

**MINUTES
TOWN OF MONTVERDE
SPECIAL COUNCIL MEETING**

July 26, 2016

The Town of Montverde met in special session on Tuesday, July 26, 2016 at 6:30 pm in the Mayor's Office in Town Hall.

Council Members Present:

Vice President Glenn Burns

Jim Ley

Jim Peacock

Judy Smith

Staff Present:

Graham Wells, Town Clerk

Terry Burden, Public Works Director

Anita Geraci-Carver, Town Attorney

Mayor Wynkoop called the meeting to order at 6:30 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.

UPDATE AND DISCUSSION REGARDING THE LAWSUIT BETWEEN THE MCQUAIGS AND THE TOWN OF MONTVERDE.

Mayor Wynkoop introduced Attorney Mark Brionez who was representing the Town on behalf of the insurance company in this case. *The Mayor* said that Council was familiar with the agreement that had been reached with the McQuaig's but that there were some attachments that they had not received which only came available just before the meeting. He went on to explain the agreement in broad terms and the background to the issue going back over many years.

Councilman Peacock asked if the Town was paying to move the Duke Energy box and if so why. *Mr. Brionez* explained that the easement which the box was on was granted by the McQuaig's and is therefore not the responsibility of Duke Energy to move it. Whoever wants it moved has to pay.

Councilwoman Smith asked if he had the figure for the McQuaig's legal fees that the agreement stated was required for the Town to pay. *Mr. Brionez* did not know that the McQuaig's would ask for any or all of their legal costs but he did not have an accurate estimate. *Mayor Wynkoop* said that the agreement is written that each party will pay their own costs, however the McQuaig's wanted it included that they could come to Council and ask for their fees to be paid by the Town. *Mr. Brionez* stated that the Town was under no obligation to pay anything but had heard that they may be looking for \$5,000.

Mayor Wynkoop said that since the agreement was sent to Council there were some minor changes which are shown below.

Paragraph 2 (2) – changing from the date of this Agreement to; from the date final judgment is entered.

Paragraph 2 (4) – changing from the date of this Agreement to from the date final judgment is entered

Paragraph 3 – executing Easement in favor of Duke is conditioned on and subject to Town staking the location of the easement and the property being conveyed to McQuaig, and then subject to parties agreeing to the resulting locations.

Mr. Brionez explained that before the Mayor signs the agreement the entire property will be surveyed to ensure that the information was accurate so that there would be no issues coming back on the Town in the future.

MOTION by Councilman Ley to accept the agreement with the changes made and conditions added; SECONDED by Councilman Peacock

For: Burns, Ley, Peacock, Smith

Against: None

Absent: Bates

MOTION CARRIED 4-0

ORDINANCE 2016-12 SETTING THE NOT TO EXCEED MILLAGE RATE FOR FISCAL YEAR 2016-2017 WITH THE CORRECT DATE FOR THE FIRST PUBLIC HEARING

This resolution was passed at the July 12 Regular Council Meeting. Under section 2 the date of September 13 had been incorrectly stated. The correct date of September 7, 2016 has been inserted. There are no other changes. *Attorney Geraci-Carver* read the resolution in its entirety.

MOTION by Councilwoman Smith to approve amended Resolution 2016-12; SECONDED by Councilman Burns

For: Burns, Ley, Peacock, Smith

Against: None

Absent: Bates

MOTION CARRIED 4-0

A date was set to replace August 2, 2016 for the budget workshop. The new date is August 11, 2016 at 5pm in the Mayor's office at Town Hall.

DISCUSSION REGARDING THE LEVEL OF VACATION TIME AND SICK LEAVE OR PTO FOR TOWN STAFF

Mayor Wynkoop outlined the disparity between what the Town offers in Vacation and sick leave to a new employee and other Towns and Cities in Lake County. A sheet showing the comparisons between Clermont, Minneola, Mascotte, Groveland, Astatula and Howey in the Hills was given to Council. He explained the concept of Paid Time Off (PTO) which is a combination of vacation days and sick days that can be taken for either.

Discussion ensued about what is available to current employees. What is shown in the employee's manual is confusing and is interpreted in different ways depending on who you were. Broadly there is no paid vacation time for a first year employee of the Town. *Councilwoman Smith* said that it should be fair to the employees as it was not unreasonable that an employee would want to take a couple of days off in their first year.

Mayor Wynkoop said that he had talked to the City Managers in Clermont, Minneola, Mascotte and Groveland who had all expressed the need for vacation time to be competitive in the market place. He added that we should at least be similar to Howey and Astatula as they were smaller towns like Montverde.

The Banking of sick time hours was allowed in every town, some to the level of 320 hours (40 days) and some to 600 hours (75 days). *Mayor Wynkoop* said that as none of the cities offered any short term disability cover; the banked days could be used to cover a minor illness without going without pay. He suggested that taking Howey's and Astatula's vacation and sick days and converting then to PTO the same as Mascotte and Groveland was an option.

Councilman Ley was not in favor of PTO because of the number of days that could be taken as vacation leaving little cover in Town Hall. He would rather have vacation and sick leave separate. He liked Clermont's hours with the option to bank vacation for two years. *Councilman Peacock* said that he was not in favor of banking vacation days, only sick days with an option to convert sick days to vacation days on a 2 for 1 basis.

Terry Burden asked how this would affect him as he had 556 hours of vacation accrued and over 400 hours of sick pay that he has not taken and would not want to lose. *Councilman Ley* asked where that was in the manual. *Mr. Burden* stated that these were accrued before the agreement was adopted and are shown on his pay receipt. *Attorney Geraci-Carver* said that she would have to consult with the employment attorney.

Councilman Peacock made a motion to adopt what Clermont has with the modified number of years employed and the banking of vacation and sick leave that had been discussed. To avoid any doubt as to what was in the motion, *Attorney Geraci-Carver* read from her notes what her understanding was which is shown below. Council concurred that it was their understanding.

Vacation:

0 – 2 years	10 days
3 – 7 years	12 days
8 - 12 years	15 days
13 – 17 years	18 days
18 +	20 days

Employees are able to bank vacation in the following manner:

- Year 1 can roll over to Year 2
- Year 1 can roll over to Year 3 but then it is lost if not used
- Year 2 can roll over to Year 3
- Year 2 can roll over to Year 4 but then it is lost if not used

Council referred to this as banking for 2 years rolling. They wanted people to be able to save up so if they wanted to take a longer “overseas” type vacation they could do so, but not let the time continue to roll over for years and years like sick leave.

Sick:

12 days each year no matter length of service

Employees are able to bank up to a maximum of 320 hours (40 days) of sick time.

Employees can convert 1 day of vacation leave for every 2 days of sick leave.

MOTION by Councilman Peacock to approve the schedule of vacation and sick leave discussed (which is shown above and confirmed by the approval of these minutes); SECONDED by Councilwoman Smith

For: Burns, Ley, Peacock, Smith

Against: None

Absent: Bates

MOTION CARRIED 4-0

Mayor Wynkoop asked Council to look out for a part time good quality candidate to cover the period while Stephanie is on maternity leave and also Graham’s job while he is on vacation.

Being no further business a motion to adjourn was requested.

MOTION by Councilman Peacock to adjourn; SECONDED by Councilman Burns

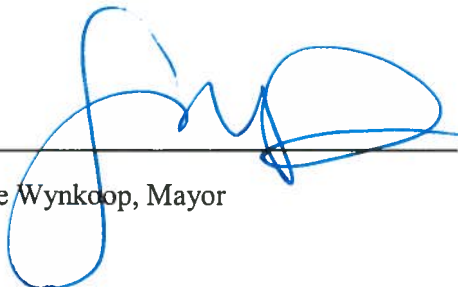
For: Burns, Ley, Peacock, Smith

Against: None

Absent: Bates

MOTION CARRIED 4-0

Respectfully submitted,



Joe Wynkoop, Mayor



Billy Bates, Council President

ATTEST:



Graham Wells, Town Clerk