

## SPECIAL MEETING

MAY 6, 2004

A Special Meeting of the Arcadia City Council was held on May 6, 2004 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Fazzone, Whitlock, Heine, Johnson and Goodman. Also in attendance were: Administrator Strube, City Attorney Holloman, City Marshal Lee, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Dr. Paul Matthews of Elizabeth Baptist Missionary Church.

Pledge of Allegiance to the Flag.

Mayor Fazzone stated that the purpose of the meeting was for reconsideration of Mr. Eugene Hickson's request for retroactive retirement benefits.

Mayor Fazzone then turned the gavel over to Vice Mayor Whitlock to chair the meeting.

Council Member Fazzone then read the following statement:

*"In listening to the various speakers at the last Council meeting, the one clear message expressed was that the City should pay Mr. Hickson his retirement benefits even though the reasoning of the various speakers varied.*

*We all know now that had Mr. Hickson been aware of the provision of Florida Statutes 112.048 in October 1993 he could have filed a requisition with the City for such benefits and could have been receiving \$150.00 per month in benefits from that time. We also know now that if the position of the Council does not change, litigation is almost certain. The cost to the City in legal fees and support costs is indefinite and cannot be determined at this time. The ultimate results of such litigation also cannot be determined at this time.*

*The Council has always been of the opinion that Mr. Hickson deserved this retirement as partial compensation for his many years of public service. The fact that the Council directed the City Attorney to seek an opinion from the Attorney General and the fact that an opinion was rendered is proof that this issue had not been previously addressed in this State and that the City was sailing in uncharted waters.*

*I believe that the arguments submitted to the Attorney General by the City Attorney supporting Mr. Hickson's eligibility to receive retirement benefits, and that if eligible they should be retroactive to the day he left office, to be more persuasive and defensible than the Attorney General's opinion. I also believe that several provisions of the statute need to be clarified by the State Legislature. All things considered I would rather spend the City's money defending the City Attorney's opinion, which seems to be the right thing, rather than the Attorney General's opinion.*

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Continued

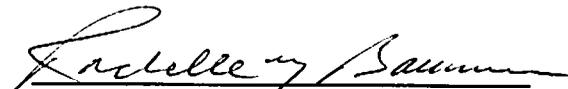
*Therefore, I move that the interests of this City would be best served by agreeing to Mr. Hickson's settlement offer of \$14,950, and that it be paid."*

Council Member Johnson seconded Council Member Fazzino's motion to pay Mr. Hickson a retroactive retirement benefit in the amount of \$14,950.00. The motion carried.

Dr. Matthews thanked Council for doing the right thing.

Mr. Hickson inquired how the vote went and was informed that it was unanimous. He then thanked the Council for this action.

There being no further business the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT