



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

June 25, 2020

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem Buchanan at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance given.

Present: Mayor John Rees and Commissioners

Lisa L. Bennett – District 1

Mayor Pro-Tem Bob Buchanan – District 2

Mark A. Maciel – District 3

Colin Sharman – District 4

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimmage, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Jon Williams, Community Development Director Stephen Pash, Information Technology Director Chad Morrill, Finance Director Laura Zielonka, Fire Chief Matt McGrew and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Sharman to approve regular meeting minutes of June 11, 2020 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

2. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

A. **Ordinance 20-23:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING AND REPLACING ORDINANCE 18-09 GENERALLY KNOWN AS THE WEST MARKET PCD PERTAINING TO THE 18.25 +/- ACRE PROPERTY GENERALLY LOCATED SOUTH OF WEST COLONIAL DRIVE, WEST OF SOUTH PARK AVENUE, AND NORTH OF SAND LIME ROAD; AMENDING THE WEST MARKET PCD TO ALLOW AN AUTOMOTIVE SERVICE CENTER AND BANK WITH DRIVE-THRU AS PERMITTED USES, AMENDING THE DEVELOPMENT PLAN AND OTHER DEVELOPMENT RESTRICTIONS; PROVIDING FOR NONSEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-23 by title only.

Commissioner Maciel disclosed that he would recuse himself from voting on this item due to a conflict of interest.

Community Development Director Pash stated that this is a request to amend and replace Ordinance 18-09 for the West Market Planned Commercial Development (PCD). He stated that the proposed amendment changed since the last meeting; noting only the one bank with a drive-through. However, he indicated that the automotive center requests a community meeting with the one person in opposition as well as the neighborhood for a possibility of returning with a second amendment. Staff recommends approval of Ordinance 20-23.

Commissioner Sharman noted that he had no questions and would be fine with a future consideration if they could gather the public support, but for now, noted that he would vote as previously.

Mayor Pro Tem Buchanan opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting several minutes and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 20-23.

City Manager Bollhoefer confirmed that the City Commission was in favor of bringing the automotive center issue back later after the community opens. There were no noted objections and Commissioner Sharman stated that they could come back with an amendment if they can get the community to support it.

Seconded by Commissioner Bennett and carried 4-0-1; Commissioner Maciel abstained.

3. REGULAR BUSINESS

A. BOARD APPOINTMENTS: Election Canvassing Board – 4 Members

City Clerk Grimmage noted that the City Charter requires appointments to the Election Canvassing Board by July 1 of the year prior to the election. She noted the need for two regular members and two alternate members. She explained that because of the Presidential Preference Primary and the COVID-19 issue, the members did not actually get to work. She further noted that two members indicated their desire to remain on the board. Staff recommends appointment of the four applicants with the two currently seated members appointed as regular members. At Commissioner Sharman's request, City Clerk Grimmage read the names of the two prior members and then the names of two new applicants.

Motion by Commissioner Sharman to appoint Chiquita P. Camacho (*Regular Member*), Linette Coleman (*Regular Member*), James "Jim" Weisbecker (*First Alternate*), and Mary Rebekah Fritz (*Second Alternate*) to the Election Canvassing Board. Seconded by Commissioner Maciel and carried unanimously 5-0.

B. UPDATE: COVID-19 and Police Policy

City Manager Bollhoefer gave the City Commission an update on changes for staff since the uptick in COVID-19 cases. He reported that no employees have tested positive for the virus, but noted some are awaiting results. He stated that employees who are in contact with the public would be required to wear masks and continue social distancing. He shared several other internal rules to keep the employees safe and the City operational.

Commissioner Sharman shared similar operations of his company, with some employees working from home. City Manager Bollhoefer spoke of those City workers that cannot work from home and are essential.

Police Policy

City Manager Bollhoefer referenced a distributed memo from the City's Police Chief Graham. He spoke of collaborative efforts of local agencies to address topics such as Police use of force and provide choices of whether or not their agency would implement these policies. City Manager Bollhoefer recognized Police Chief Graham to address these items.

Police Chief Graham informed of committees the City participates in, addressing guidelines and best practices; he noted the use of force as one of those issues. He stated that these agencies are Federal and State and assist in implementing the use of force guidelines.

City Manager Bollhoefer noted that the City of Winter Garden does not use the chokehold procedure. He informed there would be other items that would begin on a 90-day implementation, eventually instituting them permanently. He noted that the duty to intervene would be an immediate order through the Police Chief. Other officers witnessing the excess use of force will have an obligation to intervene and all uses of force will require a report. He stressed the implementation of these items and the City of Winter Garden not wanting this to become a politicized issue, result wanted are for us to become better at what we do. He spoke of community efforts and input to implement changes, while ensuring the police are involved in the communications. Mr. Bollhoefer spoke of other responsibilities unfairly dumped on our police officers requiring them to deal with mental illness as social workers, psychiatrist, and counselors. He informed that as a City we would find appropriate ways to deal with these items. He emphasized the building of relationships with the communities.

Commissioner Maciel asked that City Manager Bollhoefer address the uniqueness of the City's contract with the Police Department. Mr. Bollhoefer responded that what is unique is that we are only one of two police departments that do not have to go to binding arbitration when it comes to discipline. He went on to explain that this means the City does not go before an arbitrator, who tend to protect bad officers. Mr. Bollhoefer noted that the City does not have binding arbitration for Police or Fire.

4. MATTERS FROM PUBLIC

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting.

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, noted he was glad to hear about the COVID-19 response and the Police Policy response. He requested that the City Commission answer his prior request to join the My Brother's Keeper pledge.

Mr. Richardson addressed the COVID-19 pandemic, giving statistical data he states relates to Winter Garden showing cases spiking. He advocates the City Commission revert to online meetings.

Heather Gantt, 10120 Fox Meadow Trail, Winter Garden, Florida, read issues with the Wilmington, North Carolina police department and advocated that the City form a citizen's review board as well as adopting the My Brothers Keepers pledge.

After waiting several minutes and receiving no other public calls or comments, Mayor Pro Tem Buchanan closed the public hearing.

5. **MATTERS FROM CITY ATTORNEY** – There were no items.

6. **MATTERS FROM CITY MANAGER**

East Winter Garden Update

City Manager Bollhoefer updated the City Commission on outstanding items relating to East Winter Garden. He informed that the City has been working on an annexation for expanding the CRA. He mentioned the closing of Orange County Offices [due to the COVID-19 pandemic]. He expressed confidence that Orange County will approve the City's CRA extension, which is critical and significant funding for the neighborhood.

He gave an update of the roundabout for Tenth Street and Center Street and spoke of building future homes for those who have been residents of the community and not allowing for gentrification. He named other areas for revitalization and noted work on the intersection as the heart and center of the development.

Food Deliveries

Commissioner Maciel inquired of the food deliveries. City Manager Bollhoefer responded that the City is still doing the food deliveries with a delivery set for Wednesday. He informed that there is still quite a lot of the funding still available and may be needed if things really pick up and the need arises to expand what the City is doing. He spoke of the efforts in place as well as those assisting.

Retired Police Officer Bobby Butler

City Manager Bollhoefer requested an extension of the \$250 insurance stipend for retired Police Officer Bobby Butler, explaining the provision of stipend for the first ten years of an employee's retirement. He detailed the circumstances due to the COVID-19 pandemic.

Mayor Pro Tem Buchanan expressed that he has known Bobby for many years, also sharing that he has been an asset to the City for many years.

Motion by Commissioner Sharman to approve extending the \$250 stipend for Bobby Butler until the end of the calendar year 2020. Seconded by Commissioner Bennett and carried unanimously 5-0.

Orange County Public Schools (OCPS)

City Manager Bollhoefer informed the City Commission of the Orange County Public School's (OCPS) plan to demolish and move the West Side Vo-Tech Center to Ocoee, replacing the current location with a bus depot, which will service the entire west Orange County. He described how this would flood the City's streets with busses on an ongoing basis. He noted that the City has several issues with this and informed that the City Attorney submitted a letter of opposition to Orange County as this would require going through their rezoning process before approval. He strongly expressed that this type of use in this type of neighborhood would be of negative impact. He asked that the City Commission stand with staff in opposition of Orange County bringing this type of use to the community the City is trying to redevelop, expressing that it is not good for the City.

Mayor Rees also voiced his opposition.

Mayor Pro Tem Buchanan asked the City Manager for individual meetings with the City Commission to inform them on how they could oppose this item.

City Manager Bollhoefer noted the process by which Orange County would implement their plans and City Attorney Ardaman expounded on this by describing the steps Orange County would take to go through the process. Mr. Ardaman assured the City Commission of future updates on this item. He noted that if the County staff issues a determination that a transportation compound/bus depot is consistent with the zoning, then the City would do everything to challenge it. City Manager Bollhoefer spoke of how the City Commission and the community could also come together to show their opposition to this item.

City Attorney Ardaman noted that this could be up to 400 busses. Discussion ensued on the facility and who services their amenities.

7. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman commented on being in favor of reverting to remote meetings, delayed response when attending remotely and wearing masks out of respect for persons of high risk. City Manager Bollhoefer noted that staff is reviewing options for moving forward with remote meetings and there was brief discussion about masks.

