

CITY COUNCIL MINUTES WORKSHOP

OCTOBER 25, 2010

Mayor LaCascia called the workshop to order at 6:50 p.m.

Present: Mayor Joe LaCascia, Vice Mayor Trudy Block, Councilor Adorno, Councilor Don Kimsey, City Attorney Tom Cloud and City Clerk Patricia Jackson.
Absent: Councilor Mike Blethen

Discussion of Petition to Dissolve the City

Mayor LaCascia turned the meeting over to Attorney Tom Cloud. Attorney Cloud advised the City received a Petition for Dissolution and he was asked to look at the Petition. He advised the City is not obligated to accept the Petition; there is no plan to pay off the debt, and the Attorney General's Opinion supports that. There are only two ways to dissolve a City – 1) by act of the State Legislature and 2) the City Council voluntarily decides to dissolve, if they have a plan to deal with the debt, and if there is no plan you cannot dissolve. Mayor LaCascia remarked it would require a plan to pay off the debt of the City. When asked about the signatures of the petition, Attorney Cloud advised there were discrepancies of the signatures. Councilor Kimsey advised he takes the Attorney's word that the petition was not sufficient. Attorney Cloud advised that Inglis sent a request to the Attorney General regarding dissolution, and that was the answer given; this happened in 2010 and that is the most recent opinion given. Councilor Kimsey asked about the petition that was signed by 40% of the citizens and Council's legal obligation to them. Attorney Cloud advised without a plan to refund the debt, dissolution is legally inappropriate. Councilor Kimsey made reference to the Petition requesting a referendum. Attorney Cloud advised if Council wanted to decide, under Statute 165 the Council would have the same problem – where is the plan to pay off the debt. Councilor Kimsey referenced Cedar Grove and their dissolution; Attorney Cloud advised he did not look at Cedar Grove, and some discussion took place regarding their dissolution in 2008. Mayor LaCascia referenced having to have a plan to pay off the existing debt. Attorney Cloud advised the Statute says it is required; he can check on the plan that Cedar Grove put into place. Councilor Adorno commented her major concern is that 40% of the people signed the petition, and she wants to make

sure that everyone who signed was not outside of the City, and wants to make sure she is listening to the people. Councilor Kimsey commented if the numbers are correct, three times the amount of signatures needed signed the petition, if the petition is sufficient. Mayor LaCascia advised he has the same concerns; if ascertain what the true feelings of the people of Polk City, he would be first to adhere to their wishes. He referred back to a comment he had made at a previous meeting, and he gets letters every day – he read an excerpt from the letter, and stated he thinks we all want answers to the 23 questions that were put forth to the County, and know what the consequences are; he doesn't think there is any problem moving forward with citizens wishes and trying to find out answers to the questions. Once we get the answers, then move forward. We have to listen to everybody who is out there talking. Brief comments were made about paying impact fees and also people saying not to pay their taxes so the City will not have the money to pay.

Lisa Shifflett addressed Council – she advised she herself compared the petition to the list of registered voters for 2010 and verified 238 as registered voters, which is 26%, and those were not duplicate signatures. Ten percent is all that is required. Discussion then took place between Ms. Shifflett and Mayor LaCascia regarding her “blog”; Mayor LaCascia expressed the anonymity bothers him because there is no responsibility – he is speaking of an article on the blog regarding him. Ms. Shifflett advised she was the one who wrote and posted it; she found the article through research. Ms. Shifflett then spoke about the “plan”; Mayor LaCascia advised Vice Mayor Block is still in negotiation, and when they get answers then we will know. Ms. Shifflett then addressed the impact fees owed to the County and what information is being given to Council and the public, as well as the payment the City attempted to pay and a payment plan.

Mr. McElwee, 10398 Stephens Drive, addressed Council and commented about hearing the “true feelings” of the citizens, and it should be put to a vote. Mayor LaCascia feels answers should be given to the questions that were asked before moving forward.

Gene Fleming, Golden Gate Blvd., addressed Council – he lives in the County but has a business inside Polk City, and the economy has taken a toll on his business. He asked doesn't he have a say when paying water and sewer – he doesn't have a vote because you have to reside inside the city to vote. He discussed the water and sewer rates being raised -- he didn't have a vote in that. Vice Mayor Block advised there are no plans to increase the rates; however, the City is trying to decrease the rates. Mayor LaCascia then briefly discussed the

possibility of outsourcing the utilities. Some discussion took place about Cardinal Hill, and the County's plan to take back the Mt. Olive System (Attorney Cloud commented that is not going to happen). Brief discussion followed concerning the spray field and possible cases for litigation. Discussion then took place regarding contraction. Attorney Cloud then went over the process of contraction and what could happen; he also briefly discussed the contraction dealing with Fantasy of Flight and where the City was at this point in time. More discussion took place regarding Polk County and the Mt. Olive System, and in particular the spray field.

Mr. Longest commented people are running away from Polk City because of electric and water bills; you can't expect growth. Council didn't cause the problem, and even though Polk City has good history, he thinks Polk City is history. Council needs to vote on it (dissolution); he doesn't understand why Council is trying to hang on. Mayor LaCascia advised we are trying to get answers to all the questions.

Garnet Given, 427 Edgewater, addressed Council and advised it was suggested not to pay taxes people cannot afford; if we give the City money they will blow it.

Mr. McAlister, 321 Greenleaf Lane addressed Council and told them he wouldn't have their job for all of the tea in China. He signed the petition not to dissolve the City, but to put a referendum to see if citizens want to dissolve. He feels the City should put together a plan and intelligently vote in the future.

Mr. Gilliland addressed Council; the Attorney mentioned the reason to turn down the dissolution petition was no plan of paying the debt. Discussion took place regarding Polk City putting a special assessment on residents to pay the debt off. Mr. Gillian asked if the Polk City placed a special assessment on the residents only, can Council make a motion to set up a referendum. Attorney Cloud advised he does not know if it would or would not – assuming it was more of a plan developed by the City they may have the option to bring an Ordinance forward.

Lisa Shifflett talked about taxes; she is not blaming present Government on what happened for the past ten years; however, she doesn't want it to happen anymore. Mayor LaCascia spoke about the amount of taxes he is paying; however, there are those that don't pay taxes and those that may pay a few hundred. A gentlemen from the audience commented that was not his problem. Mayor LaCascia's point is the special assessment is based on the number of households, not the number of people. Vice Mayor Block commented

if the City doesn't address it, the County will have to address it; the County advised they would not take one penny of the City's debt. Vice Mayor Block commented someone will have to pay to move the plant. This needs to be addressed; Mayor LaCascia advised we don't have the answers at this moment.

The meeting adjourned at 8:10 p.m.

Patricia R. Jackson, City Clerk

Joe LaCascia, Mayor