

**MINUTES OF THE EMERGENCY MEETING
OF THE GREENWOOD TOWN COUNCIL
GREENWOOD, FLORIDA
JULY 20, 2020**

The Town Council of the Town of Greenwood, Florida met in an emergency session 5:00 p.m. on the 20TH day of July, 2020. The place, time, and date heretofore established for the holding of such meetings.

Mayor Suzanne NeSmith called the meeting to order.

Everyone in attendance stood for the Pledge of Allegiance to the American flag.

The following answered present to roll call:

Suzanne M. NeSmith, Mayor

Council Member, Mamie Vann

Alicia Corder, Town Clerk

Council Member, Jacky Ditty

Council Member, Bryan Johnson

George Little, Attorney (via phone)

The Clerk declared a quorum present.

Others in Attendance: Juan Moffitt

Mayor NeSmith noted there was only one item on the agenda for the emergency council meeting and that is to address a disciplinary action for Mr. Juan Moffitt. The Council and Mr. Moffitt were given a copy of the incident report dated July 17, 2020 written by TC Corder to review.

Mr. Moffitt explained that on July 17, 2020 he came into the office and asked if there was a new list of garbage customers. Mr. Moffitt stated that is when TC Corder started talking to him about the need for him to be outside at the garbage facility. Mr. Moffitt stated that he got a heat rash back in June after he was reinstated and he is unable to sit outside in the heat. He stated he checks residents off the list and makes sure that they have their garbage cards.

Mr. Moffitt said he told TC Corder that his job did not require him to be outside and she replied to him that it does. Mr. Moffitt stated that the discussion became heated and that's when he left. Mayor NeSmith asked him to come back inside to continue the discussion.

Mr. Moffitt presented to the Council a list of his medications before he started working with the town and a list of medications from when he went to the emergency room regarding his hearing issue. Mr. Moffitt stated it says to limit sun exposure. Mr. Moffitt stated that just to sit outside at the garbage facility just to be sitting outside is not going to work for him. He stated this was due to medical reasons.

CM Johnson asked Mr. Moffitt if there was a doctor stating Mr. Moffitt was unable to work outside in the sun because of the medications. CM Johnson asked Mr. Moffitt how long he has been on the medications and Mr. Moffitt replied since 2009. CM Johnson asked why there had not been a problem and Mr. Moffitt stated he has been doing the same thing since he started.

CM Vann asked what has changed requiring him to be outside versus going in and out. TC Corder stated there has always been the expectation that the garbage attendant be present when residents come into the garbage facility. TC Corder stated this was the same expectations performed by the other garbage attendants. TC Corder said there has also been complaints that Mr. Moffitt does not come outside when they come to the facility. CM Vann asked Mr. Moffitt if the requirement to sit outside was discussed with him when he was hired and Mr. Moffitt replied no. TC Corder clarified that this issue has been documented in several previous disciplinary actions given to Mr. Moffitt. TC Corder explained that is why the table and umbrella have been set up. The purpose of the garbage attendant being outside reduces liability issues that may occur at the garbage facility. Mr. Moffitt stated he does not agree with the need for him to be at the table/umbrella, he can see people coming in from inside the office unit.

There was discussion regarding the garbage cards. It was clarified to the Council that Mr. Moffitt was never instructed to turn anyone away. He was directed to make notes on the garbage list and town hall would make contact with the customer to address any issues. Mr. Moffitt has been instructed not to have any contact with Ms. Linda Bragg and Mr. Wayne Smith and his wife. Again, Mr. Moffitt has been instructed to assist all residents when they come to the garbage facility unless otherwise directed by the Council. CM Vann told Mr. Moffitt that he needs to make up his mind to learn to get along with all of our residents. CM Vann said it is expected that our residents be treated with courtesy. She further stated there is no need to continue having special meetings to address these issues.

CM Johnson asked if Mr. Moffitt's direct supervision was changed from Town Clerk would that require any change to the personnel policy. TC Corder stated there was no need to change the policy. CM Johnson stated that he asked Mr. Moffitt at the last meeting if he could get along with his supervisor and his opinion is that he cannot. CM Johnson made a recommendation to change Mr. Moffitt's direct supervision to Mayor NeSmith. CM Johnson addressed the issue of the Mr. Moffitt's anger towards Mayor NeSmith during the incident that occurred in the office on July 17th. Mr. Moffitt said that when he got mad at Mayor NeSmith that's when he decided it was best for him to leave. Mayor NeSmith stated she does not take any issue with supervising Mr. Moffitt, but her expectations are that Mr. Moffitt should be outside as people are coming into the facility. CM Ditty asked if Mr. Moffitt needed a large fan so that it would make it more comfortable to sit outside at the table; Mr. Moffitt replied I don't know. Mr. Moffitt stated he is unable to sit outside due to a heat rash but it was noted that Mr. Moffitt has never mentioned before. Mr. Moffitt was asked if a medical doctor had stated directly to him to avoid exposure to direct sunlight. Mr. Moffitt's response was he read the side effects listed on the medication.

There was discussion regarding Mr. Moffitt's relationship with his supervisor and residents. Mr. Moffitt was encouraged to make an effort to get along with his supervisors and our residents. Mayor NeSmith asked Mr. Moffitt if he was willing to work at the garbage facility with the expectations of being outside as residents are coming up. Mr. Moffitt stated he would be at work. Again, Mayor NeSmith asked about the requirement to be set up at the table, and again Mr. Moffitt stated he plans to be at work tomorrow and we'll have to see what happens.

At this time Attorney Little was able to join our meeting.

CM Ditty stated directly to Mr. Moffitt that if he works for the Town of Greenwood that he would be expected to follow the directions given by his supervisor and the Council. Mr. Moffitt stated he will be there to assist the residents but he was not going to sit outside to just be sitting outside. CM Johnson asked if it was a requirement not written in the personnel policy. TC Corder read Mr. Moffitt's job description. TC Corder said that if he sitting at the table the majority of the time then Mr. Moffitt is readily available to assist anyone coming into the garbage facility. TC Corder again stated this is to reduce the liability on the town if someone should get hurt. Mr. Moffitt said that he knows who needs assistance due to health issues, etc. Attorney Little stated the garbage attendant job requires that they perform certain duties. If Mr. Moffitt has some difficulties then the town needs to ascertain some reasonable way that we can accommodate him.

Attorney Little said that it is not a matter of Mr. Moffitt deciding if he wants to do something, it's a requirement of the job. But if Mr. Moffitt has genuine health issues there is only a certain limit that we can go to accommodate him based on the required job duties. There was discussion regarding changes in management and possibly how the expectations may have not been the same but Attorney Little expanded that does not change the fundamental policy.

There was discussion regarding if Mr. Moffitt is unable to perform his duties due to a disability. Mr. Little said the town could attempt to make accommodations if another position was available but to his knowledge there are no positions available.

There was more discussion regarding the expectation that Mr. Moffitt be stationed at the table so that he is readily available. Mr. Moffitt has stated several times during this meeting that he has no intention of meeting that expectation. There was also more discussion regarding Mr. Moffitt's conflicts with residents at the garbage facility. During this discussion Mr. Moffitt became extremely agitated and confrontational with TC Corder.

CM Vann addressed the continued need for disciplinary actions and meetings with Mr. Moffitt and that he needed to decide that he is willing to do his job as directed. In summary, Mr. Moffitt is refusing to meet the expectation of sitting at the table and being available as people are coming into the facility. During questioning from Attorney Little, Mr. Moffitt stated a need for a break. CM Vann instructed Mr. Moffitt to take a break.

After the break CM Johnson addressed the level of agitation Mr. Moffitt was experiencing before. CM Johnson stated that in his opinion employees getting upset and walking out is not something that is tolerated by employers.

CM Vann stated that Mr. Moffitt will be allowed to return to work at the garbage facility. Once the camera system is up running, she stated that incidents at the garbage facility will be closely monitored for about two weeks. Attorney Little asked Mr. Moffitt if he is inside the building would be able to get out to the customer before they attempt to exit their vehicle or attempt to dispose of their garbage. Mr. Moffitt replied yes. Attorney Little asked if he was confident that he could do that every single time. Mr. Moffitt replied yes. Attorney Little noted that Mr. Moffitt was agreeing that he could meet that expectation every time.

A motion to adjourn was made by CM Ditty, with a second from CM Vann. Vote called. Johnson - Yes. Vann - Yes. Ditty - Yes. Passed. Meeting adjourned. The next regular meeting of the Town Council will be held on August 11, 2020 at 6:30 PM.

Respectfully submitted,



Alicia L. Corder
Town Clerk

Approved the 8th day of September, 2020



Mamie M. Vann, Chairperson