

REGULAR MEETING

DECEMBER 6, 2005

A Regular Meeting of the Arcadia City Council was held on December 6, 2005 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Heine, Johnson, Goodman, Whitlock, and Fazzino. Also in attendance were: Administrator Strube, Attorney Holloman, Marshal Lee, Acting Fire Chief Wells, Parks and Recreation Supervisor Waters, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Heine called the meeting to order.

The Invocation was given by Council Member Johnson.

Pledge of Allegiance to the Flag.

George Whitlock of Turner Realty addressed Council to request approval to combine Lots 13 and 14 and Lots 15 and 16 of Ridgewood Subdivision and build a duplex on each of the two (2) lots. The property is zoned R-1B which is single family zoning. The Code does allow for the construction of two-family dwellings subject to the approval of the Council after finding of their necessity or desirability for public convenience and/or welfare. Mayor Heine asked for comments from the public. Mr. Lucas and Mr. Longmire spoke in opposition. They do not like the idea of rental property rather than owner occupied residences. Attorney Holloman stated that since two (2) citizens have spoken in opposition this is to be considered a quasi-judicial matter. Attorney Holloman then asked the Council if they have had any communication or correspondence regarding this request to which all stated they have not. Council Member Paul Whitlock then stated that he is not related to Mr. George Whitlock. Mr. George Whitlock reported that his client intends to build high end duplexes on the property. They will be manufactured homes meeting the state guidelines for such residences. Goodman stated that particularly since Hurricane Charley there is a shortage of rental property and that even teachers and police officers are having a problem locating housing; therefore she is in favor of allowing the building of duplexes on the property. Goodman then moved to grant the request as the Council finds for the necessity and desirability for public convenience and/or welfare as allowed in City Code Section 110-223 (7) (f) to allow that Lots 13 and 14 and Lots 15 and 16 of Ridgewood Subdivision be combined and two-family dwellings be allowed to be constructed on the lots; seconded by Fazzino and carried.

Pam Ames President of the Arcadia Main Street Program addressed Council to request approval on a replacement for the downtown sign. The previous sign was destroyed by Hurricane Charley in August 2004. The Main Street Association had stated that they would pay \$4,000.00 to replace the sign. Ms. Ames reported that the new sign was re-designed by Martin Wickey who designed the original sign. Mr. Wickey will reduce his fee from \$8,000.00 to \$4,000.00 if he can put his name on the sign as the artist. Main Street would like to replace Mr. Wickey's name as it is shown on the draft drawing and replace it with "A Main Street Community" and move Mr. Wickey's name to another location on the sign. Fazzino moved to approve the design for a new sign as presented; seconded by Johnson and carried.

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Ms. Ames then requests that Council appoint a City Representative to serve on the Main Street Board. Council Member Goodman volunteered to serve as the Council's representative to the Board.

Ms. Ames then addressed the Council to report that there are funds left over from a grant that Main Street received from the Volunteer Florida grant. The funds must be spent by December 31, 2005. The Main Street Association would like to put brackets and banners on the new decorative light poles. Administrator Strube stated that he had received a price of about \$150.00 per bracket. Ms. Ames noted that they have received a price of about \$80.00 per bracket from a supplier that they currently do business with. Administrator Strube reported that the downtown sign was destroyed by Hurricane Charley and the City will receive about \$3,700.00 from FEMA to replace the sign. He suggests that the City cover the cost to replace the sign and that Main Street take the \$4,000.00 that they were going to use to replace the sign along with excess grant funds and they purchase the brackets and banners directly from the company. Ms. Ames agreed that Main Street will order the brackets and banners, this will allow them to use grant funds before December 31, 2005.

The Police Activity Report for the month of November 2005 was presented.

Marshal Lee addressed Council to report that as of October 1, 2005 the Anti Drug Grant is now being managed independently by each agency the City Police Department and the County Sheriff Department. He then gave a report of the number of drugs seized and that \$9,000.00 in cash was also seized. The cash that was seized could come back to the City based on the outcome of any pending trail.

Administrator Strube addressed Council to present an Amendment of the Retirement Plan for Employees of the City as proposed by the Plans Administrator USI Consulting Group. The change is necessary in order to be in compliance with IRS Notice 2005-5. Fazzone moved to adopt the required changes to the City Employees Retirement Plan by Resolution No. 2005-25; seconded by Whitlock and carried.

RESOLUTION NO. 2005-25

A RESOLUTION OF THE CITY OF ARCADIA
CITY COUNCIL ADOPTING THE THIRD
AMENDMENT TO THE CITY OF ARCADIA
RETIREMENT PLAN

WHEREAS, the City of Arcadia (the "Employer") heretofore established a defined benefit pension plan known as the Retirement Plan for Employees of the City of Arcadia (the "Plan"); and

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(Resolution 2005-25 continued)

WHEREAS, under the terms of the Plan, the Employer has the ability to amend the Plan; and

WHEREAS, the Internal Revenue Service, in the form of IRS Notice-2005-5, has issued guidance on the new automatic rollover rules added as part of the Economic Growth and Tax Relief Reconciliation Act of 2001; and

WHEREAS, in lieu of adopting the new automatic rollover rules, the Employer wishes to amend the Plan to limit the amount of a mandatory single sum payment made to a Vested Terminated Participant prior to his Normal Retirement Age;

NOW THEREFORE, effective as of January 1, 2006, the Employer hereby amends the Plan to provide as follows:

1. Section 8.3, Small annuity Rule, is amended by deleting such Section in its entirety, and replacing it with the following new Section:

"8.3 SMALL ANNUITY RULE

If the amount of retirement benefit payable to a Participant or his beneficiary is less than \$20 per month, the Actuarial Equivalent of a Participant's Vested Accrued Benefit may be distributed to the Participant or his beneficiary in a single lump sum payment, subject to the following conditions. The Administrator shall direct the payment of a lump sum distribution to a Terminated Participant prior to his Normal Retirement Age if the Actuarial Equivalent of his Vested Accrued Benefit of under \$20 per month does not exceed \$1,000; provided, however, that if the Actuarial Equivalent of such Vested Accrued Benefit exceeds \$1,000, such Terminated Participant must make a voluntary election to receive his benefit in a single lump sum payment. If the Actuarial Equivalent of the Participant's Vested Accrued Benefit of under \$20 per month exceeds \$1,000 and becomes payable following the Participant's attainment of his Normal Retirement Age, the Administrator shall direct the payment of the entire amount in a single lump sum distribution without the consent of the Participant."

NOW, THEREFORE BE IT RESOLVED, effective January 1, 2006 and in lieu of adopting the new automatic rollover rules, the Plan's involuntary small benefit cashout provision (which provide for the payment of a lump sum distribution to any Participant or his beneficiary if the amount of the Participant's monthly annuity amount is \$20 or less) be amended to restrict the amount of a mandatory lump sum distribution made to any such Participant prior to attaining his normal retirement age to an amount of \$1,000 or less, provided, however, that such Participant be allowed to voluntarily elect a lump sum distribution if actuarially-equivalent present value of his monthly benefit of \$20 or less exceeds \$1,000;

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(Resolution 2005-25 continued)

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,
in Regular Session the 6th day of December 2005.

/s/ ROBERT W. HEINE
ROBERT W. HEINE
MAYOR

ATTEST:

/s/ RACHELLE M. BAUMANN
RACHELLE M. BAUMANN, CMC
CITY RECORDER

The Flowage report of Air-Cadia, Inc. for the month of September 2005 for the Municipal Airport was presented.

The Public Works report for the month of October 2005 was presented.

Administrator Strube noted that there were no commercial garbage complaints and that the new dumpster truck has been ordered.

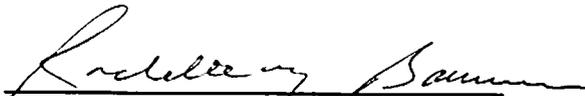
The November 2005 report of Arcadia Golf Course receipts and number of play was presented.

Administrator Strube then addressed Council to recommend that Specific Authorization No. 43, Amendment 3, with Boyle Engineering Corporation for professional services related to Water Treatment Plant damage assessment as a result of Hurricane Charley be approved. It was noted that this work will not be reimbursed by FEMA. Goodman moved to approve Specific Authorization No. 43, Amendment 3, with Boyle Engineering Corporation for professional services related to Water Treatment Plant damage assessment not to exceed \$13,500.00 be approved; seconded by Johnson and carried.

Fazzone inquired if the Golf Course could get more well-water to water the course. Administrator Strube reported that South West Florida Water Management District (SWFWMD) sent a letter to the City as notification that the City is currently over pumping and could be fined. The City is working with SWFWMD on this issue and until resolved no additional water may be used at the course.

Jerald Newberry President of the DeSoto Historical Society addressed Council to report that the Remembrance Day Celebration was a success.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT