SPECIAL COUNCIL MEETING

A Special Council Meeting was held on September 12, 2016 at 6:01 p.m. with Council President Slavin presiding. Members present were Mr. Anderson, Mr. Cole, Mr. Hare, Mr. Hosfelt, Mr. Hutchison, Mr. Lewis (arrived at 6:12 p.m.), and Mr. Neil. Mr. Sudler was absent. Mayor Christiansen was also present.

Council staff members present were Mr. Koenig (departed at 6:09 p.m., and returned at 6:28 p.m.) Mrs. Townshend (departed at 6:09 p.m., returned at 6:14 p.m., departed at 6:26 p.m., and returned at 6:28 p.m.), Mrs. McDowell (departed at 6:09 p.m., and returned at 6:28 p.m.). Other staff members present were Mrs. Hawkins (departed at 6:09 p.m., returned at 6:14 p.m., departed at 6:26 p.m., and returned at 6:28 p.m.), Mr. Hudson (departed at 6:09 p.m., and returned at 6:28 p.m.), and Mr. Osika (departed at 6:09 p.m., and returned at 6:28 p.m.).

ADOPTION OF AGENDA

Mr. Neil moved for approval of the agenda, seconded by Mr. Hutchison and unanimously carried.

Mr. Slavin stated that Review of Fire Marshal Recruitment Process and Review of Fire Marshal Applicant - Jason Osika would be held in public session and, if Council so chose, members would recess into Executive Session for Review of Other Fire Marshal Applicants and return to public session for the remaining items.

REVIEW OF FIRE MARSHAL RECRUITMENT PROCESS

Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred to a confidential memorandum dated September 2, 2016 regarding review of the Fire Marshal recruitment process and applicants. She stated that, in terms of recruitment, the Fire Marshal vacancy was posted on Facebook and the City's website and sent to a number of colleges and universities, libraries, and local churches, in accordance with the City's standard recruitment process.

Responding to Mr. Hare regarding whether it was posted in the newspaper, Mrs. Townshend stated that staff does not advertise in the newspaper anymore, they only advertise electronically. She stated that seven (7) applications were received prior to starting interviews and additional applications were not considered after the interview process began. Mrs. Townshend noted that one (1) application was received after staff stopped reviewing applications. Based on the review of the applications and the three (3) interviews conducted, Mr. Osika was selected as the most qualified of the candidates.

Mr. Hosfelt questioned why positions such as this one were not advertised nationally in fire publications. Responding, Mrs. Kim Hawkins, Human Resources Director, stated that one (1) reason was the cost. In addition, she explained that national advertising is used only when looking for a position such as an electric director or city manager, since the expense would be vast.

Mr. Anderson stated that he had only seen a one-page agenda for the meeting and had not seen a packet of materials. Responding, Mrs. Townshend advised that the City Clerk's Office emailed the confidential paperless packet to each member of Council on Wednesday, September 7, 2016 which included a memorandum and the applications that were received prior to starting the interview process.

REVIEW OF FIRE MARSHAL APPLICANT - JASON OSIKA

Mr. Slavin stated that Mr. Jason Osika, Interim Fire Marshal, requested that this matter be discussed in public session. Responding to Mr. Slavin, Mr. Osika confirmed that he still wanted this matter to be discussed in public session.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that Mr. Osika's resume and application were provided in the paperless packet which was emailed to each member of Council on Wednesday, September 7, 2016. She advised members that Mr. Osika had been employed by the City for 15 years, noting that he started as a fire dispatcher and has been in the Inspections Department for a number of years, where he started in Code Enforcement. Mrs. Townshend stated that Mr. Osika has National Fire Protection Association (NFPA) Fire Inspector I certification and experience with both site plan fire alarm and fire suppression system plan review. Additionally, he has experience with fire investigation origin and cause, as well as inspections experience.

Mrs. Townshend stated that the City is different from the State and some other larger fire marshals' offices because the City has a three (3) person Fire Marshal's Office. She indicated that the City of Wilmington is structured more like the State. Mrs. Townshend reminded members that the City of Dover does not have anyone whose job is just plan review or just inspections. She explained that all three (3) staff members need to be able to do all of the functions of the Office and it is difficult to find someone with that background because individuals usually go into one area or the other.

Responding to Mr. Hutchison, Mrs. Townshend stated that Mr. Osika had been with the Fire Marshal's Office for four (4) years.

In response to Mayor Christiansen, Mr. Osika stated that he had been involved in the fire service for approximately 25 years. He confirmed that he worked well with Robbins Hose Company and had previously served as the Fire Chief and President, as indicated in his resume.

Mr. Hosfelt asked Mr. Osika how he would handle the issue that he is not Council on Police Training (COPT) certified in regard to getting warrants and whether he had talked to the Police Department. Responding, Mr. Osika stated that as soon as former Fire Marshal Timothy Mullaney left the Office, he met with Police Chief Paul Bernat. He explained that the Criminal Investigations (CI) Division is currently assisting the Fire Marshal's Office if criminal fires or fire fatalities occur. Mr. Osika informed members that staff had also contacted the Attorney General's Office about the Fire Marshal's Office getting their own warrants for fire crimes. Mr. Osika stated that they were attempting to become a constable office; however, that was not successful. He explained that the Constable Board recommended that the City amend the Charter or Code to give the Fire Marshal's Office additional power, and staff was currently working on an amendment. Mrs. Townshend clarified that only Code amendments would be necessary to provide the Fire Marshal's Office the ability to detain and make arrests. She stated that the Constable Board was concerned about language in their statute that states that they cannot do investigations and they did not want to set that precedent.

In response to Mr. Hutchison, Mr. Osika stated that no other fire departments were currently working as constables. He stated that the Constable Board advised that constable powers do not allow you to investigate.

Mr. Hutchison moved to recess into Executive Session pursuant to 29 Del. C. §10004(b)(1) - discussion of an individual citizen's qualifications to hold a job or pursue training unless the citizen requests that such a meeting be open and 29 Del. C. §10004(b)(9) - personnel matters in which the names, competency and abilities of individual employees are discussed, unless the employee requests that such a meeting be open. The motion was seconded by Mr. Neil and carried with Mr. Anderson voting no.

The Special Council Meeting recessed into Executive Session at 6:09 p.m.

Mr. Neil moved to adjourn the Executive Session, seconded by Mr. Anderson and unanimously carried.

Executive Session adjourned at 6:28 p.m.

ACTION RESULTING FROM THE EXECUTIVE SESSION

Mr. Hosfelt moved to accept staff's recommendation to appoint Jason Osika as Fire Marshal, seconded by Mr. Hare.

Mr. Anderson reminded members that this matter was scheduled for consideration by Council during the Regular Council Meeting later in the evening.

Mrs. Traci McDowell, City Clerk, confirmed that this matter was on the Regular Council meeting agenda scheduled for later in the evening.

Mr. Slavin stated that members could take action now in this open session or wait until it comes up on the agenda later in the evening and take the action on the floor.

Mr. Hosfelt withdrew the motion to accept staff's recommendation to appoint Jason Osika as Fire Marshal, noting that he thought it would be more appropriate to make the appointment during the Regular Council meeting. Mr. Hare withdrew his second to the motion.

Mr. Hutchison moved for adjournment, seconded by Mr. Neil and unanimously carried.

The Special Council Meeting adjourned at 6:31 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of September 12, 2016 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2016\09-12-2016 - SPECIAL COUNCIL MEETING - ES ACTION (PUBLIC) - Fire Marshal Recruitment.wpd