



City of Newberry Commission Meeting

September 27, 2021
7:00 p.m.

25440 West Newberry Road
Newberry, Florida 32669

MINUTES

CALL TO ORDER

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

APPROVAL OF AGENDA

Mayor Marlowe asked for approval of the agenda.

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

Seconded by Commissioner Marden.

**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

City Manager

Mike New

City Clerk

Judy Rice

Staff:

Assistant City Manager, Director of Finance & Administration

Dallas Lee

Director of Planning & Economic Development

Bryan Thomas

Principal Planner

Wendy Kinser-Maxwell

INVOCATION

Pastor Armon Lowrey provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the pledge.

PRESENTATIONS

1. White Cane Awareness Proclamation.

Mayor Marlowe read the proclamation in its entirety and presented it to Ms. Peggy Loy, Lions Club representative.

2. National Community Planning Month Proclamation

Proclamation declaring October 2021 as National Community Planning Month, recognizing the importance of community planning in managing change to benefit the residents of the City of Newberry.

Mayor Marlowe read the proclamation in its entirety.

Director Thomas spoke on National Community Planning Month.

PUBLIC ANNOUNCEMENTS

Mr. Rodney Long, Candidate for Senate District 8, made an announcement.

CONSENT AGENDA

3. Breast Cancer Awareness Proclamation.

4. American Pharmacists Month Proclamation.

5. September 13, 2021, Regular Meeting Minutes.

6. Interlocal Agreement between the City of Newberry, Florida and the City of Gainesville, Florida for Maintenance and Operations of Traffic Signal, School Beacons, ITS Devices, and Connected Vehicle Devices in the City of Newberry Florida.

Mayor Marlowe asked for approval of the consent agenda.

Motion made by Commissioner Coleman to approve the agenda.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

PUBLIC HEARINGS AND ORDINANCES

Discussion and Adoption (With Changes, If any) of the Final Operating Millage Rate for Fiscal Year 2021 - 22.

7. Adopt a Final Millage.

Resolution 2021 - 40, A Resolution Determining and Adopting the Final Rate of Taxation on Real and Personal Property, and Making the Annual Levying of Ad Valorem Taxes for the City of Newberry, Florida, for the Fiscal Year 2021 - 2022; and Providing an Effective Date.

Mayor Marlowe, Attorney Walker, Manager New, and Assistant Manager Lee, read a script that provided an explanation on the following budget items:

1. Introduction to final budget.
2. Truth-in-Millage Legislation.
3. Overview of the Fiscal Year 2021-2022 proposed budget.

Assistant Manager Lee gave an overview of Fiscal Year 2021-2022 final millage.

- Proposed Millage Rate is 5.9999.
- Same as previous 4 years.
- Roll Back Rate is 5.5945
- Tentative Millage set at 5.9999. 7.25% more than Roll Back Rate.

Mayor Marlowe asked for public comment. There was none. Public comment closed.

Attorney Walker read Resolution 2021-40 by title only.

Motion made by Commissioner Marden to adopt Resolution 2021-40.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

8. Establish a Final Budget.

Resolution 2021 - 41, A Resolution Of The City Of Newberry, Florida; Relating To The City's Budget For The 2021-2022 Fiscal Year; Providing For The Final Appropriation Of Funds Of The City Of Newberry For The Fiscal Year Beginning October 1, 2021, And Ending September 30, 2022; Approving A Final General City Budget; Adopting The Five (5) Year Capital Improvement Program For The City; Providing Authority To The City Management; Prescribing The Terms Conditions And Provisions With Respect To Supplemental Appropriations And Re-Appropriations; Making A Determination Of Public Purpose; Providing For Severability; And Providing An Effective Date.

Assistant Manager then reviewed the Fiscal Year 2021-2022 final budget.

Fund	Budget
General Fund	\$10,825,532

Fund (cont'd)	Budget (cont'd)
Capital Improvement Fund	\$388,800
Special Revenue Funds	\$4,196,318
Enterprise Funds	\$16,219,765
Internal Service Funds	\$1,185,068
Total	\$32,815,483

Mayor Marlowe asked for public comment. There was none. Public comment closed.

Attorney Walker read Resolution 2021-41 by title only.

Motion made by Commissioner Marden to adopt Resolution 2021-41.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

9. Amending Electric Rates.

Legislative Hearing: Second Reading of Ordinance 2021 – 46, An Ordinance of the City of Newberry, Florida Pertaining to Electric Utility Services in the City of Newberry to Amend and Revise Section 98-63 Subsections 1, 2, 3, and 8 of the Code of Ordinances of the City of Newberry Pertaining to the Energy Charged, Providing for Codification of the Same.

Assistant Manager reviewed the amended Electric Rates.

- 2% rate increase that will be offset by \$1.50/month due to the Power Cost Adjustment decrease.
- Average impact \$0.50/month for residential customers.

Mayor Marlowe asked for public comment. There was none. Public comment closed.

Attorney Walker read Ordinance 2021-46 by title only on second reading.

Motion made by Commissioner Clark to enact Ordinance 2021-46 on second reading.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

10. Amending Water Rates.

Legislative Hearing: Second Reading of Ordinance 2021 – 47, Amending the Prior Established Rates and Amending Sections 98 -154 of the Code of Ordinances of the City of Newberry; Amending Ordinance No. 2020 - 25.

Assistant Manager reviewed the amended Water Rates.

- These changes represent a 4% increase in the consumption charge, there is no proposed change in the customer charge.
- After these rates increases, the City of Newberry will continue to offer the lowest residential water rates in our area.

Mayor Marlowe asked for public comment. There was none. Public comment closed.

Attorney Walker read Ordinance 2021-47 by title only on second reading.

Motion made by Commissioner Coleman to enact Ordinance 2021-47 on second reading.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

11. Amending Wastewater Rates.

Legislative Hearing: Second Reading of Ordinance 2021 – 48, Amending the Prior Established Rates and Amending Sections 98 -155 of the Code of Ordinances of the City of Newberry; Amending Ordinance No. 2019- 24.

Assistant Manager reviewed the amended Wastewater Rates.

- These changes represent a 3% increase in the consumption charge, there is no proposed change in the customer charge.
- After these rates increases, the City of Newberry will continue to offer the lowest residential water rates in our area

Mayor Marlowe asked for public comment.

Ms. Mary Gaffney spoke against amending the Wastewater Rates. Mayor Marlowe responded to Ms. Gaffney's comment.

Attorney Walker read Ordinance 2021-48 by title only on second reading.

Motion made by Commissioner Clark to enact Ordinance 2021-48 on second reading.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

12. Establish Water Public Service Tax.

Legislative Public Hearing and Second Reading of Ordinance of the City of Newberry, Florida, amending Chapter 86, Article II of the Code of Ordinances of the City of Newberry Regarding Taxation of Utilities, Amending Section 86 – 31 Definitions, Adding Water Service as a Utility Service, Updating Section 86 – 34 Related to Records, Monthly Statements and Payments to City, Updating Section 86 – 35 Regarding Computation n Basis of Aggregate Monthly Sales, Forms and Administrative Rules and Regulations, and Adding Section 86 – 38 Regarding Penalties for Non-Payment or Not Filing Return; Repealing all Ordinances in Conflict and Providing an Effective Date.

Assistant Manager Lee reviewed the Water Public Service Tax

- One of the identified revenue options was establishing a public service tax on water services.
- Currently, the City of Newberry levies a public service tax of 10% on fuel oil, electricity, and kerosene. The City of Newberry is one of only 2 cities in our area that does not impose a water service tax.
- Staff proposes a tax of 6.0% on the sale of water service, including irrigation, within the city. The average impact to a customer is approximately \$1.48.
- The revenue generated will be transferred to the City's Capital Improvement Fund for investment into the City's infrastructure. Additional, clarifying changes have been made throughout the existing Public Service Tax ordinance to address outdated processes and changes in the state law.

Mayor Marlowe asked for public comment. There was none. Public comment closed.

Attorney Walker read Ordinance 2021-49 by title only on second reading.

Motion made by Commissioner Clark to enact Ordinance 2021-49 on second reading.

Seconded by Commissioner Mazon.

ROLL CALL VOTE

Voting Yea: Commissioner Coleman, Commissioner Clark, and Commissioner Mazon.

Voting Nay: Commissioner Farnsworth and Commissioner Marden.

MOTION PASSED 3-2

13. Country Way of Newberry Phase 4 Final Plat.

Quasi-Judicial Public Hearing, Resolution 2021-43/SD 21-07, a request by CHW, agent for Norfleet-Green Development, LLC, for approval of the Country Way of Newberry Phase 4 Final Plat located on the east side of US 27/SR 45, south of SW 15th Ave. Phase 4 is part of the Newberry Town Center Planned Development.

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

Clerk Rice swore in Director Thomas.

Mayor Marlowe asked for ex parte communication.

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

Attorney Walker read Resolution 2021-43.

Mayor Marlowe read the presentation order. There is no applicant or third-party intervenor present.

OPEN PUBLIC HEARING

Director Thomas presented a PowerPoint presentation on the Staff report, overview, and recommendation. Staff recommendation is to adopt Resolution 2021-43 approving Surety and Final Plat for Country Way of Newberry Phase 4.

Mayor Marlowe asked for public comment. There was none.

No cross-examination or final argument.

CLOSE PUBLIC HEARING

Attorney Walker reminded the Commission of the Applicable Law.

Motion made by Commissioner Coleman to adopt Resolution 2021-43.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

14. Voluntary Annexations.

Quasi-Judicial Public Hearing Second Reading: Ordinances 2021-38, 39, 40, 41, 42, 43, and 44 of the City of Newberry, Florida, to voluntarily annex certain portions of unincorporated Alachua County regarding seven requests: parcel 01928-004-000 consisting of 3 Acres ± (Ordinance 2021-38); parcel 02696-010-007 consisting of 5.06 Acres ± (Ordinance 2021-39); two contiguous parcels 01925-009-000 and 01925-009-001 consisting of 12.26 Acres ±, (Ordinance 2021-40); parcel 01756-000-000 consisting of 254 Acres ± (Ordinance 2021-41); two contiguous parcels 01834-004-000 and 01834-005-000 consisting of 40 Acres ±,

(Ordinance 2021-42); five contiguous parcels 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000 consisting of 256.253 Acres ±, (Ordinance 2021-43); and parcel 04273-001-000 consisting of 40.76 Acres ± (Ordinance 2021-44).

No new participants entered the chambers.

Clerk Rice swore in Principal Planner Kinser-Maxwell.

Mayor Marlowe asked for ex parte communication. Commissioner Marden did speak to applicant Keith Lerner for parcel 01756-000-000 (254 acres ±) regarding the process for annexation. It will not affect his vote.

Voting Yea: Commissioner Marden

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

There is no applicant or third-party intervenor present.

OPEN PUBLIC HEARING

Principal Planner Kinser-Maxwell presented a PowerPoint presentation on the Staff report, overview, and recommendation for Ordinances 2021-38, 2021-39, 2021-40, 2021-41, 2021-42, 2021-43, and 2021-44. Staff recommends enacting Ordinances 2021-38, 2021-39, 2021-40, 2021-41, 2021-42, 2021-43, and 2021-44 on second reading.

Mayor Marlowe asked for public comment. There was none.

No cross-examination or final argument.

CLOSE PUBLIC HEARING

Attorney Walker reminded the Commission of the Applicable Law.

Attorney Walker read Ordinance 2021-38 by title only on second reading.

Motion made by Commissioner Farnsworth to enact Ordinance 2021-38 on second reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-39 by title only on second reading.

Motion made by Commissioner Farnsworth to enact Ordinance 2021-39 on second reading.

Seconded by Commissioner Coleman.

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

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-40 by title only on second reading.

Motion made by Commissioner Marden to enact Ordinance 2021-40 on second reading.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-41 by title only on second reading.

Motion made by Commissioner Coleman to enact Ordinance 2021-41 on second reading.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-42 by title only on second reading.

Motion made by Commissioner Marden to enact Ordinance 2021-42 on second reading.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-43 by title only on second reading.

Motion made by Commissioner Mazon to enact Ordinance 2021-43 on second reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

Attorney Walker read Ordinance 2021-44 by title only on second reading.

Motion made by Commissioner Marden to enact Ordinance 2021-44 on second reading.

Seconded by Commissioner Coleman.

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

MOTION PASSED 5-0

15. Creation of the Tax Increment Financing Trust Fund for the Newberry Community Redevelopment Agency (CRA).

Legislative Hearing, First Second Reading: Ordinance 2021-45, authorizing the creation of a trust fund where the Tax Increment Financing revenues generated in the Newberry CRA district will be deposited.

Attorney Walker read Ordinance 2021-45 on second reading by title only.

Director Thomas presented an overview of this item. Staff recommendation is to enact Ordinance 2021-45 on second reading.

Motion made by Commissioner Marden to enact Ordinance 2021-45 on second reading.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

16. Celebrations Catering Special Permit Request.

Resolution 2021-39/SP 21-01, an application by Celebrations Catering, for a Special Permit, as provided by Section 6-5 of the Newberry Code of Ordinances, to allow sale and consumption of alcoholic beverages (beer/wine/hard seltzer) on city-owned and/or maintained property (Easton-Newberry Sports Complex) during a one-day adult volleyball, cornhole, and softball event on October 2, 2021.

Attorney Walker read Resolution 2021-39 by title only.

Principal Planner Kinser-Maxwell presented PowerPoint presentation overviewing this item. Staff recommendation is to adopt Resolution 2021-39.

Discussion ensued between Commissioners, Staff, and Applicants.

Motion made by Commissioner Clark to adopt Resolution 2021-39.

Seconded by Commissioner Coleman.

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

MOTION PASSED 5-0

17. Re-Plat Two Lots.

Quasi-Judicial Public Hearing, Resolution 2021-44/SD 21-06, a request by Pat Post to re-plat lots 1 and 2, located in Block 55 of the Original Survey of Newberry, tax parcel number 02262-001-000. The effect of the re-platting is to change the orientation of the lots from north facing onto SW 3rd Ave., to east facing onto SW 251st St.

No new participants entered the chambers.

Director Thomas remained sworn.

Mayor Marlowe asked for ex parte communication.

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

Attorney Walker read Resolution 2021-44.

Mayor Marlowe read the presentation order. There is no applicant or third-party intervenor present.

OPEN PUBLIC HEARING

Director Thomas presented a PowerPoint presentation with the Staff overview, report, and recommendation. Staff recommends adopting Resolution 2021-44 to approve the re-plat of Original Newberry, Block 55 Lots 1 & 2.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING.

Attorney Walker reminded the Commission of the Applicable Law.

A small discussion ensued.

Motion made by Commissioner Clark to adopt Resolution 2021-44.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

AGENDA ITEMS

18. Appointment to fill vacancy on the Planning & Zoning Board and Historic Architectural Review Board.

Resolution 2021-28, a Resolution to appoint a new Planning and Zoning Board member to fill the seat of former member Bill Conrad. The appointee will serve the remainder of the current term which expires on April 30, 2022.

Mayor Marlowe presented this item. A small discussion ensued.

The Commission then voted by ballot, Exhibit A, for their top 3 choices.

1. Janeice Smith
2. Donald Long
3. Peggy Loy

The Commission then revoted by ballot, Exhibit B, to determine the appointment.

1. Donald Long
2. Peggy Loy
3. Janeice Smith

Motion made by Commissioner Mazon to appoint Donald Long to the Planning & Zoning Board and Historic Architectural Review Board vacancy.

Seconded by Commissioner Coleman.

ROLL CALL VOTE

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

MOTION PASSED 5-0

COMMENT

Comments made by Manager New, Attorney Walker, Commissioner Mazon, Commissioner Clark, Commissioner Coleman, and Mayor Marlowe.

Attorney Walker introduced two interns at the Folds and Walker Law Office. Ms. Elizabeth Quintana and Ms. Alyssa Massey.

MEETING ADJOURNMENT

Meeting adjourned at 9:20 p.m.

Signed and dated this 11th day of October 2021.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk