

City Manager Punch
List

- *Forest Avenue Drainage Project:* The Forest Avenue Drainage Project will commence once the homeowner has completed work on his driveway.

Change in Agenda
Items

Reverse Ordinance placement on agenda due to visitors in attendance.

PROPOSED ORDINANCES

Ord 1999-01
Turtle Protection

ORDINANCE NO. 1999-01: AN ORDINANCE OF NEPTUNE BEACH, FLORIDA, RELATING TO THE PROTECTION OF MARINE TURTLES; PROVIDING FINDINGS; PROVIDING TITLE, CITATION AND PURPOSE; PROVIDING JURISDICTION; PROVIDING DEFINITIONS; PROVIDING LIGHTING STANDARDS FOR NEW DEVELOPMENT; PROVIDING LIGHTING STANDARDS FOR EXISTING DEVELOPMENT; PROVIDING STANDARDS FOR PUBLICLY OWNED LIGHTING; PROVIDING PROHIBITED ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING STANDARDS FOR CONSTRUCTION DURING THE MARINE TURTLE NESTING SEASON; PROVIDING THAT IT IS UNLAWFUL TO KILL MOLEST OR INJURE MARINE TURTLES; PROVIDING EDUCATION AND INFORMATION OPTIONS; PROVIDING ENFORCEMENT PROVISIONS INCLUDING CIVIL AND ADMINISTRATIVE ENFORCEMENT POWERS AND CRIMINAL PENALTIES REGARDING MARINE TURTLES AND HATCHLINGS IN NEPTUNE BEACH, FLORIDA; PROVIDING APPLICABILITY; PROVIDING INTERPRETATION; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Danny Theile, Beaches Sea Turtle Patrol introduced Blair Withington, an expert on light ordinances from the Department of Environmental Protection. In attendance was Christine Nelson, Assistant. All parties answered questions from the Council. Points and concerns addressed by Council Members:

- The ordinance will only work if all three-beach cities adopted such an ordinance in order to be uniform along the beachfront. For example, the efforts of the Sea Horse Motel would not be effective unless the Sea Turtle across the street complied with the same regulation.
- Some citizens were concerned that existing outside residential lights would be effected.
- Possible duplication of state law.
- Tinted windows should be voluntary, not mandatory.
- Enforcement may require additional funding.
- The state should be responsible for providing education to citizens on this issue.
- Opinions from the oceanfront residents should be solicited.
- Sea Horse Inn should be exempted.

Lisa Volpe, Administrative Assistant to the City Manager gave a report on how other cities enforced their turtle protection ordinance.

Consensus: **FORWARD ORDINANCE NO. 1999-01 TO THE MAY 3, 1999 REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No. 1998-22
Nuisance Ordinance

ORDINANCE NO. 1998-22: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA TO INCLUDE AN NEW CHAPTER 28, ENTITLED "NUISANCES," PROVIDING AN EFFECTIVE DATE.

The following Code Enforcement Board members were in attendance and made recommendations: Richard Keene, Carl Russell, and John Reeves.

On the Record Councilor Shimp, on the record, stated that he did not initiate said ordinance because of a

recent dispute over moving a fence, and that it was never to be neighbor against neighbor.

Consensus: **THE CITY ATTORNEY WAS ASKED TO REVIEW THE WRITTEN RECOMMENDATIONS MADE BY RICHARD KEENE AND MAKE ANY ACCEPTABLE CHANGES TO THE ORDINANCE.**

Consensus: **FORWARD ORDINANCE NO. 1998-22 TO THE MAY 3, 1999 REGULAR COUNCIL MEETING FOR SECOND AND FINAL READING.**

Recess / Reconvene **RECESSED AND RECONVENED:** The meeting was recessed at 8:50 p.m. and reconvened at 9:05 p.m.

CONTRACTS / AGREEMENTS

PBS&J Addendum 3,
Task 3 MUP

PROFESSIONAL SERVICES AGREEMENT WITH PBS&J, ADDENDUM NO. 3, TASK NO. 3, UTILITY IMPROVEMENTS EAST OF THIRD STREET: The Scope of Work under Addendum 3, Task 3, to the agreement between the City of Neptune Beach and PBS&J included professional engineering services to prepare plans, specifications, contract documents, and permit applications; and provide bid negotiation services and construction phase services for utility improvements east of Third Street (SR A1A) and bounded by Atlantic Boulevard on the north, and Seagate Avenue on the south, as set forth in the document entitled "Water and Wastewater Systems Master Plan", adopted by the City Council on August 7, 1998. Amount not to exceed \$833,900.

Consensus: **FORWARD TO CONSENT AGENDA FOR REGULAR COUNCIL MEETING ON MAY 3, 1999.**

ISSUE DEVELOPMENT

Jarboe Park Facilities **PUBLIC FACILITIES IN JARBOE PARK AND PETITION PRESENTATION:** Mayor Vaughn deferred this matter.

City Manager **CITY MANAGER:** The Mayor addressed an issue concerning City Manager Linn.

On the Record Mayor Vaughn, on the record, read the following memorandum dated April 13, 1999 from the mayor to the city manager, into the record, as follows:

"Date: April 13, 1999
To: Richard Linn, City Manager
From: George F. Vaughn, Jr., Mayor
Subject: Meeting of April 12, 1999

The purpose of this memo is to confirm our conversation in your office at 5:00 p.m., Monday, April 12, 1999.

The purpose of my visit was to discuss several important issues currently facing our City. After concluding discussion of these issues, I took the opportunity to determine why you had not returned my phone call of last Friday, April 9th which message was relayed to you by your Assistant Lisa Volpe at approximately 4:50 p.m.

Ms. Volpe stated to me, when I entered her office on Friday, at 4:30 p.m. that you had left for the day around 3:00 p.m. and that she did not know where you were or how to contact you, other than call your home phone number or your cell phone.

At that time, I asked Ms. Volpe to contact you and have you call me in the City Clerk's Office that I had several things I needed to talk to you about. I was in City Hall until about 5:30 p.m. and did not receive a return phone call from you. I did not hear from you on Saturday, Sunday or Monday.

When I asked you at 5:00 p.m. on Monday why you did not return my phone call you stated that "that was your weekend." Being somewhat taken aback with your unexpected response, I then asked you if you were saying that you do not work on weekends, to which you responded, "no", that is not what I am saying, I am saying that, "that was my weekend." I then stated, "well what you are saying is that you had no intention of returning my phone call", to which you responded, "that is correct." I then stated to you that not returning my phone call was unacceptable and that when I left a message for you to call me, I expected you to return my call. To which you made the following response, "you are just one vote. I expressed my disappointment in your position and responded to you that this was not about votes and stated to you that I was going to document and record your response, which I did, and I got up to leave your office. As I was walking out of your office and passing through your assistant's office you stated to me that you had three (3) Councilors who had told you not to take anything off me and if I bothered you to file charges. With such a surprising statement as that, I turned and asked you to repeat what you had just said and you said you were not going to repeat it. I then stated to you, "you mean you have three (3) Councilor's telling you that it's acceptable for you not to return my phone calls, to which you responded, "that is correct, and if you bother me I am to start filing charges." My response to you as I left the building, Mr. Linn, was for you to go ahead and file charges.

I refuse to be intimidated with your threat to file charges for doing my job as an elected official to represent the interests of the citizens. But what I am most concerned with here is the arrogance of your position and insubordinate manner based on your statement that you have three (3) votes on the Council. I, therefore, deduce that you are comfortable in stating and acting on your position in this matter due to receiving directives from three (3) Councilors outside the Sunshine law.

For many months I have been concerned about your routine absence, especially, on Friday afternoons. And, further, I am alarmed that your assistant admits openly that she does not know where you are or how to contact you. If after leaving the office early on these days, you are considering that absence during normal office hours to be compensatory time off then you have repeatedly violated Section 5A, Hours of Work, of your Employment Contract. You have never complied with that portion of your employment Contract since I became Mayor October 29, 1997.

Effective immediately, as Mayor of the City of Neptune Beach, I expect you to comply fully with the provisions of your employment contract and

take compensatory time off during normal office hours only after rendering appropriate notification to me, or in my absence to the Councilor acting in the Mayor's absence, as outlined in Section 5A.

I intend to seek appropriate counsel to pursue resolution of the issues that you have presented to me, as follows:

- Failure to return my phone calls,
- Threatening to file charges,
- Actions I consider to be insubordinate,
- Breach of contract in Section 5A of your Employment Contract, and
- Taking and acting on directives from Councilor's outside the Sunshine Law."

On the Record Mayor Vaughn, on the record, read the following memorandum dated April 14, 1999 response from the city manager to the mayor, into the record, as follows:

"Date: April 1, 1999
 To: Mayor George G. Vaughn, Jr.
 From: Richard A. Linn, City Manager
 Subject:: Response RE: Meeting of April 12, 1999

This memo acknowledges receipt of the above captioned memo and I am taking your comments under advisement."

There was no response when the Mayor asked the three Councilors mentioned in the above memo to identify themselves.

The City Manager responded that he was in conference with two department heads, off site, on the above mentioned Friday.

Parking on First Street EXTENDED PARKING HOURS ON FIRST STREET. Councilor Jones stated that he would be introducing an ordinance to extend the parking hours on First Street.

Consensus: **FORWARD TO MAY 24, 1999 TOWN HALL MEETING FOR PUBLIC INPUT.**

Report Public Safety Department CLARIFICATION OF REPORT ON COMPLAINT AGAINST PUBLIC SAFETY DEPARTMENT EMPLOYEES. An incident involving a school fight at Fletcher High School previously reported as resolved by Councilor Shimp.

On the Record The Mayor, on the record, read Councilor Shimp's statement from the April 5th, 1999 Meeting, as follows:

"We had a lady here I guess it last month, she came in and she was concerned about the school and her son had been in a fight at the school. The Chief and I went to see Mrs. Mann we talked to Mrs. Mann, and the Chief under a grant is sending one of our SRO and also one of the teachers from Fletcher to an intervention class. And I wanted just to report back to that and I think that the mother was satisfied and we worked some things out so I thought it was a very, very good meeting and both with everybody reaching a consensus, so I thought it was very good. "

Mr. and Mrs. Jemenez, 3 Sandra Drive of Jacksonville Beach, whose son was involved in the above noted incident, stated that the issue had not been resolved to their satisfaction and they had filed an SOP52 Complaint Form against the involved police officer.

Councilor Shimp stated that he thought the matter had been resolved to everyone's satisfaction and apologized for the misunderstanding.

Legal Opinion

City Attorney White cautioned Council that, in light of Mr. and Mrs. Jemenez statement this evening that they had filed a complaint, it would be inappropriate for any Councilor to discuss any aspect of this case. At this time, a particular procedure that must be followed.

On the Record

Mayor Vaughn, on the record, stated that the Police Department had still not complied with his public record request for certain police reports.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Roy Deese, 1720 Lighty Lane, praised the City Manager, Chief of Police and Director of Public Works for their professionalism and expertise. He stated that these persons had earned the respect of the citizens.

Elaine Kenny, 1301 Neptune Grove Drive, stated that, as a friend of the City Manager's family, he should be able to leave the stress of the office behind when he goes home to his family on weekends. In addition, she stated, in her opinion, that a verbatim was an interpretation and not the actual words spoken by a citizen.

Harriett Pruette, 217 Magnolia Street, expressed her opinion that the community should come together and that no public official should be humiliated and embarrassed in public.

Adjournment

There being no further business, the meeting adjourned at 10:27 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AEE, City Clerk

Approved: _____