

**MINUTES  
CLAY COUNTY, FLORIDA  
2009/2010 CHARTER REVIEW COMMISSION  
MONDAY, JUNE 7, 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**

Mike Dezsi

**ROLL CALL**

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

Mr. Rinker was absent. Mr. Kerekes had not arrived at this time; 13 members present.

Mr. Swartz moved to pay Brown, Garganese, Weiss & D'Agresta, P.A. for professional services, in the amount of \$6,116.68. Ms. Mohorich seconded the motion, **which carried 13-0.**

**OPENED THE PUBLIC HEARING FOR AMENDMENT 1**

**PUBLIC COMMENTS FOR AMENDMENT 1**

- Bill Garrison, 5288 County Road 218, Middleburg, commented that the amendment is unnecessary.

Mr. Kerekes arrived at 6:40 p.m.; 14 members present.

Discussion ensued regarding Amendment 1. After discussion, it was the general consensus to amend the language for Amendment 1 as follows:

COUNTY CHARTER AMENDMENT 1:

AMENDING CHARTER TO REQUIRE THAT CASINO GAMBLING BE VOTED ON AT THE FIRST LAWFUL ELECTION:

Shall Section 1.5 of the Charter, concerning casino gambling, be amended to require that the Board of County Commissioners must place on the ballot at the first lawfully available general election after a state law is passed that allows casino gambling in Florida, ~~by local option of~~ for a vote by the voters of Clay County, the question of whether casino gambling in Clay County shall be allowed in the County?

Yes \_\_\_\_\_

No \_\_\_\_\_

PUBLIC COMMENTS

- Robert Machala, 1828 Chatham Village Drive, Fleming Island, commented that he was opposed to Amendment 1.
- Travis Christensen, 2871 Affirmed Court, Green Cove Springs, commented that the citizens could do a citizens petition to place this on the ballot.

CLOSED THE PUBLIC HEARING FOR AMENDMENT 1

OPENED THE PUBLIC HEARING FOR AMENDMENT 2

COUNTY CHARTER AMENDMENT 2:

AMENDING CHARTER TO REMOVE SECTION 1.5 IF VOTERS APPROVE CASINO GAMBLING BUT PRESERVING GAMING RIGHTS:

Shall Section 1.5 of the Charter, which concerns casino gambling, be amended to provide that it will be removed from the Charter if the voters approve casino gambling in Clay County, with the exception that the right to have casino gambling once approved by the voters shall remain in the Charter?

Yes \_\_\_\_\_

No \_\_\_\_\_

PUBLIC COMMENTS FOR AMENDMENT 2 (There were no public comments)

CLOSED THE PUBLIC HEARING FOR AMENDMENT 2

OPENED THE PUBLIC HEARING FOR AMENDMENT 3

COUNTY CHARTER AMENDMENT 3:

AMENDING CHARTER TO PROVIDE MINIMUM HOURS OF ALCOHOL BEVERAGE SALES IN CLAY COUNTY:

Shall the Charter be amended to require that alcohol beverage sales in Clay County must be allowed in unincorporated areas at least during the hours of 7:00 a.m. until 2:00 a.m. of the following day, Sunday through Saturday of each week; and further amending the Charter to

provide that any existing ordinance restricting hours of sale of alcohol beverages to any greater extent than the hours herein provided shall be deemed repealed?

Yes \_\_\_\_\_

No \_\_\_\_\_

PUBLIC COMMENTS FOR AMENDMENT 3

- David M. Chesser, 4162 Deer Trail, Middleburg, spoke about the sale of alcohol on Sunday.
- Travis Christensen, 2871 Affirmed Court, Green Cove Springs, commented that the hours of alcohol sales should be the same for every day of the week.
- Reverend Charlie Hunt, 848 Arthur Moore Drive, Green Cove Springs, commented that he was opposed to Amendment 1.
- Michael Finnick, 598 Branscomb Road, Green Cove Springs, provided a list of 20 students who recently graduated from high school and work for Winn Dixie. He spoke about the quality of life in Clay County and the fight for jobs in the community.
- Bill Garrison, 5288 County Road 218, Middleburg, is opposed to Amendment. He suggested the CRC not take citizen's opinions personally.
- Robert Machala, 1828 Chatham Village Drive, it is his opinion that Amendment 3 should not be in the Charter.
- Chairman Commissioner Travis Cummings informed the CRC that he was concerned that the language proposed in Charter Amendment 3, should it pass, could have some consequences for the Board of County Commissioners to regulate the sale of alcohol in certain areas of the county, specifically in his district. He stated that he was not objecting or supporting the issue of Sunday alcohol sales hours; rather, he wanted the CRC to know that the language may restrain the Board of County Commissioners from enforcing certain events or situations particularly in the evening and early morning hours. He asked that they include language through ordinance, different hours for alcohol sales in certain areas of the county through an exception clause that could be written into the proposed amendment.

CLOSED THE PUBLIC HEARING FOR AMENDMENT 3

Mr. Smith moved to remove Amendment 3 for consideration. Mr. Swartz seconded the motion. After a lengthy discussion, the motion **failed 7-7, with Mr. Mickel, Mr. Kerekes, Mr. Easterling, Sr., Madam Chair Wiggins, Ms. Mohorich, Mr. Swartz, and Mr. Dezsi dissenting.**

BREAK

OPENED THE PUBLIC HEARING FOR AMENDMENTS 4, 5, and 6

**COUNTY CHARTER AMENDMENT 4:**

**AMENDING CHARTER TO PROVIDE FOR APPOINTMENT OF ALTERNATE MEMBERS:**

Shall Subsection 4.2.B of the Charter be amended to provide for appointment of five alternate members of the Charter Review Commission, with the requirement that the Board of County Commissioners shall appoint Commission members and alternates such that an equal number of them, if reasonably possible, reside within each District of the County?

Yes \_\_\_\_\_

No \_\_\_\_\_

**COUNTY CHARTER AMENDMENT 5:**

**AMENDING CHARTER TO ALLOW REMOVAL OF A MEMBER FOR ABANDONMENT OF POSITION OR FOR CAUSE:**

Shall the Charter be amended to allow the Charter Review Commission, by majority vote, to remove a member who has been absent without proper and prior excuse, from three consecutive meetings or a total of five meetings; and providing for removal of a member for serious cause or misconduct, after due process, by a two-thirds vote of the full membership of the Charter Review Commission?

Yes \_\_\_\_\_

No \_\_\_\_\_

**COUNTY CHARTER AMENDMENT 6:**

**AMENDING CHARTER TO PROVIDE THE PROCEDURE FOR ALTERNATES TO FILL VACANCIES ON THE CHARTER REVIEW COMMISSION:**

Shall the Charter be amended to provide a procedure whereby 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?

Yes \_\_\_\_\_

No \_\_\_\_\_

PUBLIC COMMENTS FOR AMENDMENTS 4, 5 and 6

- Robert Machala, 1828 Chatham Village Drive, Fleming Island, commented that it was not necessary to amend the Charter.
- Bill Garrison, 5288 County Road 218, Middleburg, is opposed to alternate CRC members and does not support the power of the CRC to remove one of its members for cause.

CLOSED THE PUBLIC HEARING FOR AMENDMENTS 4, 5 and 6

Madam Chair Wiggins moved to remove the following language in Charter Amendment 5, ~~“and providing for removal of a member for serious cause or misconduct, after due process, by a two-thirds vote of the full membership of the Charter Review Commission.”~~ Mr. Nazworth, Sr. seconded the motion.

Mr. Kerekes moved to amend Madam Chair’s motion to as follows: “Shall the Charter be amended to allow the Charter Review Commission, by majority vote, to remove a member who has been absent without proper and prior excuse, from three consecutive meetings. ~~or a total of five meetings; and providing for removal of a member for serious cause or misconduct after due process, by a two-thirds vote of the full membership of the Charter Review Commission.~~” Ms. Mohorich seconded the motion, **which carried 12-2, with Mr. David and Mr. Swartz dissenting.**

After discussion, Madam Chair Wiggins withdrew her motion.

Mr. David moved to amend the previous motion removing only the following language in Amendment 5: ~~“and providing for removal of a member for serious cause or misconduct, after due process, by a two-thirds vote of the full membership of the Charter Review Commission.”~~ Mr. Nazworth, Sr. seconded the motion, **and failed 7-7.**

Mr. Rountree left the meeting at 9:32 p.m.; 13 members remain.

Mr. Swartz moved to amend Charter Amendment 5 to the following paragraph: “Shall the Charter be amended to allow the Charter Review Commission, by majority vote, to remove a member who has been absent without proper and prior excuse from three consecutive meetings; and providing for removal of a member for serious cause or misconduct as defined by the Charter Review Commission, after due process, by a two-thirds vote of the full membership of the Charter Review Commission?” The motion was seconded by Mr. Kerekes, and **carried 9–4, with Mr. Pfenning, Mr. Mickel, Mr. David, and Mr. Nazworth, Sr. dissenting.**


Mr. Kerekes moved to amend the Amendment 5 as follows: “Shall the Charter be amended to allow the Charter Review Commission, by majority vote, to remove a member who has been absent without proper and prior excuse from three consecutive meetings; and providing for removal of a member for serious cause or misconduct as defined by the Charter Review Commission, after due process, by a two-thirds vote of the full membership of the Charter Review Commission?” Mr. Swartz seconded the motion, **which carried 12-1, with Mr. Smith dissenting.**

PUBLIC COMMENTS

- Robert Machala, 1828 Chatham Village Drive, commented on all of the proposed Charter amendments.

There being no further business, the meeting adjourned at 10:00 p.m.

  
\_\_\_\_\_  
Madam Chair Ann B. Wiggins

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

**AGENDA**  
**SECOND PUBLIC HEARING**  
**2009/2010 CRC**  
**Monday, June 7, 2010**  
**6:30 p.m., BCC Meeting Room**

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**NEW BUSINESS**

- Approval to pay Brown, Garganese, Weiss & D'Agresta, P.A. in the amount of \$6,116.68 for professional services.

**PUBLIC HEARING TO CONSIDER THE FOLLOWING**  
**CLAY COUNTY CHARTER AMENDMENTS:**

- **Amendment #1:** Amending Charter To Require That Casino Gambling Be Voted On At The First Lawful Election.
- **Amendment #2:** Amending Charter To Remove Section 1.5 If Voters Approve Casino Gambling But Preserving Gaming Rights.
- **Amendment #3:** Amending Charter To Provide Minimum Hours Of Alcohol Beverage Sales In Clay County.
- **Amendment #4:** Amending Charter To Provide For Appointment of Alternate Members.
- **Amendment #5:** Amending Charter To Allow Removal Of A Member For Abandonment Of Position Or For Cause.
- **Amendment #6:** Amending Charter To Provide The Procedure For Alternates To Fill Vacancies On The Charter Review Commission.

**QUESTIONS FOR ATTORNEY**

**CRC COMMENTS**

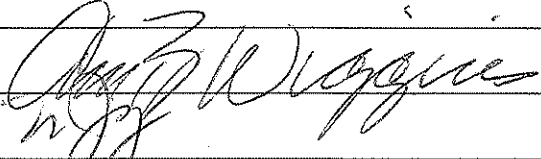
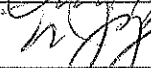

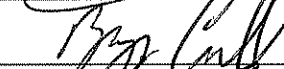

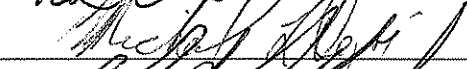
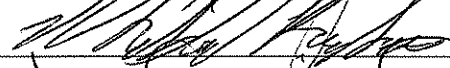

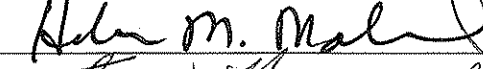
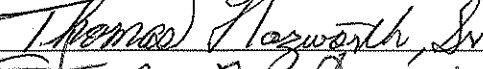


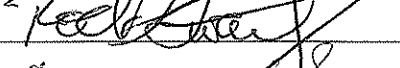
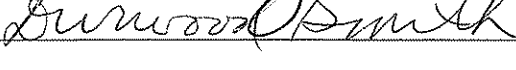
**PUBLIC COMMENTS**

**ADJOURN**

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

**Monday, June 7, 2010**

**6:30 pm**

NAME	SIGNATURE
Ann B. Wiggins, Chair	
Mark J. Easterling, Sr., Vice Chair	
Joseph Anzalone	
Bryan Campbell	
Keith R. David	
Michael Dezsi	
Michael Kerekes	
David Mickel	
Helen M. Mohorich	
Thomas Nazworth, Sr.	
Stanley F. Pfenning	
Bob Rinker	
Walter H. Rountree	
Rod D. Swartz	
Durwood Smith	
Larry Brown, Esq.	
Bill Reischmann, Esq.	