

**MINUTES
TOWN OF MONTVERDE
SPECIAL COUNCIL MEETING**

February 28, 2017

The Council of the Town of Montverde met in special session on Wednesday, February 28, 2017 at 6:30 pm in the Mayor's Office at Town Hall.

Council Members Present:

President, Jim Peacock

Vice President, Jim Ley

Glenn Burns

Judy Smith

Absent: Billy Bates

Staff Present:

Joe Wynkoop, Mayor

Graham Wells, Town Clerk

Terry Burden, Public Works Director

Anita Geraci-Carver, Town Attorney

Mayor Wynkoop called the meeting to order at 6:25 pm and led the Pledge of Allegiance.

Roll call was performed, and it was determined that a quorum was present.

MINUTE APPROVAL

There were no minutes for approval.

NEW BUSINESS

IMPACT FEE STUDY

A feasibility study was conducted by Raftelis Financial Consultants, Inc in September 2016 for potential impact fees that the Town could reasonably charge for new construction. The study revealed that impact fees for Fire, Recreation, Roads and Administrative could be charged. To ascertain the correct levels of fees, Raftelis would be required to conduct a further specific study.

\$7,500 was approved by Council to complete the feasibility study. The actual cost of that study and to complete the actual impact fee study for Fire, Roads, Parks & Recreation and administrative proposed by Raftelis, Inc is not to exceed \$26,700.

Council is therefore being asked to approve a further \$19,200 for the study to be completed. *Councilman Ley* asked whether Raftelis would be itemizing their bill based on actual time spent. *Mayor Wynkoop* replied that they would. *Councilman Ley* asked if the Town could task them with Police as well. *Mayor Wynkoop* said that Raftelis had told him that the Town could not charge an impact fee as there was not a police department. He had also talked to a city manager who said that if the Town was planning to create a police department in the next two to four years then an impact fee could be charged.

Councilman Ley said that any startup money for a police department should be in the study. *The Mayor* said that he would get back with Raftelis for confirmation but in the meantime wanted to get the fees approved to get the four departments started. *Councilman Peacock* said that expanding the Town with the annexation of Black East would mean a greater cost of policing for the Town. *Anita Geraci-Carver* explained that you cannot use impact fee monies for salaries and ongoing expenses. They can only be used for startup costs such as the purchase of police cars, equipment etc.

Being no further discussion and no residents present a motion was requested.

MOTION by Councilman Ley to approve change order number two up to \$19,200 for the impact fee study; SECONDED by Councilwoman Smith

For: Burns, Ley, Peacock, Smith

Against: None

Absent: Bates

MOTION CARRIED 4-0

APPROVAL OF FIRM TO CONDUCT THE AUDIT FOR THE TOWN OF MONTVERDE

A Request for Proposals (RFP) was advertised and packets were sent to seven firms. Only one proposal was received from Mc Dirmit Davis from Orlando. The Audit Committee reviewed the proposal against the requirements set out in the RFP on Monday February 27, 2017 and recommended that Council accept the proposal. Council is requested to vote to accept the recommendation to engage Mc Dirmit Davis as the Town's Auditors.

Council had been emailed a copy of the proposal from Mc Dirmit Davis. *Mayor Wynkoop* said that a very experienced city manager had read through it as well as the audit committee. He added that he may be able to get a better price from them if he agreed to a two or three year contract. Being no further discussion a motion was requested.

MOTION by Councilman Peacock to accept the proposal and give the Mayor approval to negotiate for a longer term contract not to exceed three years or agree to a one year contract not to exceed \$19,400: SECONDED by Councilman Ley

For: Burns, Ley, Peacock, Smith

Against: None

Absent: Bates

MOTION CARRIED 4-0

**AMENDMENT TO THE PACKAGE FOR SHORT TERM DISABILITY INSURANCE
COVERAGE FOR TOWN EMPLOEES**

At the Special Council meeting on February 15, 2017 a vote by Council was taken to give an allowance of \$50.00 for short term disability and/or accident coverage for each employee. This gave a disproportionate level of benefit, favoring younger employees on a lower wage. A fairer and more equal system of benefit would be to give all employees only short term disability that would cover sixty per cent of their gross wage or salary after a fourteen day period. The premiums would be higher for older and higher paid employees but the average is below the \$250.00 agreed upon.

Mayor Wynkoop explained that on reflection of the vote taken to give \$50 to each employee, the goal was to give each employee short term disability benefit. This meant that the premiums for older and higher paid employees will be greater than younger and lower paid employees. He had checked the premium rates to do it this way and the total premium for all five came to \$240 per month, slightly lower than the other way.

Following discussion the Mayor recommended to Council to undo what was previously agreed and to vote for the Town to pay only for short term disability insurance cover for all employees at sixty percent of salary beginning fourteen days after the a physician signs off that an employee cannot go to work.

**MOTION by Councilman Ley to repeal the vote taken at the February 15, 2017 meeting giving each employee \$50 towards short term disability cover: SECONDED by Councilman Peacock
For: Burns, Ley, Peacock, Smith**

Against: None

Absent: Bates

MOTION CARRIED 4-0

MOTION by Councilman Ley for the Town to pay just for short term disability insurance cover for employees at sixty percent of their gross wage or salary starting after 14 days: SECONDED by Councilwoman Smith

For: Burns, Ley, Peacock, Smith

Against: None

Absent: Bates

MOTION CARRIED 4-0

**FURTHER REVIEW OF PROPOSED CHANGES TO THE BENEFIT PACKAGE FOR
TOWN EMPLOYEES AND THE EMPLOYEE MANUAL**

At the last Special Council Meeting Held on February 15, 2017 it was agreed to include short term disability coverage for full time employees. As a result it was felt that "Paid Time Off" (PTO) was preferable to "Vacation and Sick Time".

Mayor Wynkoop asked the Town Clerk to go over the changes to the employee handbook agreed at the February 15 Special Council meeting. *Graham Wells* said that Jim Gleason had amended the handbook taking out all references to “vacation and sick time” and replacing them with “Paid Time Off (PTO)”. *Mr. Wells* went over the changes that were agreed at the last meeting and other unresolved issues.

2.1 The word ‘may’ changed to ‘shall’ on line 2 and also ‘depending on the position’ added for written examinations, pre-employment drug testing and performance tests, line 4 and 5. Anita said that drug testing could not be made mandatory for certain positions such as Town Clerk.

3.2 (6) Refusing to obey ‘instructions’ to be replaced with ‘lawful commands or orders’.

3.2 (8) ‘Fighting’ to be replaced with ‘physical altercation’.

3.2 (9) ‘at any time’ to be replaced with ‘while representing the Town’.

3.2 (10) ‘unless authorized by supervisor’ to be added to the end of the paragraph.

3.2 (13) without ‘Town’ authorization to be replaced with ‘Supervisor’ authorization.

3.16 *Mr. Wells* raised the question about the Drug Free Work Place policy that the Town has adopted. *Anita Geraci-Carver* said that it was put in place and that she would find it. The changes to the medical marijuana laws also affected this section and Ms. Geraci-Carver will refer it to the HR attorney for clarification.

4.6 *Councilman Ley* asked how the Town was going to deal with old sick leave and suggested that the reference to “vacation and sick leave be struck out of the third paragraph. *Mayor Wynkoop* said that this only affects Terry Burden and we still have to deal with this issue. He added that to get everyone to start on January 1, what they are due would be put into a bank. *Mr. Wells* stated that staff currently accrued their leave in one year to take it in the next. The Mayor said that anything that is owed to them would be put into a PTO bank and the new system would start from January 1, 2017.

5.1 *Councilwoman Smith* brought up that it states employee benefits shall be governed by the Resolution of payment passed by the Town Council. *Ms. Geraci-Carver* explained that the Resolution is when the Council approves the annual budget.

5.2 This paragraph is confusing and Anita is going to get with the HR attorney for clarification.

5.3 Paragraph 1 is to be re-written by the HR attorney as PTO if accrued is a right and belongs to the employee. “All employees must use 50% of accrued PTO annually” was added to ensure that employees did take some vacation time during the year. Paragraph 3, last sentence also needs to be referred to the HR attorney. On the top of page 17, the amount of hours earned per pay period 1-2 years is to be amended to 6.77 hours and for 3-7 years to 7.39 hours.

5.4 Jim Gleason added this paragraph and Anita will refer it to the HR attorney.

5.5 Holiday Pay – New Year’s Eve was substituted for Veterans Day which normally falls on or around Montverde Day.

7.1.1 *Mr. Wells* asked if the statement in paragraph 2; “During and after the probationary period, the work relationship remains ‘at-will’” needs to be there as in Section 1.5 it states that the Town is an “at-will” employer. *Councilman Ley* challenged Section 1.5 as he was not sure that it should be in the employee manual at all. *Anita Geraci-Carver* said that this is important as public employees are at-will and this section makes that clear. Employees are not entitled to any due process rights as applies to termination. They are not entitled to a public hearing or administrative due process. If the Mayor decides to terminate an employee; it is at his sole discretion.

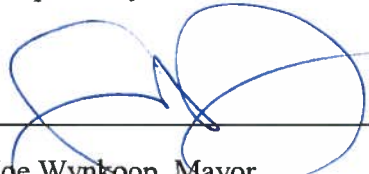
Graham Wells asked if there was an appeal process to cover an unreasonable termination such as happened to Terry when Troy was Mayor. *Mayor Wynkoop* suggested that legal action could be taken against the Town as had happened with the two previous librarians. *Councilwoman Smith* was sympathetic as employee’s served or could be terminated at the whim of one person. *Councilman Ley* also understood the point but did not want Council involved in a brouhaha between the Mayor and employee. *Anita Geraci Carver* said that there was not an appeal process and that to change that would require an amendment to the charter. There was no appetite from the Mayor or Council to change the charter. There was no further discussion.

Councilman Peacock gave Council an update on the progress with the solar shades for the auditorium.

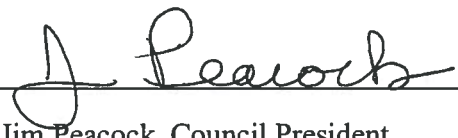
Being no further business a motion to adjourn was requested at 7:18 pm.

MOTION by Councilman Peacock to adjourn; SECONDED by Councilman Ley
For: Bates, Burns, Ley, Peacock, Smith
Against: None
Absent: Bates
MOTION CARRIED 4-0

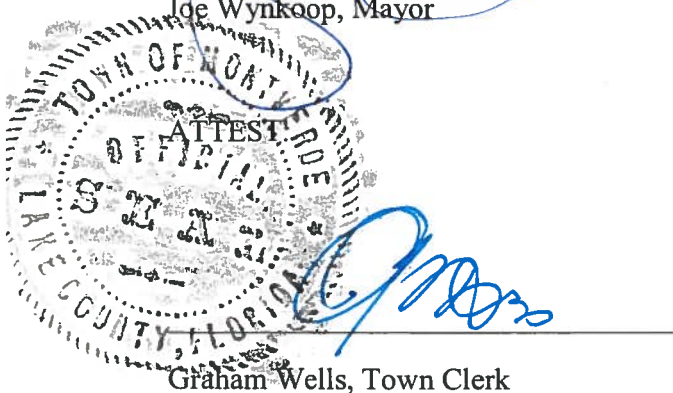
Respectfully submitted,



Joe Wynkoop, Mayor



Jim Peacock, Council President


Graham Wells, Town Clerk