

MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, SEPTEMBER 19, 2022, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, September 19, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

Mayor Elaine Brown
 Vice Mayor Kerry Chin
 Councilor Lauren Key
 Councilor Nia Livingston
 Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Senior Activity Center Director Leslie Lyne
 Community Development Director Samantha Brisolara
 Chief Financial Officer Danielle Dyer-Tyler
 Grant and Resiliency Coordinator Colin Moore
 Public Works Director Jim French
 Mobility Management Director Megan Steward
 City Clerk Catherine Ponson

**Call to Order/Roll
Call/Pledge**

Mayor Brown called the Special Meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

**Ord. No. 2022-04,
Millage Rate**

Ordinance No. 2022-04, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Adopting Final Millage Rate and Levying Ad Valorem Taxes for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023; Setting Forth Certain Information Regarding "RolledBack Rate"; Directing the City Manager to Adjust the Adopted Millage Rate in the Event of Changes in the Assessment Roll and Taxable Value; Providing an Effective Date.

Mayor Brown read the TRIM Notice as follows:

Mayor Brown opened the public hearing.

Public Hearing

Diana Kelly, 1700 1st Street, Neptune Beach, stated had requested information from the City regarding the money went to from the \$10 water meter increase and where it has been allocated. Also, she requested where the paid parking money has been allocated to. She asked for this last week and has heard nothing from the City.

There being no further comments from the public, the public hearing was closed.

Millage Discussion

Vice Mayor Chin commented that it is important for people to know that the millage rate is unchanged. It will be the same as last year. What people will be seeing is a notice for a tax increase and that is because taxable value in Neptune Beach has increased. The overall amount is increasing to the City. Each individual person's rate has not changed.

Made by Livingston, seconded by Messinger.

MOTION: **TO ADOPT ORDINANCE NO. 2022-04, ADOPTING FINAL MILLAGE RATE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, ON SECOND READ**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin and Brown

Noes: 0

MOTION CARRIED

Ord. No. 2205,
FY23 Budget
Adoption

Ordinance No. 2022-05, Second Read and Public Hearing. An Ordinance of the City of Nept Adopting a Final Budget and Appropriating Funds for the Fiscal Year beginning October 1 September 30, 2023; Providing an Effective Date.

Public Hearing

Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Made by Messinger, seconded by Chin.

MOTION: **TO ADOPT ORDINANCE NO. 2022-05, ADOPTING FINAL BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, ON SECOND READ**

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

MOTION CARRIED

Ord. No. 2022-06,
FY22 Budget
Amendment

Ordinance No. 2022-06, Second Read and Public Hearing. An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2022. Beginning October 1, 2021 and Ending September 30, 2022.

Public Hearing

Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Made by Chin, seconded by Key.

MOTION: **TO APPROVE ORDINANCE NO. 2022-06, ADOPTING FY2022 BUDGET AMENDMENT ON FIRST READ**

Roll Call Vote:

Ayes: 5-Messinger, Key, Livingston, Chin, and Brown.

Noes: 0

MOTION CARRIED

Mayor Brown advised everyone that the millage rate and budget had been reviewed. Meetings and discussions had been held with the City Manager and CFO.

Senior Center
Completion

Consideration of Approval of Quote for Completion of Senior Center. Neptune Beach Senior Activity Center Leslie Lyne stated that when she first began receiving the bids, she was flabbergasted. There was a disparity among all of the bidders. All of the contractors received the same information, including architectural renderings. There were five bids received from eight contractors that were contacted. The five received were from A Plus

Construction, Auld & White, Cornelius Construction Company, J.C. Harward & Associates, and McCue Home Services.

Ms. Lyne reported that Cornelius Construction was the only one to respond to the whole package, which also included Alternate Bids 1 and 2 for the landscaping and parking. It was broken up that way as it is important to get the Center open. She stated that her recommendation is to go with the low bid from McCue Home Services of \$164,601.83.

Vice Mayor Chin agreed with Ms. Lyne that there was a wide variation in the bids. After examining each one, he feels that with some of the odd exclusions that were itemized, he does not think that some of the bidders wanted the job. He added that Mr. McCue's bid is the most financially attractive bid. He would like some reassurance that Mr. McCue knows what he is getting into and not just throwing in a low bid just to get the job.

Ms. Lyne stated her idea was to meet with him and make sure he understands what the City wants. She also added Mr. McCue was the only one who met with building department to make sure he understood what was being asked.

Councilor Key pointed out that Cornelius Construction Company was the only one that had an explanation for all of their costs. They had the most expensive but also had the most information, which is maybe the reason the other bids were so low and not as extensive. She stated it is comparing apples to oranges. It is not comparing apples to apples as far as the bid package goes. She added there is site work that needs to be done and in some bids she did not see that.

Councilor Key asked if we know the total cost that has existed of the Senior Center to date?

Ms. Lyne answered that she did not think that any of us ever sat down and came up with a firm number. One reason is that the project transpired during the pandemic when we could not get together. She did report that the St. Johns River Water Management District (SJRWMD) permit had been received, which allowed us to move forward. She remarked that the new senior center that COJ just built, which is a little bit bigger than what we have, without the land, was at \$1.1 or \$1.2 million.

Councilor Key continued that she knows our costs to date include air conditioners that have been installed and drawings and renderings. She would like to know the costs of those things.

Ms. Lyne reported that items include kitchen equipment, exercise equipment, rocking chairs, the design and plans, shelving, HVAC and electrical. She figures about \$130,000 has been spent in addition to the \$400,000 for the original building.

Councilor Key expressed that her heartburn on this project is that she has not seen a cost-tracking sheet. She has not seen anything that says this is the cost of the Senior Center, this is how many donations we have taken in and this is how we are going to fund it. She remarked that she cannot vote to spend more money when she doesn't have an overall idea of what the project is going to cost.

Ms. Lyne stated that from 2019 to the present, and we are still waiting to get the money, which is reimbursable from COJ, she has brought in \$434,522.00.

Councilor Key requested an overall cost-tracking sheet and an overall total budget of what the City is going to spend. She applauded Ms. Lyne on what she has done. She stated it is hard to have a clear picture of what an entire project is when we are piecemealing it and asking for money. There is no end in sight because there is no idea of how much the project is going to cost. She does not feel as though she has a clear picture right now.

Ms. Lyne advised that she would be more than happy to sit down and do a road map. She has numbers and we can figure this out quickly. She is concerned about the deadline for the donation received. Ms. Lyne pointed out that she did ask for money for the design and plans but that was not taxpayer money.

Ms. Lyne confirmed Councilor Key's inquiry that no taxpayer money has been used for the Senior Center at this point.

Councilor Livingston suggested going to McCue Home Services or maybe even the second lowest bidder and see if they would detail it even more. That would help make a decision.

Councilor Messinger agreed that there is a disparity among the bids. He would like to see a breakout of the materials being used. He wants to make sure we are comparing apples to apples. He wants to make sure the proper materials are being used. Those details matter. He commended Ms. Lyne on her efforts in raising funds for the Senior Center. He would also like to see a financial break down of where we are at and where are going.

Mayor Brown congratulated Ms. Lyne on the funds that have been raised. She added that we want this done right. She wants to move quickly and get this information. Mr. McCue could come in and make sure the scope is understood. The low bid is always nice to see but the disparity is there.

Councilor Messinger pointed out that there is the opportunity to use Public Works for the paths and parking spaces. There would still be material costs associated and time. If we direct solicit for the landscaping, there would be materials and costs. He wants to make sure we get the full picture of those costs.

Councilor Key inquired if this we are not talking about spending taxpayer dollars, why are we discussing this.

Ms. Lyne stated she was told she had to. Council needs to be in the loop with what going on.

Mr. Wynn clarified that the City used Better Jax Half-Cent Sales Tax funds to purchase the original building in 2020-2021. The final piece is being done through donations. To say that no taxpayer dollars have been used at all for this is inaccurate. The City budgets for the operating costs of the Senior Center each year. Most of it is a Community Development Block Grant (CBDG) pass-through.

Mayor Brown directed the City Manager and Ms. Lyne get together to make sure we get the complete picture and discuss with the bidders.

COUNCIL COMMENTS

Council Comments Councilor Key read the following statement:

"I have prepared a statement to bring to light significant and problematic issues regarding the City Manager's current performance.

Nothing is more important to me, as a mother, a Neptune Beach resident, and an elected official, than to see our beautiful City thrive. When I joined the Council less than two years ago, one of my campaign promises was that I would serve the Citizens of Neptune Beach with honesty, integrity and transparency. And It is only after a significant amount of consideration, contemplation, and pause, and although I do not want to bring public embarrassment to our City, it is my duty to bring forward my growing concerns with the City Manager to the Council.

I would be remiss if I didn't mention that this type of discussion is best discussed privately. However, due to the nature and structure of government, it creates a necessity to openly discuss topics that are better suited to be discussed in private. Further, my intent is to not embarrass the City Manager nor the City but rather to bring forward the City Manager's deficiencies so that other Council members can be informed and begin making their own decisions for the direction we go.

Over the last year or so, I have become increasingly dissatisfied by the City Manager's ability and performance. I made my intentions known to bring this forward a few weeks ago, at which point a portion of the political sphere began acting and external attempts to discredit, intimidate, and silence me began. Doing the right thing on behalf of our residents and staff is paramount and as such, bringing forward my concerns regarding the City Manager's incompetency, recklessness, and ineffective leadership is without question the right thing to do.

Leading up to this meeting, the City Manager provided me with a typed-out apology letter this past Friday. I can only interpret it as a last-ditch effort to prevent me from reading this statement. He didn't sit down with me face to face and properly communicate, instead he had a third party hand-deliver it to me. The apology was disingenuous and contrived and yet further evidence of his deficiencies. An effective attempt at an apology is not made with self-serving intentions. It failed to address the actual issues and while I appreciate the effort, it's too little - too late.

I now have neither the trust or confidence in our City Manager to perform the fundamental role he was hired to fulfill. As such, I cannot sit idle as he continues to foster a toxic culture of blame and conflict, fear, intimidation and mistrust. Many of the actions that are often invisible to organizational measuring systems. The City Manager routinely under-performs, bullies and mistreats employees, and displays an overall immature reckless approach while being charged with serving as our City's CEO. As many of you know, morale is at an all-time low and as such, staff, council, and most importantly our residents are suffering under his leadership. Our employees are one of our most cherished assets in this organization and protecting them and ensuring they work in a safe, non-hostile environment is also part of our fundamental duty.

I was recently made aware that the City Manager stormed out of his office in City Hall after a private meeting with the mayor while yelling profanities and exclaiming that he quits. He did this on a Friday morning leaving his staff to wonder an entire weekend if their boss would be returning to work the next week. It goes without saying that this type of behavior leads to instability among staff. The City Manager has on multiple occasions stated that he is miserable working for the City of Neptune Beach. He has threatened to quit personally to me no less than four times, with the most recent event on September 2 in front of our City Attorney.

The City Manager has a dangerous and reckless habit of making extreme accusations, then working his way backwards to try and find evidence to support his claims. He has engaged in spreading slanderous, reckless, and unprofessional rumors about council and city staff. He has gone as far as to make unfounded, untrue and slanderous criminal accusations without proper proof, merely basing his accusations off of his wild assumptions. During an audit, before the proper accounting was complete, he made accusations that two long-term City Hall employees stole \$500,000. He then gossiped with others within our organization about these accusations and has gone as far as to tell others outside of our organization about these unsubstantiated claims. To claim that two specific staff members misappropriated funds with zero proof of them doing so is slanderous, unethical, and harmful to their reputations and careers if proven untrue.

Other issues revolve around unprofessional conduct and an overall argumentative nature, especially when questioned, or if he is in the wrong. The City Manager lashes out at the City Council, City staff and residents alike. He is known to have loud outbursts of profane

language, screaming the "F word" repeatedly and banging his fists on his desk when things don't go his way within City Hall.

The City Manager promotes a culture of subversiveness, encouraging staff to handle business over the phone and not to put things in writing. He has gone so far as to ask a staff member in an email to "call me instead of making an embarrassing public record for the City". In the little over 2.5 years the City Manager has been with our City, we have had a significant amount of staff turnover. In privacy and confidence, staff have personally informed me he has created a negative work environment for them. In fact, the previous Deputy Public Work Director quit and noted in her resignation letter that the reason she was leaving was due to a hostile work environment allegedly ignored by the City Manager. In my experience, the City Manager typically does not accept responsibility and blames others for his mistakes. Any apologies given for his poor or unprofessional behavior have been presented in a way that attempts to shift the blame and refuses to see any genuine fault or take accountability. All of this has ultimately resulted in a toxic work environment.

In addition to the internal problems, the City Manager has also created a serious public relations problem with our residents. He does not welcome open public dialogue and promotes animosity. This has manifested to the point that he has turned off public commenting on the City's Facebook page. Government entities should not be limiting the public's voice, in any manner. In the packet I am submitting, I included an email in which the City Manager states "The City's social media presence is not to engage in dialogue with Residents."

The image problem we have isn't a new one and it shouldn't come as a surprise to any of us. In fact, the City Manager shared an email in late March of this year with all of us to which he stated that "in social media and in council meetings, residents routinely elude that I'm mismanaging projects or their money". He then pleaded with Council to "get the facts out to the public" and that he "needs your defense to explain what's really going on in City Hall". Well, unfortunately the problems I'm raising tonight are in fact what's really going on in City Hall.

I also have concerns regarding the City Manager's ability to manage projects. During his tenure, the City Manager has a litany of mismanaged, neglected and failed projects under his supervision, including but not limited to - the senior center, Jarboe Park, our finance and budget practices - for example, our general ledger that wasn't updated for months, software implementation, the bathrooms at Jarboe park consistently stay in an unsanitary condition without being cleaned for weeks on end and, last but not least, our entire code rewrite process which was a disaster from start to finish. These projects have all suffered and that ultimately rests with the City Manager who is charged with managing them.

Another long overdue issue that has yet to reach a resolution, in which the City Manager was made aware of over a year ago on two separate occasions, is our City Clerk's IT ability for fulfilling public records requests relating to emails. To date, if a request is made for an email from a public official, our City Clerk cannot fulfill that request without first going to that specific employee or Council member and directly asking them for their password. This has obvious inherent problems, as it defies the principle of ensuring public records are made public, without fear of a record being deleted or hidden. Not to mention that this also defies best practices as it relates to cyber security. I followed up on September 14 of this year to find out if this has been resolved and was told it is still an ongoing problem that has not been corrected, over a year later.

This situation has reached a crisis level and I don't believe we, as the officials elected to protect Neptune Beach, cannot sit idle. Although it is simply not possible to outline each and every failure the City Manager has demonstrated. The issues raised in this statement are intended to highlight the most recent, egregious, and alarming.

I realize this may be a lot to digest for my fellow councilors and though I know you already know some of these issues, you may also have similar issues you have experienced that you need time to prepare and discuss. Therefore, I want to provide my fellow councilors enough time to absorb and assess the information presented. I have prepared a packet which includes many of the issues raised. If anyone feels compelled to act on this information tonight, I would be open to that or we can discuss next steps at our next Council meeting."

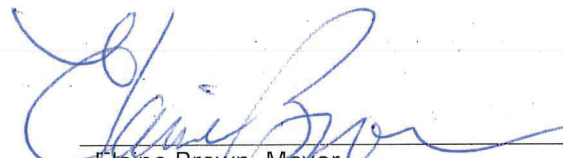
Councilor Messinger asked the City Attorney what would be a go forward step or best practice based on this.

City Attorney Zach Roth advised that Council Members have to internalize the information that was provided and evaluate independently. To the extent, once that is done, if there is believed to be anything that requires further investigation, the process should be to investigate the veracity of those specific issues. From there, a determination would be made based on those results.

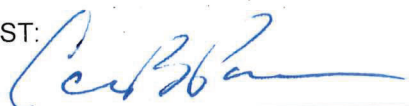
Councilor Messinger stated that based on the City Attorney's feedback, he would like to see, after looking at this material, recommendations from the City Attorney, after he has looked at it as well and make best practices recommendations to Council.

Adjournment

There being no further business, the Special Meeting adjourned at 6:41 p.m.

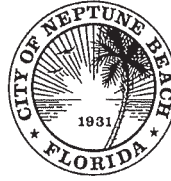

Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 11-7-2022





MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING THE SPECIAL MEETING
MONDAY, SEPTEMBER 19, 2022, 6:41 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, September 19, 2022, at 6:41 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance**IN ATTENDANCE:**

Mayor Elaine Brown
 Vice Mayor Kerry Chin
 Councilor Lauren Key
 Councilor Nia Livingston
 Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Senior Activity Center Director Leslie Lyne
 Community Development Director Samantha Brisolara
 Chief Financial Officer Danielle Dyer-Tyler
 Grant and Resiliency Coordinator Colin Moore
 Public Works Director Jim French
 Mobility Management Director Megan Steward
 City Clerk Catherine Ponson

**Call to
Order/Roll Call**

Mayor Brown called the workshop meeting to order at 6:41 p.m.

AWARDS / PRESENTATIONS / GUESTS**Land Trust
Presentation**

Mayor Brown announced that the George Bull presentation for a land donation to the North Florida Land Trust had been deferred.

DEPARTMENTAL SCORE CARD / CITY MANAGER REPORT**Dept. Score
Card/City
Manager Report**

The Departmental Score Cards and City Manager Reports are posted on the City website at: <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reportsdepartmental-score-cards>.

COMMITTEE REPORTS**Finance
Committee**

Finance Committee Chair Councilor Lauren Key reported the Finance Committee met on September 13 and reviewed the current budget and made recommendations on processes moving forward.

**Transportation &
Infrastructure**

Mayor Brown reported there had been two meetings of the Transportation and Infrastructure Planning Committee, August 26 and September 9. There is a meeting scheduled for

Planning

September 23 with North Florida Transportation Planning Organization Executive Director Jeff Sheffield.

PUBLIC COMMENTS

Public Comment . Diana Kelly, 1700 1st Street, Neptune Beach, stated she had sent an email offering a plausible suggestions and solutions to what the City is facing regarding budget and projects. She suggested brainstorming for staff to come up with five ways to save and five ways to make money. She heard back from three recipients. She also requested revenue information. She has not received that information.

Harriet Pruette, 217 ½ Magnolia Street, Neptune Beach, commended Council for all that they do. She said there is anger in America and it has come Neptune Beach. She would not want to be in their shoes.

PROPOSED ORDINANCES / NONE

CONTRACTS AND AGREEMENTS / NONE

ISSUE DEVELOPMENT / NONE

COUNCIL COMMENTS / NONE

City Attorney

Mr. Roth reported that he needs guidance from Council regarding the opioid settlements in the State of Florida. We are a community under 10,000 and there are different ways that we can go about receiving those settlements. He reviewed the options.

Mayor Brown requested Police Chief Richard Pike and the City Attorney look at what our needs would be and present something that would be a part of a bigger machine that would take care of what we need.

Mr. Roth stated he would present to COJ and report that we are interested in joining COJ and make sure our agreement included certain items that they would commit to doing that would benefit the City.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____