

## Baby J's issue prompts council to rethink meeting procedures

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DESTIN — The 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, Councilman 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," Destin said. "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, Destin said last week'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.

Items not on the meeting 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 action on them beyond giving directions to staff, except in emergencies, when an 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 Destin Harbor had violated the city's life/safety codes to the point he wanted the council's authorization to file for an injunction to close the restaurant rather than taking weeks to work through code enforcement.

The council voted 6-1 to give Shirley authorization, with Destin voting no. At a court hearing July 29, Okaloosa County Judge Keith Brace said that he would not grant an immediate injunction and postponed the hearing to an unspecified date.

Dana Matthews, Baby J's attorney, said the city moved unreasonably fast. Because the item hadn't been specified on the agenda, he and his clients didn't know to attend the council meeting. After the hearing, Matthews said the statements about the restaurant had been "damaging" enough the owners might take legal action.

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

City Manager Greg Kisela said that would be doable.

Councilwoman Sam Seever said it always is good to have the time to do homework on an issue, but asked to see a copy of the specific city rules Destin was using for reference.

"That's why we're not voting on it tonight," Destin said, because the council hadn't had time

to study the subject.

Seevers also said she would like to receive the council's agenda package the Thursday before a meeting rather than Friday. She said that would give council 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 that the staff would do its best.