

A special meeting of the City Commission of the City of Apalachicola was held on Friday, August 16, 2013 at 12:00 Noon at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Van Johnson, Commissioner Jimmy Elliott, Commissioner Brenda Ash, Commissioner Mitchell Bartley, City Clerk Lee Mathes, City Attorney Pat Floyd

Visitors: David Adlerstein

Special meeting opened by Mayor Johnson.

Mayor Johnson stated this meeting has been called to discuss possibility of joining forces with the State of Florida in lawsuit against the State of Georgia regarding the Apalachicola River water problems.

Commissioner Ash asked Attorney Floyd if the original lawsuit has been closed and if this is a new lawsuit.

Attorney Floyd stated this is a new lawsuit. Attorney Floyd outlined the proceedings of the previous lawsuit. Attorney Floyd stated the original lawsuit is finished.

Commissioner Ash asked how this lawsuit will be different from the previous lawsuit.

Attorney Floyd stated the City of Apalachicola would join with the State of Florida in their lawsuit. The City of Apalachicola wants to be included in the lawsuit with the State of Georgia. Attorney Floyd stated he wants to also explore a suit against the Corp of Engineers on the grounds of Inverse Condemnation. Attorney Floyd outlined the definition of Inverse Condemnation.

Commissioner Ash stated she feels it is extremely important to continue to fight for the Apalachicola River; however the Commission has a financial obligation to not overextend the City's finances. Commissioner Ash asked what the estimated costs to fund this lawsuit were.

Mayor Johnson stated look at the loss of revenue and the loss of jobs if the City doesn't pursue this lawsuit.

Commissioner Ash she needs to understand how the City is going to fund this without overextending the budget. There needs to be some type of plan in place so expenses can be covered.

Mayor Johnson stated what price do we put on protecting our famous resource. It is priceless. What is at stake is people's livelihood.

Commissioner Ash stated she understands that, but as a Commissioner she needs to understand how the City is going to fund the expenses.

Mayor Johnson stated he respects Commissioner Ash's concerns, but there are a lot of lives at stake here. The City can't say we can't afford it when we are to look after the people in Apalachicola. What price do you put on protecting our interest?

Commissioner Bartley stated if the State of Florida will take the lead then maybe the expenses will be lower.

Mayor Johnson stated this affects the whole economy. How can you put a price on what makes Apalachicola prosper?

Commissioner Ash stated she is not minimizing the importance of the Apalachicola Bay or Apalachicola River or the importance of the economic impact, but she needs to know the City is going to fund the lawsuit.

Attorney Floyd stated he will continue his services at \$80/hour and will be able to monitor how much time is spent. Attorney Floyd stated with the State involved also, expenses will be more reasonable. Attorney Floyd stated he will be conscious of how much time is spent on this lawsuit.

Commissioner Ash stated she understands that no one can put a price tag on how much this will cost, but the Commission has to be realistic on how to minimize the cost without minimizing the purpose and be conscious of the expense.

Commissioner Elliott stated he admires Commissioner Ash for her financial concerns, but this is something worth fighting for.

Mayor Johnson stated the Governor doesn't live here, and he doesn't benefit from the activities here.

Commissioner Elliott asked if Alabama was joining the lawsuit.

Attorney Floyd stated he is hoping they will.

Mayor Johnson stated we are talking about livelihoods, and the City needs to be a part of this fight.

Motion for the City of Apalachicola to join lawsuit with the State of Florida against the State of Georgia regarding the water flow down the Apalachicola River, and to authorize Attorney Floyd to explore and research the option of a lawsuit against the Corp of Engineers under Inverse Condemnation made by Commissioner Elliott, second by Commissioner Bartley.

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Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Bartley, Mayor Johnson

Voting Nay: None

There being no further business, meeting adjourned.

Van W. Johnson, Sr., Mayor

Lee H. Mathes, City Clerk