

BABY J'S TO CLOSE WITH A 'BLOWOUT': 'You can't keep fighting City Hall,' restaurant's attorney says

Tosha Sketo

2009-10-27 14:13:41

The drawn-out legal battle waged by the city of Destin against Baby J's Cafe is set to end, as owners of the floating restaurant, Vic Starling and Kelly Morgan, have announced that they will close their doors this weekend.

"Essentially, Baby J's has made a business decision based on all the money that they've lost due to the city to shut down the restaurant after Saturday night," said Dana Matthews, attorney for Baby J's. "Despite their best efforts to provide a quality establishment and watering hole for the people of Destin, you can't keep fighting City Hall."

Starling and Morgan have been locked in a battle with City Hall for almost a year. The city has alleged that the restaurant is a floating structure, not a vessel, and as such the fire marshall and city building official found several life-safety violations at the popular Destin hang-out, including the lack of a kitchen hood, sprinklers and a way on or off the second floor of the boat.

"Basically, none of those improvements have been made," Ken Gallander, of the Community Development Department, said this week. "So we are continuing on with discovery."

In July, the City Council voted 6-1, with Councilor Destin voting no, to authorize Scott Shirley, City Land Use Attorney, to file for an injunction to close Baby J's based on their claim that it presents a public safety hazard. Judge Keith Brace denied the city's request for an immediate injunction, saying it was unreasonable to expect the court to convene an emergency hearing when the city had been aware of the safety hazards for awhile. The city was pushing for another hearing, but it had yet to take place.

"If they are going to shut down, then we will not be pursuing any litigation against them in that location," Gallander said. "But we will be actively watching where that floating structure goes next, and following the same procedures if someone tries to reopen it elsewhere. Our main concern is that the life safety hazards are dealt with."

And according to Matthews, Baby J's will reopen eventually, either floating in a different location or in an upland location in Destin. The last time the Log spoke to the owners of Baby J's, they were in talks with buyers in Biloxi and Pascagoula, Miss. But Starling and Morgan had yet to finalize a deal as of press time. Until they do, Baby J's will remain in its current location.

Before closing for business after Saturday night, Starling and Morgan are having one last hurrah. Baby J's floating cafe will host one long goodbye party this weekend, starting Thursday and going strong through Saturday.

"They're having a big blowout, and they would love for all of the locals who have supported them to come out," Matthews said.