

**MINUTES
EXECUTIVE SESSION
CITY COUNCIL
MAY 20, 2024
5:30 PM
CITY HALL ANNEX COUNCIL CHAMBERS**

The Council of the City of Destin met in an executive session with the following members and staff present:

Council Present

Mayor Pro Tem Dewey Destin
Councilmember Johnny King
Councilmember Terésa Hebert
Councilmember Kevin Schmidt

Councilmember Torey Geile
Councilmember John Stephens
Councilmember Jim Bagby

Staff Present

City Manager Louis Zunguze
City Clerk Rey Bailey
City Attorney Kimberly Kopp
Special Counsel Eric A. Krebs

Others Present

Liz Klein, Court Reporter

CALL TO ORDER

1. Mayor Pro Tem Dewey Destin convenes the meeting by stating that:

“This session of the Destin City Council is hereby convened as noticed by publication in a newspaper of general circulation, The Northwest Florida Daily News, on Sunday, May 19, 2024.

2. The City Attorney stated as follows:

“Pursuant to §286.011(8), Florida Statutes, at this time, I would like to request that we adjourn to executive session so that I, the attorney of record for the City of Destin in:

***Enclave Community Property Association, Inc. vs. City of Destin,
Case Number 2023-CA- 003150, in the First Judicial Circuit, in
and for Okaloosa, County, Florida***

may receive the Council’s advice regarding the strategy to be used in this case and the type of expenses to be incurred.

The entire session would be recorded by a court reporter, the transcript would be filed with the City Clerk, and available to the public at the conclusion of the litigation discussed today. A copy of the published notice of this executive session is hereby identified as Exhibit A and will be attached to the transcript of this executive session.

In addition to the Mayor Pro Tem and City Council members in attendance tonight, the following persons are in attendance:

Attorneys for the City:

***Eric A. Krebs, Esq.
Warner Law Firm, P.A.
P.O. Box 1820
Panama City, Florida 32401***

***Kimberly Romano Kopp, Esq., LEED AP
Romano Kopp Law, PA.
P.O. Box 5524
Destin, Florida 32541***

City Manager

Louis Zunguze

The City Attorney continued:

“At this time will the Mayor Pro Tem and Council members in attendance please identify yourselves for the record?”

***Kevin Schmidt
Johnny King
Dewey Destin
Terésa Hebert
Jim Bagby
Torey Geile
John Stephens***

The City Attorney continued:

“I estimate that this executive session will take approximately 30 minutes. At the conclusion of the executive session, the Council will reconvene the public hearing, accept any motions if applicable, and the mayor will end the session.”

3. The Mayor Pro Tem stated that:

“At this time, we will recess the public portion of tonight’s meeting and convene the executive session.”

Everyone who is not a participant in the Attorney-Client portion of the session left the room.

4. Executive Session

Discussion of the litigation.

5. Following the closed session, and once the Clerk has returned and turned on the recording, the Mayor Pro Tem stated that:

"We will now reconvene the public portion of this meeting and I will accept any motions from Council."

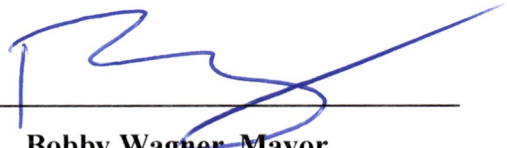
Councilmember Bagby moved to direct the City Manager not to expend any city funds, but to communicate to the enclave neighborhood that if they want signage or any other improvements on the public property that they can bring the plans to the city for review; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Stephens voted "yes").

ADJOURNMENT:

Having no further business at this time, the Mayor Pro Tem adjourned the meeting at 5:55 PM.

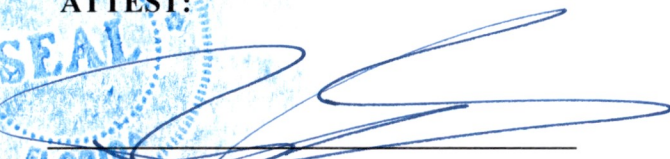
ADOPTED THIS 3RD DAY OF JUNE 2024

By:



Bobby Wagner, Mayor

ATTEST:



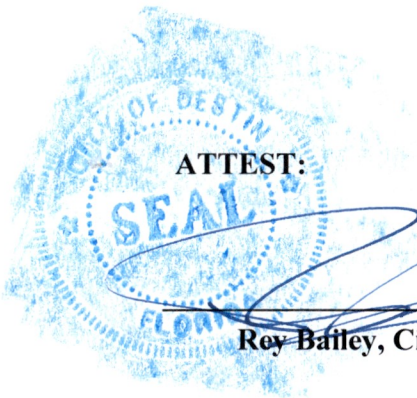
Rey Bailey, City Clerk

Exhibit A

NOTICE

NOTICE IS HEREBY GIVEN that pursuant to Section 286.011(8), *Florida Statutes*, the City of Destin City Council will meet in Executive Session in City Council Chambers at the Destin City Hall Annex, 4100 Indian Bayou Trail, Destin, FL 32541, on Monday, May 20, 2024, at 5:30 PM (CDT), or as soon thereafter as the issue may be heard, to receive the advice of counsel concerning the following pending litigation:

Enclave Community Property Association, Inc. vs. City of Destin, Case Number 2023-CA-003150, in the First Judicial Circuit, in and for Okaloosa County, Florida.

City Manager Louis Zunguze, City Attorney Kimberly Kopp, Litigation Counsel William G. Warner, Litigation Counsel Eric Krebs, Mayor Bobby Wagner, Council members Kevin Schmidt, Johnny King, Terésa Hebert, Jim Bagby, Torey Geile, Dewey Destin, and John Stephens will be attending the Executive Session.

The entire Executive Session will be transcribed by a certified court reporter and filed with the City Clerk. The transcript of the Executive Session will be made a part of the public record upon the conclusion of above-referenced litigation.

Rey Bailey
City Clerk

#10189147; 5/19/2024