

**MINUTES
EXECUTIVE SESSION
CITY COUNCIL
AUGUST 24, 2020
6:00 PM
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 Gary Jarvis
Councilmember Chatham Morgan
Councilmember Cyron Marler
Councilmember Parker Destin

Councilmember Steven Menchel (Virtual)
Councilmember Prebble Ramswell (Virtual)
Councilmember Rodney Braden (Virtual)
Councilmember Skip Overdier (Virtual)

Staff Present

Deputy City Manager Webb Warren
City Clerk Rey Bailey
City Land Use Attorney Kimberly Kopp
City Attorney Kyle Bauman
Public Services Director Michael Burgess (Virtual)
Special Counsel Ken Oertel (Virtual)

Others Present

Liz Klein, Court Reporter (Virtual)

CALL TO ORDER

1. EXECUTIVE ATTORNEY-CLIENT SESSION: Pursuant to Section 286.011(8), Florida Statutes, the City's Special Counsel will be seeking the advice of the City Council regarding settlement negotiations and/or strategy related to litigation expenditures concerning the pending litigation:

**CITY OF DESTIN, *Petitioner* vs. THOMAS WILSON, DAVID H. SHERRY,
REBECCA R. SHERRY, AND JOHN S. DONOVAN, *Respondents*, Case No.
20-2023F Division of Administrative Hearing**

Mayor Jarvis 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 Daily News on Sunday, August 23, 2020,

The City Attorney states 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:

CITY OF DESTIN, *Petitioner* vs. THOMAS WILSON, DAVID H. SHERRY, REBECCA R. SHERRY, AND JOHN S. DONOVAN, *Respondents*, Case No. 20-2023F Division of Administrative Hearing

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 and City Council members in attendance tonight the following persons will be in attendance at the session:

***Attorneys for the City: Ken Oertel
Oertel, Fernandez, Bryant & Atkinson, P.A.
2060 Delta Way, Tallahassee, FL 32303***

***Kimberly Romano Kopp, Esq., LEED AP
Romano Kopp Law, PA.
P.O. Box 445
Destin, Florida 32541-0445***

***Kyle S. Bauman, Esq.
Anchors Smith Grimsley
909 Mar Walt Drive, Ste. 1014
Fort Walton Beach, Florida 32547***

"At this time will the Mayor and Council members in attendance please identify yourselves for the record?"

The following individuals identified themselves for the record:

- Mayor Gary Jarvis
- Councilmember Chatham Morgan
- Councilmember Parker Destin
- Councilmember Cyron Marler
- Councilmember Skip Overdier
- Councilmember Steven Menchel
- Councilmember Prebble Ramswell
- Councilmember Rodney Braden

The City Attorney continued by stating that:

"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."

Mayor Jarvis stated that:

"At this time, we will recess the public portion of tonight's meeting and convene the executive session."

The Mayor and Council proceeded with discussion of the lawsuit (closed session)

2. Direction relating to Case No. 20-2023F Division of Administrative Hearing – Public Setting.

Upon conclusion of the closed portion of the executive session, and once the City Clerk has returned and turned on the recording, the Mayor states:

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

Councilmember Destin moved to direct Special Counsel Ken Oertel to file a Notice of Appeal in this case, with a compensation not to exceed \$15,000; seconded by Councilmember Braden.

At this time, the Mayor asked if any member of the public wishes to make a comment on the motion.

Having none, the Mayor asked if any member of the Council wishes to comment on the motion. Having none, the Mayor called for a vote on the motion.

Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

3. Emergency Management Measures – Public Setting

The Deputy City Manager explained that this item was added to this meeting's agenda due to two storm systems approaching this area and Friday's forecast was extremely uncertain at that point. Since the path of the storms have changed and the danger seeming been averted, the City does not have to execute a full emergency management plan at this time. However, staff would like to provide an update on the proactive measures that were taken in preparation for the storms.

The City's Public Services Director and Emergency Manager Michael Burgess recapped the preemptive measures taken by the City in preparation for the storm systems:

- Fueled all heavy equipment
- Scheduled two above-ground storage tanks for non-ethanol gas and diesel to be fueled by supplier
- Storm shutters at City facilities were lowered and secured
- Public Works trucks were cleaned out and prepared for action
- Portable generators were all exercised to make sure they are functional
- Contacted the two disaster recovery contractors and placed them on stand-by. Both confirmed their availability to respond if necessary
- Placed the City's 3 continuing services engineering firms on standby. All confirmed their availability to respond if necessary
- Conducted virtual meeting with all staff members and provided information based on forecast from the National Weather Service and Hurricane Center
- Based on effects of COVID-19, able to alter operations to allow some members to work remotely. Some of the existing technology will be incorporate into the City's operating instructions
- Other non-City owned facilities such as the Art Banner set on Main Street and other City locations have been included in the implementation of best management practices when a storm is approaching to mitigate damage to the banners

4. ADJOURN

Having no further business at this time, the Mayor adjourned the meeting at 6:45 PM.

ADOPTED THIS 8TH DAY OF SEPTEMBER 2020

By:


 Gary Jarvis, Mayor

ATTEST:


 Rey Bailey, City Clerk

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, August 24, 2020, at 6:00 PM (CDT), or as soon thereafter as the issue may be heard, to receive the advice of counsel concerning the following pending litigation:

CITY OF DESTIN, Petitioner vs. THOMAS WILSON, DAVID H. SHERRY, REBECCA R. SHERRY, AND JOHN S. DONOVAN, Respondents, Case No. 20-2023F Division of Administrative Hearings

City Manager Lance Johnson, City Attorney Kyle Bauman, City Land Use Attorney Kimberly Kopp, Special Counsel Kenneth G. Oertel, Esq., Mayor Gary Jarvis, Council members Chatham Morgan, Parker Destin, Cyron Marler, Skip Overdier, Prebble Ramswell, Steven Menchel and Rodney Braden 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

August 23, 2020