

**MINUTES  
CLAY COUNTY, FLORIDA  
2009/2010 CHARTER REVIEW COMMISSION  
APRIL 8, 2010**

CALL TO ORDER

The Charter Review Commission (CRC) met in the BCC Meeting Room, 4<sup>th</sup> 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, Joe Mobley, Helen M. Mohorich, Thomas Nazworth, Sr., Stanley F. Pfenning, Bob Rinker, Walter H. Rountree, and Rod D. Swartz.

The following were absent: Frank F. Andrea and David Mickel.

Mr. Easterling, Sr. arrived at 7:00 p.m.

Mr. Anzalone arrived at 7:05 p.m.

APPROVAL OF MINUTES

At 7:19 p.m., Mr. Campbell moved to approve the minutes of the regular CRC Meeting of March 29, 2010. Mr. Kerekes seconded the motion, which **carried 12-1 with Mr. Pfenning dissenting.**

OLD BUSINESS

- Legal Counsel Task Force Report

Mr. Kerekes, Chair of the Legal Counsel Task Force reported that they met on Wednesday, April 7, 2010, 6:30 p.m. in Conference Room B and interviewed three attorneys representing the law firms of Brown, Garganese, Weiss & D'Agresta, P.A., Lewis, Longman & Walker, P.A., and Bryant Miller Olive, P.A.

After discussion, the task force voted 3-2 that Mr. Larry Brown, Esq., of Brown, Garganese, Weiss & D'Agresta was the most qualified attorney of the three based on his experience which spans over a period of 37 years. He has worked with government agencies, specifically with charters and drafting of ballot amendments. The criteria used in the interview process to determine who the CRC should retain for legal counsel was based on the following areas of importance: 1) experience with law; 2) experience with charters; 3) experience with drafting ballot measure language; and 4) attendance to the CRC meetings. The fifth element for consideration was their fee; Mr. Brown's fee was the lowest of the three.

Mr. Larry Brown, Esq. introduced himself and informed the CRC that his most recent work was for the City of Winter Park where he served as counsel for their Charter Review Committee. Language for several ballot questions was successfully passed at their recent election in March. A large percentage of his firm's work is directly related to local government, county sheriffs, police departments, school boards, and cities. When he is not able to attend the CRC meetings, his partner, Bill Reischmann will be present.

Mr. Pfenning moved to invite Mr. Wayne E. Flowers, Esq. of Lewis, Longman & Walker, P.A. to their next meeting. Mr. Nazworth, Sr. seconded the motion. The motion **failed 2-11, with Mr. Mobley, Mr. Rinker, Mr. Anzalone, Mr. David, Mr. Kerekes, Mr. Easterling, Sr., Madam Chair Wiggins, Mr. Campbell, Ms. Mohorich, Mr. Rountree, and Mr. Swartz dissenting.**

Mr. David moved that Mr. Larry Brown, Esq. of Brown of Garganese, Weiss & D'Agresta be retained as their legal counsel for the remainder of the 2009/2010 CRC session. Mr. Rinker seconded the motion, which **carried 11-2, with Mr. Pfenning and Mr. Nazworth, Sr. dissenting.**

Mr. Brown, Esq. offered his assistance by joining the CRC at the dais for the remainder of their meeting.

- Vote on the Casino Gambling Amendment

A discussion ensued regarding what constituted a quorum for the CRC. After reviewing Section 4.2.B. of the Charter, Mr. Brown, Esq. informed the CRC that it was very clear that for all general business purposes, a majority vote of the members present is a quorum. The only time there is language that says you have to have a vote by the majority of the entire membership of the charter review commission is with respect to the final vote of an amendment placed on the ballot. The Charter says that no charter amendment or revision shall be submitted to the electorate for adoption unless favorably voted on by majority of

the entire membership of this commission. CRC business can be conducted with a simple majority of quorum present.

- Discuss an amendment regarding CRC vacancies.

At the meeting of March 29, 2010, Mr. Swartz volunteered to draft a proposed amendment revising the Home Rule Charter under Section 4.2.B., Amendments and Revisions by Charter Review Commission regarding CRC vacancies. Mr. Swartz provided a draft proposal to the CRC. Mr. Brown, Esq. clarified that a vacancy resulting from a resignation will be filled within 30 days by the commissioner who originally appointed the member.

After discussion, Mr. Campbell moved to approve Mr. Swartz's draft amending Section 4.2.B., Amendments and Revisions by Charter Review Commission with the understanding that the language they have been discussing would be formalized and completed by Mr. Brown, Esq., and brought back to the CRC for approval. Ms. Mohorich seconded the motion, which **carried 12-1, with Mr. Pfenning dissenting.**

#### RECESS

- Discuss Issue #9, "Consideration for registered voters in Clay County to have the right to reduce, suspend or rescind impact fees".

#### PUBLIC COMMENTS FOR ISSUE #9

- Bill Garrison, 5288 CR 218, Middleburg: Opposed to impact fees.
- David Johnson, 2301 Plainfield Avenue, Orange Park: Spoke about impact fees.
- Marjorre Lapinsky, 4524 Redwing Court, Middleburg: Spoke about impact fees.

Mr. David moved to not consider issue #9, "Consideration for registered voters in Clay County to have the right to reduce, suspend or rescind impact fees." Mr. Rinker seconded the motion, which **carried 11-1, with Mr. Pfenning dissenting.**

Mr. Mobley resigned from the CRC during recess and was not present for this motion. Madam Chair Wiggins will contact Commissioner Davis regarding the resignation.

Mr. Campbell moved for Mr. Brown, Esq. to provide the CRC with a standard set of rules and procedures for them to follow that would include Mr. Brown serving as their parliamentarian. Mr. Anzalone seconded the motion.

After discussion, Mr. Campbell withdrew his motion. The second to the motion was withdrawn.

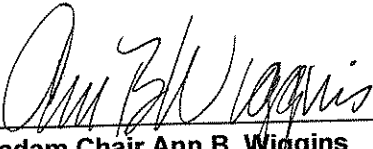
### COMMISSIONER COMMENTS

- Mr. Pfenning: Suggested that a rule be adopted to prohibit name calling in that it is not acceptable behavior.
- Mr. Kerekes: Inquired about the procedures for the security provided by the Sheriff's Office to act when necessary.
- Mr. Easterling, Sr.: Commented that their time was valuable and they should focus on the issues placed before them. Spoke about the sale of alcohol on Sunday.
- Mr. Swartz: Commented that their minutes reflect a motion failed to place the alcohol sale on Sunday on the ballot. Mr. Kerekes moved to table the issue until the CRC has legal representation to see if there was another way to place it on the ballot; the issue has not been removed from their list.

### PUBLIC COMMENTS

- Bill Garrison: 5288 County Road 218, Middleburg: Commented on their independence due to hiring an outside attorney. He suggested a procedure be established to require all future Charter Review Commissions to retain legal counsel within the first few meetings of their session.
- Durwood Smith: 3116 Moody Avenue, Orange Park: Commented on their independence due to hiring an outside attorney. Commented that they should not be discussing the removal of the charter form of government because they were tasked to review the charter to see if there should be any changes to it. They should not place alcohol sales and casino gambling in the charter.

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

  
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Madam Chair Ann B. Wiggins

  
\_\_\_\_\_  
Ann Mitchell, Recording Secretary

**REVISED AGENDA**  
**2009/2010 CHARTER REVIEW COMMISSION**  
**Thursday, April 8, 2010**  
**6:30 p.m., BCC Meeting Room**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

March 25, 2010

OLD BUSINESS

- Legal Counsel Task Force Report (Kerekes)
- Discuss the vote on the casino gambling amendment (Campbell)
- Discuss an amendment regarding CRC vacancies (Swartz)
- Discuss the following Issue
  9. Consideration for registered voters in Clay County to have the right to reduce, suspend or rescind impact fees.

CRC COMMENTS

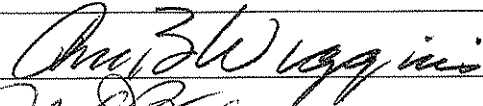
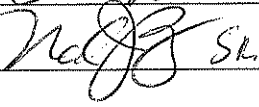
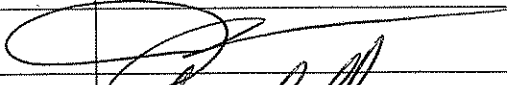
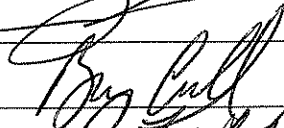
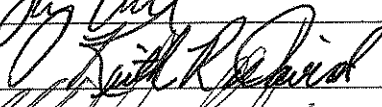
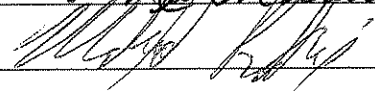
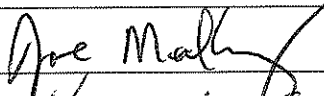
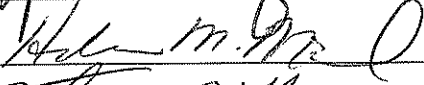
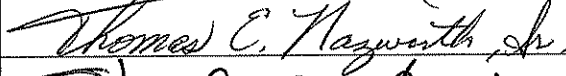
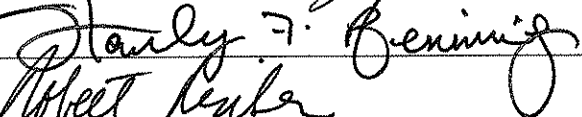
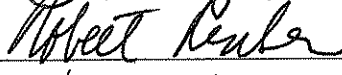
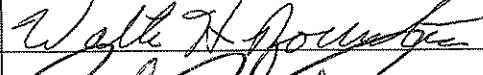
PUBLIC COMMENTS

ADJOURN

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

**April 8, 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.	
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