



City of Newberry Commission Meeting

September 28, 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. The only change is that items 16 and 17 need to be one item, not two.

Motion made by Commissioner Norfleet to approve the agenda and merging items 16 and 17.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 4-0

Mayor Marlowe recognized the absence of Commissioner Marden, he will be joining the meeting shortly.

QUORUM CHECK

Mayor

Jordan Marlowe

Commissioners

Ricky Coleman, virtual

Mark Clark, virtual

Monty Farnsworth

Tim Marden

Paul Norfleet

City Attorney

Rich Maltby, virtual

City Attorney

Scott Walker, virtual

City Manager

Mike New

City Clerk

Judy Rice

Staff:

Director of Finance and Administration

Dallas Lee

Director of Planning and Economic Development

Bryan Thomas, virtual

Fire Chief

Ben Buckner, virtual

INVOCATION

Pastor Rocky McKinley, Destiny Community Church, provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Marlowe led the Pledge of Allegiance.

PRESENTATIONS

1. White Cane Safety Awareness Proclamation.

Mayor Marlowe read the proclamation. He presented it to the Newberry Lions Club. Lion Marlin Day, Newberry Lions Club, briefly spoke on white cane safety and Lions Club's events.

2. Public Power Week Proclamation/Florida Municipal Power Agency (FMPA) Presentation.

Mayor Marlowe read the proclamation. He presented it to Mr. Jacob Williams, CEO and General Manager of FMPA and former Mayor Bill Conrad, FMPA Liaison.

Mr. Williams provided a PowerPoint presentation explaining the benefits of FMPA.

PUBLIC ANNOUNCEMENTS

Mr. Rocky McKinley, Pastor, Destiny Community Church, has three announcements:

1. Provided an update for Prayer on the Square. Due to it being rained out, they will be holding it Sunday, October 3rd, at 6:00 p.m. in the Country Way Town Square.
2. Destiny is asking for people to submit projects for serve month in November such as mowing someone's yard, cleaning up, or pressure washing.
3. Destiny will be hosting Buy a Tree, Change a Life; A 100% of the proceeds will go towards missions, 50% across the world and 50% stays in the community.

Manager New spoke on the Community Development Block Grant and that it does not focus on the yard. He will be submitting those to the Destiny serve month request.

Ms. Janiece Smith, Newberry Main Street Executive Director, expressed appreciation for the partnership with the City of Newberry. There will be a Newberry Main Street meeting on Tuesday, October 6th, and businesses are encouraged to join. The Fall Festival is being planned for Saturday, November 21st.

CONSENT AGENDA

3. September 14, 2020, Commission Meeting Minutes.

4. Power Cost Adjustment (PCA)

5. Breast Cancer Awareness Month.

6. Florida Municipal Power Agency Liaison Report.

Mayor Marlowe asked for approval of the consent agenda.

Motion made by Commissioner Farnsworth to approve the consent agenda.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

PUBLIC HEARINGS AND ORDINANCES

Discussion and Adoption (With Changes, If any) of the Final Operating Millage Rate for Fiscal Year 2020 - 21.

OPEN PUBLIC HEARING

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

1. Truth-in-Millage Legislation.
2. General City Proposed and Rolled Back Millage Rates
3. Fiscal Year 2020-2021 Final Budget and Adjustments made to that Budget.

Mayor Marlowe asked for public comment. There was none.

CLOSE PUBLIC HEARING

7. Adopt a Final Millage.

Resolution 2020 - 44, 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 2020- 2021.

Discussion and Adoption (With Changes, if any) of a Final Operating Budget, Debt Service Budget, and Budgets for Other Funds for the Fiscal Year 2020 - 2021.

Attorney Maltby read Resolution 2020-44 by title only.

Motion made by Commissioner Coleman to adopt Resolution 2020-44, approving the millage rate of 5.999

Seconded by Commissioner Farnsworth.

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

Mayor Marlowe asked for public comment. There was none.

MOTION PASSED 4-0

8. Establish a Final Budget.

Resolution 2020 - 45. Relating to the City's Budget for the 2020 - 2021 Fiscal Year; Providing for the Final Appropriation of Funds of the City of Newberry for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021; 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.

Attorney Maltby read Resolution 2020-45 by title only.

Motion made by Commissioner Clark to adopt Resolution 2020-45, establishing the final budget.

Seconded by Commissioner Farnsworth.

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

Mayor Marlowe asked for public comment. There was none.

MOTION PASSED 4-0

Discussion and Adoption of Utility Rate Changes.

Legislative Public Hearing and Second Readings of Ordinances: 2020 - 24 and 2020 - 25.

9. Establishing Electric Rates.

Legislative Hearing: Second Reading of Ordinance 2020 – 24, 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.

Attorney Maltby read Ordinance 2020-24 by title only on second reading.

Motion made by Commissioner Farnsworth to enact Ordinance 2020-24 on second reading.

Seconded by Commissioner Coleman.

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

Mayor Marlowe asked for public comment. There was none.

MOTION PASSED 4-0

10. Establish Water Rates.

Legislative hearing: Second Reading of Ordinance 2020 - 25, Amending the Prior Established Rates and Amending Sections 98 - 154 of the Code of Ordinances of the City of Newberry; Amending Ordinance No. 2019 - 23.

Attorney Maltby read Ordinance 2020-25 by title only on second reading.

Motion made by Commissioner Farnsworth to enact Ordinance 2020-25 on second reading.

Seconded by Commissioner Norfleet.

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

Mayor Marlowe asked for public comment. There was none.

MOTION PASSED 4-0

Director Lee, Manager New, and Mayor Marlowe commended the hard work and dedication of staff during FY 20-21 budget season.

11. Right of Way Policy Use Policy and Manual.

Legislative Hearing: Second Reading of Ordinance 2020 – 16, Pertaining To Right-Of-Way Use Permits Within The City Of Newberry, Florida; Amending Chapter 82 Of The Code Of Ordinances Of The City Of Newberry To Create Article III Related To Use Of Public Rights-Of-Way, Authorizing City Staff To Adopt Further Policies And Procedures For The Use Of Public Rights-Of-Way And Establishing Applicable Fees.

Attorney Maltby read Ordinance 2020-16 by title only on second reading.

Motion made by Commissioner Coleman to enact Ordinance 2020-16 on second reading.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

12. 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.

Manager New presented this item.

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

Motion made by Commissioner Farnsworth to enact Ordinance 2020-23 on second reading.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

- 13. Application for a Special Temporary Use Permit for a Sister Hazel Concert at Thee Mine on October 23, 2020.**

Quasi-Judicial Public Hearing: Resolution 2020-46/STUP 20-03, an Application for a Special Permit for a Temporary Use to Allow a One-Time Outdoor Concert, as Provided in "Section 14.10.1. Temporary Use Permits Issued by City Commission" of the City of Newberry Land Development Regulations, to be Held October 23, 2020, on property approximately 216 acres in Size, Located near the Alachua County/Gilchrist County Line and the southeast corner of West Newberry Road/SR 26 and SW 298th Street (Gilchrist County Road 2085/SE 90th Avenue).

Mayor Marlowe read the Quasi-Judicial Procedures Statement. If no one else enters the meeting, he will not read it again for item 14.

Attorney Maltby read Resolution 2020-46 by title only.

Clerk Rice swore in Director Thomas, and Mr. Phil Benito, Applicant Representative.

Mayor Marlowe asked for ex parte communications.

Nay: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, and Commissioner Norfleet

Mayor Marlowe read the procedures.

OPEN PUBLIC HEARING

Director Thomas presented the staff overview.

Mr. Benito presented applicant statement.

Director Thomas presented staff report and recommendation. Staff recommends adopting Resolution 2020-46.

No third party intervenor.

No public comment.

No cross-examination.

No final argument.

CLOSE PUBLIC HEARING

Commissioner Marden arrived at 8:33 p.m.

Mayor Marlowe asked for comments from the dais. Discussion ensued.

Attorney Maltby reminded the Commission of applicable law and factual findings.

Motion made by Commissioner Coleman to adopt Resolution 2020-46.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 4-0

14. Country Way South Development Agreement Extension and Amendment Request.

Quasi-Judicial: Request to Extend and Amend the Development Agreement for Country Way South, a 93-unit Planned Residential Development South of the original Country Way Subdivision.

Commissioner Norfleet recused himself and stepped down from the dais.

Attorney Maltby read the procedures.

Clerk Rice swore in Director Thomas and Manager New.

Mayor Marlowe asked for ex parte communications.

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

Commissioner Norfleet is related to applicant and recused himself.

OPEN PUBLIC HEARING

Director Thomas presented staff overview, presentation, and recommendation. The staff recommendation is to approve the amended development agreement which would extend it to 2030.

There was no applicant present

No third party intervenor.

Manager New spoke on behalf of Director Jones regarding a water main upgrade and the City's offer to pay oversizing costs.

No public comment.

No cross-examination.

No final argument.

CLOSE PUBLIC HEARING

Attorney Maltby reminded the Commission of the applicable law and factual findings.

Motion made by Commissioner Marden to approve amended Development Agreement for Country Way South residential development.

Seconded by Commissioner Coleman.

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

Abstained: Commissioner Norfleet

MOTION PASSED 4-0 1 Abstained

AGENDA ITEMS

15. Law Enforcement Contract with Alachua County Sheriff's Office.

Manager New presented this item. He reviewed the current contract with Sheriff Sadie Darnell and conversations with Sheriff Elect Clovis Watson.

Discussion ensued about exiting the current contract with Sheriff Sadie Darnell.

Motion made by Commissioner Coleman to authorize the City Manager to

- **Issue a letter of discontinuation for the current contract with Sheriff Sadie Darnell.**
- **Enter negotiations with Sheriff Elect Clovis Watson once appropriate to do so.**

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

16. Alachua County Charter Amendment: Creating a Growth Management Area in Alachua County.

Manager New presented this item.

Attorney Walker discussed a potential opportunity to file suit against Alachua County for the Growth Management Area Charter Amendment.

A lengthy discussion ensued.

Motion made by Commissioner Marden to authorize the City Attorney's Office to file suit against Alachua County regarding the Growth Management Area Charter Amendment and to use contingency funds to fund the lawsuit.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

Manager New spoke on advocating against a referendum using public funds. The Attorneys have found a way to do this by adopting an ordinance to educate the voters.

Attorney Walker spoke passing the ordinance and what it allows to the City to do.

A lengthy discussion ensued.

Motion made by Commissioner Coleman to direct staff to draft an ordinance for first hearing on Thursday, October 1st and second hearing on Monday, October 12th.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

COMMENTS

City Manager

The Building Department is rolling out new website features such as applications online, paying permit fees, checking permit status, etc. by the hard work of Mr. Jim McGuinness, Building Official and Ms. Sierra Crosswhite, Staff Assistant. Mayor Marlowe asked Manager New to pass his gratitude and the Commission's for the work Building Official McGuinness has done.

The legislative item list will be sent out soon for the Commission's review.

IFES Groundbreaking Ceremony is Thursday, October 15th at 11:00 a.m.

Citizens

Director Lee reminded citizens the last day to self-respond for the 2020 census is Wednesday, September 30th.

MEETING ADJOURNMENT

Meeting adjourned at 10:14 p.m.

Signed and dated this 12th day of October 2020

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk