



Commission Meeting Minutes

September 23, 2024
7:00 PM

25440 West Newberry Road
Newberry, Florida 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:	
Assistant City Manager/CFO	Dallas Lee
Director of Community Development	Stacey Hectus
Assistant Director of Utilities & Public Works	Rance Green
Principal Planner	Jean-Paul W. Perez
Senior Planner	Uma Sarmistha
Staff Specialist	Jeannene Mironack

CALL TO ORDER

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

APPROVAL OF AGENDA

Motion to Add a New Item after Item 22, Local State of Emergency Resolution – PTC 9 and approve the Agenda as amended 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

INVOCATION

Pastor Ralph Williams provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the Pledge of Allegiance.

PRESENTATIONS

(Please limit presentations to 15 minutes)

1. The National Kissing Bug Alliance: Nonprofit Community Health Fair

Janeice Smith, Founder/Director of The National Kissing Bug Alliance, presented the item with a PowerPoint.

Discussion ensued.

2. Proclamation for National Community Planning Month

Mayor Marlowe proclaimed October 2024 as National Community Planning Month.

Community Development Director Hectus presented a PowerPoint highlighting the Planning-related accomplishments in the past year.

Discussion ensued.

CONSENT AGENDA

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

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

3. Payment Registers

4. September 9, 2024 Commission Meeting Minutes

5. Proclaim American Pharmacist Month

6. Proclaim Public Power Week

7. Adopt Amendments to the City's Fees, Charges, and Rates Schedule

A Resolution Of The City Of Newberry, Florida, Establishing Certain Fees By The Amendment Of The Schedule Of Fees, Rates, And Charges; Superseding The Fees Previously Established; Providing Authority To The City Manager; Providing For Severability; And Providing For Effective Date.

PUBLIC HEARINGS AND ORDINANCES

Mayor Marlowe, Attorney Walker, City Manager New, and Assistant City Manager/CFO Lee read a script that provided an explanation of the following items.

Explanation of the General City Proposed and Rolled Back Millage Rates

Overview of Fiscal Year 2024-25 Final Budget and Adjustments made to that Budget

There were no changes from the published Tentative Budget.

Final Millage Rate for Fiscal Year 2025

Final Budget for Fiscal Year 2025

Mayor Marlowe asked for public comments or questions. There were none.

8. Adopt a Final Millage for Fiscal Year 2025

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 2024-2025; And Providing An Effective Date.

Attorney Walker read Resolution 2024-41 by Title only.

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

Discussion ensued. No adjustments were made.

**Motion to approve Resolution 2024-41 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. Establish a Final Budget.

A Resolution Of The City Of Newberry, Florida; Relating To The City's Budget For The 2024-2025 Fiscal Year; Providing For The Final Appropriation Of Funds Of The City Of Newberry For The Fiscal Year Beginning October 1, 2024, And Ending September 30, 2025; 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.

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

Attorney Walker read Resolution 2024-42 by Title only.

**Motion to approve Resolution 2024-42 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

10. Amend Electric Rates

Legislative Public Hearing: Second reading of Ordinance 2024 – 30, 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

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

Attorney Walker read Ordinance 2024-30 by Title only.

Motion made by Commissioner Marden, Seconded by Commissioner Mazon.

Mayor Marlowe asked for public comment. Brandy Oldman spoke.

Assistant City Manager/CFO Lee responded.

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

MOTION PASSED 5-0

11. Amending Wastewater Rates

Legislative Public Hearing: Second reading of an Ordinance Pertaining To Wastewater Service Within The City Of Newberry; Amending The Prior Established Rates And Section 98-155 Of The Code Of Ordinances Of The City Of Newberry; Amending Ordinance No. 2023-27; Repealing All Ordinances In Conflict And Providing An Effective Date.

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

Attorney Walker read Ordinance 2024-31 by Title only.

Motion made by Commissioner Farnsworth, 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

12. Amending Water Rates

Legislative Public Hearing: Second reading of An Ordinance Pertaining To Water Service Within The City Of Newberry; Amending The Prior Established Rates And Amending Sections 98-154 Of The Code Of Ordinances Of The City Of Newberry; Amending Ordinance No. 2023-28; Repealing All Ordinances In Conflict And Providing An Effective Date.

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

Attorney Walker read Ordinance 2024-32 by Title only.

Motion made by Commissioner Farnsworth, 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

13. Amending Development Fees

Legislative Public Hearing: Second reading of 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; Repealing All Ordinances In Conflict And Providing An Effective Date.

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

Attorney Walker read Ordinance 2024-33 by Title only.

Motion made by Commissioner Clark, Seconded by Commissioner Farnsworth.

Discussion ensued.

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

Assistant City Manager/CFO Lee, City Manager New, and Mayor Marlowe commented.

14. FDEP State Revolving Fund (SRF) Drinking Water Elevated Storage Tank Construction Loan Application Resolution

A Resolution Of The City Commission Of The City Of Newberry, Florida, Relating To The State Revolving Fund Loan Program; Making Findings; Authorizing The Loan Application; Authorizing The Loan Agreement; Establishing Pledged Revenues; Designating Authorized Representatives; Providing Assurances; Providing For Conflicts, Severability, And Effective Date.

Attorney Walker read Resolution 2024-46 by Title only.

Assistant City Manager/CFO Lee presented the item orally.

Motion made by Commissioner Farnsworth, Seconded by Commissioner Mazon.

Assistant City Manager/CFO Lee and City Manager New commented.

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. Second reading for a Small-Scale Future Land Use Map Amendment from Residential Low Density to Commercial

Legislative Public Hearing: Second reading of Ordinance 2024-26/CPA 24-05, an application by Robert F. Phillips and Gena M. Phillips, Trustees of the Robert F. Phillips and Gena M. Phillips Revocable Living Trust, owner, to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the future land use classification from Residential Low Density to Commercial on a site located at 25909 West Newberry Road consisting of approximately 0.24 acres; Alachua County Tax Parcel Number 02268-000-000.

Attorney Walker read Ordinance 2024-26 by Title only.

Community Development Director Hectus presented the item with a PowerPoint.

**Motion made by Commissioner Marden, Seconded by
Commissioner Coleman.**

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. Second reading for rezoning the property located at 25909 West Newberry Road from Residential, Single-Family (RSF-2) to Commercial, Central Business District (C-CBD).

Quasi-Judicial Public Hearing: Second reading of Ordinance 2024-25/LDR 24-11, an application by Robert F. Phillips and Gena M. Phillips, Trustees of the Robert F. Phillips and Gena M. Phillips Revocable Living Trust to change the zoning designation from Residential, Single-Family (RSF-2) to Commercial, Central Business District (C-CBD) for a site located at 25909 West Newberry Road consisting of approximately 0.24 acres; Alachua County Tax Parcel Number 02268-000-000.

Mayor Marlowe reviewed the quasi-judicial procedures and read through the presentation order. There was no third-party intervenor present.

Attorney Walker read Ordinance 2024-25 by title only.

Clerk Rice swore in Community Development Director Stacey Hectus, and Senior Planner Uma Sarmistha.

Mayor Marlowe asked for ex parte communication on the four applications on this agenda.

ROLL CALL

Commissioner Clark: NONE
Commissioner Coleman: NONE
Commissioner Farnsworth: NONE
Commissioner Marden: NONE
Commissioner Mazon: NONE

Community Development Director Hectus presented a PowerPoint of the staff overview and recommendation.

The applicants were not 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 decisions on the application must be based upon substantial and competent evidence.

**Motion to adopt Ordinance 2024-25 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

17. Small Scale Future Land Use Map Amendment from Alachua County Rural/Agriculture to City of Newberry Agriculture on an annexed property (Parcel Number 04442-000-000).

Legislative Public Hearing: Second reading of Ordinance 2024-22/CPA 24-08, an application by Daniel and Meghan Shore, 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 Number 04442-000-000, consisting of approximately 9.85 acres more or less.

Attorney Walker read Ordinance 2024-22 by title only.

Senior Planner Sarmistha presented the item with a PowerPoint.

**Motion to adopt Ordinance 2024-22 was made by
Commissioner Mazon, Seconded by Commissioner Coleman.**

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

18. A request to rezone Agriculture classification from Alachua County to City of Newberry Agriculture (A) zoning on an annexed property (Parcel Number 04442-000-000).

Quasi-Judicial Public Hearing: Second Reading: Ordinance 2024-23/LDR 24-18, a petition by Daniel and Meghan Shore, 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 Number 04442-000-000 consisting of approximately 9.85 acres more or less. (This application is contingent upon approval of Application CPA 24-08.)

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

Attorney Walker read Ordinance 2024-23 by title only.

Senior Planner Sarmistha remained sworn.

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

The applicants were not 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 decisions on the application must be based upon substantial and competent evidence.

**Motion to adopt Ordinance 2024-23 was made by
Commissioner Marden, Seconded by Commissioner
Coleman.**

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

19. Small Scale Future Land Use Map Amendment from Alachua County Rural/Agriculture to City of Newberry Agriculture on an annexed property (Parcel Number 01925-010-000).

Legislative Public Hearing: Second reading of Ordinance 2024-20/CPA 24-07, an application by Jamie Nelson, 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 Number 01925-010-000 consisting of approximately 4.76 acres more or less.

Attorney Walker read Ordinance 2024-20 by title only.

Senior Planner Sarmistha presented the item with a PowerPoint.

**Motion to adopt Ordinance 2024-20 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

20. A request to rezone Agriculture classification from Alachua County to City of Newberry Agriculture (A) zoning on an annexed property (Parcel Number 01925-010-000).

Quasi-Judicial Public Hearing: Second Reading Ordinance 2024-21/LDR 24-17, a petition by Jamie Nelson, 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 Number 01925-010-000 consisting of approximately 4.76 acres more or less. (This application is contingent upon approval of Application CPA 24-07.)

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

Attorney Walker read Ordinance 2024-21 by title only.

Senior Planner Sarmistha remained sworn.

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

The applicants were not 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 decisions on the application must be based upon substantial and competent evidence.

**Motion to adopt Ordinance 2024-21 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

21. Second reading for rezoning the property located at 311 Northwest 250 Street from Commercial, Intensive (CI) to Commercial, Central Business District (C-CBD).

Quasi-Judicial Public Hearing: Second reading of Ordinance 2024-24/LDR 24-19, an application by eda consultants, inc., agent, on behalf of Thamina Kadery and Mohammed

Abul Chowdury, owners, to change the zoning designation from Commercial, Intensive (CI) to Commercial, Central Business District (C-CBD) for a site located at 311 Northwest 250 Street consisting of approximately 1.34 acres; Alachua County Tax Parcel Number 01963-001-000.

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

Attorney Walker read Ordinance 2024-24 by title only.

Community Development Director Hectus remained sworn.

Community Development Director Hectus presented a PowerPoint of the staff overview and recommendation.

The applicants were not 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 decisions on the application must be based upon substantial and competent evidence.

**Motion to adopt Ordinance 2024-24 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

AGENDA ITEMS

22. Letter of Support for Suwannee Valley Feed's Newberry Rail Spur Project

City Manager New presented the item.

Will Lloyd, Vice President of Suwannee Valley Feeds, LLC, spoke.

**Motion to approve transmission of a Letter of Support for
Suwannee Valley Feed's Newberry Rail Spur Project in the
Commerce 41 Park was made by Commissioner Marden,
Seconded by Commissioner Coleman.**

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

NEW Local State of Emergency Resolution – PTC 9, Resolution 2024-47

Attorney Walker read Resolution 2024-47 by title only.

City Manager New presented the item.

Motion to Adopt Resolution 2024-47, a Local State of Emergency (Potential Tropical Cyclone 9), 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

COMMENTS

Mayor Marlowe reviewed the Rules of Procedure.

City Manager New, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, Commissioner Mazon, and Mayor Marlowe made comments.

Brandy Oldman and Wesley Dixon made comments.

MEETING ADJOURNMENT

The meeting was adjourned at 9:22 PM.

Signed and approved on this 14th day of October 2024.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk