



City of Newberry Commission Meeting

March 23, 2020
7:00 PM

25440 West Newberry Road
Newberry, Florida 32669

MINUTES

CALL TO ORDER

Mayor Marlowe called the virtual meeting to order at 7:00 p.m.

APPROVAL OF AGENDA

Mayor Marlowe pulled Introduction of Candidates and *Agenda Item #7*, Resolution No. 2020-11 from the agenda. Mayor Marlowe added the following items to the agenda: *Agenda Items #7*, Postponing the Election; Item 8, Extending State of Local Emergency Extension; and Item 9, Discussion of Emergency Order 2020-09.

Motion made by Commissioner Coleman to approve the amended agenda.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

VIRTUAL QUORUM CHECK

Mayor	Jordan Marlowe
Commissioners	Ricky Coleman Rocky McKinley Monty Farnsworth Tim Marden Paul Norfleet
City Attorney	Scott Walker
City Attorney	Rich Maltby
City Manager	Mike New
City Clerk	Judy Rice
Staff:	
Director of Recreation	Travis Parker
Director of Finance and Administration	Dallas Lee

INVOCATION

Pastor McKinley, Destiny Community Church, provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Marlowe led the Pledge of Allegiance.

PUBLIC HEARINGS AND ORDINANCES

1. **Quasi-Judicial Public Hearing: Ordinances 2020-01, 2020-02, 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-10, and 2020-11, first reading of Ordinances of the City of Newberry, Florida, to voluntarily annex certain portions of unincorporated Alachua County.**

Mayor Marlowe read the Quasi-Judicial procedures.

Clerk Rice swore in Director Thomas.

There was no ex parte communication.

Attorney Walker read Ordinance 2019-01 by title only on first reading.

PUBLIC HEARING OPEN

Director Thomas provided staff overview and staff presentation for Ordinances 2020-01, 2020-02, 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-10, and 2020-11.

Director Thomas provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Attorney Walker reminded the Commission of applicable law.

Motion made by Commissioner Marden to pass Ordinance 2020-01 on first reading.

Seconded by Commissioner Coleman.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2020-02 by title only on first reading.

There was no ex parte communication.

PUBLIC HEARING OPEN

Director Thomas remained sworn and provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Motion made by Commissioner Coleman to pass Ordinance 2020-02 on first reading.

Seconded by Commissioner McKinley.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2020-03 by title only on the first reading.

There was no ex parte communication.

PUBLIC HEARING OPEN

Director Thomas remained sworn and provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Motion made by Commissioner Farnsworth to pass Ordinance 2020-03 on first reading.

Seconded by Commissioner Marden.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2020-04 by title only on first reading.

There was no ex parte communication.

PUBLIC HEARING OPEN

Director Thomas remained sworn and provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Motion made by Commissioner Coleman to pass Ordinance 2020-04 on first reading.

Seconded by Commissioner Marden.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2020-05 by title only on first reading.

There was no ex parte communication.

PUBLIC HEARING OPEN

Director Thomas remained sworn and provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Motion made by Commissioner McKinley to pass Ordinance 2020-05 on first reading.

Seconded by Commissioner Marden.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2020-06 by title only on first reading.

There was no ex parte communication.

PUBLIC HEARING OPEN

Director Thomas remained sworn and provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Motion made by Commissioner Marden to pass Ordinance 2020-06 on first reading.

Seconded by Commissioner Farnsworth.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2020-07 by title only on first reading.

There was no ex parte communication.

PUBLIC HEARING OPEN

Director Thomas remained sworn and provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Motion made by Commissioner Coleman to pass Ordinance 2020-07 on first reading.

Seconded by Commissioner Marden.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2020-08 by title only on first reading.

There was no ex parte communication.

PUBLIC HEARING OPEN

Director Thomas remained sworn and provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Motion made by Commissioner Marden to pass Ordinance 2020-08 on first reading.

Seconded by Commissioner McKinley.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2020-09 by title only on first reading.

There was no ex parte communication.

PUBLIC HEARING OPEN

Director Thomas remained sworn and provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Motion made by Commissioner Marden to pass Ordinance 2020-09 on first reading.

Seconded by Commissioner Norfleet.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2020-10 by title only on first reading.

There was no ex parte communication.

PUBLIC HEARING OPEN

Director Thomas remained sworn and provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Motion made by Commissioner McKinley to pass Ordinance 2020-10 on first reading.

Seconded by Commissioner Norfleet.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

Attorney Walker read Ordinance 2020-11 by title only on first reading.

There was no ex parte communication.

PUBLIC HEARING OPEN

Director Thomas remained sworn and provided staff's recommendation to approve the ordinance.

No applicant.

No third party intervenor.

No public comment.

PUBLIC HEARING CLOSED

Motion made by Commissioner Marden to pass Ordinance 2020-11 on first reading.

Seconded by Commissioner Coleman.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

CONSENT AGENDA

- 2. Child Abuse Prevention Month Proclamation**
- 3. Water Conservation Proclamation**
- 4. Power Cost Adjustment**
- 5. March 17, 2020, Emergency Meeting Minutes**
- 6. March 9, 2020, Meeting Minutes**

Manager New went over the Power Cost Adjustment.

Motion made by Commissioner Marden to approve consent agenda.

Seconded by Commissioner McKinley.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

AGENDA ITEMS

- ~~7. Resolution 2020-11: Fill two vacancies on the Planning & Zoning Board due to appointment terms expiring.~~**

The Commission postponed this item to a later date uncertain.

It was the consensus of the Commission to discuss item 9 before items 7 & 8.

- 9. Alachua County Emergency Order 2020-29**

Manager New summarized the Emergency Order.

Discussion ensued regarding essential businesses and construction.

- 7. Rescheduling the Election.**

Discussion ensued regarding rescheduling the election and the upcoming dates that could potentially work. Clerk Rice stated that it is possible to do the election and referendum in August during the Primary Election; but May, July, or November is not a possibility. Attorney Walker discussed the qualifying period stating it is patently unfair to current candidates to re-open qualifying.

Commissioner Coleman requested to hear from the candidates on their thoughts of postponing the election.

Mayor Marlowe did reach out to the candidates and advised that they not go door-to-door or have campaign gatherings. Instead, find some other ways to campaign.

Mr. Mark Clark, Group II Candidate, spoke on his agreement with the attorney. He would push for the August election because it is a safer option for the citizens.

Mr. Walt Boyer, Group III Candidate, spoke on his agreement with the attorney. He wants to know if all avenues have been explored and believes we could possibly still hold it in April.

Discussion ensued about voters who move into the city limits before August and if they will be allowed to vote in this election since the voter registration books have been closed.

Attorney Walker believes it is their right to vote.

Commissioner Farnsworth asked if it is a conflict of interest for him to vote on postponing the election.

Attorney Walker stated that because he will not gain anything by postponing the election due to the health and well-being of the public; he could vote on this item.

Commissioner Norfleet agrees that we need to postpone the election.

Motion made by Commissioner Coleman to postpone the election with the preference of August 18.

Seconded by Commissioner Norfleet.

Commissioner Marden stated that if we can pull off the April election then we should do it; explore other places to hold it that are larger and push the vote-by-mail option. He would like to exhaust all options before postponing it.

Clerk Rice spoke on rules that govern vote-by-mail elections. If the election is extended, the Clerk's Office will continue to take requests.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Marden, and Commissioner Norfleet.

Abstained: Commissioner Farnsworth

MOTION PASSED 4-1

8. Extending Local State of Emergency.

Discussion ensued regarding the 7-day extension of the Local State of Emergency.

Motion made by Commissioner Farnsworth to adopt Resolution 2020-15.

Seconded by Commissioner Coleman.

Voting Yea: Commissioner Coleman, Commissioner McKinley, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.

MOTION PASSED 5-0

COMMENTS

City Manager

Provided updates on City business and the operating plans for employees during the social distancing order.

City Attorney

Commended the staff on working quickly to hold the meeting virtually.

City Clerk

Thanked the Commissioners, Mayor, staff, and citizens for their patience and assistance during this transition.

Commission

The Commissioners thanked the staff on their hard work and working so quickly to hold a virtual meeting. They wished safety for everyone during this time.

Mayor

Thanked the staff for working hard and getting the meeting virtual.

Commended the citizens and the Clark Family for coming together to help feed the children in Newberry.

MEETING ADJOURNMENT

Meeting adjourned at 8:49 p.m.

Signed and approved this 27th day of April 2020.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk

APPROVED