



City of Newberry Commission Meeting

March 08, 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 CHECK

Mayor

Jordan Marlowe

Commissioners

Mark Clark
Monty Farnsworth
Tim Marden
Paul Norfleet

City Attorney

Scott Walker, virtual

City Attorney

Rich Maltby, virtual

City Manager

Mike New

City Clerk

Judy Rice, virtual

Staff:

Director of Finance and Administration

Dallas Lee

Director of Planning and Economic Development

Bryan Thomas

Director of Recreation

Travis Parker

Director of Public Works and Utilities

Jamie Jones, virtual

Principal Planner

Wendy Kinser-Maxwell, virtual

Absent:

Commissioner

Rick Coleman

INVOCATION

Pastor Jack Andrews, Newberry First Baptist Church, provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Marlowe led the pledge.

PRESENTATIONS

1. Certificate of Achievement for Excellence in Financial Reporting.

Director Lee presented this item.

Mayor Marlowe presented the award to Director Lee.

2. Government Finance Professionals Week March 15-29, 2021.

Director Lee presented a PowerPoint presentation overviewing the Finance Department.

Mayor Marlowe read the proclamation.

3. Jimmy Durden Park Master Plan.

Director Parker presented a PowerPoint presentation for this item.

PUBLIC ANNOUNCEMENTS

Announcements were made by Clerk Rice and citizens: Ms. Lisa Tate and Mr. Marlin Day.

CONSENT AGENDA

4. February 8, 2021, Regular Commission Meeting Minutes.

5. March 15, 2021, Workshop Minutes.

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

7. Payment Register.

8. Amend Fee & Fine Schedule, Resolution 2021 - 06.

Mayor Marlowe asked for approval of the consent agenda.

Motion made by Commissioner Clark to approve the consent agenda.

Seconded by Commissioner Marden.

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

MOTION PASSED 4-0

PUBLIC HEARINGS AND ORDINANCES

9. Changing previously annexed property's future land use from Alachua County Rural/Agriculture to City of Newberry Agriculture.

Quasi-Judicial Hearing Second Reading: Ordinance 2021-08/CPA 21-03, an application by the City of Newberry 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 on property previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers: 02667-007-000.

Mayor Marlowe reviewed the process of Quasi-Judicial hearings.

Attorney Maltby read Ordinance 2021-08 by title only on second reading.

Clerk Rice swore in Principal Planner Kinser-Maxwell and Ms. Cami Copeland, applicant.

Mayor Marlowe read the Quasi-Judicial procedures and asked for ex parte communication.

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

OPEN PUBLIC HEARING

Principal Planner Kinser-Maxwell provided a PowerPoint presentation for the staff overview, report, and recommendation.

Staff recommendation is to enact Ordinance 2021-08 on second reading.

Applicant did not present.

There was no third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Maltby reminded the Commission of Applicable Law.

Motion made by Commissioner Farnsworth to enact Ordinance 2021-08 on second reading.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

10. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural.

Quasi-Judicial Hearing Second Reading: Ordinance 2021-09/LDR 21-06, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City Of Newberry Agricultural (A) on property previously voluntarily annexed into the City, identified by Alachua County Parcel Numbers: 02667-007-000. (This application is contingent upon approval of Application CPA 21-03.)

Attorney Maltby read Ordinance 2021-09 by title only on second reading.

Mayor Marlowe reviewed the presentation order for Quasi-Judicial hearings and asked for ex parte communication.

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

Planner Kinser Maxwell and Ms. Copeland remained sworn.

OPEN PUBLIC HEARING

Principal Planner Kinser-Maxwell provided a PowerPoint presentation for the staff overview, report, and recommendation.

Staff recommendation is to enact Ordinance 2021-09 on second reading.

Applicant did not present.

There was no third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Maltby reminded the Commission of Applicable Law.

Motion made by Commissioner Marden to enact Ordinance 2021-09 on second reading.

Seconded by Commissioner Clark.

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

MOTION PASSED 4-0

11. Changing Future Land Use Map from Low Density Residential to Commercial on the western portion of parcel 02263-003-000

Quasi-Judicial Hearing Second Reading: Ordinance 2021-04/CPA 21-01, an application by Billy Beltz, Agent for BMB Squared LLC, Owner, to amend the Future Land Use Plan Map of

the Comprehensive Plan by changing the Future Land Use classification on the western portion of the property identified by Alachua County Parcel Number 02263-003-000, from LOW DENSITY RESIDENTIAL (1-4 dwelling units per acre) to COMMERCIAL.

Attorney Maltby read Ordinance 2021-04 by title only on second reading.

Clerk Rice swore in Principal Planner Kinser-Maxwell

Mayor Marlowe asked for ex parte communication.

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

OPEN PUBLIC HEARING

Principal Planner Kinser-Maxwell provided a PowerPoint presentation for the staff overview, report, and recommendation.

Staff recommendation is to enact Ordinance 2021-04 on second reading.

There was no applicant or third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Maltby reminded the Commission of Applicable Law.

Motion made by Commissioner Marden to enact Ordinance 2021-04 on second reading.

Seconded by Commissioner Clark.

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

MOTION PASSED 4-0

- 12. Changing Zoning from Residential, Single Family (RSF-2) to Commercial, Intensive (CI) on the western portion of parcel 02263-003-000**

Quasi-Judicial Hearing Second Reading: Ordinance 2021-05/LDR 21-04, an application by Billy Beltz, Agent for BMB Squared LLC, Owner, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from RESIDENTIAL, SINGLE FAMILY (RSF-2) to COMMERCIAL, INTENSIVE (CI) on the western portion of property in the City identified by Alachua County Parcel Number 02263-003-000. (This application is contingent upon approval of Application CPA 21-01.)

Attorney Maltby read Ordinance 2021-05 by title only on second reading.

Mayor Marlowe asked for ex parte communication.

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

Planner Kinser Maxwell remained sworn.

OPEN PUBLIC HEARING

Principal Planner Kinser-Maxwell provided a PowerPoint presentation for the staff overview, report, and recommendation.

Staff recommendation is to enact Ordinance 2021-05 on second reading.

There was no applicant or third-party intervenor present.

Mayor Marlowe asked for public comment. There was none.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Maltby reminded the Commission of Applicable Law.

Motion made by Commissioner Marden to enact Ordinance 2021-05 on second reading.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

13. Request by CHW to change the Future Land Use Map classification on ±289-acres from Agriculture to Planned Development

Quasi-Judicial Hearing First Reading: Ordinance 2021-06/CPA 21-02, an application by Causseaux, Hewett, and Walpole, Inc. dba CHW, Agent for Arpin Sr & Bond & Gray & Gray & Schofield & Yarborough and Gravely Family Trust, Owners, to amend the Future Land Use Plan Map of the City of Newberry Comprehensive Plan by changing the future Land Use Classification from AGRICULTURE to PLANNED DEVELOPMENT on ±289-acres, located at 23479 W Newberry Road, as shown on the location map below and identified by Alachua County Parcel Numbers 01927-000-000, 01932-000-000, 01933-002-000.

Attorney Maltby read Ordinance 2021-06 by title only on first reading.

Clerk Rice swore in Principal Planner Kinser-Maxwell, Mr. Gerry Dedenbach, CHW, and Mr. Ryan Thompson, CHW, both representing applicants.

Mayor Marlowe asked for ex parte communication.

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

OPEN PUBLIC HEARING

Principal Planner Kinser-Maxwell presented a PowerPoint for the staff overview and report.

Mr. Dedenbach and Mr. Thompson presented a PowerPoint presentation.

Staff recommendation is to pass Ordinance 2021-06 on first reading.

Mayor Marlowe asked for public comment. Comment made by Mr. Tony Mazon, citizen.

There was no third-party intervenor present.

No cross examination or final argument.

CLOSE PUBLIC HEARING

A lengthy discussion ensued.

Attorney Maltby reminded the Commission of Applicable Law.

Motion made by Commissioner Norfleet to pass Ordinance 2021-06 on first reading.

Seconded by Commissioner Marden.

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

Voting Nay: Commissioner Farnsworth.

MOTION PASSED 3-1

14. Request by CHW to rezone ±289-acres from Agricultural (A) to Planned Development (PD)

Quasi-Judicial Hearing First Reading: Ordinance 2021-07/LDR 21-05, an application by Causseaux, Hewett, and Walpole, Inc. dba CHW, Agent for Arpin Sr & Bond & Gray & Gray & Schofield & Yarborough and Gravely Family Trust, 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 ±289-acres, located at 23479 W Newberry Road, as shown on the location map below and identified by Alachua County Parcel Numbers 01927-000-000, 01932-000-000, 01933-002-000. (This application is contingent upon approval of Application CPA 21-02.)

Attorney Maltby read Ordinance 2021-07 by title only on first reading.

Principal Planner Kinser-Maxwell, Mr. Gerry Dedenbach, CHW, and Mr. Ryan Thompson, CHW, both representing applicants, remained sworn.

Mayor Marlowe asked for ex parte communication.

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

OPEN PUBLIC HEARING

Principal Planner Kinser-Maxwell presented a PowerPoint for the staff overview and report.

Mr. Dedenbach and Mr. Thompson presented a PowerPoint presentation.

Staff recommendation is to pass Ordinance 2021-07 on first reading.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervenor present.

No cross examination or final argument.

CLOSE PUBLIC HEARING

Attorney Maltby reminded the Commission of Applicable Law.

Motion made by Commissioner Marden to pass Ordinance 2021-07 on first reading.

Seconded by Commissioner Marden.

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

Voting Nay: Commissioner Farnsworth.

MOTION PASSED 3-1

15. Amending the City of Newberry's Codes to development of allow tiny home neighborhoods.

Legislative Public Hearing: Ordinance 2021-01, an application by the City of Newberry, amending the Newberry, Florida Code of Ordinances, Section 2.1. Definitions, Section 4.2. Supplementary Regulations, And List of Principle Uses and/or Uses Allowed By Special Exception In Section 4.4. – "A" Agricultural, Section 4.5 – "RSF" Residential Single Family, Section 4.6. - "RSF/MH" RSF/MH Residential, (Mixed) Single-Family/Mobile Home, Section 4.7. – "RMH" Residential, Mobile Home, Section 4.8. – "RMH-P" Residential, Mobile Home Park, Section 4.9. – "RMF" Residential, Multiple Family, Section 4.19. - "MU" Mixed Use Development, Section 4.20. – "PRD" Planned Residential Development, And Section 4.21. – "PD" Planned Development Zoning Districts, To Allow Tiny Home Neighborhoods.

Director Thomas reviewed Ordinance 2021-01 with a PowerPoint.

Attorney Maltby read Ordinance 2021-01 by title only on second reading.

Motion made by Commissioner Marden to enact Ordinance 2021-01 on second reading.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

AGENDA ITEMS

16. Renovation of Newberry's Electric Generating Plant.

Manager New presented this item.

A lengthy discussion ensued.

17. Authorization to Execute Cost Share Agreement with the Suwannee River Water Management District (RIVER Grant).

Director Jones presented this item.

Motion made by Commissioner Marden to authorize the City Manager to execute a contract with the Suwannee River Water Management District for Cost Sharing Assistance related to the expenses connecting the Alachua County water and wastewater system to the City's water and wastewater system, consistent with the City's RIVER grant application, contingent upon the City Attorney's office finding the agreement to be acceptable.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

18. Closed to the Public Attorney-Client Litigation Strategy Session Regarding Alachua County's Growth Management Act.

Attorney Walker presented this item.

Motion made by Commissioner Marden that a closed-to-the-public attorney-client litigation strategy session will be held at 6:00 p.m. on March

22nd, 2021 in accordance with 286.011(8), Florida Statutes.

Seconded by Commissioner Norfleet.

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

MOTION PASSED 4-0

COMMENTS

Comments were made by Manager New and Mayor Marlowe.

MEETING ADJOURNMENT

Meeting adjourned at 10:10 p.m.

Signed and dated this 22nd day of March 2021.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk