



CITY OF WINTER GARDEN

CITY COMMISSION SPECIAL MEETING MINUTES

September 5, 2014

A **SPECIAL MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 3:00 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida.

Present: Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager - Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Orlando Sentinel Reporter Steven Hudak and West Orange Times Reporter Amy Quesinberry Rhode

Mayor Rees noted that this meeting is to clarify some issues that occurred at the last meeting. Our next regularly scheduled City Commission meeting is next Thursday, which is September 11th and he does not want any discord at that meeting because it should be reserved for reflecting upon the events that took place thirteen years ago.

Mayor Rees started by stating that if he was not in compliance with the law at the last City Commission meeting he offers his sincere apology to anyone that was affected directly or indirectly by his decision. He will not waiver on his principals or convictions.

Mayor Rees offered that he has been attending City Commission meetings since the 1970's and it has always been the protocol and tradition of our City to stand during the invocation and Pledge of Allegiance to the flag. Mayor Rees again apologized and stated that we would move forward and turned it over to the City Attorney.

City Attorney Ardaman stated that he has prepared three resolutions for the City Commission's consideration regarding the opening ceremonies of the meetings. One is a rotating invocation by invitation plus the Pledge of Allegiance. The second is for a moment of silence plus the Pledge of Allegiance, and the third drafted resolution is for no invocation, no moment of silence, and no Pledge of Allegiance.

Mr. Ardaman noted that under the first two options, the rotating invitation and the moment of silence, the public would be invited to stand but not required to stand. If the public were so inclined they could wait in the hallway until the opening ceremonies were completed. He stated that there are multiple variations to these three resolutions that could be considered and opened it to the City Commission for discussion and consideration.

Commissioner Olszewski reflected on when he became a City of Winter Garden Commissioner, and took an oath to protect and defend the Constitution of the United States of America, which he takes very seriously. He expressed that one thing that the Constitution does is protects the freedom of religion, not the freedom from religion. He looked at the resolutions offered by the City Attorney and feels the most prudent representation of what it means to be an American, to defend the Constitution where all men are created equal and all religions are welcomed to be expressed. Whether you believe or not is your right. He stated that of all the resolutions presented, the one most indicative of the inclusiveness is the rotating invocation. It is the best representation of defending the Constitution and the freedom of religion. He thinks that resolution would put the City of Winter Garden in a comparable position with the policies already in place with Orange County government and the City of Orlando, which is the largest city in Orange County.

Motion by Commissioner Olszewski to adopt the resolution with the rotating invocation. The motion died for a lack of a second.

Commissioner Buchanan stated that he disagrees with Commissioner Olszewski's statements because in his opinion it is a sincere desire for each individual to either pray or not pray in whichever way they feel would best suit their beliefs. He thinks the best way to solve this matter is to have a moment of silence.

Motion by Commissioner Buchanan to adopt the resolution offering a moment of silence and the Pledge of Allegiance. Seconded by Commissioner Makin.

Commissioner Makin indicated that he agreed with everything that Commissioner Buchanan stated.

Commissioner Sharman noted that he would support the motion but he personally does not think the City Commission needs to change and would like to keep things the way they are.

Mayor Rees also agree that he too would like to keep things the way they are.

Mr. Ardaman stated that since there is a motion and a second pending for a vote this on the resolution, he would like to read the title only. Mr. Ardaman proceeded to read the title of **Resolution 14-05**.

Mayor Rees reiterated that he would like to keep things the way they are but that might present a challenge. His second choice would be to allow all the different religious bodies and entities in Winter Garden to give the invocation.

Commissioner Olszewski asked for clarification on Commissioner Sharman's stance on this issue. **Commissioner Sharman** responded that he would like to hear all discussion.

Mayor Rees addressed the conduct expected by the speakers and the audience during the upcoming public comment time. Mayor Rees opened the matter to public comment.

Public Comment

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, expressed his agreement with the Mayor's statements. He asked why would there need to be any change based on the U.S. Supreme Court ruling on May 5, 2014. He read a couple of paragraphs of the ruling. He stated that the City is not required to change and expressed that he is in favor of keeping the prayer and Pledge of Allegiance.

Commissioner Olszewski asked the City Attorney for clarification regarding the United States Supreme Court ruling mentioned by Mr. Graham. Commissioner Olszewski stated that it is his understanding, based on that ruling that the City of Winter Garden would not be in compliance.

Mr. Ardaman responded that he had spoken to the City Manager and the thought it was best to let everyone speak and then address all points at the end, but affirmed there is a clear distinction between the City's past practice and that recent case. Commissioner Olszewski stated he asked the question in case others want to bring up the same issue.

Stephen Nuzzo, 546 W. Bay Street, Winter Garden, Florida, spoke in favor of keeping things the way they are. He expressed that he moved here because this City is old town America. He spoke to the breakdown in the moral fiber of America.

Rod Reynolds, 308 Vic Kay Court, Winter Garden, Florida, expressed his position as a Christian that prays daily and would pray publicly here, if asked by the Mayor. He respects the troops for what they have done for his right to stand and address this community without fear of being taken from this building for his beliefs. He noted that this same freedom protects those who may think differently than he does. He may not agree but has to be tolerant. They also have to be tolerant with him as well. He noted that Constitutionally it has not been ruled that it is wrong to pray or say the Pledge in a public meeting. The way to change the current policy exercised by the elected officials is by the ballot box. He asked the commission to carry on.

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, thanked the City Commission for the opportunity to speak. He expressed his gratitude for their considering his request in May 2014 of making invocations more inclusive. He noted that he is sure City Manager Bollhoefer and other city leaders have clearly worked hard to make sure the City is in line with the current law and with the Supreme Court decisions. Mr. Richardson asked that the City Commission adopt the resolution that includes the moment of silence in which each citizen can reflect on the salinity of this occasion without officially aligning this body with one religion over another. He thanked the City Commission for these resolutions recognizing the free speech rights of all Americans, to decline, or say, or stand for the Pledge. He stated that he intensely respects our country, our military, and their sacrifices, but also reserves the right to show respect in ways that he chooses and not in ways mandated either through the legislature or by peer

pressure. Mr. Richardson read a statement from his wife, Kathleen Richardson, in which she spoke in favor of a moment of silence and a Pledge of Allegiance.

Choice Edwards, 2062 Dobson, Clermont, Florida, spoke in favor of a moment of silence which would include everyone. He read a quotation from the Holy Bible; Matthew 6:5-6.

David Williamson, P.O. Box 621123, Oviedo, Florida, stated this is about religion, not patriotism. He stated that one-fifth of U.S. citizens and one-third of adults under 30 claim no religion. Things that many have assumed for themselves for so long is a right have actually been just a privilege. He spoke on the meaning of freedom of religion under the First Amendment. He urged the City Commission to honor all of its constituents with a moment of silence and especially City staff, who are not here voluntarily. This will allow them to participate in a way that neither violates their own religious doctrine, nor impacts anyone else's rights to worship. He noted that all religions would have to be welcomed if the City opens the door to prayer.

Heidi Lamoreaux, 14724 Avenue of the Rushes, Winter Garden, Florida, spoke in opposition of any invocation; she prefers the option of just starting the meeting and getting down to business. She noted that she would also be okay with a moment of silence, if it's needed.

Mayor Rees thanked everyone for their comments and opened it up to the City Commission for discussion.

Commissioner Olszewski asked for clarification from the City Attorney on doing nothing and leaving it as is. Mr. Ardaman responded that with respect to the invocation and pledge of allegiance, his recommendation would be to make a change. Any of the options he's provided are appropriate even if adjustments are made.

At this time, **Mayor Rees** recognized an additional public comment.

Bev Daniels, 433 N. Main Street, Winter Garden, Florida, read a letter written by her husband Merv Daniels in favor keeping things the way they are and addressing those who do not want to participate by letting them know that they do not have to do so according to Federal Law.

Commissioner Olszewski addressed the motion on the table stating that we have freedoms that are protected and the public can choose to believe or not to believe regarding both the invocation and the Pledge of Allegiance. He shared that he believes that we are one nation under God with the freedom of religion, not the freedom from religion.

Mayor Rees called for the vote.

Mr. Ardaman clarified that the motion and second on the table is to approve **Resolution No. 14-05** with respect to a moment of silence and Pledge of Allegiance to the flag.

Motion to adopt Resolution 14-05 carried 3-2; Favor: Commissioners Makin, Buchanan, and Sharman; Opposed: Mayor Rees and Commissioner Olszewski.

The meeting adjourned at 3:44 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC