



City of Newberry Commission Meeting

April 12, 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 Marden to approve the agenda.

Seconded by Commissioner Clark.

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

MOTION PASSED 4-0

QUORUM

Mayor

Jordan Marlowe

Commissioners

Mark Clark
Monty Farnsworth
Tim Marden
Paul Norfleet

City Attorney

Rich Maltby, virtual

City Clerk

Judy Rice

Staff:

Director of Finance and Administration
Director of Planning and Economic Development
Director of Public Works and Utilities
Principal Planner

Dallas Lee
Bryan Thomas
Jamie Jones, virtual
Wendy Kinser-Maxwell, virtual

Absent:

Commissioner
City Manager

Rick Coleman
Mike New

INVOCATION

Minister James Sheppard provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Marlowe led the pledge.

PRESENTATIONS

1. Alachua County Public Schools Superintendent, Dr. Carlee Simon.

Dr. Smith provided a PowerPoint presentation going over the goals of the School Board.

2. Introduction of Candidates.

Clerk Rice introduced the candidates for the 2021 Newberry Municipal Election.

Ms. Joy Glanzer, Candidate for Commissioner Group IV, introduced herself.

Mr. Tim Marden, Incumbent, Candidate for Commissioner Group IV, introduced himself.

Mr. Tony Mazon, Commissioner Elect, Commissioner Group V, introduced himself.

3. Municipal Clerk's Week Proclamation.

Mayor Marlowe read the proclamation.

4. Recognition of Commissioner Norfleet.

Mayor Marlowe presented Commissioner Norfleet with a plaque and thanked him for serving the community.

PUBLIC ANNOUNCEMENTS

Ms. Lisa Tate and Mr. Walt Boyer, citizens, made announcements.

CONSENT AGENDA

5. Florida Municipal Power Agency (FMPA) Liaison Report.

6. Payment Register.

Mayor Marlowe asked for approval of the consent agenda.

Motion made by Commissioner Norfleet to approve the consent agenda.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 4-0

PUBLIC HEARINGS AND ORDINANCES

7. A request to amend the boundary of the City of Newberry's Economic Development Overlay Area (EDA).

Quasi-Judicial Hearing: First Reading of Ordinance 2021-11/CPA 21-04, an application by Causseaux, Hewett, and Walpole, Inc. dba CHW, Agent for Lexington Parke of Gainesville, LLC, Owners, to amend the Economic Development Overlay Area (EDA) boundary of the City of Newberry Comprehensive Plan.

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

Attorney Walker read Ordinance 2021-11 by title only on first reading.

Mayor Marlowe asked for ex-parte communication.

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

Clerk Rice swore in Director Thomas, Mr. Craig Brashier, AICP, CHW, Applicant's Agent, Mr. Ryan Thompson, AICP, CHW, Applicant's Agent, Mr. Stefan Davis, Applicant/Property Owner, Lexington Parke of Gainesville, LLC, Mr. Bruce Coleman, citizen, and Mr. Jon Anfinson, CEO and Owner of TechCom Group.

OPEN PUBLIC HEARING

Director Thomas gave the staff overview.

Mr. Brashier presented a PowerPoint presentation that encompassed the project as a whole (Items 7, 8, and 9). Discussion ensued.

Director Thomas presented a PowerPoint presentation. Staff's recommendation is to pass Ordinance 2021-11 by title only on first hearing.

There was no third-party intervenor.

Mayor Marlowe asked for public comment. There was none.

Mr. Davis introduced Mr. Anfinson who provided expert testimony on potentially being the first light industrial manufacturing tenant.

No cross-examination or final argument.

CLOSE PUBLIC HEARING

Attorney Walker reminded the Commission of applicable law.

Motion made by Commissioner Clark to pass Ordinance 2021-11

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 4-0

8. An application to rezone ±311.81 acres, identified by Alachua County Parcel Numbers 02571-001-000 and a portion of 02571-000-000, from Agricultural (A) to Planned Development (PD) to be known as "Sandia Town Parc Phase II."

Quasi-Judicial Hearing: First Reading of Ordinance 2021-13/LDR 21-09, an application by Causseaux, Hewett, and Walpole, Inc. dba CHW, Agent for Lexington Parke of Gainesville, LLC and the City of Newberry, FL, Owners, to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by changing the zoning from Agricultural (A) to Planned Development (PD) on ±311.81 acres, identified by Alachua County Parcel Numbers 02571-001-000 and a portion of 02571-000-000. (This application is contingent upon approval of Application CPA 21-04.)

No new attendees entered the meeting.

Attorney Maltby read Ordinance 2021-13 by title only on first reading.

Mayor Marlowe asked for ex-parte communication.

**Voting Nay: Commissioner Clark, Commissioner
Farnsworth, Commissioner Marden, Commissioner
Norfleet**

Director Thomas, Mr. Brashier, Mr. Thompson, Mr. Coleman, and Mr. Davis remained sworn.

OPEN PUBLIC HEARING

Director Thomas presented the staff overview.

Mr. Brashier asked that the previous PowerPoint presentation be entered into the record as applicant's presentation for this item.

Director Thomas provided a PowerPoint presentation. Staff recommendation is to pass Ordinance 2021-13 by title only on first reading.

No third-party intervenor.

Mayor Marlowe asked for public comment. Mr. Coleman spoke on road concern.

No cross-examination or final argument.

CLOSE PUBLIC HEARING

Discussion ensued.

Attorney Maltby reminded the Commission on applicable law.

**Motion made by Commissioner Farnsworth to pass
Ordinance 2021-13 by title only on first reading.**

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

9. An application to amend the previously approved Planned Development (PD) known as "Sandia Town Parc."

Quasi-Judicial Hearing: First Reading of Ordinance 2021-12/LDR 21-08, an application by Causseaux, Hewett, and Walpole, Inc. dba CHW, Agent for Lexington Parke of Gainesville, LLC, Owners, to amend the City of Newberry Land Development Regulations by amending the Planned Development (PD) zoning on ±148.85 acres identified by Alachua County Parcel Numbers 02570-000-000, 02572-000-000, and a portion of 02571-000-000.

No new attendees entered the meeting.

Attorney Maltby read Ordinance 2021-12 by title only on first reading.

Mayor Marlowe asked for ex-parte communication.

Voting Nay: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, Commissioner Norfleet

Director Thomas, Mr. Brashier, Mr. Thompson, and Mr. Davis remained sworn.

OPEN PUBLIC HEARING

Director Thomas presented the staff overview.

Mr. Brashier asked that the previous PowerPoint presentation be entered into the record as applicant's presentation for this item.

Director Thomas provided a PowerPoint presentation. Staff recommendation is to pass Ordinance 2021-12 by title only on first reading.

No third-party intervenor.

Mayor Marlowe asked for public comment. Mr. Keith Ashby, citizen, spoke in favor of project.

No cross-examination or final argument.

CLOSE PUBLIC HEARING

Attorney Maltby reminded the Commission on applicable law.

Motion made by Commissioner Clark to pass Ordinance 2021-13 by title only on first reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 4-0

- 10. Creating a City Ordinance to allow for longer stays in Recreational Vehicle Parks and Commercial Campgrounds, and increasing the maximum allowable number of Park Model RVs.**

Legislative Hearing: Second Reading of Ordinance 2021-15 to amend Sections 4.2.37.4.(3) & (5) and 4.2.37.9.(6) of the Land Development Regulations to extend the allowable length of stay in RV Resorts and Campgrounds from 90 days to unlimited days, and to increase the number of Park Model RVs from 10% to 30% of permitted units.

Director Thomas reviewed Ordinance 2021-15 with a PowerPoint presentation. Staff's recommendation is to enact Ordinance 2021-15 on second reading.

Attorney Maltby read Ordinance 2021-15 by title only on second reading.

Motion made by Commissioner Marden to enact Ordinance 2021-15 on second reading.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

A discussion ensued regarding our contract with Alachua County Sheriff's Office and the ability of them to enforce our codes.

- 11. Providing streamlined administrative approval process for accessory structures within rear yard setbacks, based on specific criteria.**

Legislative Hearing: Second Reading of Ordinance 2021-10/LDR 21-07, an application by the City of Newberry, amending the text of the Land Development Regulations of the City of Newberry, Florida Code of Ordinances, to provide for a streamlined administrative approval process to allow permanent and temporary accessory structures within required rear yard setbacks based on specific criteria.

Attorney Maltby read Ordinance 2021-10 by title only on second reading.

Planner Kinser-Maxwell presented this item with a PowerPoint presentation. Staff's recommendation is to enact Ordinance 2021-10.

Motion made by Commissioner Marden to enact Ordinance 2021-10 on second reading.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

12. Creation of a City Ordinance regulating food truck operations.

Legislative Hearing: Second reading of Ordinance 2021-02, an ordinance amending the Code of Ordinances to comply with recent changes to state statutes placing limits on local government regulation of mobile food dispensing vehicles (food trucks) and providing for regulation of food trucks in the City of Newberry.

Attorney Maltby read Ordinance 2021-02 by title only on second reading.

Director Thomas presented a PowerPoint presentation overviewing Ordinance 2021-02. Staff's recommendation is to enact Ordinance 2021-02

Motion made by Commissioner Norfleet to enact Ordinance 2021-02 on second reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 4-0

13. Creating a City Ordinance to allow for neighborhood block parties under specific conditions.

Legislative Hearing: Second reading of Ordinance 2021-03, an ordinance amending the Code of Ordinances to allow for neighborhood block parties under specific conditions.

Attorney Maltby read Ordinance 2021-03 by title only on second reading.

Director Thomas presented a PowerPoint presentation overviewing Ordinance 2021-03. Staff's recommendation is to enact Ordinance 2021-03.

Motion made by Commissioner Clark to enact Ordinance 2021-03 on second reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 4-0

AGENDA ITEMS

14. Fund Balance Policy (Resolution 2021 - 12).

Director Lee presented this item.

Attorney Maltby read Resolution 2021-12 by title only.

Motion made by Commissioner Marden to adopt Resolution 2021-12.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

**15. Appointment to the Rural Community Assistance Partnership (RCAP) Board of Directors.
This item was heard before Item 14 for guest in attendance.**

Mayor Marlowe introduced Mr. Ashby who presented this item.

Motion made by Commissioner Farnsworth to appoint Mr. Keith Ashby as RCAP representative.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

COMMENTS

Director Lee, Clerk Rice, Commissioner Norfleet, Commissioner Farnsworth, Commissioner Norfleet, and Mayor Marlowe made comments.

MEETING ADJOURNMENT

Meeting adjourned at 10:04 p.m.

Signed and dated this 26th day of April 2021.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk