



MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, JANUARY 17, 2023, 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 Tuesday, January 17, 2023, 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
Chief Financial Officer Danielle Dyer-Tyler
Community Development Director Heather Whitmore
Senior Center Director Leslie Lyne
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.

**City Manager
Employment**

Consideration of City Manager Employment. Mayor Brown read into the record a document dated January 16, 2023, prepared by the City Attorney. This was prepared at Mayor Brown's request. She then read into the record a document dated January 17, 2023, prepared by the City Attorney. Both documents state that in the City Attorney's legal opinion, cause exists under the City Manager's contract for his termination. Both documents are on file in the Office of the City Clerk.

City Manager Stefen Wynn stated that prior to the meeting, his legal counsel advised him it was his option to attend this meeting. He added that he had not had a chance to go over what was presented with his legal counsel. He would like time to review it.

Vice Mayor Chin remarked that it saddened him that this has reached this point. He hoped that differences could be ironed out and solutions found for complex issues such as the water tank. He stated that he had discussed the water tank with the City Manager a couple of weeks ago. The City Manager clearly understood the concerns surrounding the tank, including the underlying ground's stability and safety implications to the adjacent residents should the ground fail. He is disappointed to see the timeline of events that have brought us to tonight's meeting. Whether deliberate or not, it seems inescapable that neglect of duty has allowed this tank to be built with adverse impacts to the neighbors. He expressed his apologies to the residents of Neptune by the Sea that this has occurred.

Vice Mayor Chin stated he is an empathetic person and was ready to agree to a negotiated settlement last week with favorable terms. Those efforts did not reach a resolution. He remains hopeful that at this late hour that we can arrive at an agreement. He added that he would wait for the other Councilors' opinions.

Councilor Key stated on September 19, 2022, she read into the record many of her concerns that she had with the City Manager's poor performance surrounding his incompetence, recklessness, and ineffective leadership. At the core of the problem, in the most simplistic terms, the City Manager has, and continues to be, unwilling to accept responsibility for his actions, period. It has been her experience, as she stated previously, "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 it attempts to shift blame and refuses to see any genuine fault or take accountability. His report he delivered yesterday, does just that. He claims no prior knowledge of the dimensions of the "big green monster" after admitting two sentences earlier that he was told the dimensions by the Community Development Director. He then goes on to say "our responsibility regarding the "big green monster" lies with the Building Department", a department that lies under his direct command. She can think of no worse quality in a leader than lying and evading responsibility. It is for these reasons, among others stated here tonight, that it is in the best interest of the City of Neptune Beach, to relieve Mr. Wynn of his duties.

Councilor Livingston agreed with what has already been stated. She feels sad. She reported that she met with Mr. Wynn two weeks ago hopeful that we could move forward trying to figure out what could be done to improve operations, communications, etc. Leaving that meeting, seeing the attachments and documentation of what has been going on, it seems clear to her Mr. Wynn cannot take responsibility for any of his actions. It leaves her at a point where she has lost confidence that he can carry out his duties to work towards the best interest of the City. It saddens her for the City of Neptune Beach but also for the residents in Neptune by the Sea, for what's happened. At this point, she agrees with the legal opinion.

Councilor Messinger remarked that the facts of the situation are evident at this point. He believes the City and residents of Neptune by the Sea have been placed in a very bad predicament. The situation was further exacerbated by providing all of the facts to the City Council and General Counsel. The facts continued to be misrepresented throughout the process, up until a comprehensive records pull took place, and these things came to light. He is disappointed we are at this place. He was hoping a resolution could be reached for an amicable exit. He does not believe that is possible at this point. He is in concurrence with numerous colleagues here that an immediate separation of the City Manager is in the best interest of the City and its residents.

Mayor Brown expressed that she is sorry that we are here for this reason. She was very hopeful that the offers that were given to Mr. Wynn last week were rejected. She is sorry the City is going through this as a whole. Her colleagues have stated their feelings and more important is that they do not like being here to do this. Their job and their duty is to the City of Neptune Beach as we move forward.

Made by Livingston, seconded by Messinger.

MOTION:

BASED ON THE ITEMS STATED ON THE RECORD TONIGHT, STEFEN WYNN BE TERMINATED WITH CAUSE, PURSUANT TO HIS CONTRACT, AS TO:

ITEM 1. FLAGRANT NEGLECT OF DUTY
ITEM 3. WILLFUL MISCONDUCT

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENT

Public Comment Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated this was horrifying. She expressed that she could not believe what had happened.

Rob Vannoy, 625 Cherry Street, Neptune Beach, stated that what Council had to do was tough. When an employee is not performing and lies directly to constituents, Council did the right thing.

Adjournment There being no further business, the Special Meeting adjourned at 6:28 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____