

Sequence of Significant Events

On February 25, 2021, the Veterans Memorial Park Foundation (VMPF) signed an agreement for the funding of a temporary restroom facility. A month later, on March 25, 2021, the City Council heard Brian Spencer's request to disallow the restroom facility. The City Council voted to allow for the placement of the restroom facility at the approved site at Admiral Mason Park for one year while a permanent restroom facility was developed. That was the second time that the City Council had voted to approve the temporary restroom facility.

During the City Council meeting in what was described as a "Hallelujah moment," Kevin Stephens, vice president of the Citizens for the Preservation of Admiral Mason Park (CPAMP) board, told the Council, "Mark it, record this that I will raise every dollar—every dime—that is required to build a suitable, respectful bathroom facility for our veterans and our downtown residents and it won't cost the city any money..." (This is a link to the video clip: <https://bit.ly/3xOY3vx>).

Two weeks later, on April 7, 2021, VMPF President Paul Entrekin learned that CPAMP attorney Ed Fleming informed the Mayor that if VMPF proceeds with the restroom project, he would file suit on behalf of his clients. Mr. Entrekin said that he was perplexed by that since Mr. Spencer had phoned him the day after the City Council decision to say that he was looking forward to collaborating on a permanent restroom structure.

On May 4, 2021, Mr. Entrekin and VMPF Operations Officer Pete McKanna met with Mr. Spencer at the park and agreed on a site for the permanent restroom facility at the south end of the park, not far from the World War I monument. The following day, Mr. Spencer contacted Mr. Entrekin and said that on advice of their counsel, the only way to see the lawsuit dropped would be for the attorneys to hammer out an agreement.

On May 18, 2021, VMPF Attorney Ed Holt received a draft settlement agreement written by Mr. Fleming from the City Attorney Heather Lindsay after learning about its existence by reading an email thread between Ms. Lindsay and Mr. Fleming in which he was a carbon recipient.

After receiving a response from VMPF counsel, Mr. Fleming sent a revised draft settlement agreement two days later that he said reflects the conversations and concerns communicated to him.

On May 22, 2021, Mr. Entrekin responded via counsel that included a clear statement of the VMPF position which had not been captured in Mr. Fleming's proposed agreement drafts. At the time, Mr. Fleming was vacationing in South America.

On June 3, 2021 Mr. Fleming told Mr. Holt that the settlement agreement had been "put off and put off" and that he had "devoted considerable time, at the expense of my client, to getting the matter amiably resolved. It is time to either settle, or go to court, and I need an answer one way or the other today."

In response that day, Mr. Holt told him that he had been unable to reach him by telephone but told him that VMPPF has also incurred a lot of effort and time to work toward resolving the matters involving Mr. Fleming's clients. He reminded Mr. Fleming, "As you were on vacation for two weeks during this matter, it has also taken time for the VMPPF to meet and discuss all aspects of the situation and the City Council action."

On July 20, 2021, VMPPF representatives and their counsel met with CPAMP representatives and their counsel to discuss settlement. During the meeting, CPAMP vice president Kevin Stephens said he was not going to be able to raise all of the funds for the permanent restroom facility (as he had promised at the March 25, 2021 City Council meeting), but that he would participate in the fund-raising effort. He agreed to chair the effort. The meeting produced a verbal consensus regarding the transition to a permanent restroom facility, which included VMPPF board members serving on the fund-raising board but not as officers and VMPPF assisting with the drafting of articles of incorporation and by-laws for the fund-raising group. VMPPF said it would also meet with the Mayor and ask him to write a memorandum of understanding (MOU) that would state his support for a permanent restroom facility in the park.

During the meeting, CPAMP said that once the Mayor puts his signature on an MOU expressing his support for the permanent restroom facility project, VMPPF would be dropped from the lawsuit.

On July 26, 2021, Mr. Fleming sent Mr. Holt a draft MOU. In his email, Mr. Fleming wrote, "One change is that Kevin Stevens has said that while he will serve on the fund raising committee, and play a major role in fund raising, that his 'day jobs' (including being on the ECUA board, working full time as a developer, and running a portable toilet business) prevents him from undertaking the administrative duties of being chair. Kevin was going to give Paul a call to discuss this, and request that one of the retired veterans from the Foundation assuming that role."

Meanwhile, VMPPF said that it had already begun work on by-laws for the fund-raising group as well as drafting articles of incorporation for the CPAMP to submit on the group's behalf.

However, that MOU was not representative of what had been agreed upon just a few days before. Among other things, the MOU that Mr. Fleming sent shuffled responsibility for leadership of the fundraising effort to VMPPF which would essentially place the pace of fundraising progress at VMPPF's feet, even after agreeing at the meeting to lead it. The proposed MOU also included new condition that not only were not agreed to at the July 20 meeting, they weren't in the settlement agreement that CPAMP drafted prior to the meeting.

On August 31, 2021, VMPPF, through its attorney, proposed alternate language for an MOU that more accurately reflected the outcome of the July 20, 2021 settlement meeting.

With that proposed agreement submitted to CPAMP counsel, CPAMP ended discussions with VMPPF and its counsel. Meanwhile, VMPPF continues to seek funding for a permanent restroom facility. So, while others have reneged on their promises to raise funds for a permanent restroom facility, VMPPF has submitted grant requests and a request for funds from the Florida Senate.