

**MINUTES
CLAY COUNTY, FLORIDA
2009/2010 CHARTER REVIEW COMMISSION
MARCH 25, 2010**

CALL TO ORDER

The Charter Review Commission (CRC) met in the BCC Meeting Room, 4th floor of the Administration Building, 477 Houston Street, Green Cove Springs, on the above stated date.

INVOCATION

Keith R. David

PLEDGE OF ALLEGIANCE

All members recited the Pledge of Allegiance.

ROLL CALL

The following were present: Madam Chair Ann B. Wiggins, Vice Chair Mark J. Easterling, Sr., Joseph Anzalone, Bryan Campbell, Keith R. David, Michael Kerekes, David Mickel, Helen M. Mohorich, Thomas Nazworth, Sr., Stanley F. Pfenning, Bob Rinker, and Rod D. Swartz.

The following were absent: Frank F. Andrea, Joe Mobley, and Walter H. Rountree.

APPROVAL OF MINUTES

Ms. Mohorich moved to approve the amended minutes of the regular CRC Meeting of March 15, 2010 with the following correction to paragraph six of page two: and carried 8-5, with ~~Mr. Kerekes, Mr. Nazworth, Sr., Mr. Pfenning, Mr. Rinker, and Mr. Swartz~~ dissenting to 7-6, with Mr. Kerekes, Mr. Nazworth, Sr., Mr. Pfenning, Mr. Rinker, Mr. Swartz, and Mr. Mickel dissenting. Mr. Mickel seconded, **which carried 11-0.**

Mr. Anzalone arrived at 6:43 p.m.

OLD BUSINESS

Mr. Kerekes reported that the Legal Counsel Task Force met on Tuesday, March 23, 2010 in Conference Room B, 4th floor of the Administration Building. The following was discussed:

- 1) Legal counsel should be experienced specifically in the government sector, Home Rule Charter experience would be a bonus;

- 2) It is not required to have an RFQ to retain counsel. The Legal Counsel Task Force will meet Wednesday, March 31, 2010, 6:30 p.m. in Conference Room B to discuss the selection of legal counsel.
- 3) It is expected that legal counsel will be hired in a timely manner;
- 4) Madam Chair Wiggins will select a CRC member as the liaison between the CRC and legal counsel;
- 5) The full CRC will approve the final counsel selection at the earliest CRC meeting.

Madam Chair Wiggins appointed Mr. Easterling, Sr. as the liaison between the CRC and the legal counsel; Mr. Kerekes as the Chair of the Legal Counsel Task Force.

OLD BUSINESS

Issue #4: Consideration of a ballot question to change the time for Sunday alcohol sales in Clay County.

Public Comments for Issue #4

- Michael Finnick, 598 Branscomb Road, Green Cove Springs: Commented that Sunday alcohol sales provided jobs.
- Debby Terry, 5 Fox Valley Drive, Orange Park: Commented that alcohol should be sold on Sunday. The straw ballot spoke for itself and the citizens were not heard by the BCC.
- Gary Fleming, 2940 Stonegate Lane, Middleburg: Retired military; commented on the right and privilege of citizens to purchase alcohol on Sunday.
- John Krainiak, 201 Aldersgate Drive, Green Cove Springs: Retired military; commented on the right to purchase alcohol before 2:00 on Sunday.
- Roy Palmer, 4041 Saddlehorn Trail, Middleburg: Retired military; commented alcohol should be available on Sunday; it brings revenue in the county.
- David Valentino, 526 Myra Street, Neptune Beach: Owner of the Mellow Mushroom Restaurant in Fleming Island commented that the limit of alcohol sales on Sunday in Clay County creates a disadvantage to restaurant owners whose patrons come in to watch sports and drink an alcohol beverage. Sales are down and fewer employees are working.
- Troy Albers, 1518 Cedar Grove Terrace, Fleming Island: General Manager for the Fleming Island Golf Club explained the monetary losses in his business as a result of the restriction on Sunday alcohol sales, and feels it is an unfair disadvantage to him and other golf courses throughout Clay County. Golfers go to courses where there are no restrictions on Sunday.

- Nicholas Poe, 12481 Deer Lane, Jacksonville: Food and Beverage Director/Club House Manager of the Orange Park Country Club explained the monetary losses on his business as a result of the Sunday alcohol sale restriction.
- Sid Newberg, 935 Arthur Moore Drive, Green Cove Springs: Represents the Middleburg VFW: Commented that their charities derive from their canteen fund (sale of alcohol) has been down 33% this year. Some of their loss can be attributed to the restriction of sales on Sunday. All Veterans of Foreign Wars served their country and have the right to freedom of choice, including purchasing alcohol on Sunday. Local government has ignored their rights and is not meeting the needs of the citizens.
- Travis Christensen, 2871 Affirmed Court, Green Cove Spring: Thanked the CRC for their responsiveness on the alcohol issue. Commented that he supports the expansion of alcohol sale hours. It is the will of the people that the sale of alcohol should be extended on Sunday.
- Durwood Smith, 3116 Moody Avenue, Orange Park: Commented that it was not the duty of the CRC to consider creating jobs or of selling alcohol; it is absolutely inappropriate. He suggested citizens place the issue on the ballot with a petition initiative and let the people decide. He recommended the CRC consider an amendment that requires 2/3 vote of the CRC to place an amendment on the ballot.
- Orien Pass, 1320 River Road, Orange Park: Suggested the CRC place the alcohol issue on the ballot and let the people vote on it.
- Dale Eggers, 3101 CR 220, Middleburg: Commented that the County expended a large amount of money to place the alcohol straw vote on the ballot. The BCC did not act on the vote. The CRC should help to the citizens by placing it on the ballot or encourage the BCC to do so.

After discussion, Ms. Mohorich moved to place alcohol sales throughout Clay County starting at 7:00 a.m. on Sunday morning on the ballot as an amendment. Madam Chair Wiggins seconded, and **failed 6-6, with Mr. Pfenning, Mr. Anzalone, Mr. David, Mr. Nazworth, Sr., Mr. Kerekes and Mr. Campbell dissenting.**

Mr. Kerekes moved to table the issue of alcohol sales on Sunday until the CRC has legal representation. Mr. Anzalone seconded, which **carried 10-2, with Mr. Campbell and Mr. David dissenting.**

Mr. Kerekes moved to draft a letter to the BCC expressing the CRC's support to change the time of alcohol sales on Sunday and discuss it further at the CRC meeting of March 29, 2010. Mr. Campbell seconded, which **carried 10-2, with Mr. David and Mr. Nazworth, Sr. dissenting.**

OLD BUSINESS

Issue #5: Consideration to require the BCC to hold two public hearings when straw ballots area approved.

After discussion, Mr. Kerekes moved for no further action regarding Issue #5 to require the BCC to hold two public hearings when straw ballots are approved. Mr. David seconded the motion, and **carried 10-2, with Mr. Mickel and Mr. Pfenning dissenting.**

RECESS

CRC COMMENTS

A discussion ensued regarding the numerous consecutive absences of CRC members Frank F. Andrea and Joe Mobley. While it is not their intent to personally attack anyone, it is the consensus of the CRC that all members be present at all of their meetings. Madam Chair Wiggins will contact these members to determine their intent to continue serving on the CRC.

The CRC asked Commissioner Robinson to ask County Attorney Mark Scruby what, if anything, can be done when CRC members are frequently absent from meetings and report back to them at the March 29, 2010 CRC meeting.

After discussion, it was the consensus that Section 4.2, B. Section 1 of the Charter (page 11) be reviewed to determine if it should be revised to possibly reflect that all CRC members should be appointed from the district which they live in, attend meetings regularly, and consider appointing alternate members to ensure a full CRC commission is present at all meetings.

After discussion, it was the consensus that Madam Chair forward a letter to the BCC requesting that County Attorney Mark Scruby attend their meetings until legal counsel has been retained.

Mr. Campbell moved that the BCC appoint County Attorney Mark Scruby or his designee to serve as counsel to the 2009/2010 CRC for legal opinions until such time independent legal counsel has been retained, which may or may not be done. Mr. Rinker seconded the motion, which **carried 10-2, with Mr. Pfenning and Mr. Nazworth, Sr. dissenting.**

Mr. Kerekes informed the CRC that Article IV, Section 4.2: Home Rule Charter Amendments, A. Amendments Proposed by Petition, and Article II, Organization of

County Government Section 2.2: Legislative Branch, Section I. Initiative, paragraph 1, Initiative, that while there is a significant difference in the two initiatives, they do have similar requirements. A motion to change the amendments proposed by petitions was already made and he suggested they may want to consider amending the process for both initiatives at the same time for consistency, which would require two ballot questions.

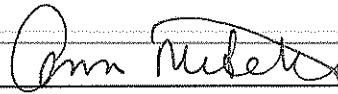
PUBLIC COMMENTS

- Durwood Smith, 3116 Moody Avenue, Orange Park: Commented that a citizen's initiative is the best way to get an amendment on the ballot; it should be not be harder for the citizens to place it on the ballot.

There being no further business, the meeting adjourned at 9:07 p.m.



Madam Chair Ann B. Wiggins



Ann Mitchell, Recording Secretary

AGENDA
2009/2010 CHARTER REVIEW COMMISSION
Thursday, March 25, 2010
6:30 p.m., BCC Meeting Room

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

March 15, 2010

OLD BUSINESS

- Report from the Outside Counsel Task Force
 - Discuss the following on the CRC Issue List
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4. Consideration of a ballot question to change the time for Sunday alcohol sales in Clay County.
 5. Consideration to require the BCC to hold two public hearings when straw ballots are approved.

CRC COMMENTS

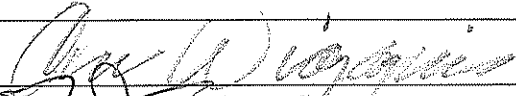
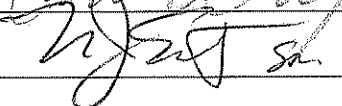
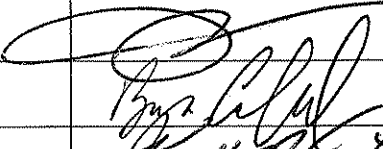

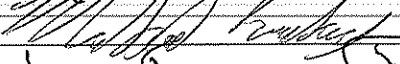

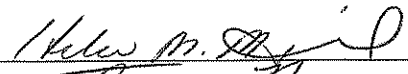
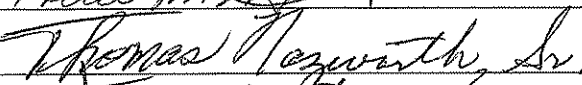
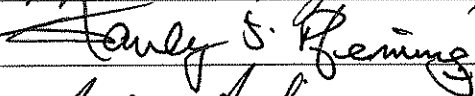
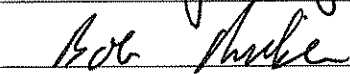
PUBLIC COMMENTS

ADJOURNMENT

**2009/2010 Charter Review Commission
Sign-in Log
BCC Meeting Room**

March 25, 2010

6:30 pm

NAME	SIGNATURE
Ann B. Wiggins, Chair	
Mark J. Easterling, Sr., Vice Chair	
Frank F. Andrea	
Joseph Anzalone	
Bryan Campbell	
Keith R. David	
Michael Kerekes	
David Mickel	
Joe Mobley	
Helen M. Mohorich	
Thomas Nazworth, Sr.	
Stanley F. Pfenning	
Bob Rinker	
Walter H. Rountree	
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