

**MINUTES
CLAY COUNTY, FLORIDA
2009/2010 CHARTER REVIEW COMMISSION
APRIL 19, 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 Michael Kerekes

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, Keith R. David, Michael Kerekes, David Mickel, Helen M. Mohorich, Stanley F. Pfenning, Bob Rinker, Walter H. Rountree, and Rod D. Swartz.

The following were absent: Bryan Campbell, Frank F. Andrea, and Thomas Nazworth, Sr.

APPROVAL OF MINUTES

Ms. Mohorich moved to approve the minutes of the regularly scheduled CRC meeting of March 29, 2010. Mr. Kerekes seconded the motion, **which carried 9-1, with Mr. Pfenning dissenting.**

Mr. Anzalone arrived at 6:36 p.m.

Ms. Mohorich moved to approve the minutes of the regularly scheduled CRC meeting of April 8, 2010. Mr. Kerekes seconded the motion, **which carried 10-1, with Mr. Pfenning dissenting.**

Regarding the terms and scope of representation of Larry Brown of Brown, Garganese, Weiss & D'Agresta, P.A., the scope of the representation will be to advise the Charter Review Commission on all questions presented by the Commission, to attend all meetings of the Commission, to draft ballot language for the referendum election on amendments to the County Charter, and to conduct such legal research and to provide such advice as is reasonably necessary to facilitate the orderly and efficient operation of

the Charter Review Commission and to insure that the recommended amendments to the charter are lawful and permissible under Florida law. The fees for this representation will be \$190.00 per hour for shareholders/partners of the law firm, \$175.00 per hour for associates, and \$85.00 per hour for paralegals. Other special rules include the following: 1) The law firm will not bill for travel time and will only bill mileage, meals and other expenses in accordance with the standards set out in Section 112.061, Florida Statutes, as the same may be modified by local procedure in Clay County; 2) The actual charges for Westlaw computerized legal research will be pass-through billing and it is anticipated that computerized legal research will allow for the law firm to perform its work efficiently; 3) Reasonable and customary charges for photocopies and express delivery will be charged without any markup; and 4) the law firm will communicate and take direction through action of the Commission or in consultation with the designated representative of the Commission for legal services to the Commission.

OLD BUSINESS

After discussion, based on the numerous unexcused absences, it was a consensus that Frank F. Andrea resign from the CRC at his earliest convenience. His resignation will be placed on the May 3, 2010 CRC agenda for approval.

Mr. Brown, Esq. will provide a draft proposal regarding charter member vacancies for the May 3, 2010, CRC agenda for discussion.

- Discussion as to whether restrictions of alcohol sales can be placed in the charter.

Mr. Brown, Esq. informed the CRC that they do have the ability to place alcohol standards in their Charter. A lengthy discussion ensued regarding possible language or standards for a ballot question. Mr. Brown, Esq. explained that the difference between a Charter versus ordinance is that the Charter is your constitution. The Board of County Commissioners (BCC) can by majority vote pass ordinances; however, the BCC could not by majority vote pass ordinances that conflict with the Charter revision. They can't pass laws that exceed the boundaries set by the Florida Constitution. A vote of the electorate is required to amend the Charter.

Mr. Rountree moved to table the alcohol sale issue and pass it on to the BCC to handle.
The motion died for the lack of a second.

After discussion, Ms. Mohorich moved that the Sunday alcohol sale issue be discussed at the May 3, 2010 CRC meeting. Mr. Kerekes seconded the motion, **which carried 10-1, with Mr. Easterling, Sr. dissenting.** Mr. Brown, Esq. will provide the draft proposal language for the referendum election. If the Charter provision passes by the electorates,

it will restrict the BCC from regulating sales of alcoholic beverages on any day of the week during the hours where Clay County currently allows alcoholic beverages to be sold, which is now six days per week. A blank line will be included to be filled in for a sunset clause.

QUESTIONS FOR THE ATTORNEY

- Mr. Rinker asked about the procedures for the public hearings.
- Mr. Kerekes asked when they could expect the draft language for the referendum election prohibiting county restrictions on hours of alcohol sales.
- Mr. Pfenning asked Mr. Brown to review the CRC meeting legal notices.

Madam Chair Wiggins stated that two of the CRC members drafted a memo for the BCC regarding Sunday alcohol sales in Clay County. After discussion, Mr. Pfenning moved to abandon the letter. Ms. Mohorich seconded the motion, **which carried, 6-5 with Mr. Rinker, Mr. Anzalone, Mr. Mickel, Mr. Kerekes, and Mr. Swartz dissenting.**

There being no further business, the meeting adjourned at 7:56 p.m.

Madam Chair Ann B. Wiggins

Ann Mitchell, Recording Secretary