

A special meeting of the City Commission of the City of Apalachicola was held on Friday, November 25, 2011 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 Frank Cook, City Administrator Betty Webb, City Attorney Pat Floyd

Visitors: Tom Daly, Mark Friedman, Dixie Partington, Lisa Gross, Robin Vroegop, John Comer, Jill Comer, Lynn Wilson, Bill Spohrer, Alice Gibbs, Bud Johnson, June Dosik, George Mahr, B. J. Terhune, Ken Schroeder, Helen Willis-Escobar, Kathy Willis, Gene Smith, J. T. Escobar, Rob Leverone, George Escobar, Charles Kienzle, Carrie Kienzle, Tamaie Suarez, Susan Richardson

Mayor Johnson opened special meeting. Mayor Johnson stated he called meeting at request of Tom Daly.

Tom Daly stated the letter sent to Progress Energy requesting a 90 day moratorium on installing the power poles has been rejected. Mr. Daly stated that the Historic Society, along with several business and property owners, now want to file an injunction. Mr. Daly stated the City, County, and TDC should all sign on to support this. Mr. Daly is asking the City to join in on the injunction. More funds have been raised to support this effort. Mr. Daly stated they now have 8 people in standing and that Attorney Jacobs states there will be no risk to the parties involved.

Attorney Floyd stated no lawsuit has no risk.

Mr. Daly stated even if there is a risk, the reason is compelling to take the risk.

Mayor Johnson stated the previous attorney stated there was no legal action that could be filed against Progress Energy. What has changed?

Mr. Daly stated more information has been received now, and previously no deep research was done. Mr. Daly stated the new attorney has more experience.

Lynn Wilson Spohrer outlined tax contributions and thoughts on potential health and environmental concerns.

Mr. Daly stated the injunction will go forward with or without the City Commission's support.

Gene Smith stated he is appalled at the lack of support shown from the Mayor and Commission.

Commissioner Elliott stated it takes sacrifices and courage to stand up to a big conglomerate. Commissioner Elliott stated the group is trying to buy time.

Mayor Johnson stated an executive attorney client session should be held to discuss legalities. Mayor Johnson stated he has heard no facts today, only emotions. Facts will come forth at an attorney client session.

Mayor Johnson stated no decision will be made today. An attorney client session will be scheduled so that both Attorney Floyd and Attorney Jacobs can be present.

Attorney Floyd stated the Public Service Commission is the one that makes decision if lines go underground, not Progress Energy. Attorney Floyd stated that state Law overrides local laws, Planning & Zoning, and the Comprehensive Plan. Attorney Floyd discussed injunction process.

Mr. Daly stated the poles could possibly be installed before the injunction is filed. Attorney Jacobs has informed them not to give public information out before injunction.

Mayor Johnson stated if the poles go up, it takes a referendum of 2,300 voters to do anything. Mayor Johnson asked do the citizens want to authorize the use of sales tax to pay to buy the lines.

George Mahr stated all users will pay the cost, both inside and outside the City. There is nothing in Public Service Commission planning documents to compel Progress Energy to put lines underground.

Mr. Daly stated they need the City, County and TDC support to show that this a whole community issue.

Motion to set joint executive attorney client session between City Commission and Apalachicola Housing Authority for Tuesday, November 29, 2011 at 5:00 PM and set executive attorney client session for Tuesday, November 29, 2011 at 6:00 PM to discuss Progress Energy issue made by Commissioner Cook, second by Commissioner Ash.

Motion carried 4 to 0.

Voting Aye: Elliott, Ash, Cook, Mayor Johnson

Voting Nay: None

There being no further business, meeting adjourned.

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Van W. Johnson, Sr., Mayor

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Lee H. Mathes, City Clerk

