

Commission Meeting Minutes

November 13, 2023
7:00 PM

25440 W Newberry Road
Newberry, FL 32669

QUORUM CHECK

Commissioners

Mark Clark
Rick Coleman
Monty Farnsworth
Tony Mazon

City Manager

Mike New

City Clerk

Judy Rice

City Attorney

Scott Walker

Staff:

Assistant City Manager, Chief Financial Officer

Dallas Lee

Assistant City Manager for Utilities and Public Works

Jamie Jones

Director of Planning & Economic Development

Bryan Thomas

Principal Planner

Jean-Paul Perez

Staff Assistant

Jeannene Mironack

Absent:

Mayor

Jordan Marlowe

Commissioner

Tim Marden

CALL TO ORDER

Chair Pro-Tempore Farnsworth called the meeting to order at 7 PM. He noted that Mayor Marlowe and Commissioner Marden are absent, and that Commissioner Mazon will be approximately 30 minutes late.

Chair Pro-Tempore Farnsworth noted the possibility of a 2-2 tie, which is recorded as a decision against the motion.

APPROVAL OF AGENDA

Motion to pull Item 1, Commissioner Mazon Graduation from the Institute for Elected Municipal Officials II, and Item 12, Legal Services, and approve the agenda was made by Commissioner Coleman, Seconded by Commissioner Clark.

Chair Pro-Tempore Farnsworth asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, and Chair Pro-Tempore Farnsworth.

MOTION PASSED 3-0

INVOCATION

Pastor Armon Lowery provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the pledge.

PRESENTATIONS

(Please limit presentations to 15 minutes)

~~1. Commissioner Mazon Graduation from the Institute for Elected Municipal Officials II~~

PUBLIC ANNOUNCEMENTS

(Please limit announcements to 2 minutes)

Jenn Garrett (R) announced her candidacy for the County Commission District 3 seat.

CONSENT AGENDA

2. **October 23, 2023, Commission Meeting Minutes**
3. **Resolution Authorizing City Manager Permission To Sign FDOT Agreement**

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

Chair Pro-Tempore Farnsworth asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
and Chair Pro-Tempore Farnsworth.**

MOTION PASSED 3-0

PUBLIC HEARINGS AND ORDINANCES

4. **Amendment to Avalon Woods Development Agreement**

Request for approval of Development Agreement Amendment between the City of Newberry and M3 Avalon Woods, LLC.

This is a Quasi-Judicial Public Hearing.

Attorney Walker read the summary, "DA-23-01, a Development Agreement proposed to be entered into between the City of Newberry and M3 Avalon Land LLC, Owner. The land which is the subject of the Developer's Agreement is located to the east of State Road 45 and on the north side of NW 16th Avenue. The Developer's Agreement addresses implementation of the adopted Avalon Woods Mixed Use Development Approval Ordinance 2021-14 (LDR 21-10), specifically the development agreement amendment supplements and is in addition to the approved DA-LDR 21-10 (LDR 21-10), DA-SD-21-02, DA-SD-21-08 and DA-SD-22-02."

Attorney Walker read the quasi-judicial procedures and presentation order.

Clerk Rice swore in City Manager Mike New, PE; Director Bryan Thomas, AICP; Principal Planner Jean-Paul W. Perez; and Dave McDaniel, M3 Avalon Land.

Chair Pro-Tempore Farnsworth asked for ex parte communication.

Voting Nay: Commission Clark, Commissioner Coleman, and Chair Pro-Tempore Farnsworth.

There was no third-party intervenor present.

Principal Planner Jean-Paul Perez provided the staff overview and recommendation with a PowerPoint.

Applicant Dave McDaniel stated that he was present to answer questions.

There was no cross-examination by either party.

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

Discussion ensued.

Dave McDaniel responded to the Commission regarding Avalon Woods Phase 6 location.

Motion to authorize the City Manager, or their designee, to execute the Development Agreement DA 23-01 between the City of Newberry and M3 Avalon Land LLC was made by Commissioner Clark, Seconded by Commissioner Coleman.

Chair Pro-Tempore Farnsworth asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, and Chair Pro-Tempore Farnsworth.

MOTION PASSED 3-0

5. QJ Dylan's Grove Phase IIB Final Plat

Quasi-Judicial Public Hearing: Resolution 2023-61/SD 23-11, a request by Michael Lee Steinberg Life Estate, owner, for approval of the Dylan's Grove Phase II B final plat on a site consisting of approximately 79 acres generally located on the north side of Southwest 30 Avenue, between Southwest 186 Street and Southwest 202 Street; Alachua County Tax Parcel 04392-000-000.

No new participants had entered the room.

Clerk Rice swore in Michael Steinberg.

Attorney Walker read Resolution 2023-61 by title only.

Chair Pro-Tempore Farnsworth asked for ex parte communication.

Voting Nay: Commission Clark, Commissioner Coleman, and Chair Pro-Tempore Farnsworth.

There was no third-party intervenor present.

Principal Planner Jean-Paul Perez provided the staff overview and recommendation with a PowerPoint.

Applicant Michael Steinberg stated that he was present to answer questions.

There was no cross-examination by either party.

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

Discussion ensued.

Michael Steinberg thanked the Commission and staff, stating that Dylan's Grove is the final project of his career.

**Motion to approve Resolution 2023-61 was made by
Commissioner Coleman, Seconded by Commissioner Clark.**

Chair Pro-Tempore Farnsworth asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
and Chair Pro-Tempore Farnsworth.**

MOTION PASSED 3-0

AGENDA ITEMS

Commissioner Mazon joined the dais at 7:33 PM.

6. Solid Waste Collection Services Agreement

City Manager Mike New, PE, presented the item with a PowerPoint.

Dayna Miller, Director of Government Affairs, WastePro USA, and Nathan Frischkorn, Gainesville Division Manager, WastePro USA, stated they were there to answer questions.

Discussion ensued.

**Motion to extend the solid waste contract with WastePro
USA for five years was made by Commissioner Mazon,
Seconded by Commissioner Coleman.**

Chair Pro-Tempore Farnsworth asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Chair Pro-Tempore Farnsworth, and Commissioner Mazon.**

MOTION PASSED 4-0

7. Architectural Design Services Contract

City Manager Mike New, PE, presented the item. Manager New stated the CIP adopted by the Commission has a number of projects that will require design services. It is a professional service that is covered by the Competitive Consultants Negotiation Act up to a threshold. City staff conducted a thorough review of the qualified architects identified by

the City of Gainesville and are now seeking authorization to piggyback on the contract executed by the City of Gainesville.

Discussion ensued.

Motion to authorize the City Manager to execute a contract; and to authorize the City Manager to execute change orders up to 10% of the contract amount made by Commissioner Clark, Seconded by Commissioner Mazon.

Chair Pro-Tempore Farnsworth asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Chair Pro-Tempore Farnsworth, and Commissioner Mazon.

MOTION PASSED 4-0

8. Newberry Ag-Tech Business Plan and Business Incubator Feasibility Study Solicitation Results

Bryan S. Thomas, AICP, Director, Planning and Economic Development, presented the item with a PowerPoint.

Discussion ensued.

Motion to approve the vendor selected by the Evaluation Committee, Axcel Innovation LLC; and authorize the City Manager, or designee, to execute an agreement for services was made by Commissioner Clark, Seconded by Chair Pro-Tempore Farnsworth.

Chair Pro-Tempore Farnsworth asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Chair Pro-Tempore Farnsworth, and Commissioner Mazon.

MOTION PASSED 4-0

9. SW 258th Street Water Main Project

Jamie Jones, Assistant City Manager for Utilities & Public Works, presented this item.

Discussion ensued.

Motion to authorize the City Manager to execute the Request for Change Order #6 including Owner Direct Purchasing terms/conditions in the amount of \$123,023.77 for the total of the Change Order #6 with Andrews Paving, Inc., for the Newberry 337 Watermain Project, and authorize the City Manager to approve change orders not to exceed fifteen percent (15%) of the contract amount, was

**made by Commissioner Coleman, Seconded by
Commissioner Mazon.**

Chair Pro-Tempore Farnsworth asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Chair Pro-Tempore Farnsworth, and Commissioner Mazon.**

MOTION PASSED 4-0

10. Construction Auditing Services Award

Dallas Lee, CGFO, Assistant City Manager/CFO, presented the item with a PowerPoint.

Discussion ensued.

**Motion to authorize the City Manager, or designee, to execute engagement
letters with Carr, Riggs, and Ingram (CRI) for construction auditing services was
made by Commissioner Mazon, Seconded by Commissioner Coleman.**

Chair Pro-Tempore Farnsworth asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Chair Pro-Tempore Farnsworth, and Commissioner Mazon.**

MOTION PASSED 4-0

11. SW 15th Avenue Road Reconstruction Project: State Road 45 West to SW 260th Street.

Armon Lowery, Project Manager, presented the item with a PowerPoint.

Discussion ensued.

**Motion to approve design and authorize the City Manager
to proceed with bidding project when appropriate and
authorize the City Manager to transmit a letter to FDOT
requesting inclusion of a traffic circle at the SR45/SW 15th
Avenue intersection with their next road improvement
project on SR45 was made by Commissioner Coleman,
Seconded by Commissioner Mazon.**

Chair Pro-Tempore Farnsworth asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Chair Pro-Tempore Farnsworth, Commissioner Mazon**

MOTION PASSED 4-0

~~12. Legal Services~~

13. 2023 City Commission Meeting Schedule

City Manager Mike New, PE, presented the item with a PowerPoint.

Discussion ensued.

The Commission directed staff to cancel the Regular Commission Meeting scheduled for December 25, 2023.

The Commission also directed staff to schedule a Special Commission Meeting for December 12, 2023, if the Mayor and all Commissioners can attend, with an alternate date of December 13, 2023. The sole agenda items are to be Ordinance 2023-23/CPA 23-06 and Ordinance 2023-24/LDR 23-06, requests for a large-scale Future Land Use Map Amendment and to rezone a 1,293-acre site from Agricultural (A) to Planned Development (PD) for a project known as NC Ranch Planned Development.

COMMENTS

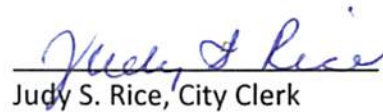
City Manager New, Commissioner Coleman, Commissioner Clark, and Commissioner Mazon made comments.

MEETING ADJOURNMENT

The meeting was adjourned at 8:38 PM.

Signed and approved on this 27th day of November 2023.


Jordan Marlowe, Mayor


Judy S. Rice, City Clerk