

A special meeting of the Lake Wales City Commission was held on July 29, 2009 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Lee A. Wheeler, III.

INVOCATION

The invocation was given by Dr. Jim Moyer, Warner University.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Lee A. Wheeler, III; Jonathan Thornhill; John Paul Rogers; Jack Van Sickle, Mayor.

COMMISSIONERS ABSENT: None.

CITY REPRESENTATIVES PRESENT: Judith H. Delmar, Acting City Manager; Albert C. Galloway, Jr., City Attorney; Clara VanBlargan, City Clerk.

AGENDA ITEM 1. Resolution 2009-08, Final Termination of City Manager's Employment

Mayor Wheeler read the synopsis for Agenda Item 1, which is incorporated into the minutes.

[Begin agenda memo, prepared by Albert C. Galloway, Jr., City Attorney.]

Provided herewith is proposed Resolution 2009-08 regarding final termination of the employment of the City Manager, Anthony G. Otte. This Resolution will be considered at the call meeting of the City Commission to be held on July 29, 2009. The public hearing requested by the City Manager will be held at that time prior to consideration of the subject Resolution. Notice of the public hearing has been published.

[End agenda memo]

Mayor Van Sickle opened the meeting. Police Chief Herbert Gillis explained the procedures and rules regarding standard behavior at public meetings. He said these standards apply to everyone in attendance at a public meeting. The rules and procedures are not intended to unreasonably limit access, but to maintain orderly behavior.

OPENED PUBLIC HEARING

Cliff Tonjes, 1001 Campbell Avenue, said regarding the comments made by the Mayor at the July 7, 2009 City Commission meeting about employee morale, former Commissioners faced the same thing with employees making comments and complaints directly to them. Some were founded and some were not. Former Commissioners took valid comments to the City Manager and he addressed them. Some of the results were positive. Talking to Commissioners can provide a conduit between employees and the City Manager. Mr. Tonjes said in regards to City employees doing work on private properties, that was an idea brought forward in a workshop by the City Commission about six or seven years ago. It was agreed to use "weekend warriors" under the supervision of a City employee to do the work that could not normally be done by City staff. He said when he was a Commissioner, he never felt that work had to be done on City property only. It was meant for the betterment of the community.

Wynette Kimbrough, 1026 Highview Drive, said she and her husband support the decision to terminate the City Manager.

Betty Wojcik, 4005 Dunmore Drive, reminded the Commission of a resolution she read at the July 7, 2009 City Commission meeting adopted by the Chamber Board of Directors urging the Commission to reverse

its decision to fire the City Manager and giving him the opportunity to resolve issues with the Commission. Ms. Wojcik said she is distressed about what has been happening within the community and is concerned about what she has heard and read in the papers over the last three weeks. Whether Mr. Otte is terminated or not, there are bigger issues that cannot be resolved tonight. We are a community and it is time we begin working together again.

Mary Scott, 957 N. Lakeshore Blvd., said we have been spinning our wheels hurrying to get somewhere, but cannot get anywhere because of the rut we have dug ourselves into. There seems to be no way out. This Commission has taken a bold step in digging us out of the rut and pointing us in the right direction, and she applauds them for having the courage to do that.

Howard Kay, 815 SR 60 East and president of Unity in Community, said for the last performance evaluation, the City Manager was scored highly by three of the four Commissioners and above acceptable by the Mayor. The only comment made by the Mayor on that evaluation was in regards to the Depot Museum. Mr. Kay said he is curious as to why Mayor Van Sickle, after seven or eight months, chose to do this resolution to fire Mr. Otte without any warning. He said Commissioner Thornhill sent out an email after voting to fire Mr. Otte on July 7, 2009 saying that he had been reminded of his own words during his election campaign. He said he believed those who made messes or caused problems should have the opportunity to clean them up and he could no longer support the termination of Mr. Otte. Commissioner Thornhill also made suggestions as to what he thought could be done to resolve the problems and if it did not work after a period given he could then justify a resolution to fire Mr. Otte. Mr. Kay said the biggest issue that the pro-Tony Otte people keep addressing is not Mr. Otte's accomplishments, but the process. The process the Commission is doing tonight is no good, but the process that was suggested by Commissioner Thornhill in his email is exactly what should be done.

John Moe, resident, said he represents the working class people in the community and that honesty and integrity is part of the job. In the end, it will come out. He said it was stated in the newspaper that in order to bring rumors to light and respond with accurate information, the City established a rumor hotline for anyone who wishes to report a rumor or problem. City staff will research the rumor and will report the results in the newspaper. Mr. Moe said rumors and problems should be shared with the Commissioners. He said he told Mr. Otte two years ago to change because he was not making the people happy. Mr. Moe said whatever the Commissioners decide, they have his support.

Wally Krouson, Aberdeen Lane, read a letter from a Lake Ashton resident who could not attend the meeting. The resident said she was recently appointed to a second term on the Planning & Zoning Board and she and her husband located from Richmond Virginia to Lake Wales in September 2002. They have known Mr. Otte for over 6-1/2 years and found him knowledgeable, polite, courteous, and patient enough to answer any question, maybe even twice. Mr. Otte makes time in a busy schedule to meet with any resident in person to discuss the problems and concerns. He is truly a professional in his capacity as City Manager of Lake Wales and the people in the community are truly lucky to have him. Instead of robbing him of his loyalty and dignity by asking him to resign, we should be praising him. Mr. Krouson said the proposal to terminate Mr. Otte came as a complete shock and will be a shock to many of the Lake Ashton residents. Mr. Otte is a confident administrator and works in the best interest of all the citizens of Lake Wales. It would not be in the best interest of the Lake Ashton residents to ask Mr. Otte to resign. If there are valid reasons to request his resignation, the matter should be tabled until other returning residents can be informed and be part of the process.

Manuel Crespo, 850 Wildabon Avenue, said he supports the decision to terminate the City Manager. He made claim of gross negligence by Mr. Otte in regards to board applications for appointment to the Housing Authority Board in June 2008.

Christopher Lutton, 437 S. 9th Street, said he desires that the Commissioners practice good business decisions and not terminate someone because they do not like the way he is doing something. Mr. Lutton said the Commission is contradicting itself when it votes "yes" on agenda items and then later says that it was a poor decision made by the City Manager. He said he does not know the details of the City's

transactions in regards to contracts, but the Commission needs to determine whether the decisions are made in the best interest of the citizens.

Sam Poole, 7731 Camp Mack Road, said he managed the Lake Wales airport from 1965 until 1991. He does not know who gave bad advice to who if bad advice was given, but he challenges the comment made by the City Manager in his reply regarding airport improvements following Hurricane Charley. Mr. Otte said in his reply that thanks to the efforts of Senator JD Alexander, the City has a new well at the airport. Mr. Poole said there was an existing well at the airport that was adequate with a water reservoir to store more water than needed. There is another million gallons of water being stored at the intersection of the two runways on the west of the Sealy building. The reconstruction of the building there today is of lesser value than the one that was originally there. An airplane cannot fit in the one there now. Mr. Poole said he challenges the way that insurance money was spent at the airport and the legality of the reconstruction of the building.

Rev. Allen J. J. Pierce, Sr., senior pastor of the First Institutional Missionary Baptist Church, said there seem to have been a deliberate effort made by someone to leave off the small word "if" from a statement made by the president of the NAACP, David Smith, which changed his statement. Mr. Smith did not say Mr. Otte could not bring the community together. Instead, he said "if" Mr. Otte could not bring the community together, he should go. Mr. Pierce said no one is perfect including Mr. Otte and there is room for improvement in all of us. When Mr. Otte came to this City, he had to dig the City out of a huge financial hole while trying to maintain the needs of the City with an economic shortfall. The hurts and bruises have gone far enough, and our City and our community need healing. He said since the northwest community and the official voice of the Lake Wales Branch of the NAACP do have a heart, they want to go on record and say that they oppose the City's resolution to terminate Mr. Otte, they want him to keep his job as City Manager. They respectfully ask that the Commission overturn its action in this matter, and when it comes to mercy and compassion, they hope that in the future Mr. Otte would give as good as he gets.

Wes Rogers, 500 E. Bullard Avenue, said morale problems are serious and we can not run a city with employees constantly on the defense. Mr. Rogers said the City's records reveal that the City has spent \$117,660 for street maintenance and repairs in a 10-year period, which is less than \$1,000 a month. The City spent almost \$2.5 million to repair 54 streets in attempt to overcome years of neglect. Mr. Rogers said this is part of a \$9.5 million loan that will cost the City about \$4 million. This is a price for not having scheduled repairs and maintenance. Most of the projects funded by this loan should have been funded in the annual budget process. He said an example is the City Manager's inability to manage is the 1919 school building project. Decisions have been made with total disregard or even knowledge of what has transpired yesterday. There were 700 expensive seats purchased well before the building layout had been determined. If the project was at the point of installing those seats today half of them probably would not be used because change after change has been made to the point where there is no place to put them. The paving of First Street is another example of the inability to manage. Within days after being paved, it was torn out from Central Avenue to Park Avenue. The area was left a mess for several weeks. Mr. Rogers gave examples of other mismanagement projects such as Mayfair and the Longleaf Business Park. He said Mr. Otte gets involved with projects without first advising the Commission of his actions. At a Commission meeting on November 18, 2008, Mr. Otte announced that he was negotiating with the Park Water Company to purchase their operations. The Commission gave the approval to hire a consultant and one of the Commissioners submitted a list of questions that he felt needed answers. The consultant answered a few of the questions at a cost of \$9,000. This project has not been mentioned in any form by Mr. Otte since that November meeting. Mr. Rogers said someone told him today that we have come a long way since Mr. Otte has been here and his reply to them was "yes, we have, we have gone from near bankruptcy back to near bankruptcy, and it is a long journey." Mr. Rogers said he is fully in support of terminating the City Manager. There is no room for excuses and certainly no reason to give him another chance.

Cesar (sp?) Guerra, 851 Hillside Avenue, said he heard from both sides and he now would like to hear the opinion of the Commission.

Sandy Odom, outside city resident and city business owner, said she read the Sunshine Law on the internet and read all the City Commission minutes dating back to the time the favorable evaluation was given to Mr. Otte. She could not find where the minutes reflected any problems or find where the Sunshine Law protected the citizens in these instances. Mr. Otte has gone far and beyond the requirements of his job by immersing himself in this community, which is why so many people and organizations are here to support him. In regards to employee morale, how can lack of due process do anything to improve it? She said we are a small, very neighborly southern community who prides itself on caring and helping each other. Mr. Otte has made himself a part of that. Ms. Odom urged the Commission not to take that away and to vote no.

Ruth Dampier, 1154 S. Lakeshore Blvd., said this is again a popularity contest. Mr. Otte has had an anti-business attitude during his tenure. Businesses provide a broader tax-base, which takes some of the tax burden off the citizens and provide jobs not only for our residents of today, but for our children. We have lost the battle with other cities for new industry. Our little sister Frostproof is rapidly becoming our big brother like Haines City through their successful effort in attracting business. Citing Precision Air as an example, Ms. Dampier said Mr. Otte has shown no interest in bringing business to the community. She said that Harold Gallup has been the City's Economic Development Director for seven years and is considered highly competent in his job, but it is difficult to show results if his boss, the City Manager, shows little or no interest to help. Mr. Otte has failed in bringing business to our City, something that must be done if we are to grow and prosper. Otherwise, we will become nothing more than a stagnant bedroom community and our children will be forced to leave in order to build a future for themselves. Ms. Dampier said she would like for everyone to visit the City's gymnasium to see what has happened to our \$740,000 tax dollars spent there during the 8-year tenure of Mr. Otte. He was repeatedly made aware of these problems and did nothing to correct them. Ms. Dampier said she is in full agreement of the decision to terminate Mr. Otte.

Becky Wynkoop-Seymour, 1301 Bryn Mawr Avenue, said Mr. Otte has become a member of Unity in the Community, which encourages citizens to get along and be a volunteer in the community. Citizens have felt more comfortable in speaking with the Commission more than they have with previous City Managers. The statement made earlier about gross negligence by Mr. Otte in regards to Housing Authority Board applications was a mistake made by the Mayor and not the City Manager.

Steven Wildmon, 1218 Bryn Mawr, said he is a life long citizen of Lake Wales and he has a Class "C" general contractor license. From 2002 to 2003, he remodeled houses all throughout Lake Wales as well as four additions within the Lake Wales Country Club. In 2007, he was involved in a project to construct an addition within the city limits of Lake Wales. His work was stopped due to earlier changes in the zoning regulations although plans had been approved and all the required permits were issued by the City. Following a very costly variance meeting with the City, variances were granted to finish the construction, but the building could no longer be used for its intended purpose. It is now a glorified multi-thousand-dollar storage building. Mr. Wildmon said he was forced to breach his contract with the homeowner through no fault of his own and his credibility was damaged as well as his reputation as a builder. He said he informed the City Manager of the matter and was told that it would be investigated and that he would call him back. Mr. Wildmon said he is still waiting on that call. He said until the administration of Lake Wales changes, he will do business elsewhere where special interest groups do not get special consideration at the expense of his business, where there is accountability for people's actions in government, and where, when we receive a permit you get what the definition implies.

Greg Massey, resident and owner of Massey's Meat and Fish Market at 344 Lincoln Avenue, commented on employee morale and said that Mr. Otte is always the blame. He said when he was employed with the City, there was ever a point where employees could not go to Mr. Otte with problems. When looking at morale problems, we need to look at where it starts.

Rip Walser, 504 Lake Edgewater Drive, said he is speaking on behalf of Citizens for Good Government. He said he does not believe that borrowing money for routine maintenance is good management. He does not feel paving streets to immediately tear them up to lay pipes shows planning that constitutes good management, and he refuses to accept that good government means catering to special interest

groups that have consumed millions of dollars in state and local funding. He said another project is now in the process of being moth-balled because the City cannot determine what to do or how much it would cost to complete it. Mr. Walser said he cannot accept that the City Manager, who has lost all his credibility with citizens because of his inability to level with people, can be justified as providing good government. Good government does not let the relations with rank and file employees deteriorate to the point where employee morale has become a matter of serious concern. Good management means happy and well-treated employees. The City Manager's statement that we are better off today than when he arrived is not true. Over the past four years, we have enjoyed a huge inflow of money from grants, insurance claims, and increased taxable property revenue and \$3 million plus from the sale of land. In spite all this, our debt has increased by 50% and still there is more money to be spent on wastewater treatment repairs that have not been performed yet. There has been no business activity in the City. Other cities around us have widened their tax base and added jobs by attracting business. At any measure, this does not constitute good government. This is only a small part of what has occurred under the management of Mr. Otte and it cannot be looked at in any way other than as the very opposite of good government. Regarding the 1919 school building, there was a lengthy City Commission meeting held on July 21, 2009 in hopes of trying to find the easiest way out of that project. That project is another glaring example of mismanagement. Mr. Walser told of two separate occasions where he thought money was available for repairing the roof. He said he had no knowledge if the repairs were made when that money was available. If the matter was ever investigated it would provide some startling answers to the people. Mr. Walser said when he speaks in the name of Good Government he is also speaking for himself. The elected officials would be remiss in its duty to allow this to continue. They were elected among other things to keep this City financially strong. Mr. Walser said he supports the correct decision to terminate the City Manager.

Charlene Bennet, resident, said she did not know Mr. Otte or the quality of his work. However, she does know what she observed during the July 7, 2009 meeting when the Commissioners voted to dismiss him. There was no presentation of protocol, there was very little documentation of some of the miscellaneous complaints, and she saw no professional process. She said this really bothered her and it did not make her feel good. Ms. Bennet suggested reinstating Mr. Otte for the time being and for the Commission to work together in deciding what would be a proper, appropriate due process sort of protocol that could be followed that will redeem Lake Wales in the eyes of the State and in the eyes of the citizens. She said to make it public, follow it, and address the issues with Mr. Otte.

Carole Kuehn, 356 Lake Suzanne Drive, said for this past election, Mayor Van Sickle, Commissioner Thornhill, and Booker Young attended a candidate forum held at their clubhouse to present their positions. At that forum, it was made very clear by the Mayor that the Commissioners run the City and the City Manager acts on their directives. Now, the Commission wants to terminate the man who is responsible for carrying out those directives. That seems to be an act in haste.

William Moore, 230 B Street, said he came to Lake Wales with FEMA after the hurricanes in 2004 and now he is a resident of the City. During that time of the hurricanes, he saw unity, a group of people in need wanting to help rebuild lives. Now, he is disturbed that this resolution is causing the community to come apart. The City needs to build a building block to go forward.

Mike Jackson, 424 E. Park Avenue, said this City is millions of dollars in debt and the City Manager is key architect of that debt burden. He is responsible for making sure this City does things fiscally and financially correct. Has Mr. Otte done the job that the citizens hired him to do? The answer appears to be no because the debt is increasing every year and our only solution is to take care of major infrastructure needs by borrowing more money. Where is that taking us? What are we waiting for? It is time to do something now! If the architect of our debt is Mr. Otte, then he needs to go. It might cost a little bit of money to find somebody else, but we need to do that because it is costing us millions of dollars not to do it.

Robbie Shields, 3570 Silver Oak Court, thanked Mr. Otte for his service to the community. He said Mr. Otte cares about the community and he is a pleasure to work with. Mr. Shields said when he first came to this City he was a coach, he was not part of any organization, and he was just common ordinary folk. The previous administration did nothing to help the kids, but when Mr. Otte came on board, he and his staff

started a process to make things work. Kids need places to play and things to do. Mr. Shields said he wished the energy people put into talking and complaining would use that energy volunteering in the community instead. Mr. Shields said every employee including the City Manager needs to be given clear direction from the Commission on how to improve. He said that most employees that he talked with spoke highly of Mr. Otte. He urged the Commission to make the right decision, do what is right, and give Mr. Otte a chance.

David Price, 813 Campbell Avenue, said this town is a community. Mr. Otte and his wife work with other organizations planting around town, his wife is active in the Charter school system, and Mr. Otte has volunteered with his son on weekends to help the community. Half-truths, innuendoes, and shrouded allegations from anonymous people are being thrown around. This is not what this community is about. This situation has been described as a class warfare between the have and have nots, and it is not a good thing to divide a community like this. Mr. Price said it is interesting that at the last minute Commissioner Rogers brought up criminal allegations about Mr. Otte, which is very serious. Community acts by Mr. Otte are being twisted to seem like criminal acts. Is sending criminal workers to help at the arts center a crime? Is it a crime to help each other? This is a bad road to go down, this is poor policy, and very unprofessional to give a man a good rating and then vote to fire him. It is unfair to Mr. Otte and the community, and it reflects very poorly in this community and the county. Mr. Price encouraged the Commissioners to search their soul when making their vote.

Keith Thompson, 895 County Lake Circle and local pastor in the community, said he is a friend to Mr. Otte, he has always admired him, and he has always liked him. He does not believe anyone who has brought up complaints has been critical to Mr. Otte or to the City, but only concerned. There is nothing courageous in laying all the City's problems at the feet of one man. Mr. Thompson said he has no facts and figures to back up his support for Mr. Otte, but every time he turns on his faucet the water runs, and most of the roads he drives on gets him to where he needs to go. He said he believes in this town and we can make a difference together, but not by blaming anyone for the problems we face. Lake Wales is faced with significant problems, but they belong to all of us. Mr. Thompson asked the Commission to unanimously vote to reinstate Mr. Otte. He said we need to work together facing these difficult times that are ahead.

Catherine Price, 813 Campbell Avenue, recalled the first Martin Luther King Day Celebration in Lake Wales and how the crowd of people welcomed her while she walked in the parade down Lincoln Avenue. She said others besides the Commissioners provide leadership in this community, which is where she is strongly invested. Other places are looking at what we are doing and we need to keep that in mind because this is not necessarily something good for business, morale, and community spirit. Just because the Commissioners that want to fire Mr. Otte win today, or if they win today, does not mean that other people will not stand up and provide leadership to this community as we go down the road. We will be a united community going forward.

Mike Rodriguez, 5430 Lake Buffum Road, said he does live on the other side of the tracks but he is a taxpayer in the City. He works with the George Washington University Political Management Program and he facilitates the ethics portion of the program. The Commission needs to remember that it has rules to follow. Rules are in place for a reason and when the Commissioners make its vote, they need to understand what vote they are making. Everything has to be taken into consideration. If the Commission reinstates the City Manager, the power base would be lost at both ends, the administrator and the Commissioners. It is difficult to have to rebuild and start all over.

Kathleen Greer, 641 S. 9th Street, said she has worked for the Lake Wales Public Library for 20 years and she has lived in Lake Wales all her life. She asked if we have ever had a public hearing on a City Manager before. Ms. Delmar said no. Ms. Greer said it is a great reflection of Lake Wales that citizens have been able to openly voice their opinions. Ms. Greer said she supports Mr. Otte for many reasons. She can also speak as an employee who knows that because when Mr. Otte was given a raise a couple of years ago, he gave his raise to the employees so they would have a cost of living raise as well. He said his employees come first.

Carl Fish, 4913 Avon Street, said he currently works as an operations manager so he understands what Mr. Otte is going through. He said he does not know Mr. Otte, but he does know that this is not about Mr. Otte. It is a popularity contest between two groups that think they are in control and Mr. Otte is just caught in the middle. Mr. Otte can only do the best job he can. He cannot cover every single base. Too many things have been printed in the paper lately about this issue and a lot of it he does not believe. We need to do what is best for the City and give Mr. Otte a chance.

Pastor James Cleare, said the Commissioners are supposed to serve the greater good and not special interest groups or people who consider themselves concerned. The northwest community contains many citizens who need help. During Mr. Otte's tenure, inroads have been made in helping. The northwest area has been plagued over the eight years with things such as innuendo, misinformation, people being underhanded. Unfortunately, some of those people have been the very ones that the citizens elected to serve the community. It is not a good thing to say or observe, but it has happened. In this particular case, the process caused heartache and that angers people.

Rich Thompson, 8 Easy Street, said he has been a resident of Lake Wales for almost 35 years and he is a former Commissioner of Lake Wales. He said the Commission needs to take one step back to re-establish a process for making a fair evaluation of the City Manager and then take one step forward to take a look at performance.

Narvel Peterson, 415 E Street, said several people have told him that he threatened the Mayor at the last Commission meeting. He said he did not threaten the Mayor. He only said that he would remember him when making his vote. Mr. Peterson asked the Commissioners to find it within their heart to forgive the City Manager and move forward. He said when asked to volunteer in the Community, Mr. Otte is always there. If Mr. Otte is voted out, it will be a new day in this community and he is ready for whatever it takes to make that new day and make a difference in Lake Wales.

CLOSED PUBLIC HEARING

Tony Otte, City Manager, commented on the following comments made during the public hearing:

- Vandalism at the gym: Mr. Otte said vandalism occurred at the pier, barbecue grill and playground at Crystal Lake Park, shuffleboard court, Lincoln Park, Barney's Dream, and the 1919 school building. He said vandalism is just an unfortunate fact of public operations that has to be dwelt with on an ongoing basis.
- Airport buildings and well: Mr. Otte said every single City-owned building at the airport had to be demolished and replaced. The first building could not be built without a fire well and a fire hydrant system. There was no fire hydrant system there in the past. The plan is to convert that into a potable water well.
- Attracting business and anti-business attitude: Mr. Otte said the Chamber does not seem to think he has an anti-business attitude because it unanimously brought forth a resolution to support him staying the City Manager.
- Responding to a letter: Mr. Otte said he did not respond to a letter about business because when he questioned the writer of an article, Ms. Dampier sent back a letter that was much more positive than her newspaper article. She went on to say that she hoped that the job market would pick up with the opening of Water's Edge. Apparently, Ms Dampier was not aware that he had a hand in helping Water's Edge.
- Job being stopped with the variance: Mr. Otte said the permit was given in error so the project had to be stopped. A variance and appeal were necessary. The contractor had to abide by the ruling of the Board of Adjustments and Appeals.

- Roads: Mr. Otte said there was a concern mentioned at the July 7, 2009 meeting about money borrowed for resurfacing roads and that the roads would only last 12 years. He said the useful life of asphalt depends on drainage conditions, base conditions, and traffic volume. The engineer that has been working with the City said it was a situational thing and expects the roads to last 30 years. Mr. Otte said he would expect the roads to last 20 years because we have a relatively low traffic volume, drainage has improved, and the base was replaced on several roads.
- Debt: Mr. Otte said debt has been an issue lately, but we have the lowest debt of our three comparable cities. Our most recent debt is the CRA Bond that was unanimously approved by the City Commission. The Mayor voted for it and then later questioned why we spent money on resurfacing. That question was not asked when voting for it. The entire City Commission thought that it was a great thing, it was voted on unanimously, and it has done a lot of good for the City. Mr. Otte said that when he first started working for the City, we had an alarmingly low amount of General Fund Reserves. Those Funds have now been built back up, which has taken all this time to do.
- 1919 school building: Mr. Otte said lately it seems like there is a crisis with the 1919 school building that it has to be stabilized. The building had a roof leak and wall leak. The building is not in danger of falling down. The Mayor should know that because he was with him when structural engineers went through the building on two occasions.

Mr. Otte reviewed a 4-page memo he provided to the City Commission and to the audience before the meeting. He said during his tenure, he received five evaluations from the City Commission and each time the total score was in the good range. The last evaluation was on December 16, 2008. At that time, Commissioner Rogers said he did not evaluate him because he did not feel he had yet learned all he needed to know in order to be a good Commissioner; he was not yet qualified to rate Mr. Otte's skills in following the direction of the Commission, but in a year he would fully expect to be able to respond in the evaluation process in a positive and helpful way; Commissioners help make a good City Manager and a City Manager helps to make good Commissioners; we all are supposed to work together and in the coming year pull together. Mr. Otte said Mayor Van Sickle said at the December 2008 meeting that the Commission has to accept the responsibility when things are not being done the way we had hoped and we need to work together to correct it. Mr. Otte said he expected this year, 2009, would be the year we pull together, work together, and then he would be evaluated. He said Commissioner Thornhill has been a Commissioner at four Commission meetings. It is interesting that one Commissioner cannot evaluate him at the end of six months, but after four meetings, there is a vote to terminate his employment. Mr. Otte said we need to take a breath, step back, and look at this. He said in December 2008, he got a good rating on his evaluation. Then in January 2009 through June 2009, the City enjoyed six months of great accomplishments, such as the SR 60 West Chapter 180 project, the improvement plan for the wastewater plant, the community block grant announcement, the first step of the Grand Hotel renovation, and the opening of the Polk State College, which was a joint project between the City and the College. The City paid for the parking improvements, which was part of the CRA Bond that was unanimously approved by the City Commission. That project is a wonderful one because it is an educational addition to the City and it is an economic stimulus project for downtown.

Mr. Otte said on the morning of June 29, 2009, he received a call from the City Attorney saying that the Mayor was putting on the next agenda a preliminary resolution to fire him. It was suddenly, abruptly, and without warning. There was no process and timetable for improvement. Mr. Otte said he was blindsided. The preliminary resolution for termination lists four reasons: (1) The Commission lost faith in him. Mr. Otte said he looked at the votes during that six-month period and 90% of the time the Commission voted for his recommendation. He said that certainly does not sound like "lost faith." (2) The best interest of the City and citizens are not being served by his management skills. Mr. Otte said this is not reflected in the progress report he handed out before this meeting. He said this year we had the lowest tax rate in 17 years and the highest amount of General Fund Reserves ever. (3) The morale of City employees. Mr. Otte said the Mayor stated that has declined. Mr. Otte said the Mayor's evaluation of him came after the last employee survey. The Mayor evaluated him just above acceptable. (4) Mr. Otte said citizens expressed their desire that he resign or be terminated. Mr. Otte said Rev. Pierce commented on that. The

only citizen he is aware of that asked for his resignation had also asked the Police Chief to resign. That citizen said if the two of them could not unite the City, then it is time for them to go.

Mr. Otte said in addition to the July 7, 2009 Commission meeting, the Mayor listed 13 reasons for his dismissal. Five of those have already been brought up and have already been addressed and in process. There are eight other items that he fully responded to, which none of them reasonably justifies a need for termination. At that meeting, the Mayor quoted in his presentation that eighteen months of getting misleading statements, half truths, and false statements has caused him to lose faith in the City Manager. Mr. Otte said he looked back on the two evaluations that the Mayor did during that 18-month period, and he was ranked in honesty as either acceptable or good.

Mr. Otte commented on the issue of him having City employees put asphalt millings at the McLaughlin Middle School. He said in the past, McLaughlin has been a location that the City Commission has taken an interest in because the school has an athletic field that is open to the community. The City Commission in the past appropriated funds for irrigation on that field, a local sod company donated sod, and City employees laid the sod. This type of partnering with agencies in town has been encouraged in the past. Past Commissions have encouraged him to do this kind of thing. If that is something that the current Commission no longer wants, he just needs that direction. Mr. Otte said he spoke to the principal today asking him to explain and a letter from him is attached to the back of the 4-page memo, which he read. The principal thanked him for the millings and said that the parking lot addressed a safety concern regarding the amount of cars parking everywhere with kids running between them. The principal also thanked him for the partnership and sharing of their facility with the community of Lake Wales, and said by working together it created a safer recreational facility. Mr. Otte said he talked to the Superintendent of Charter Schools today and he stressed how valuable it is for the Charter Schools to partner with the City.

Mr. Otte asked why the rush for moving this forward. He said he has a very good record of performance and has worked closely with the City Commission for eight years. Let's work together, assemble a list of concerns, and he will fix those concerns. Mr. Otte said he wants to work with the five Commissioners in the way they described during his evaluation. He said he loves Lake Wales, he has a good record here, and he would like to continue being the City Manager.

Ms. Delmar read Resolution 2009-08 by title only.

A FINAL RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AUTHORIZING TERMINATION OF THE EMPLOYMENT OF THE CITY MANAGER, ANTHONY G. OTTE.

The meeting recessed at 7:28 p.m. and reconvened at 7:38 p.m.

Mayor Van Sickle gave a PowerPoint presentation showing overgrown City flowerbeds in need of weeding, City property piled with trash, and alleys in dire need of repair. He said he is concerned that City employees are working on non-City properties, when we have more than enough work and very few employees to keep up with that. Mr. Otte authorized millings that were to be used on City alleys to pave a parking lot at McLaughlin Middle School. The direction of the Commission was to use the millings for the alleys. The millings have been used on sidewalks, the parking lot, etc. That was not the direction of the Commission. Mayor Van Sickle said the City is about ready to spend another \$300,000 for landscaping downtown and he is not sure we can maintain that. He said these issues are concerns that need to be addressed. The citizens that elected the Commissioners can vote them out, but the Commissioners have said they are working for the citizens. The citizens are expecting the City to repair their alleys and that work has not started.

Commissioner Wheeler said no municipal government could properly function without the support of the business community. This action flies in the face of common sense and fair business practices. It will cause a schism between the community and the government that will be difficult to amend. This is making our business environment very unattractive. To him, the resolution represents something that is just unfair. It will divide the community in the very time that we need unity the most. A reasonable,

professional evaluation and redevelopment process whereby Mr. Otte can meet with the Commission and manage the City the way it would like for him to would be far better. Everyone should be given due process, especially in a critical matter of employment. Too many lives are impacted. We need a process that is fair, objectively measurable, and transparent. The City, Mr. Otte and his family, and the Commission deserve nothing less.

Commissioner Wheeler said he served as a Commissioner for eight years, his term will be up in May 2009, and unless the City is in some kind of dire crisis, he does not intend seeking another term. That means he can say what he wants to say without worrying about someone throwing it back at him at election time. Nobody is perfect and we do not have to do this. Instead, we can heal the town, but it will take a little courage. It takes courage to do what you know in your heart is right and this is not it. We need to step back, take a breath, and devise a fair, meaningful process for this evaluation. He does not like being blindsided and no one else does either. This is not something that any of us deserve. Commissioner Wheeler pleaded for the Commission to vote against this resolution and asked the Mayor to immediately withdraw the resolution. The Mayor did not respond. Commissioner Wheeler asked the Commissioners to search their heart and ask if this is the Christian and fair thing to do.

Commissioner Howell said she has said from the beginning that this whole resolution is the result of a personal vendetta, a personality conflict, personal gain or just a personal spitting-contest. She said Mr. Otte is probably guilty of trusting a lot of people in town and a lot of people that work for him. He is too trusting. In his eyes, he is doing what is right to make Lake Wales a better place and taking it a step forward and not backward. Mr. Otte is the person to help make Lake Wales go forward. This Board, not her, is trying to make us go backward. We are against a wall because no one in the nation is trying to go backwards. Mr. Otte probably should have terminated some of his department heads for not doing what they should have been doing. This Commission should have given Mr. Otte some directives but some of the Commissioners would not have agreed with doing that. Mr. Otte has done a job that Lake Wales needed and still needs. This Board, not her, is the one that asked for termination. Why is the Commission asking for termination, listening to this appeal, and then judging the appeal? This is the same because when this Board, not her, made its mind up back in June or during the election time, their minds were made up then. Why was something not said before now? Why were the pictures not shown to the Commission before now? Mr. Otte should have been given the directive to get his people to look at those pictures. This Commission has allowed Mr. Otte to be hoodwinked. Maybe the Commission did not really understand what it should have been doing. Commissioner Howell said she has heard a lot of things, but she cannot fault Mr. Otte for everything that goes on in Lake Wales. If the Commission would like Mr. Otte to get other people straight then it needs to get him straight. The Commission should have said something before now. She said she does not have a problem telling Mr. Otte how she feels about something, especially when the Police Department lied about the dispatchers. But she cannot make that a personal vendetta against him along with other things that happened because he heard and read what he was given. We are doing the best we can and hearsay things have to stop. Commissioner Howell said Mr. Otte should do his job and if he cannot do his job or is not going to do his job, then he can leave. If he is doing what he has been directed, then it is the fault of the Commission. Mr. Otte is a decision-maker and people do not make decisions the same. She cannot fault a man that makes a decision for the betterment of Lake Wales and sticks to it. Commissioner Howell said she believes Lake Wales is finally going in the right direction, it is growing, we are trying to get business here, and we need to keep going forward because there is no way that we can keep going forward when we are dealing with petty, hearsay things. She hopes when Mr. Otte gets back on the job that we give him direction to do what is obtainable to do. We cannot expect him or Ms. Delmar to wipe away the City's debts. If we can give Mr. Otte a chance, like everybody else that has been given a chance to prove himself, that would be in the best interest for all of Lake Wales.

Commissioner Rogers said citizens have complained about the millings and it is his job is to take the complaint to the proper authorities. He took it to the City Attorney who turned it over to the proper authorities. Commissioner Rogers said he has done his job and he has no apologies for that. Responding to a comment made earlier, he said he admits that he is a licensed firearm dealer by the Federal Government, by Florida, and by the City of Lake Wales, and he does sell guns to the Mayor. Commissioner Rogers said he does not have any personal vendetta against Mr. Otte, he likes him, but it

is time for a change. If he is wrong, he stands corrected in that, he makes no apologies, and he is doing the best he knows to do and what he is led in his beliefs to do. If this offends anyone he makes no apologies. As long as he is on the Commission, he is going to do his job and is going to vote without fear, threats, or whatever else comes his way. The head of anything, whether it is his fault or not, is responsible after awhile. Commissioner Rogers said there is no pleasure in this for him, the people sitting in this room or the other Commissioners. He said he agrees with Commissioner Howell. We should stand up and be counted or shut our mouth. There is no way he could please everyone in this room, so when it comes time to vote he will vote his countenance. If it is wrong, forgive him. Commissioner Rogers said he will work with anybody in the City that wants to work, but he will not be their boy. He will try working for everybody and try to do a good job, but he will not do anything dishonest and lean toward goals that might be of special interest. What he will do is for the betterment of the City if we can financially afford it. However, we are in financial trouble. The reason we had a lot of money several years ago is because we sold property and we had a lot of insurance money from the storm. That money cannot be figured into the budget this year because we do not have that money. We might be faced to keep up some of the services by having to increase taxes, but he will vote against it. Commissioner Rogers said he fought against the fire fee as promised during his campaign. He kept an open mind in this and was polite and courteous to everyone he spoke to and has done everything he knows humanly possible to listen to the people. However, the ultimate decision, right or wrong, rests with him. He is not going to say Mr. Otte did all right or all wrong, but he does feel that we need a change.

Commissioner Thornhill said one of the things he said many times during his campaign is for more people to get involved. Being in the middle has been very difficult. He has listened to pretty much everybody, met with those who have asked to meet with him and returned phone calls. Commissioner Thornhill said there were spiteful people from both sides that said ugly things to him, but he forgave them and he does know who they are. He asked that they forgive him for any wrong thing that he may have said or done to them. To those who sent the anonymous letters, he will not be intimidated. If they are not man enough to stand up and say something to him or sign their name to it that does not matter because anything they get from him will have his name on it. Commissioner Thornhill said he met and talked to people and has done what he thought he needed to do. The research he did on his own and four out of his six vacation days he spent talking to people at City Hall. He said he has taken this very seriously, which is what people wanted him to do. Commissioner Thornhill said he has lived in this City during Mr. Otte's entire tenure, so he does know more about things than the four times he has sat at the table. Since the preliminary resolution was approved, he did consider providing the City Manager additional time to improve his performance. This consideration was based upon his concern for him and his desire to make the right decision. He has been entrusted as a Commissioner to make decisions based on what is best for our community. If people want to criticize him for taking extra time to make sure he makes the right decisions then he is willing to accept that. We need to move forward beyond these points. Commissioner Thornhill said he would stay the course, but not because it is easy. He will do what is right, which is often the most difficult and forsaken thing to do. He will continue to ask God for guidance as he chooses to do what is right for Lake Wales; then he can continue to serve the City of Lake Wales. Under the leadership of the City Manager, public facilities are in disrepair and there is high grass on the roadways. With the exception of a few departments, employee morale is moderate at best, and there are poor hiring practices that have helped cause the morale issues. Commissioner Thornhill said he traveled north, south, east, and west in Lake Wales taking photos with the help of others looking at different things, and conditions, and talking to employees and citizens. Despite the clear problem, the City Manager without regard for the consequences, allocated City resources to private organizations and projects without the consent of the Commission. Commissioner Thornhill said he is confronted tonight with a truly challenging and personally trying decision. He has dedicated many weeks to reviewing the work and performance of the City Manager. In his review, he has concluded that the City Manager's performance is unacceptable to him and that he can no longer acceptably execute the duties of his office.

Mayor Van Sickle said he appreciates the way the public hearing went tonight, everyone was civil, comments were made and not everyone agreed, but there was no disruption. Regardless of the way the vote goes, the same leaders that are in this room are the ones that have got to help get rid of this issue for our community.

Mayor Van Sickle asked for a motion on the approval of Resolution 2009-08.

Commissioner Rogers made a motion to approve Resolution 2009-08. The motion was seconded by Mayor Van Sickle.

Roll Call:

Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"
Commissioner Thornhill	"YES"
Commissioner Wheeler	"NO"
Commissioner Howell	"NO"

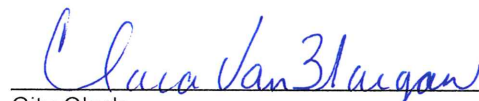
The motion carried 3-2.

There being no further business the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk