

**MINUTES  
CLAY COUNTY, FLORIDA  
2009/2010 CHARTER REVIEW COMMISSION  
MAY 17, 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

Madam Chair Ann Wiggins

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, Thomas Nazworth, Sr., Stanley F. Pfenning, Bob Rinker, Walter H. Rountree, Durwood Smith, and Rod D. Swartz.

The following were absent: Michael Dezsi (out of town), and Bryan Campbell (ill).

New CRC member Durwood Smith was introduced. He commented that he wanted to make a positive contribution to the CRC.

APPROVAL OF MINUTES

Ms. Mohorich moved to approve the minutes of the regular CRC meeting of May 3, 2010. Mr. Kerekes seconded the motion, which **carried 12-0**.

Mr. Mickel arrived at 6:37 p.m.

After discussion, Mr. Kerekes moved to hold the three (3) required public hearings on the dates listed below. Mr. David seconded the motion, which **carried 11-2, with Mr. Rinker and Mr. Rountree dissenting**.

First Public Hearing	Thursday, May 27, 2010	6:30 p.m.
Second Public Hearing	Monday, June 7, 2010	6:30 p.m.
Third Public Hearing	Monday, June 21, 2010	6:30 p.m.

After discussion, Mr. Kerekes moved to delete the following text ~~“and at the option of the Board of County Commissioners, this section may then be deleted from this Charter. If the question is disapproved at referendum, it may be offered to the electorate again from time to time, but in no case more frequently than once in any period of 24 months”~~ under Section 1.5: Casino Gambling, C. Referendum; replacing in the Charter, a provision that if casino gambling is approved by the voters, then Section 1.5 will be removed from the Charter, except that the right to casino gambling will stay embedded in the Charter. Mr. Mickel seconded the motion, which **carried 7-6, with Mr. Pfenning, Mr. Anzalone, Mr. Smith, Mr. David, Mr. Nazworth, Sr., and Mr. Rountree dissenting.**

## BRIEF RECESS

## PUBLIC COMMENTS

- Travis Christensen, 2871 Affirmed Court, Green Cove Springs, spoke about the restriction of alcohol sales on Sunday.

After discussion regarding the draft proposal for the referendum election prohibiting county restrictions on hours of alcohol sales, it was the consensus that Mr. Brown, Esq. amend the current ballot language to reflect that the hours of sale of alcohol beverages are no more restrictive than the hours of sale permitted under state law. When the amendment proposal(s) are approved as amended at the CRC public hearings, they will be sent to the BCC who must place them before the voters by a resolution and adopt the language for the general election ballot.

After discussion, Mr. Kerekes moved to accept the Legal Counsel Task Force minutes of March 31, 2010 and April 7, 2010. Mr. David seconded the motion, which **carried 13-0**. Further, Mr. Brown, Esq. recommended the audio recordings of those meetings be submitted to the recording secretary for the official record.

After discussion, Mr. Nazworth, Sr. moved to pay Brown, Garganese, Weiss & D'Agresta, P.A. for professional services, in the amount of \$5,582.47. Mr. Swartz seconded the motion, which **carried 13-0**.

After a lengthy discussion regarding the draft proposal for the referendum election of CRC vacancies, Mr. Rinker moved to proceed with the amendment with language for the five alternates to be appointed, and not move forward on any of the other four revisions. Mr. David seconded the motion, which **failed 8-5**.

### **AMENDMENT #1**

Mr. Swartz moved to ACCEPT the draft language for amendment #1, "Amending Charter To Emphasize The Purpose Of Charter Review." Mr. Kerekes seconded the motion. After discussion, **Mr. Swartz rescinded his motion.**

Mr. Kerekes moved to REMOVE amendment #1, "Amending Charter To Emphasize The Purpose Of Charter Review" from consideration. Mr. David seconded the motion.

A motion to call the question was made and seconded. Motion **carried 12-1, with Mr. Pfenning dissenting.**

A roll call vote was taken for the question, which **carried 12-1, with Mr. Pfenning dissenting.**

### **AMENDMENT #2**

Mr. Kerekes moved to ACCEPT the draft language for amendment #2, "Amending Charter To Provide For Appointment Of Alternate Members" as presented at the end of discussion. Mr. Swartz seconded the motion, and **carried 10-3, with Mr. Mickel, Mr. David, and Mr. Nazworth, Sr. dissenting.**

### **AMENDMENT #3**

Mr. Kerekes moved to REJECT the draft language for amendment #3, "Amending Charter To Require Notice To The Public Of Openings On The Commission." Mr. Rinker seconded the motion, which **carried 9-4, with Mr. Pfenning, Mr. Anzalone, Ms. Mohorich, and Mr. Swartz dissenting.**

Mr. Rountree excused himself from the meeting; 12 members are present.

BRIEF RECESS

### **AMENDMENT #4**

After a lengthy discussion, Mr. Kerekes moved to ACCEPT the amended draft language for amendment #4, "Amending Charter To Allow Removal Of A Member For Abandonment Of Position Or For Cause" as follows: Shall the Charter be amended to allow the Charter Review Commission, by majority vote, to remove a member who has been absent from three consecutive meetings, or a total of five meetings without proper excuse, and to provide for removal of a member for cause by a two-thirds vote of the full membership of the Charter Review Commission. Mr. Swartz seconded the motion, which **carried 8-4, with Mr. Rinker, Mr. Pfenning, Mr. Mickel, and Mr. Nazworth, Sr. dissenting.**

Mr. Pfenning moved to amend the motion to include language for three (3) consecutive meetings, or a total of five (5) meetings. Mr. Kerekes seconded the amendment, which **carried 10-2, with Mr. Mickel and Mr. Nazworth, Sr. dissenting.**

#### **AMENDMENT #5**

Mr. Swartz moved to ACCEPT the draft language for amendment #5, "Amending Charter To Provide A Procedure For Alternates To Fill Vacant Charter Review Commission Positions." Mr. Kerekes seconded the motion, which **carried 9-3, with Mr. Pfenning, Mr. Mickel, and Mr. Nazworth, Sr. dissenting.**

After discussion, Mr. Kerekes moved to amend the draft language for amendment #5, to strike the following language, "~~If there is not an available alternate residing in the same District of the County as the vacated member, then the open seat will be filled by a motion of a Charter Review Commissioner nominating one of the alternates to fill the open seat, and approval of such nominee by simple majority of quorum present~~", and replace it the language with, "The alternate residing in the same District of the County in which the former Commissioner resided will automatically fill that vacancy; and if an alternate from the same District is unavailable, then the alternate filling the position will be appointed from the next District number in numerical sequence." Ms. Mohorich seconded the motion, which **carried 9-3, with Mr. Pfenning, Mr. Mickel, and Mr. Kerekes dissenting.**

Mr. Chance Brown emailed the CRC regarding various issues concerning the Clay County Soil and Water Conservation District. After discussion, it was a consensus that Mr. Brown, Esq. prepare language for a ballot question that would dissolve the Clay County Soil and Water Conservation District, so it can be included with the other ballot questions that will be submitted by noon tomorrow for newspaper public notice. Including the Clay County Soil and Water Conservation with the rest of the CRC ballot amendments will give Mr. Brown, Esq. the opportunity to research the establishment of this committee before their first public hearing scheduled for May 27, 2010.

There being no further business, the meeting adjourned at 11:00 p.m.

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Madam Chair Ann B. Wiggins

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Recording Secretary Ann Mitchell