

After Baby J's ruling, Dewey Destin moves to plug 'black hole'

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Destin City Council's recent vote to have the city attorneys try to close Baby J's Water Cafe didn't violate the letter of the city's rules, but it did violate the spirit, Councilor Dewey Destin says.

"As it stands now, council has to put items on the agenda by Wednesday or Thursday and make every effort to supply the paperwork to understand it," Councilor Destin told The Log this week. "Odd as it may seem, that set of directions is for council and not for staff, which seems a little bit backwards."

As a result, the councilor said at Monday's meeting, "we are creating a black hole in the city manager's part (of the meeting) where anything can be brought up." The council voted unanimously to have staff draft a resolution that would put staff and council under the same rules.

To read The Log's opinion on the court drama, [click here](#).

Items of business not on the council's agenda do come up under the council reports, city attorney comments and city manager comments section of the agenda. The council doesn't usually take any action on them beyond giving directions to staff, except in emergency situations, when an unagenda'd item requires a 5-2 supermajority vote to pass.

Last month, City Land Use Attorney [Scott Shirley told the council](#) that Baby J's Water Cafe on the Destin harbor had violated the city's life/safety codes to the point he wanted council's authorization to file for an injunction closing Baby J's rather than taking weeks to work through code enforcement.

The council gave Shirley the authorization on a 6-1 vote, with Councilor Destin voting no. At the July 29 hearing, however, [Judge Keith Brace said that he wasn't willing](#) to grant an immediate injunction and postponed the hearing to a date not yet set.

The Baby J's attorney, Dana Matthews, told The Log that the city had moved unreasonably fast, and that because the item hadn't been specified on the agenda, he and his clients hadn't known to attend and address the council. After the hearing, Matthews said the statements about the restaurant had been "damaging" enough the owners might take legal action.

Councilor Destin said Monday that not giving the restaurant a chance to speak before possibly being shut down disturbed him too. He proposed having staff draft a resolution to apply the same prior-notice requirement to staff as the council works under, "except in extraordinary

circumstances. We all know those happen.”

City Manager Greg Kisela said that would be doable.

Councilor Sam Seevers said it was always good to have the time to do homework on an issue, but asked if she could see a copy of the specific city rules Councilor Destin was using for reference.

“That’s why we’re not voting on it tonight,” Councilor Destin said, because the council hadn’t had time to study the subject. Instead, the council directed staff to bring back a proposal the council could vote on at a later meeting, when it would be on the agenda.

Seevers added she’d also like to receive the council’s package of information the Thursday before the meeting rather than Friday, because that gave the members more time to do research and call people if they had questions. Kisela said sometimes the agenda got “hung up” on a particular item, but staff would do their best.