



Commission Meeting Minutes

September 25, 2023
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	Clay Martin
Staff:	
Assistant City Manager, Chief Financial Officer	Dallas Lee
Director of Planning & Economic Development	Bryan Thomas
Fire Chief	Mike Vogel
Assistant Director of Utilities & Public Works	Rance Green
Principal Planner	Jean-Paul Perez
Senior Planner	Uma Sarmistha
Customer Service Manager	Tammy Snyder
Staff Assistant	Jeannene Mironack

CALL TO ORDER

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

APPROVAL OF AGENDA

Motion to correct Items 11. Adjusting Electric Rates for Fiscal Year 2023-2024, 12. Adjusting Wastewater Rates for Fiscal Year 2023-2024, and 13. Adjusting Water Rates for Fiscal Year 2023-2024 to Second Readings; and to move Items 6 and 7 from the Consent Agenda to the end of Public Hearings and Ordinances, then to approve the amended Agenda was made by Commissioner Coleman, 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

INVOCATION

Pastor Ian Campbell provided the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the pledge.

CONSENT AGENDA

Motion to approve the Consent Agenda, with Items 6 and 7 moved from the Consent Agenda to the end of Public Hearings and Ordinances, as approved earlier, was made by Commissioner Mazon, Seconded by Commissioner Farnsworth.

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

1. Amending the City's Schedule of Fees, Charges, and Rates

Resolution 2023-08; Amending the City of Newberry's Schedule of Fees, Rates, and Charges; superseding the Fees Previously Established; Providing Authority to the City Manager.

2. August 28, 2023, Regular Commission Meeting Minutes

3. September 5, 2023, Budget Workshop (Wrap Up) Minutes

4. September 6, 2023, Special Commission Meeting Minutes

5. Granting a temporary alcohol permit to Greenfield Nursery to allow for the sale of beer and wine at their annual fall festival at Easton-Newberry Sports Complex on Saturday, October 21st 2023 from 5-9 pm.

8. Payment Registers

PUBLIC HEARINGS AND ORDINANCES

Mayor Marlowe asked the Commission to provide direction regarding the Budget for the 2023-2024 Fiscal Year including cost of living adjustment (COLA) and/or merit raises for the Certified Public Manager graduates who recently received 7 percent raises.

ROLL CALL on the question, if any employee recently received a 7 percent raise for completing CPM, are they eligible to participate in the COLA and/or merit raises?

Voting Yea: Commissioner Mazon

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

FAILED 1-4

Mayor Marlowe asked staff to present their proposal for Fiscal Year 23-24.

Dallas Lee, CGFO, SHRM-CP, Assistant City Manager/CFO presented the employee raise proposal, summarized below.

- Part-Time Employees: 5% increase.
- Employees earning under \$18.00/hr: Will be adjusted to \$18.00/hr or a 5% increase, whichever is greater.
- Employees earning under \$20.00/hr: Will be adjusted to \$20.00/hr or a 5% increase, whichever is greater.
- Employees earning between \$20.00 - \$29.99/hr: 4% increase.
- Employees earning between \$30.00 - \$39.99/hr: 3% increase.
- Employees earning \$40.00/hr or above: 2% increase.

Discussion ensued.

There was discussion regarding amending the FY23-24 Budget to allocate the available \$75,000 for a Storm Water Assessment study and/or the Contingency Fund.

Discussion ensued.

The Commission directed staff to adjust the final budget for Fiscal Year 2023-2024 to include staff's employee raise proposal (including the recent CPM graduates), allocate \$30,000 to the Storm Water Assessment study, and allocate \$45,000 to the Contingency Fund.

Mayor Marlowe, Attorney Martin, Manager New, and Assistant Manager Lee read a script that provided an explanation on the following final budget items:

- Notice of Proposed Property Taxes.

- Proposed Final Millage Rate.
- Explanation of tentative and rolled-back millage rates.
- Proposed Final General city Budget.

Discussion ensued. Manager New and Assistant Manager Lee responded to questions.

9. Adopting a Final Millage Rate of 5.9000 for Fiscal Year 2023-2024

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 2023-2024; And Providing An Effective Date.

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

Discussion ensued.

**Motion to adopt Resolution 2023-10 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. Adopting a final budget for Fiscal Year 2023-2024

A Resolution Of The City Of Newberry, Florida; Relating To The City's Budget For The 2023-2024 Fiscal Year; Providing For The Final Appropriation Of Funds Of The City Of Newberry For The Fiscal Year Beginning October 1, 2023, And Ending September 30, 2024; 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.

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

Discussion ensued.

**Motion to adopt Resolution 2023-11, including the
adjustments previously discussed, was made by
Commissioner Coleman, 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

11. Adjusting Electric Rates for Fiscal Year 2023-2024

Legislative Hearing: Second Reading of Ordinance 2023 – 26, 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 And Section 98-70 Subsections H And I of the Code of Ordinances of the City of Newberry Pertaining to the Energy Charged, Providing for Codification of the Same.

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

Discussion ensued.

**Motion to enact Ordinance 2023-26 was made by
Commissioner Marden, Seconded by Commissioner
Farnsworth.**

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. Adjusting Wastewater Rates for Fiscal Year 2023-2024

Legislative Hearing: Second Reading of Ordinance 2023–27, Amending the Prior Established Rates and Amending Sections 98 -155 of the Code of Ordinances of the City of Newberry; Amending Ordinance No. 2022-43.

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

Discussion ensued.

**Motion to enact Ordinance 2023-27 was made by
Commissioner Mazon, 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

13. Adjusting Water Rates for Fiscal Year 2023-2024

Legislative Hearing: Second Reading of Ordinance 2023–28, Amending the Prior Established Rates and Amending Sections 98 -154 of the Code of Ordinances of the City of Newberry; Amending Ordinance No. 2020 - 25.

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

Discussion ensued.

**Motion to enact Ordinance 2023-28 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

14. Participating in Alachua County Solid Waste Municipal Service Benefit Unit (MSBU)

Legislative Hearing: Second Reading of Ordinance 2023 - 25, Providing Consent for the Entire Corporate Limits of the City of Newberry Florida, to be Included in a Non-Ad Valorem Assessment for Municipal Service Benefit Unit (MSBU) created by Alachua County Solid Waste Management Costs.

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

Discussion ensued.

Alachua County Waste Collection Manager Patrick Irby and Alachua County Director of Solid Waste & Resource Recovery Gus Olmos responded to questions.

**Motion to enact Ordinance 2023-25 was made by
Commissioner Mazon, Seconded by Commissioner
Farnsworth.**

Mayor Marlowe asked for public comment. There was none.

ROLL CALL VOTE

**Voting Yea: Commissioner Clark, Commissioner Farnsworth,
Commissioner Mazon**

Voting Nay: Commissioner Coleman, Commissioner Marden

MOTION PASSED 3-2

15. Adopting Compensation Program and Salary Schedule

Resolution 2023-09, Amending the Prior Adoption of a Compensation Program and Salary Schedules for City of Newberry Employees, City Clerk, And Elected Officials; establishing a cost-of-living adjustment (COLA), and providing an effective date.

Dallas Lee, CGFO, SHRM-CP, Assistant City Manager/CFO presented the item.

Discussion ensued.

**Motion to adopt Resolution 2023-09 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

6. Approval of a Subdivision, Preliminary Plat, known as Eden's Garden.

Quasi-Judicial Public Hearing, Resolution 2023-33/ SD 23-02, a request by JBPro Group, Inc, Agent on behalf of Sophie Lancaster, Owner, for a Major Subdivision, Preliminary Plat. The project is approximately 6.95 acres containing 12 lots, generally located northeast of the Newberry Oaks Subdivision, Alachua County Parcel Numbers 01919-003-004.

Mayor Marlowe reviewed the quasi-judicial procedures and read through the presentation order.

Attorney Martin read Resolution 2023-33 by title only.

Clerk Rice swore in Senior Planner Uma Sarmistha and Logan Peters, P.E., JBPro Group.

Mayor Marlowe asked for ex parte communication.

**Voting Nay: Commissioner Coleman, Commissioner
Farnsworth, Commissioner Marden, and Commissioner
Mazon. Mayor Marlowe, non-voting, none.**

There was no third-party intervenor present.

Senior Planner Sarmistha provided the staff overview and recommendation with a PowerPoint.

Logan Peters stated that she was present to answer questions.

There was no cross-examination by either party.

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

Motion to adopt Resolution 2023-33 was made by Commissioner Mazon, Seconded by Commissioner Farnsworth.

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

7. Approval of Construction Plans for Eden's Garden

Legislative, Resolution 2023-34/SD 23-02, an application by JBPro Group, Inc., Agent on behalf of Sophie Lancaster, Owner, for approval of construction plans related to a plat entitled Eden's Garden Subdivision. The project is approximately 6.95 acres containing 12 lots, generally located northeast of the Newberry Oaks Subdivision, Alachua County Parcel Numbers 01919-003-004.

Senior Planner Sarmistha provided the staff overview and recommendation with a PowerPoint.

Logan Peters stated that she was present to answer questions.

Motion to adopt Resolution 2023-34 was made by Commissioner Clark, 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

16. Discuss allowing certain exemptions to the City's Procurement Policy for the Newberry Veteran's Memorial Park

Dallas Lee, CGFO, SHRM-CP, Assistant City Manager/CFO presented the item.

Discussion ensued.

Motion to accept donations of alcohol and expenditure of funds specifically designated for the purchase of alcohol and

other items for fundraising events, ensuring that public funds are not spent on alcohol, in line with the City's purchasing policy 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

17. Comparing the City of Newberry sexual offender/predator code relative to City of Williston and Florida Statutes.

Bryan Thomas, AICP, Director of Planning & Economic Development presented the item.

Discussion ensued.

The Commission directed staff to clarify and mirror Florida Statutes. The Commission also directed staff to contact the City of Williston and the State Attorney regarding enforcement of potential revisions to City Code.

COMMENTS

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

During Citizen Comment, Jay Lerew, spoke regarding resident awareness and changes to the City's Solar Farm Codes on an upcoming Commission agenda.

MEETING ADJOURNMENT

The meeting was adjourned at 9:43 PM.

Signed and approved on this 9th day of October 2023.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk