of food truck, “parks?”

COMMENTS

City Manager provided updates on City business.

City Attorney provided updates on litigation with Alachua County.

Commission none

Mayor thanked the RC park for their donations. He commended the City staff for their hard work on the Annual Christmas Tree Lighting.

Citizens none

MEETING ADJOURNMENT

Meeting adjourned at 9:33 p.m.

Signed and dated this 11th day of January 2021.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk