



Commission Meeting Minutes

February 26, 2024
7:00 PM

25440 West Newberry Road
Newberry, FL 32669

QUORUM CHECK

Mayor	Jordan Marlowe
Commissioners	Mark Clark Rick Coleman Monty Farnsworth Tim Marden Tony Mazon
City Manager	Mike New
City Clerk	Judy Rice
City Attorney	Scott Walker
Staff:	
Director of Planning & Economic Development	Bryan Thomas
Principal Planner	Jean-Paul Perez
Senior Planner	Uma Sarmistha
Director of Parks and Recreation	Travis Parker
Executive Assistant	Randa Paul
Staff Specialist	Jeannene Mironack

CALL TO ORDER

Mayor Marlowe called the meeting to order at 7:01 PM.

APPROVAL OF AGENDA

Mayor Marlowe announced there were two scriveners' errors in the published agenda. This is the First Reading for Item 4, Amendments to the existing City Solar Farm Development Regulations, and Item 12, CPA 24-03, is a Legislative Hearing.

Motion to move Item 18 to Presentations, after Item 1, and then approve the agenda was 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

INVOCATION

Tim Marden provided the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the pledge.

PRESENTATIONS

(Please limit presentations to 15 minutes)

Commissioner Mazon joined the dais at 7:04 PM.

1. Proclamation Designating February 26, 2024 as James (Jim) Easton Day in Newberry, Florida

Mayor Marlowe presented the Proclamation to Eric Blalock, Director of Centers, Easton Sports Foundation.

18. Public Charter School Proposal Discussion

Carsen Stefanelli, Co-Founder of Education First for Newberry, presented the item.

Mayor Marlowe requested that staff present a review of Education First for Newberry's Feasibility Study to the Commission in three weeks.

Brandy Oldman, Rob Baker, and Jeff Holcomb spoke on the topic.

PUBLIC ANNOUNCEMENTS

(Please limit announcements to 2 minutes)

Lisa Darling commented on her Code Enforcement request due to rubbish at the corner of NW 8th Avenue & NW 254th Street.

CONSENT AGENDA

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

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

MOTION PASSED 5-0

2. February 12, 2024, Commission Meeting Minutes

3. Construction Plans for Phase 6 of the Newberry Town Center Planned Development

Resolution 2024-06/SD 24-04, an application by Christopher Potts, P.E., Agent, on behalf of Norfleet-Green Development II, LLC, Owner, for approval of construction plans related to

Phase 6 of the Newberry Town Center Planned Development on ±7.1 acres generally located on the east side of State Road 45 between Southwest 15 Avenue and Southwest 23 Road; Parcel No. 01924-002-000.

PUBLIC HEARINGS AND ORDINANCES

4. Amendments to the existing City solar farm development regulations

Legislative, ~~second~~ first reading of Ordinance 2024-06/LDR 24-06, amending section 4.2.40 of the City of Newberry Land Development Regulations relating to performance standards for the development of electric generation solar arrays.

Planning & Economic Development Director Thomas presented the item with a PowerPoint.

Discussion ensued.

Motion to approve Ordinance 2024-06 on first reading was made by Commissioner Coleman, Seconded by Commissioner Marden.

Mayor Marlowe asked for public comment. Jeff Holcomb spoke.

Discussion ensued. City Manager New and Director Thomas responded to questions from the dais.

ROLL CALL VOTE

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

MOTION PASSED 5-0

5. City of Newberry petition to add "Chapman & White's Addition" to the Downtown plat for providing Alleyway vacation.

Quasi-Judicial Public Hearing: First Reading of Ordinance 2024-01, an application by City of Newberry to amend chapter 82, Article 1, Section 82-3, entitled downtown plat addition, providing for closing, abandoning, releasing and vacation of public alleyways as shown on the plat entitled Original Newberry Chapman & White's Addition.

Attorney Walker read Ordinance 2024-01 by title only.

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

Clerk Rice swore in Uma Sarmistha, Senior Planner; and Janie Hogan.

Mayor Marlowe asked for ex parte communication on the application.

ROLL CALL

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

Senior Planner Sarmistha presented a PowerPoint of the staff overview and recommendation for the application.

There was no third-party intervenor present.

Janie Hogan indicated she had no comments.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Attorney Walker advised the Commission that their decision must be based upon substantial and competent evidence.

Motion to approve Ordinance 2024-01 at first reading was 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, Commissioner Mazon

MOTION PASSED 5-0

6. Changing the Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture of a recently annexed Marlowe's property.

Legislative Second Reading: Ordinance 2024-04/CPA 24-02, an application by Herbert A. Marlowe, Jr., owner, 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 (A) on property previously voluntarily annexed to the City as shown on the location map below and identified by Alachua County Parcel Numbers. 02579-005-000, 02579-006-000 and 02579-007-000 consisting of approximately 29 acres more or less.

Attorney Walker read Ordinance 2024-04 by title only.

Senior Planner Sarmistha presented a PowerPoint of the staff overview and recommendation for the application.

Motion to enact Ordinance 2024-04 on final reading was made by Commissioner Clark, Seconded by Commissioner Mazon.

Mayor Marlowe asked for public comment. There was none.

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

MOTION PASSED 5-0

- 7. A request to rezone Agriculture classification from Alachua County to City of Newberry Agriculture (A) zoning on an annexed property.**

Quasi-Judicial Public Hearing: Ordinance 2024-05/LDR 24-05, a petition by Herbert A. Marlowe, Jr., owner, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agricultural (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City as shown on the location map below and identified by Alachua County Parcel Numbers. 02579-005-000, 02579-006-000 and 02579-007-000 consisting of approximately 29 acres more or less. (This application is contingent upon approval of Application CPA 24-02).

Attorney Walker read Ordinance 2024-05 by title only.

Mayor Marlowe confirmed that no new participants had entered the room.

Uma Sarmistha, Senior Planner, remained sworn.

Mayor Marlowe asked for ex parte communication on the application.

ROLL CALL

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

Senior Planner Sarmistha presented a PowerPoint of the staff overview and recommendation for the application.

The applicant was not present.

There was no third-party intervenor present.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Attorney Walker advised the Commission that their decision must be based upon substantial and competent evidence.

**Motion to enact Ordinance 2024-05 on second reading was
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,
Commissioner Mazon**

MOTION PASSED 5-0

- 8. Changing the Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on an annexed Whitehurst's property.**

Legislative Public Hearing: Ordinance 2024-02/ CPA 24-01, an application by CHW Professional Consultants, agent, on behalf of Whitehurst Cattle Company, owner, 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 voluntarily annexed to the City, identified by Alachua County Parcel Number 02659-000-000 consisting of approximately 161 acres more or less.

Attorney Walker read Ordinance 2024-02 by title only.

Senior Planner Sarmistha presented a PowerPoint of the staff overview and recommendation for the application.

Gerry Dedenbach, AICP, LEED AP, Executive Vice President, and Principal Planner, CHW Professional Consultants spoke.

**Motion to enact Ordinance 2024-02 on second reading was
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,
Commissioner Mazon**

MOTION PASSED 5-0

- 9. Rezone Agricultural (A) classification of Alachua County to City of Newberry Agricultural (A) zoning on an annexed Whitehurst's property.**

Quasi-Judicial Public Hearing: Ordinance 2024-03/LDR 24-04, a petition by CHW Professional Consultants, agent, on behalf of Whitehurst Cattle Company, owner, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua county Agriculture to city of Newberry on property previously voluntarily annexed to the City as shown on the location map below and identified by Alachua County Parcel Number 02659-000-000 consisting of approximately 161 acres more or less. (This application is contingent upon approval of Application CPA 24-01.)

Attorney Walker read Ordinance 2024-03 by title only.

Mayor Marlowe confirmed that no new participants had entered the room.

Uma Sarmistha, Senior Planner, remained sworn. Clerk Rice swore in Uma Sarmistha, Senior Planner; and Gerry Dedenbach, AICP, LEED AP, Executive Vice President, and Principal Planner, CHW Professional Consultants.

Mayor Marlowe asked for ex parte communication on the application.

ROLL CALL

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

Senior Planner Sarmistha stated that the Florida Department of Commerce had no comments on the application, then stated that staff requests resting on the previous presentation in the record.

Gerry Dedenbach stated the applicant wished to rest on the previous presentation in the record.

There was no third-party intervenor present.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Attorney Walker advised the Commission that their decision must be based upon substantial and competent evidence.

Motion to enact Ordinance 2024-03 on second reading was 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, Commissioner Mazon

MOTION PASSED 5-0

- 10. Changing the Future Land Use Map classification from Agricultural to Material- Oriented Industrial Use on the south 50 acres of a property on Parcel Numbers 01875-000-000 and 01875-001-000 for Norfleet Industrial Development.**

Legislative Public Hearing: Ordinance 2024-07/CPA 23-13, an application by CHW Professional Consultants, agent, on behalf of E.D. Norfleet, Jr. and Phyllis Norfleet and Katrina Bill, owners, amend the Future Land Use Plan Map of the Comprehensive Plan by changing the future land use classification from City of Newberry Agricultural to Material-Oriented Industrial Use, on the south 50 acres of Alachua County Parcel Numbers. 01875-000-000 and 01875-001-000 consisting of approximately 50 acres more or less.

Attorney Walker read Ordinance 2024-07 by title only.

Director Thomas presented a PowerPoint of the staff overview and recommendation for the application.

Gerry Dedenbach, AICP, LEED AP, Executive Vice President, and Principal Planner, CHW Professional Consultants presented the applicant's PowerPoint presentation.

Discussion ensued.

Gerry Dedenbach, Bryan Thomas, and E.D. "Tripp" Norfleet III responded to questions.

Motion to approve Ordinance 2024-07 on first reading was made by Commissioner Clark, Seconded by Commissioner Coleman.

Mayor Marlowe asked for public comment, Joy Glanzer and Dale Bays spoke.

Bryan Thomas responded to questions.

Discussion ensued.

ROLL CALL VOTE

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

Voting Nay: Commissioner Mazon

MOTION PASSED 4-1

- 11. Rezone application from Agricultural (A) to Industrial (I) zoning on the south 50 acres of a property on Parcel Numbers 01875-000-000 and 01875-001-000 for Norfleet's industrial Development.**

Quasi-Judicial Public Hearing: Ordinance 2024-08/LDR 23-18, a petition by CHW Professional Consultants, agent, on behalf of E.D. Norfleet, Jr. and Phyllis Norfleet and Katrina Bill, owner, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Agriculture (A) to Industrial (I) on the south 50 acres of Alachua County Parcel Numbers. 01875-000-000 and 01875-001-000 consisting of approximately 50 acres more or less. (This application is contingent upon approval of Application CPA 23-13).

Attorney Walker read Ordinance 2024-08 by title only.

Mayor Marlowe confirmed that no new participants had entered the room.

Gerry Dedenbach remained sworn. Clerk Rice swore in Bryan Thomas, Director, Planning & Economic Development.

Mayor Marlowe asked for ex parte communication on the application.

ROLL CALL

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

Bryan Thomas stated that staff requests resting on the previous presentation in the record.

Gerry Dedenbach stated the applicant wished to rest on the previous presentation in the record, including the Planning & Zoning Board hearings.

There was no third-party intervenor present.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Attorney Walker advised the Commission that their decision must be based upon substantial and competent evidence.

Motion to approve Ordinance 2024-08 on first reading was made by Commissioner Farnsworth, Seconded by Commissioner Coleman.

Mayor Marlowe asked for public comment, there was none.

ROLL CALL VOTE

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

Voting Nay: Commissioner Mazon

MOTION PASSED 4-1

12. Request to change the Future Land Use from Agriculture to Commercial on 3.67 Acres (parcel 01924-002-000)

Quasi-judicial Public Hearing: First reading of Ordinance 2024-10/CPA 24-03, an application by Intellectual Partners LLC, Owner, to amend the Future Land Use Plan Map of the City of Newberry Comprehensive Plan by changing the Future Land Use classification from AGRICULTURE to COMMERCIAL on property consisting of approximately 3.7 acres and identified by Alachua County Parcel Number 01924-002-000.

Attorney Walker read Ordinance 2024-10 by title only.

Principal Planner Perez presented a PowerPoint of the staff overview and recommendation for the application.

Andrew Fuller, Manager, Intellectual Partners LLC, stated he was available to respond to questions.

Motion to approve Ordinance 2024-10 on first reading was made by Commissioner Coleman, Seconded by Commissioner Mazon.

Mayor Marlowe asked for public comment, there was none.

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

MOTION PASSED 5-0

- 13. A request to rezone 21831 West Newberry Road, a property generally located at the southwest corner of State Road 26 and Southwest 218 Street and consisting of 3.7 acres from Agricultural (A) to Commercial, Intensive (CI); Parcel No. 01924-002-000.**

Quasi-Judicial Public Hearing: First reading of Ordinance 2024-11/LDR 24-07, a petition by Intellectual Partners, LLC, owner, to amend the Official Zoning Atlas of the City of Newberry (This petition is contingent upon approval of File No. CPA 24-03).

Mayor Marlowe confirmed that no new participants had entered the room.

Attorney Walker read Ordinance 2024-11 by title only.

Clerk Rice swore in Jean-Paul W. Perez, Principal Planner; and Andrew Fuller, Manager, Intellectual Partners LLC.

Mayor Marlowe asked for ex parte communication on the application.

ROLL CALL

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

Principal Planner Perez presented a PowerPoint of the staff overview and recommendation for the application.

Andrew Fuller, Manager, Intellectual Partners LLC, stated he was available to respond to questions.

There was no third-party intervenor present.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Attorney Walker advised the Commission that their decision must be based upon substantial and competent evidence.

Motion to approve Ordinance 2024-11 on first reading was 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, Commissioner Mazon

MOTION PASSED 5-0

AGENDA ITEMS

14. Professional Design Services Contract for the Easton Gymnasium Expansion Project

Director Parker presented the item with a PowerPoint.

Motion to authorize the City Manager to execute a contract with Monarch Design Group for the Easton Gymnasium Expansion Project and to authorize the City Manager to execute change orders up to 10% of the contract amount was made by Commissioner Mazon, Seconded by Commissioner Marden.

Mayor Marlowe asked for public comment, there was none.

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

MOTION PASSED 5-0

15. Regional Wastewater Treatment Facility and Expansion Project Legislative Appropriation Grant

City Manager New presented the item with a PowerPoint.

Motion to authorize Grant Agreement LPA0592 was made by Commissioner Marden, Seconded by Commissioner Mazon.

Mayor Marlowe asked for public comment, there was none.

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

MOTION PASSED 5-0

16. SW 15th Avenue Road Reconstruction Project: Land Transfer Agreement

City Manager New presented the item with a PowerPoint.

Motion to authorize the Mayor to execute the land transfer agreement with the School Board of Alachua County was made by Commissioner Coleman, Seconded by Commissioner Clark.

Mayor Marlowe asked for public comment, there was none.

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

MOTION PASSED 5-0

17. Discuss Amending LDRs to Regulate Commercial Big Boxes

Motion to Table this item was made by Commissioner Mazon, Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

COMMENTS

City Manager New, City Clerk Rice, Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Mazon, and Mayor Marlowe made comments.

Jeannene Mironack invited everyone to attend the Newberry Chamber of Commerce's Movie in the Park, Pixar's Brave, on Friday, March 1st, 2024, at 6:30 PM.

MEETING ADJOURNMENT

The meeting was adjourned at 9:48 PM.

Signed and approved on this 11th day of March 2024.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk