



Commission Meeting Minutes

December 12, 2022
7:00 PM

25440 West Newberry Road
Newberry, Florida 32669

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 Manager, Chief Financial Officer

Dallas Lee

Director of Planning & Economic Development

Bryan Thomas

Principal Planner

Jean-Paul Perez

Staff Assistant, City Clerk

Sierra Nyberg

CALL TO ORDER

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

APPROVAL OF AGENDA

Mayor Marlowe asked for approval of the agenda as it was published.

Motion made by Commissioner Marden to approve the agenda.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

INVOCATION

Pastor Doug Russell, Union Baptist Church, provided the invocation.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

PUBLIC ANNOUNCEMENTS

CONSENT AGENDA

- 1. November 28, 2022, Regular Commission Meeting Minutes**
- 2. December 07, 2022, Impact Fee Workshop Minutes**
- 3. Pearl Harbor Remembrance Day Proclamation**

Mayor Marlowe asked for approval of the consent agenda.

Motion made by Commissioner Farnsworth to approve the consent 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

- 4. Rezoning property from Residential (Mixed) Single-Family/Mobile Home (RSF/MH-2) to Planned Residential Development (PRD).**

Quasi-Judicial Public Hearing: Ordinance 2022-34/LDR 22-13, an application by eda consultants, inc., agent for Pat M. Post, owner, to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by changing the zoning from Residential (Mixed) Single-Family/Mobile Home (RSF/MH-2) to Planned Residential Development (PRD) on approximately 48.2 acres identified by Alachua County parcel number 01928-000-000 and 02002-000-000.

Mayor Marlowe read the procedures and presentation order.

Attorney Walker read Ordinance 2022-34 by title only on first reading.

Clerk Rice swore in Director Thomas, Principal Planner Perez, and Mr. Clay Sweger, EDA Consultants, Inc.

Mayor Marlowe asked for ex parte.

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

There was no third-party intervenor.

Principal Planner Perez provided staff overview and report. Staff recommendation is to

pass, pass with conditions, or deny Ordinance 2022-34.

Mr. Sweger presented on behalf of the applicant.

Mayor Marlowe asked for public comment. There was none.

No cross-examination.

The Dais, staff, and Mr. Sweger entered into a brief discussion.

No final argument.

Attorney Walker reminded the Commission of Applicable Law.

A brief discussion ensued.

**Motion made by Commissioner Coleman to pass
Ordinance 2022-34 with recommended conditions.**

Seconded by Commissioner Mazon.

**Amended Motion made by Commissioner Coleman
to pass Ordinance 2022-34 with recommended
conditions and removal of approval of SBAC
condition.**

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

- 5. Creating an area in the downtown where patrons can drink beer and wine in an open container when purchased from merchants during special City sanctioned events.**

Legislative: Ordinance 2022-48, an ordinance amending Section 14, "Alcoholic Beverages," to allow for the open consumption of beer and wine within a defined area during special events that have been sanctioned by the City. Only beer and wine purchased from merchants within the approved zone qualify.

Attorney Walker read Ordinance 2022-48 by title only on second reading.

Director Thomas presented this item.

A lengthy discussion ensued.

**Motion made by Commissioner Farnsworth to deny
Ordinance 2022-48 on second reading.**

Seconded by Commissioner Marden.

ROLL CALL

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

Voting Nay: Commissioner Clark and Commissioner Mazon.

MOTION PASSED 3-2

6. Adding Building Permit Fees to the City's Annual Fees, Rates, and Charges schedule.

Legislative: Ordinance 2022-49, an ordinance to remove Building Permit fees from the City Code of Ordinances, and allowing Building Permit fees to be approved by Resolution during the annual budgeting process, and added to the City "Fees, Rates, and Charges" schedule.

Attorney Walker read Ordinance 2022-49 on first reading.

Director Thomas presented this item.

Discussion ensued.

Motion made by Commissioner Marden to pass Ordinance 2022-49 on first reading.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

AGENDA ITEMS

7. 2023 State Legislative Agenda

Manager New presented this item.

Discussion ensued around legislative agenda items¹.

Motion made by Commissioner Marden to support the funding for construction of a regional wastewater treatment facility and request Archer and High Springs to support in unity.

Seconded by Commissioner Farnsworth.

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

1 Exhibit A

MOTION PASSED 5-0

COMMENTS

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

Ms. Peggy Loy made a comment.

MEETING ADJOURNMENT

Adjourned at 8:44 pm.

Signed and approved on this 9th day of January 2023.



Jordan Marlowe, Mayor

Judy S. Rice, City Clerk

EXHIBIT A: LEGISLATIVE AGENDA ITEMS

- 1. Appropriate \$4 million funding for construction of a regional wastewater treatment facility in western Alachua County. Support funding for grant / loan programs in FDEP for expansion of wastewater treatment facilities. The project is estimated to cost \$40 million. Newberry anticipates a need of \$4 million in grant funding for construction of advanced treatment effluent facility that will reduce nitrogen loading by more than 90%.**
- 2. Support funding for grant programs such as the SPRINGS and RIVER grant programs that focus on reducing nutrient loading on the aquifer from wastewater treatment facilities. Newberry anticipates a need of \$4 million in grant funding for construction of advanced treatment effluent facility that will reduce nitrogen loading by more than 90%.**
- 3. Support the Florida Department of Agriculture's / UF-IFAS's \$10 million funding request to construct an agricultural research incubator facility in Newberry's Ag-tech Innovation Park.**
- 4. Support funding for the Florida Jobs Growth Grant Fund program and support an application from Newberry requesting \$3.8 million in funding for Phase 1 infrastructure in the Newberry Ag-tech Innovation Park.**
- 5. Allocate \$35 million in funding for the construction phase of Florida Department of Transportation's State Road 26 Modifications Project – Newberry, which has completed the Project Development and Environmental Study (PD&E) phase and is now in design and property acquisition phase. The project is expected to be ready for bidding in the Spring of 2022.**
- 6. Support Alachua County's funding request to develop a meat processing facility in Newberry at the Newberry Environmental Park.**
- 7. Provide funding for Newberry projects (sidewalks and street lighting on State Road 26 and State Road 45) identified in the Florida Department of Transportation's Transportation Alternatives Program.**
- 8. Provide funding / support grant application to construct a memorial for Veterans. The memorial project estimated budget is \$250,000.**
- 9. Provide funding / support grant application to restore the City's historic electric generating station for historic / education value. Restoration project estimated budget is \$700,000.**
- 10. Funding to develop a Farmers Market in downtown Newberry. Estimated cost is \$400,000, including land.**
- 11. Provide funding / support grant application to construct a memorial for the victims of historic racial hate crimes (ie Newberry Lynchings). The memorial project estimated budget is \$250,000.**
- 12. Provide funding / support grant application in amount of \$150,000 for a community splash pad.**
- 13. Funding for the rails to trails project including High Springs to Newberry, Newberry to Trenton, and a Newberry trailhead project at Lois Forte Park.**

EXHIBIT A: LEGISLATIVE AGENDA ITEMS

14. Support the School Board of Alachua County's request for funding for school construction in western Alachua County.
15. Support Newberry's application for Technical Assistance Grant funding from FDEO to update the City's land development regulations.
16. Provide funding for municipally owned fiber optic infrastructure / rural broadband.
17. Introduce legislation to pre-empt charter counties (or Alachua County) from enacting legislation / charter amendments that take away municipal home rule (ie land use / planning)
18. Introduce legislation to pre-empt charter counties (or Alachua County) from enacting legislation applicable to municipalities within the County for items that are regulated at the State level (ie environmental permitting issues such as storm water regulation, etc.)
19. Oppose legislation that negatively impacts cities' ability to self-govern.
20. Support the addition of "hold harmless" language for municipalities if/when the State lowers its tax revenues.
21. Introduce / support legislation that amends the criteria for establishing enterprise zones in Florida to reduce the requirement for 20% poverty levels to 10%.
22. Support legislation that amends criteria for designation as a REDI (Rural Economic Development Initiative) community so that Newberry qualifies.