



City of Newberry

Regular Commission Meeting

May 24, 2021
7:00 PM

25440 West Newberry Road
Newberry, Florida 32669

MINUTES

CALL TO ORDER

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

Commissioner Mazon entered the Chambers.

APPROVAL OF AGENDA

Mayor Marlowe moved the Power Cost Adjustment under presentations and removed item 17 Law Enforcement Contract at the request of Sheriff Watson until a later date. He then asked for approval of the amended agenda.

Motion made by Commissioner Marden to approve the agenda with changes.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

QUORUM CHECK

Mayor	Jordan Marlowe
Commissioners	Ricky Coleman Mark Clark Monty Farnsworth Tim Marden Tony Mazon
City Attorney	Scott Walker
City Manager	Mike New
City Clerk	Judy Rice
Staff:	
Director of Planning and Economic Development	Bryan Thomas
Principal Planner	Wendy Kinser-Maxwell

INVOCATION

Mr. Tim Marden, Deacon, Destiny Community Church, provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the pledge.

PRESENTATIONS

1. Automatic Metering Infrastructure (AMI) Update.

Manager New provided an update for AMI.

2. Power Cost Adjustment (PCA).

This item was moved from the consent agenda.

Manager New explained the PCA.

Motion made by Commissioner Marden to accept the .005 PCA.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

PUBLIC ANNOUNCEMENTS

There were no public announcements made.

CONSENT AGENDA

3. Resolution supporting the City of Newberry's Certified Local Government Historic Preservation Grant Application to Update the City's 2011 Historic Resources Survey (Resolution 2021 - 16).

Mayor Marlowe asked for approval of the consent agenda.

Motion made by Commissioner Coleman to approve the consent agenda.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

PUBLIC HEARINGS AND ORDINANCES

4. Petition to vacate the portion of SW 3 Avenue from SW 252 Street west to the CSX Railroad right of way.

Legislative Public Hearing: Second Reading of Ordinance 2021-23, Petition to Vacate the Portion of SW 3 Avenue from SW 252 Street West to the CSX Railroad Right of Way.

Attorney Walker read Ordinance 2021-23 by title only on second reading.

Manager New provided a PowerPoint presentation with background information and discussion ensued.

Motion made by Commissioner Clark to enact Ordinance 2021-23.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

- 5. Considering a Development Agreement between the City of Newberry and M3 Avalon Woods LLC for the Avalon Woods Mixed-Use Development (formerly Lexington Station).**

Quasi-Judicial Public Hearing: DA LDR 21-10, a development agreement proposed to be entered into between the City of Newberry and M3 Avalon Woods LLC. The land which is the subject of the Development Agreement is located on the south side of NW 24th Avenue and to the east of SR 45, directly adjacent to the Easton-Newberry Sports Complex and identified as Alachua County Parcel Numbers 01874-200-000, 01874-100-000, 01874-001-000, and 01897-000-000, consisting of ±196 acres. The proposed Development Agreement provides that necessary infrastructure improvements are in place at the appropriate time to accommodate the development's phasing plan.

Mayor Marlowe read the Quasi-Judicial Procedures and explained the process.

Attorney Walker read Development Agreement LDR 21-10 by title only.

Mayor Marlowe asked for ex parte communication. Commissioner Mazon did have a conversation and it will not affect his decision making on this item.

Voting Yea: Commissioner Mazon.

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

Clerk Rice swore in Principal Planner Kinser-Maxwell, Director Thomas, Mr. Chris Potts, JBrown Professional Group, INC, Applicant Representative, and Mr. Dave McDaniel, M3 Development, INC, Applicant.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

Mr. Potts withheld presentation until next item.

Principal Planner Kinser-Maxwell reviewed the staff report. The Development Agreement is separate from the Development Order. Staff recommendation is to approve Development Agreement LDR 21-10.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Discussion ensued.

Attorney Walker reminded the commission of the applicable law.

**Motion made by Commissioner Clark to approve
Development Agreement LDR 21-10,**

Seconded by Commissioner Mazon.

**Voting Yea: Commissioner Coleman, Commissioner
Clark, Commissioner Farnsworth, Commissioner
Marden, and Commissioner Mazon.**

MOTION PASSED 5-0

6. Amending the Lexington Station Mixed-Use Development, including renaming the development as Avalon Woods

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-14/LDR 21-10, an application by JBPro, Agent for M3 AVALON WOODS, LLC, Owner and also Agent for C L BRICE INC, Owner and CLB, Inc, Owner, to amend the Mixed-Use Development (Development Order 20-02) for property located directly adjacent to the Easton-Newberry Sports Complex and identified as Alachua County Parcel Numbers 01874-200-000, 01874-100-000, 01874-001-000, and 01897-000-000, consisting of ±196 acres.

No new participants entered the Chambers.

Attorney Walker read Ordinance 2021-14 by title only on first reading.

Mayor Marlowe asked for ex parte communication. Commissioner Mazon did have a conversation with the School Board of Alachua County and it will not affect his decision making on this item.

Voting Yea: Commissioner Mazon.

**Voting Nay: Commissioner Coleman, Commissioner
Clark, Commissioner Farnsworth, and Commissioner
Marden.**

Principal Planner Kinser-Maxwell, Director Thomas, Mr. Potts, and Mr. McDaniel remained sworn.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

Mr. Potts provided a detailed PowerPoint presentation.

Principal Planner Kinser-Maxwell reviewed the staff report. Staff recommendation is to pass Ordinance 2021-14.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

The Dais through the Chair asked questions of the Applicant.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Discussion ensued.

Attorney Walker reminded the commission of the applicable law.

**Motion made by Commissioner Coleman to pass
Ordinance 2021-14 on first reading.**

Seconded by Commissioner Clark.

**Voting Yea: Commissioner Coleman, Commissioner
Clark, Commissioner Marden, and Commissioner
Mazon.**

Voting Nay: Commissioner Farnsworth

MOTION PASSED 4-1

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

Quasi-Judicial Public Hearing Second 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 and identified by Alachua County Parcel Numbers 01927-000-000, 01932-000-000, 01933-002-000.

No new participants entered the chambers.

Attorney Walker read Ordinance 2021-06 by title only on second reading.

Mayor Marlowe asked for ex parte communication.

Voting Nay: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

Clerk Rice swore in Mr. Gerry Dedenbach and Mr. Ryan Thompson with CHW, Applicant Representative. Principal Planner Kinser-Maxwell and Director Thomas remained sworn.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

No applicant presentation.

Principal Planner Kinser-Maxwell reviewed the staff report. Staff recommendation is to enact Ordinance 2021-06.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

The Dais through the Chair asked questions of the Applicant.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Discussion ensued.

Attorney Walker reminded the Commission of applicable law.

Motion made by Commissioner Marden to enact Ordinance 2021-06.

Seconded by Commissioner Coleman.

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

MOTION PASSED 5-0

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

Quasi-Judicial Public Hearing Second 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 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.)

No new participants entered the meeting.

Attorney Walker read Ordinance 2021-07 by title only on second reading.

Mayor Marlowe asked for ex parte communication.

Voting Nay: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

Principal Planner Kinser-Maxwell, Director Thomas, Mr. Gerry Dedenbach, and Mr. Ryan Thompson remained sworn.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

No applicant presentation.

Principal Planner Kinser-Maxwell reviewed the staff report. Staff recommendation is to enact Ordinance 2021-07.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Discussion ensued.

Attorney Walker reminded the Commission of applicable law.

Motion made by Commissioner Marden to enact Ordinance 2021-07 on second reading.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

9. Voluntary annexations into the City of Newberry.

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-24, an Ordinance of the City of Newberry, Florida, to voluntarily annex certain portions of unincorporated Alachua County: three contiguous Tax Parcels, 01861-001-00 (120.88 Acres ±, no address assigned), 01861-001-000 (59.0 Acres ±, no address assigned), and 1858-000-000 (158.04 Acres ±, 3200 NW 202ND Street).

No new participants entered the meeting.

Attorney Walker read Ordinance 2021-24 by title only on first reading.

Mayor Marlowe asked for ex parte communication. Commissioner Marden disclosed a conversation and it will not affect his decision making.

Voting Yea: Commissioner Marden.

Voting Nay: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, and Commissioner Mazon.

Principal Planner Kinser-Maxwell and Director Thomas remained sworn.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

No applicant presentation.

Principal Planner Kinser-Maxwell reviewed the staff report. Staff recommendation is to pass Ordinance 2021-24.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Attorney Walker reminded the Commission of applicable law.

Motion made by Commissioner Clark to pass Ordinance 2021-24 on first reading.

Seconded by Commissioner Coleman.

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

MOTION PASSED 5-0

10. Changing previously annexed property's Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture.

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-17/CPA 21-05, 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 and identified by Alachua County Parcel Number: 02610-000-000.

No new participants entered the meeting.

Attorney Walker read Ordinance 2021-17 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

Voting Nay: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

Principal Planner Kinser-Maxwell and Director Thomas remained sworn.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

No applicant presentation.

Principal Planner Kinser-Maxwell reviewed the staff report. Staff recommendation is to pass Ordinance 2021-17.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Attorney Walker reminded the Commission of applicable law.

Motion made by Commissioner Marden to pass Ordinance 2021-17 on first reading.

Seconded by Commissioner Mazon.

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

MOTION PASSED 5-0

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

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-20/LDR 21-15, 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 recently annexed into the City and identified by Alachua County Parcel Number 02610-000-000. (This application is contingent upon approval of Application CPA 21-05.)

No new participants entered the meeting.

Attorney Walker read Ordinance 2021-20 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

Voting Nay: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

Principal Planner Kinser-Maxwell and Director Thomas remained sworn.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

No applicant presentation.

Principal Planner Kinser-Maxwell reviewed the staff report. Staff recommendation is to pass Ordinance 2021-20.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Attorney Walker reminded the Commission of applicable law.

Motion made by Commissioner Clark to pass Ordinance 2021-20 on first reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

12. Changing previously annexed property's Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture.

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-18/CPA 21-06, 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 from Alachua County RURAL/AGRICULTURE to City of Newberry AGRICULTURE, on property previously voluntarily annexed to the City and identified by Alachua County Parcel Numbers: 01926-005-000 and 01926-010-015.

No new participants entered the meeting.

Attorney Walker read Ordinance 2021-18 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

Voting Nay: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

Principal Planner Kinser-Maxwell and Director Thomas remained sworn.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

No applicant presentation.

Principal Planner Kinser-Maxwell reviewed the staff report. Staff recommendation is to pass Ordinance 2021-18.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Attorney Walker reminded the Commission of applicable law.

Motion made by Commissioner Coleman to pass Ordinance 2021-18 on first reading.

Seconded by Commissioner Marden.

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

MOTION PASSED 5-0

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

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-21/LDR 21-16, 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 recently annexed into the City and identified by Alachua County Parcel Numbers: 01926-005-000 and 01926-010-015. (This application is contingent upon approval of Application CPA 21-06.)

No new participants entered the meeting.

Attorney Walker read Ordinance 2021-21 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

Voting Nay: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

Principal Planner Kinser-Maxwell and Director Thomas remained sworn.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

No applicant presentation.

Principal Planner Kinser-Maxwell reviewed the staff report. Staff recommendation is to pass Ordinance 2021-21.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Attorney Walker reminded the Commission of applicable law.

**Motion made by Commissioner Clark to pass
Ordinance 2021-21 on first reading.**

Seconded by Commissioner Mazon.

**Voting Yea: Commissioner Coleman, Commissioner
Clark, Commissioner Farnsworth, Commissioner
Marden, and Commissioner Mazon.**

MOTION PASSED 5-0

14. Changing previously annexed property's Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture.

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-19/ CPA 21-07, 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 from Alachua County RURAL/AGRICULTURE to City of Newberry AGRICULTURE, on property previously voluntarily annexed to the City and identified by Alachua County Parcel Number 04270-000-000.

No new participants entered the meeting.

Attorney Walker read Ordinance 2021-19 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

**Voting Nay: Commissioner Coleman, Commissioner
Clark, Commissioner Farnsworth, Commissioner
Marden, and Commissioner Mazon.**

Principal Planner Kinser-Maxwell and Director Thomas remained sworn.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

No applicant presentation.

Principal Planner Kinser-Maxwell reviewed the staff report. Staff recommendation is to pass Ordinance 2021-19.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Attorney Walker reminded the Commission of applicable law.

Motion made by Commissioner Farnsworth to pass Ordinance 2021-19 on first reading.

Seconded by Commissioner Clark.

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

MOTION PASSED 5-0

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

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-22/LDR 21-17, 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 recently annexed into the City and identified by Alachua County Parcel Number: 04270-000-000. (This application is contingent upon approval of Application CPA 21-07.)

No new participants entered the meeting.

Attorney Walker read Ordinance 2021-22 by title only on first reading.

Mayor Marlowe asked for ex parte communication.

Voting Nay: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon.

Principal Planner Kinser-Maxwell and Director Thomas remained sworn.

PUBLIC HEARING OPEN

Principal Planner Kinser-Maxwell provided the staff overview.

No applicant presentation.

Principal Planner Kinser-Maxwell reviewed the staff report. Staff recommendation is to pass Ordinance 2021-22.

Mayor Marlowe asked for public comment. There was none.

There was no third-party intervener present.

No cross examination or final arguments.

PUBLIC HEARING CLOSED

Attorney Walker reminded the Commission of applicable law.

Motion made by Commissioner Mazon to pass Ordinance 2021-22 on first reading.

Seconded by Commissioner Farnsworth.

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

MOTION PASSED 5-0

16. Petition to vacate a portion of NW 2nd Avenue between NW 254th Street and Seaboard Coast Line Railroad.

Legislative Public Hearing First Reading of Ordinance 2021-25, Petition to Vacate the Portion of NW 2nd Avenue between Seaboard Coast Line Railroad and NW 254th Street.

Manager New presented a PowerPoint presentation and discussion ensued.

Motion made by Commissioner Marden to pass Ordinance 2021-25 on first reading.

Seconded by Commissioner Coleman.

Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Marden, and Commissioner Mazon.

Voting Nay: Commissioner Farnsworth

MOTION PASSED 4-1

AGENDA ITEMS

~~17. Law Enforcement Contract.~~

This item was removed.

18. Fiscal-Year 2022 Budget Calendar.

Manager New presented this item.

It was the consensus of the Commission to move the workshop time to 7:00 p.m. instead of 6:00 p.m.

COMMENTS

Comments were made by Manager New and Attorney Walker.

Ms. Peggy Loy, citizen, made a comment.

MEETING ADJOURNMENT

The meeting adjourned at 9:59 p.m.

Signed and dated this 14th day of June 2021

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk