

**ORMOND BEACH SPECIAL CITY COMMISSION MEETING  
HELD AT CITY HALL COMMISSION CHAMBERS**

**November 29, 2004**

**3:30 p.m.**

Present were: Mayor Fred Costello, Commissioners Jeff Boyle, Troy Kent, Scott Selis and Bill Partington, Assistant City Manager Theodore MacLeod, City Attorney Randy Hayes, and City Clerk Veronica Patterson.

**A G E N D A**

- 1) Meeting called to order by Mayor Fred Costello.
- 2) Resolution No. 2004-159 authorizing the execution of a Collective Bargaining Agreement between the City and the Ormond Beach Firefighters Association (Local 3499, IAFF, AFL-CIO, CLC). (Tabled from the 11/16/04 meeting)
- 3) Resolution No. 2004-160 amending the Pay and Classification Plan. (Tabled from the 11/16/04 meeting)
- 4) Resolution No. 2004-161 increasing the pay ranges and steps for non-bargaining unit classified and unclassified employees and officials by 2.75%; authorizing the implementation and granting of a one-step pay increase for all non-bargaining unit employees covered by a step plan; authorizing the implementation and granting of a 6% general wage increase to all other non-bargaining unit employees and officials not covered by a step plan. (Tabled from the 11/16/04 meeting)
- 5) Close the meeting.

Item #1 - Call to Order

Mayor Costello called the meeting to order at 3:30 p.m.

Mayor Costello noted the issues on this agenda have been discussed many times; therefore, he would allow the public to address anything that had not been previously addressed, Commissioner Selis to address any issues since he was not in attendance for the previous discussions, and then he would call for the vote unless an objection was made.

Item #2 - Firefighters' Collective Bargaining Agreement

**RESOLUTION NO. 2004-159**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE ORMOND BEACH FIREFIGHTERS ASSOCIATION (LOCAL 3499, IAFF, AFL-CIO, CLC); SETTING FORTH AN EFFECTIVE DATE.**

**Commissioner Partington moved, seconded by Commissioner Kent, to approve Resolution No. 2004-159, as read by title only.**

Fire Chief Barry Baker advised this was a historic event in that a contract was being presented for ratification to the Commission with both labor and management standing side-by-side. He stated the 6.5% increase and the use of the anniversary dates have been controversial issues. Chief Baker asked Captain Mandarino to discuss the 6.5% increase issue.

Captain Robert Mandarino stated a new type of bargaining was utilized, and both labor and management were committed going into it to be up front and honest with each other. He noted the 6.5% concept was brought to the table by labor and eventually agreed upon by management. Captain Mandarino reported labor considered the 6.5% increase reasonably competitive locally and statewide. He pointed out that some other departments in the area were receiving above the 6.5% increase, such as Daytona Beach with a 10% increase; but Ormond Beach was not trying to match other cities, it was merely trying to find a figure that was fair and reasonable for the members. Captain Mandarino reported this increase would not place Ormond Beach at the top or even the second to the top of the pay ranges in the area, but it would keep them competitive.

Chief Baker reported the union was sensitive to the issue of the wish to use the anniversary date, and they have agreed that when retirement was examined next year, that issue would be

addressed in the bargaining session. He noted he would continue to try to reduce overtime; however, the existing contract would not allow him to achieve that to any great extent, but the new contract included a number of concessions by the union that would allow a greater control over firefighters' overtime.

Commissioner Selis asked if Captain Mandarino could confirm what Chief Baker just reported that the union would negotiate as part of the retirement plan the movement next year to anniversary date.

Captain Mandarino replied that this would be considered, but studies must be prepared relative to pension improvements. He stated discussions revealed that if pension improvements could be achieved, movement to the anniversary date could be considered.

Mayor Costello clarified that no promises have been made relative to the movement to the anniversary date or pension enhancements other than an honest effort to consider changes. He commended the union for being very open with the City. Mayor Costello stated that should he be on the Commission in three years, the overtime would be under control and anniversary dates would be accepted, he would look forward to being on the opposite side of the vote.

Commissioner Boyle noted he respected the fact that the anniversary date concept came after the process Captain Mandarino and Chief Baker outlined. He pointed out that there was no guarantee that this would be addressed next year, but any change would force the contract to go back to the table, placing a great deal of pressure on the Commission today. Commissioner Boyle stated a compromise that was suggested was that the cost of living adjustment (COLA) could be paid on October 1<sup>st</sup> and the step increase could be paid on the anniversary date.

Mayor Costello stated that should this pass on a three to two vote, he and Commissioner Boyle were indicating that in three years the anniversary date as well as other issues would have to be considered.

Call Vote:	Commissioner Boyle	no
	Commissioner Kent	yes
	Commissioner Selis	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	no

Item #3 – Pay and Classification Plan

RESOLUTION NO. 2004-160  
A RESOLUTION AMENDING THE PAY AND CLASSIFICATION  
PLAN; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Kent, to approve Resolution No. 2004-160, as read by title only.**

Commissioner Boyle restated the pledge he made in the workshop that if the anniversary concept was not passed with the firefighters that he would withdraw that as an objection on the other two contracts to keep fairness and consistency.

Mayor Costello stated had staff recommended a 6% increase rather than the 3¼% increase, he could have supported all of the contracts receiving the 6%; however, if he votes against one contract, he must vote against all of the contracts.

Call Vote:	Commissioner Kent	yes
	Commissioner Selis	yes
	Commissioner Partington	yes
	Commissioner Boyle	yes
Carried.	Mayor Costello	no

Item #4 – Increasing the Pay Ranges and Steps

RESOLUTION NO. 2004-161  
A RESOLUTION INCREASING THE PAY RANGES AND STEPS  
FOR NON-BARGAINING UNIT CLASSIFIED AND  
UNCLASSIFIED EMPLOYEES AND OFFICIALS BY 2.75%;  
AUTHORIZING THE IMPLEMENTATION AND GRANTING OF A  
ONE-STEP PAY INCREASE FOR ALL NON-BARGAINING UNIT

EMPLOYEES COVERED BY A STEP PLAN; AUTHORIZING THE IMPLEMENTATION AND GRANTING OF A 6% GENERAL WAGE INCREASE TO ALL OTHER NON-BARGAINING UNIT EMPLOYEES AND OFFICIALS NOT COVERED BY A STEP PLAN; SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Selis moved, seconded by Commissioner Kent, to approve Resolution No. 2004-161, as read by title only.**

Commissioner Boyle questioned if it would be possible to amend the resolution at this time since there was no bargaining unit associated with this resolution; whereby, Randal Hayes, City Attorney, reported a motion to amend could be made.

**Commissioner Boyle moved to delete the 2.75% increase for the 500 series of employees, which would include department directors, division managers, and supervisors. The motion died for lack of a second.**

**Commissioner Boyle moved, seconded by Commissioner Partington, to delete the City Manager and City Attorney from the 500 series of employees since these were the only two employees appointed by the Commission.**

Mayor Costello reported he had supported Commissioner Boyle in the past on this issue, but he recommended placing the City Manager and City Attorney on notice that in three years this would be done. He stated while the language in the City Manager's contract would not preclude this from occurring, it was apparent that the City Manager believed it was included, and he wished to keep the politics out of any decision. Mayor Costello reported the Commission hires and evaluates the City Manager and City Attorney, but this change should be done with notice to them.

Commissioner Kent stated a 6% raise for those making \$30,000 was different from those who would be receiving \$20,000 should they be given the 6% raise.

Commissioner Partington reported he had a level of comfort with a 6% increase for those making less than \$60,000 to \$70,000, but was concerned with such an increase for senior level management earning higher salaries, particularly when the salary survey indicated that Ormond Beach was paying these managers 22% over other communities. He recommended a 4% to 4½% range to lessen the gap with other communities.

Mr. Randal Hayes, City Attorney, stated he spoke to some Commission members prior to this meeting. He noted he was not comfortable with a 6% increase and pointed out that this would be an 18% package over three years. Mr. Hayes reported that based on what the taxpayers have gone through with the hurricanes, the economy, and the 34% tax increase that this increase was totally inappropriate. He noted he understood some of the philosophical reasons for doing this from a historical perspective, but the Commission may need to consider the process issue.

Mayor Costello noted he appreciated Mr. Hayes' graciousness and his willingness to become part of the solution.

Mr. Isaac Turner, City Manager, stated that he was concerned relative to process and policy. He reported that through experience he has witnessed the salary issue become a political football, noting there was not a clear enough criterion from the performance nexus to the salary nexus; and he recommended a clearer process be established than currently exists. Mr. Turner noted that relative to policy, there were two components. He stated the current process was to compare managers' and directors' salaries to the market, and there were opportunities policy-wise to determine where these employees should fall in that market. Mr. Turner reported this Commission could set policy guidelines aside from having a specific proposal before them before the next contract, which could give staff an opportunity to know where they would fall in the pay range, and the Commission would not have to make a specific decision on the spot. He stated he hoped additional follow-up work could be done.

Mayor Costello asked when the Commission would be discussing Mr. Turner's evaluation; whereby, Mr. Turner reported it would be on next week's agenda.

Call Vote on the Amendment:	Commissioner Selis	no
	Commissioner Partington	yes
	Commissioner Boyle	yes
	Commissioner Kent	yes
Carried.	Mayor Costello	no

Call Vote on the Underlying Motion:	Commissioner Partington	yes
	Commissioner Boyle	yes
	Commissioner Kent	yes
	Commissioner Selis	yes
Carried.	Mayor Costello	no

Mayor Costello noted the Commission agreed that they would be prepared to discuss the City Manager’s raise after discussing his evaluation at the next meeting.

Mr. Turner recommended the Commission instead set a policy for next year.

Mayor Costello reported he would recommend evaluating the City Manager, wait one month, and then discuss the increase.

Commissioner Boyle stated the increase could be discussed with the evaluation.

Mayor Costello recommended the Commission consider if the increases should be provided annually or every three years.

Mr. Hayes recommended his increases be considered annually.

Commissioner Boyle noted his intent was to consider increases annually as well.

Possible Conflict of Interest

Mayor Costello stated the brother of the mayor of Holly Hill had a real estate license, and the mayor declared a conflict of interest on a vote. Mayor Costello explained his son has a real estate license, and he asked Mr. Hayes if he needed to declare a conflict of interest on certain issues as a result.

Mr. Hayes stated that unless Mayor Costello’s son was involved in a transaction that the Commission may be voting on, he would not need to declare a conflict of interest.

Mayor Costello stated his son’s boss owned a piece of property that was being redeveloped that may come before the Commission; however, his son would have no dealings with that property.

Mr. Hayes advised he would need more specific information to make a final determination.

Item #14 – Close the Meeting

The meeting was adjourned at 3:55 p.m.

APPROVED: December 6, 2004

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk