



Jenny Parham <jparham@highsprings.us>

FW: Resignation

1 message

Jerl langman, Interim City Manager <jlangman@highsprings.us>

Tue, Jan 24, 2012 at 3:10 PM

To: Jenny Parham <jparham@highsprings.us>

From: B. Benck [mailto:bbenck@highspringspd.com]**Sent:** Tuesday, January 24, 2012 12:57 PM**To:** 'Jerl langman, Interim City Manager'**Cc:** ddavis@highsprings.us; emay@highsprings.us; sweller@highsprings.us; bbarnes@highsprings.us; lgestrin@highsprings.us**Subject:** Resignation

Ms. Langman,

It has come to my attention that you were not completely satisfied with my brief letter of resignation. I have also heard that you are telling the commission that the reason I am leaving is due to the fact that I don't like to take orders and want to run the department myself. This being the case, I will be glad to tell you the reason I am leaving in this e-mail and not in a exit interview where it is generally done.

As a law enforcement officer for 30 years, I am very comfortable taking orders. Orders however should be based on experience, knowledge of the subject, and well thought out. If the person giving the orders lacks any of these components, then more qualified persons should be consulted, the orders revised and then issued. I believe I know the incidents that may have caused you concern about my abilities to follow orders, I will address them here.

On 12/30/11 you sent me an e-mail instructing me to form a task force to address a problem with ATV riders and young drivers on a roadway near your neighborhood. I explained to you in my response that a task force was not needed and that increased patrols and selective enforcement would handle the problem. This is SOP in law enforcement, and it accomplished the goal. I have attached the e-mail.

On 01/13/12 you instructed me to create a directive specifically to tell my officers to act on our noise ordinance. This came after an incident involving one of your friends and the Great Outdoors restaurant. I explained to you in a phone conversation that we have a directive instructing HSPD officers to be pro-active in all of their duties and I felt that the writing of a directive targeting one specific ordinance would seem inappropriate. This opinion was also shared by the City Attorney.

On 01/18/12 you had a letter hand delivered to me with instructions on my hours of work and my reporting directly to you. Again I responded to you, not refusing to follow these instructions only asking for clarification and explaining to you how police work operates. I have attached these e-mails and letters to this correspondence.

I have no issues with taking orders as long as those orders are legitimate, unbiased and legal.

I do however have several serious issues with the way you have treated this department and some of its officers. I came to you with information about one of my officers and my intention to terminate his employment. I explained to you my reasons which were supported by the supervisors and staff of the HSPD. At the time, this employee was on probation, which allows for termination if it is believed that the employees performance is substandard, which it was and continues to be. You would not allow this regardless of the above opinions and again, the support of the city attorney.

HSPD directive 101.VII.D instructs employees on interaction with commissioner and the city manager. Despite my bringing this to your attention you have had meetings with one of my employees behind my back and behind closed doors. If chain of command is to work it must work in both directions.

A police department has to be run by an experienced police officer not by a political entity. In a recent meeting with the officers of the HSPD you told them that you wanted this town to be more like Mayberry and they should be more like Andy and Barney, this is insulting to this group of hard working officers. Mayberry does not exist in 2012, the world has changed since the early sixties, there is more traffic, people and crime. There were 164 officers killed in the line of duty in 2011, any officer attempting to emulate the style of Andy or Barney in 2012 runs a great risk of joining the ranks of fallen heroes.

Law enforcement is a honorable profession, carried out for the most part by honorable men and women. It cannot be diluted to fit the needs of a select group.


I will greatly miss the men and women of the High Springs Police Department and the Citizens of High Springs, it has been a privilege to serve them.

Chief William Benck
High Springs Police Department
110 NW 2 Ave
High Springs Fl. 32643
 [\(386\) 454-7535](tel:(386)454-7535)--office
 [\(352\) 745-6856](tel:(352)745-6856)--cell

3 attachments

 **attachment 2.pdf**
1921K

 **attachment 1.pdf**
990K

 **attachment 3.pdf**
1403K

B. Benck

To: Jeri langman, Interim City Manager
Subject: RE: YOUNG ADULT PROBLEMS on NW 157th Ave & NW 160th Place.

Jeri,

Regarding the conversation you and I had concerning the problem on 158th and 160th as I explained to you then, we are addressing the problem through increased patrols and selective enforcement, a "task force" is not warranted in this situation. In law enforcement a task force is put to gather when a problem extends beyond a single jurisdiction, this is not the situation in this case. The tone of this correspondence sounds as if I were not following up on your request as you state "I am requesting again". If you recall the first day you mentioned this I sent out an increased patrol to all officers and had an officer respond out there that afternoon, and yesterday both myself and Ofc Shenk responded. I will remind my officers to pay close attention to this problem this weekend but as you know we have had an armed abduction and robbery recently and they are working very hard on these cases. If we cannot control the young drivers this weekend I will bring some officers in on an overtime basis and focus them on the issue.

The schedule for this weekend is as follows:

Friday night-Ofc. Joy
Saturday-Ofc. Holley
Saturday night-Sgt. Sheppard
Sunday- Ofc. Holley
Sunday night-Sgt. Sheppard

All of the officers have personal cell phones, but if we use the supervisor phone we will not be exposing the officers' personal phones to public records laws. The department cell phone that the supervisor/senior officer will have is 386.588.4021. If this number fails CCC can get a message to the senior officer.

If you receive any more complaints about this problem or any other please give the complaining party my cell phone number and I will be happy to talk with them.

Chief William Benck
High Springs Police Department
110 NW 2 Ave
High Springs Fl. 32643
(386) 454-7535--office
(352) 745-6856--cell

From: Jeri langman, Interim City Manager [<mailto:langman@highsprings.us>]
Sent: Friday, December 30, 2011 1:41 PM
To: bbenck@highspringspd.com
Cc: Angela Stone
Subject: YOUNG ADULT PROBLEMS on NW 157th Ave & NW 160th Place.
Importance: High

Bill,

I have spoken to you twice in the last three days regarding the calls from residents on NW160th Place that are complaining about the roads being damaged by 4 wheelers and young drivers drag racing with their pickup trucks on 160th Place.

The young drivers are gathering about ½ block west on 160th Place on the north side of the road and partying and racing until late in the evening, this has been happening each weekend (especially on Sunday afternoon) and occurred on this past Sunday, Wednesday & Thursday night.

I drove by the area last night at 11pm -- there are beer cans and tire tracks all over the road. The young drivers are defiant and fearless.

I am requesting again, that you create a task force to tamp these two issues down, the young 4 wheelers and the drag racing/partying, the 4 wheelers are damaging the road and creating a risk for themselves as well as traffic on the roadway; the young drivers are both a hazard and a disturbance issue.

I would prefer not to have calls on Tuesday morning about this.

Please give me the names and phone numbers of the supervising officers for tonight, tomorrow and Sunday.

I look forward to speaking to you and your officers this evening.

Kindest regards,



Jeri Langman, Interim City Manager
CITY of HIGH SPRINGS
110 NW 1st Avenue
High Springs, FL 32643
Phone: 386-454-1416
Fax: 386-454-2126
Go Gators!

Please note:

Florida has a very broad public records law. Most written communication, including e-mail addresses, to or from the City regarding City business are public records available to the public and Media upon request. Your e-mail communication may be subject to public disclosure.

City of High Springs
110 NW 1st Avenue
High Springs, Florida 32643



Telephone (386) 454-1416 x 6
Facsimile: (386) 454-2126
Web: www.city.highsprings.com

OFFICE OF THE CITY MANAGER

January 13th, 2012

To: Chief William Benck
Fire Chief Bruce Gillingham
City Clerk Jenny Parham

Re: City of High Springs
City Ordinance - Part 9.03.00 NOISE

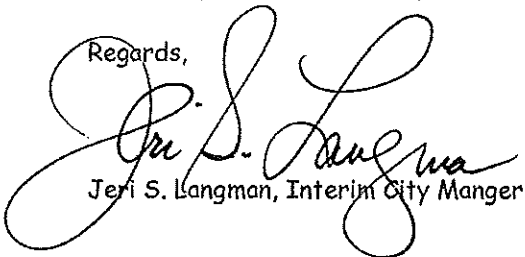
Per the City of High Springs City Commissioner's request at the City Commission meeting of January 12th, 2012:

The attached ordinance is to be considered of high priority and extremely important.

Please create/implement a police directive that will clarify to all officers within our department that they are able and should act upon any occurrence that would fall under this ordinance and that a call to our police department and/or Alachua Sheriff department is not necessary.

Thanking you in advance for your kind attention to this,

Regards,



Jeri S. Langman, Interim City Manager

Hand delivered to all recipients

PART 9.03.00 NOISE

Sec. 9.03.01 Meaning of Terms

For purposes of this PART, the following terms are defined

Impulsive sound means any sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Noise disturbance means any sound which:

1. Endangers or injures the safety or health of humans or animals;
2. Annoys or disturbs a reasonable person of normal sensitivities; or
3. Endangers or injures personal or real property;
4. Is sufficient to annoy and disturb the occupants of premises other than those premises from which noise is emanating to the extent that it renders the ordinary use of the other premises physically uncomfortable;

Any plainly audible sound which may be heard between the hours of 10:00 p.m. and 7:00 a.m. the following day, or 11:00 p.m. and 7:00 a.m. the following day if the following day is a Saturday or a Sunday, at a distance of 50 feet, from the real property boundary surrounding the premises from which the sound is emanating or which may be heard inside a closed building, dwelling unit, or business space which is located without the real property boundaries of the premises from which the sound is emanating shall be presumed to be a noise disturbance.

Plainly audible sound means any sound for which the information content of that sound is communicated to the listener, such as, but not limited to, understandable spoken speech or comprehensible musical rhythms.

Sec. 9.03.02 SPECIFIC SOUNDS PROHIBITED

The following acts are prohibited under this part.

- (A) *Radios, televisions sets, musical instruments, loudspeakers, tape players, CD players, record players, and similar devices.* Using, operating, or permitting the use or operation of any device which produces or reproduces sound in a manner which creates a noise disturbance across a real property boundary.
- (B) *Loudspeakers and public address systems.*
 - a. Using or operating, for any noncommercial purpose, any loudspeaker, public address system, or similar device between the hours of 9:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary.
 - b. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device such that the sound therefrom creates a noise disturbance across a real property boundary.
 - c. The use of any loudspeaker, public address system, or similar device in conjunction with an activity authorized by the city; e.g., parades, art festivals, is exempted from this subsection unless the city, in authorizing the activity, provides otherwise.

or vehicles used in the maintenance or cleaning of parking lots, or buildings or any delivery vehicles or any appurtenant motors, including air refrigeration motors or engines, or any trash or garbage collection vehicles, or any other commercial vehicles, if such operation is:

(1). Within 350 feet of any residential zoning district, and is conducted between the hours of 10:00 p.m. and 7:00 a.m. of the following day or 10:00 p.m. and 10:00 a.m. of the following day if the following day is a Sunday; or

(2). Being performed with sound-control devices less effective than those provided in the original equipment or in violation of any regulation of the United States Environmental Protection Agency; or,

(3). One which creates a sound sufficient to annoy and disturb the occupants of premises other than those premises from which the noise is emanating to the extent that it renders the ordinary use of the other premises physically uncomfortable.

Sec. 9.03.03 EXEMPTIONS

The following sounds shall be exempt from the prohibitions of Sec 9.03.02:

- (A) Sounds made by safety signals, warning devices, and sound emanating from any authorized emergency vehicle, including public works vehicles and equipment, when responding to an emergency call or acting in time of emergency.
- (B) Sound emanating from city- or government activates: The Exemption from the Prohibitions of Sec. 9.03.-2 shall apply only if the permit is obtained after review and approval by the City Commission.- it.
- (C) Sound emanating from landscaping activities which are conducted between the hours of 7:00 a.m. and 9:00 p.m. of the same day. However, this subsection shall not exempt landscaping equipment from the prohibition of subsection 9.03.02, C), G)
- (D) Sound emanating from refuse collection activities sanctioned by the city.
- (E) Sound emanating from railroad warning signals, engines, or cars in transit.

Sec. 9.03.04 RELIEF FROM NOISE RESTRICTIONS

Applications for relief from this part may be made to the city council. Any ruling granting relief shall contain all conditions upon which the permit has been granted, including but not limited to, effective dates, time of day, and location.

Sec. 9.03.05 ENFORCEMENT

Refer to Article XII

PART 9.04.00 INDUSTRIAL ACTIVITIES

Sec. 9.04.01 GENERAL REQUIREMENTS

(2) Contest the citation in county court.

- (D) Any person electing to contest the citation and choosing to appear in county court shall be deemed to have waived the limitations on the civil penalty specified in subsection (a) of this section. The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of a violation has been proven, the court may impose a civil penalty not to exceed \$500.00.
- (E) Any person who willfully refuses to sign the citation issued by the police officer is guilty of a misdemeanor of the second degree, punishable as provided in F.S. Statute 775.082, 775.083, or 775.084. This violation shall be enforced by an officer if the police department.
- (F) Any person who has not requested a hearing and who has not paid the fine specified in subsection (a) of this section within ten days is guilty of a misdemeanor of the second degree, punishable as provided in F.S. Statute 775.082, 775.083, or 775.084. This violation may be enforced by an officer of the police department or by the issuance of a warrant through the court.
- (G) If any person fails to pay the civil penalty or fails to appear in court to contest the citation as required by the subsection © of this section, the court may issue an order to show cause upon the request of the city. This order shall require such person to appear before the court to explain why such action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court directive, that person may be held in contempt of court.

12.03.05.03 CONFISCATION OF SOUND EMITTER

The City Manager ^{or} designee shall notify the operator of any device that produces sound constituting a noise disturbance that the device is a health hazard. The City Manager or designee shall have the power and authority to have the device removed or toned down instantly until such time as it can be otherwise operated in compliance with these regulations. The owner of the device will be notified when and where the property can be reclaimed.

City of High Springs
110 NW 1st Avenue
High Springs, Florida 32643



Telephone (386) 454-1416 x 6
Facsimile: (386) 454-2126
Web: www.city.highsprings.com

OFFICE OF THE CITY MANAGER

January 18th, 2012

To: Chief William Benck
High Springs Police Department

Dear Chief Benck,

In prior discussions with you, I have requested that you or your staff notify me when you are outside the City of High Springs during your working hours for more than 1 hour and indicate who will be in charge of the department during this time.

At this time, I am formally requesting that this be done, I am also requesting that you are either at the office performing your duties or performing patrols during normal office hours.

As a head of our High Springs police department you report directly to me, therefore you must inform me of any vacation time prior to taking this and you must also advise me when you are out of the office and unable to perform your duties.

Sincerely,


Jeri S. Langman
Interim City Manager



High Springs Police Department
110 N.W. 2nd Avenue • P.O. Box 1008
High Springs, Florida 32643/32655
Chief William Benck

January 23, 2012

To: Jeri Langman
Interim City Manager

Ms. Langman,

I received your letter date 01/18/12 and there are several contradictions contained in it.

In the first paragraph you ask me to notify you of when I will be out of the city for more than 1 hour. In the second paragraph you then state that you want me to remain in High Springs during normal office hours. This begs the question, are you requesting that I remain in the city at all times. If so then the various meeting I am involved in will have to go unattended, the reports and citations will have to be delivered to the state attorneys and the clerk of courts by other means.

In the first paragraph you also state that you need to be informed as to who is in charge of the department when I am away for more than 1 hour. Regardless of my physical location as Chief, I am in charge of the department, if problems arise I can be contacted by phone or radio. I have a very competent group of officers that I trust to contact me if a situation unfolds that they need guidance on. I believe what you are requesting is to know who is the senior officer on duty when I am not in the office. This can be accomplished by forwarding you our daily roster, which I will be happy to do.

In paragraph two you state "normal office hours", could you define this. I attend and conduct training anytime from 7am during the week to 7pm on Saturdays. My phone rings and I respond 24 hours a day, 7 days a week. Regardless of your position or rank in law enforcement there are no normal office hours.

Law enforcement is a complicated and difficult task, a task that I have dedicated the last 30 years of my life to. I have experience in both patrol responsibilities

Office: (386) 454-1415 • Fax: (386) 454-7801 • hspd@highspringspd.com
www.highspringspd.com

and in supervising the various aspects of law enforcement. As a City Manager I would think you would meet with me to discuss what needs this department has and how we can meet those needs to better serve all the citizens of High Springs. This meeting has yet to take place. Sending letters requesting changes that you do not understand can be damaging to this department.



Chief William Benck
High springs Police Department

Office: (386) 454-1415 • Fax: (386) 454-7801 • hspd@highspringspd.com
www.highspringspd.com