REGULAR COUNCIL MEETING

The Regular Council Meeting was held on May 29, 2012 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mrs. Russell, Mr. Lynn, Mr. Perza, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Hosfelt, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Captain Mark Hall, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present.

OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Leary declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Mr. James Long, 323, Columbia Avenue, stated he wished to speak regarding the proposed increase in employee health care premiums considered by the Council Committee of the Whole earlier in the evening. He explained that, as a retired Naval Officer, he felt that leaders should not ask others to do things that they do not demonstrate that they are capable of doing themselves. He encouraged the Mayor and Council to lead through personal sacrifice. Mr. Long stated that if everyone sat together, "a give-up" could be found to lay on the table as a demonstration of faith.

Ms. Christina Kober, 343 Orchard Road Drive, Camden, stated that she wished to provide additional information regarding the proposed 15% health care premium cost-sharing arrangement considered by the Council Committee of the Whole during their meeting held earlier in the evening. She explained that the State of Delaware's health care plan includes vision and dental insurance and that State employees were afforded the opportunity to prepare for health care cost-sharing for a period of 18 months before implementation. Ms. Kober read a letter dated May 29, 2012 from a number of City of Dover non-bargaining employees regarding health care cost-sharing into the record ***(Exhibit #1)***.

The invocation was given by Councilwoman Sophia Russell, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda, as presented, seconded by Mr. Bonar and unanimously carried.

Mr. Bonar moved for approval of the Consent Agenda, seconded by Mr. Lynn and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - ANNUAL COUNCIL MEETING OF MAY 14, 2012

The Minutes of the Annual Council Meeting of May 14, 2012 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Lynn and bore the written approval of Mayor Carey.

CERTIFICATE OF CONGRATULATIONS - SCHWARTZ CENTER FOR THE ARTS 10TH ANNIVERSARY

The City Clerk read the following Certificate of Congratulations into the record:

Certificate of Congratulations presented to Schwartz Center for the Arts in celebration of providing quality arts education programs and activities for our children, youth and adults in the Dover community for 10 successful years.

The City of Dover extends its congratulations on this special milestone. We wish you many more years of success.

Presented May 29, 2012

Mayor Carey presented the Certificate to Sandra Conner, Executive Director of the Schwartz Center.

RECOGNITION OF SERVICE - BOBBY C. JONES - LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE (SEPTEMBER 2006 - MAY 2012)

On behalf of members of Council, Mayor Carey presented Dr. Bobby Jones with a Dover Cup in recognition of her service on the Legislative, Finance, and Administration Committee from September 2006 to May 2012.

Dr. Jones thanked members for the opportunity to serve and to learn.

RESOLUTION NO. 2012-10 COMMEMORATING MEMORIAL DAY

The City Clerk read a proposed Resolution commemorating Memorial Day.

By motion of Mr. Hare, seconded by Mr. Anderson, Council, by a unanimous roll call vote, adopted Resolution No. 2012-10, as follows:

WHEREAS, On May 5, 1868, General John A. Logan, Commander-in-Chief of the Grand Army of the Republic, called for an annual day of remembrance on May 30th for the purpose of strewing flowers, or otherwise decorating the graves of Comrades who died in the defense of their country. Logan believed that this was the proudest act of his life and it remains his greatest legacy; and

WHEREAS, in honor of our fallen service members, Congress, by a joint resolution approved May 11, 1950, requested that the President issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer; and

WHEREAS, Memorial Day became a federal holiday when Congress passed the National Holiday Act of 1971, which also moved the holiday from May 30th to the last Monday in May, and in May 2000, President William J. Clinton signed a resolution calling for a National Moment of Remembrance on Memorial Day which urges all Americans to pause for one minute at 3:00 p.m. (local time) on Memorial Day, to remember and reflect on sacrifices made by so many to provide freedom for all; and

WHEREAS, we gratefully acknowledge that we live in freedom today because of the many sacrifices that have been made and continue to be made by the courageous servicemen and women on behalf of our great Nation and we remember Dover residents who gave the ultimate sacrifice: Ralph Bennett, George Bullock, and Ralph Patterson - World War II; Toby Collins, George Cripps, Harold Haddick, Donald Kenton, Ray Nolan, and Edwin Sornson - Vietnam; Travis Griffin and Jarrett Thompson - Operation Iraqi Freedom; and

WHEREAS, on this solemn day in which Americans unite in remembrance of our country's fallen, we also pray for our military personnel and their families, our veterans, and all who have lost loved ones. As a grateful Nation, we forever carry the selfless sacrifice of our fallen heroes in our hearts, and we share the task of caring for those they left behind.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council call upon the citizens of the City of Dover, Delaware to observe Memorial Day by appropriately honoring the generations of Americans who have fought and died in pursuit of peace and liberty around the world and to pause and reflect on the magnitude of past sacrifices made by our servicemen and women and their families, and the continuing service that members of our Armed Forces valiantly provide to defend our freedom.

ADOPTED: MAY 29, 2012

PRESENTATION - DELAWARE STATE UNIVERSITY CONVOCATION CENTER

Dr. Harry Williams provided a PowerPoint presentation ***(Exhibit #2)*** detailing the University's activities, accomplishments, and future plans, including an early college high school and a convocation center.

Mr. Hutchison thanked Dr. Williams for the University's commitment, vision, and focus.

PRESENTATION - BURNS AND MCDONNELL ELECTRIC COST OF SERVICE STUDY AND RATE ANALYSIS

Mr. Ted Kelly, Principal with Burns & McDonnell, provided a PowerPoint presentation of the Electric Cost of Service Study and Rate Adjustment Considerations ***(Exhibit #3)***. He noted that the rate study process involves three (3) steps, as follows: 1) Financial Forecast to determine if the rates are adequate to provide the revenue requirements, 2) Cost of Service Analysis to determine if the various customer class rates are producing the revenues by class to address their costs, and 3) Rates design to address overall revenue recovery by the different classes of customers.

Responding to Mr. Anderson, Mr. Kelly stated that the advantage of focusing on rates instead of power adjustments is that rates are aligned with costs. In some cases, power adjustments increase to the point of being a larger component of the bill than the bill itself. Mr. Kelly suggested making periodic adjustments to the base.

Mr. Kelly stated that City of Dover rates were becoming more competitive with surrounding states.

Mr. Leary noted receipt of correspondence from Mr. James Long, 323 Columbia Avenue, opposing the proposed feasibility study regarding the sale of the power plant ***(Exhibit #4)***.

APPEAL OF REVOCATION OF LICENSE - TOWNE DOLLAR & TOBACCO, LLC

On March 21, 2012, the City of Dover issued a notice of summary action and revoked the City of Dover business license for Towne Dollar and Tobacco, LLC, also known as the Tobacco Hot Spot. This action was taken in accordance with Dover Code, Chapter 26 - Businesses, Section 26-64 - Summary Action, in response to a seizure by the Dover Police Department of 471 doses of purported "bath salts" and 450 packages of purported synthetic marijuana that were available for sale at Towne Dollar and Tobacco, LLC.

The Department of Planning and Inspections held a Provisional Hearing on March 26, 2012, with regard to the revocation of the business license. At this hearing, each side presented testimony with regard to the legality of the substances seized. Based on the available evidence and the testimony presented at the hearing, Mrs. Ann Marie Townshend, Director of Planning and Community Development, determined that the business sold substances prohibited by State law and municipal ordinance and upheld the revocation of the business license.

In accordance with the provisions of Dover Code, Chapter 26 - Businesses, Section 26-65 - Appeals, the business owner has appealed this revocation to City Council. The business owner also filed a motion in Chancery Court for a temporary restraining order and preliminary injunction. This motion was denied in a decision issued May 17, 2012, giving deference to the administrative appeal process and upcoming hearing scheduled before City Council.

On May 25, 2012, Mrs. Townshend received a request from Sandra D. Osman (Casey) ***(Exhibit #5)*** to postpone the May 29, 2012 hearing in order for her attorney to request two (2) samples of the Pure to obtain an independent analysis and report.

Basil C. Kollias, Esq. of Cooch and Taylor, P.A., representing Towne Dollar and Tobacco, LLC, provided materials relevant to the case ***(Exhibit #6)***. Mr. Kollias stated that, according to Section 26-59 of the Dover Code, a provisional order should have been issued and his client should have been provided five (5) days to comply with the order and been given the opportunity to request a hearing on the provisional order. Instead, the business was determined to be a nuisance and the business license was revoked in accordance with Section 26-64 of the Dover Code.

Mr. Kollias advised members that his clients have been operating in Dover for over 10 (ten) years without any issues, the last seven (7) years at this location. The owners and the employees of Towne Dollar and Tobacco, LLC have yet to be convicted. They have been arrested based on a probable cause based on a certain field testing done by the Dover Police using Nark ® II. Mr. Kollias stated that Nark ® II only has the capability of presumptively identifying suspected substances, meaning that, at best, it is only sufficient to show probable cause but cannot be used to prove guilt. He noted that a field test does not prove that the employees or owners of Towne Dollar and Tobacco, LLC were guilty of selling bath salts.

Mr. Kollias noted that the excerpt of the hearing minutes indicated that the Police officer was new to performing this test and the test had only been in use for a month or less and this was the first time it was used for this specific substance. He stated that the field test specified that the compound tested positive for MDPV. Mr. Kollias stated that Towne Dollar has provided the City with several analyses of this and other compounds that have been confiscated by the police. Each and every

analysis was tested for a series of compounds that specifically are listed as bath salts under the State of Delaware regulations. Each and every compound shows that no bath salts were detected.

Mr. Kollias noted that the Dover Code lists (1) Methylone; (2) MDPV; (3) Methylenedioxypyrovalerone; (4) Methylmethcathinone; (5) Mephedrone; (6) Methoxymethcathinone; and (7) Fluromethcathinone as dangerous substances and the analyses provided by Towne Dollar and Tobacco, LLC showed that the compounds tested negative for each of these substances.

Mr. Kollias advised members that the State police, during the raid on March 21st, confiscated all of the suspected bath salts and they sent samples to the Medical Examiner's Office, per procedure, and asked for a report as to what the compounds contained as they tested them for the bath salts. He noted that the preliminary report indicated only a single substance detected, that being called Pentedrone, which is not one (1) of the seven (7) compounds listed in the City of Dover's Ordinance. Mr. Kollias stated that they summarized all seven (7) compounds listed, including their chemical formula, to compare to Pentedrone. Not one of the compounds, isomers, salts, or isomer salts matched Pentedrone. He advised members that the same comparison was made with the 21 compounds listed in the State of Delaware Uniform Controlled Substances Act with the same result.

Mr. Kollias stated that the reason that the revocation of the license was upheld during the last hearing was because the City of Dover did not believe his client's analyses and wanted to test on their own. He stated that the preliminary report of the City's testing listed only one (1) compound found and that compound was not on the regulated list and it is not a bath salt. Mr. Kollias reiterated that his clients have been in business ten years in Dover, they have been good citizens, they have provided jobs and service to the area, and they have proven without a doubt that they were not selling bath salts nor any other regulated substance.

Mr. Kollias stated that, according to the Dover Code, a provisional order should have been given with five (5) days to comply; the provisional order should have been something akin to allowing them to stay in business but not allowing them to sell the suspect substances until it was determined whether or not they were legal or illegal. He noted that Towne Dollar and Tobacco, LLC has been out of business since March 21, 2012, which is two (2) months and a week. They have lost substantial revenue, they are losing their business, and there is a very strong chance of losing their lease, all for not doing anything that is illegal.

City Solicitor Nicholas Rodriguez noted that this was an appeal hearing and the appellant had requested a continuance. Responding, Mr. Kollias stated that the continuance was requested in order to obtain a duplicate sample from the City of Dover Police in order to run their own analysis; however, based on the testing results provided by the City which conclusively show that there are none of the regulated substances, his client has decided that they should move forward.

Mr. Rodriguez advised that this was an appeal from decision hearing and it would be up to City Council to make a determination tonight based upon Vice Chancellor Noble's decision that they had not exhausted their demonstrated remedies in the Court of Chancery and the hearing would go forward.

Mrs. Townshend stated that on March 21, 2012, she was contacted by the Dover Police Department as they were executing a search warrant and seized a substantial amount of what they believed to be bath salts. Due to the quantity of what was reported at the time and what was confiscated included over 450 containers of what were believed to be bath salts, she consulted with the Deputy City Solicitor and they moved to the Summary Action, which is an emergency provision used when the behavior of the business rises to the level of being a nuisance.

Mrs. Townshend reminded members that City Council enacted an emergency ordinance to address the concerns with bath salts after significant problems were identified related to violent crimes and the side effects being experienced by the users. She stated that, due to the egregious nature shared of what was shared by the Police Department, they needed to act quickly. The Department of Planning and Inspections issued a notice of Summary Action in accordance with Dover Code Chapter 26 – Businesses, Section 26-64 – Summary Action. The Department of Planning and Inspections held an administrative hearing on Monday, March 26, 2012, with regard to the revocation of the business license and the business owner and the Dover Police Department presented testimony.

Mrs. Townshend stated that some of the papers submitted by the business owner were inconclusive. There were partial reports from Tulane Drug Analysis Laboratory that indicated that the substance called "Jacked Rabbit" was negative for the prohibited substances and that the results for "Yayo" and Pure were inconclusive.

Mrs. Townshend stated that, during the Administrative Hearing, it was contended that the compound was not bath salts because when bath salts were being sold they were specifically labeled "not for human consumption" and the products that they were selling were labeled as energy supplements. She stated that examination of the evidence revealed that the "Jacked Rabbit" and "Yayo" were labeled as energy supplements and the product called Pure had a label that said "not for human consumption." Mrs. Townshend noted that there were 200 containers that were labeled "not for human consumption."

Mrs. Townshend stated that it became clear in her correspondence with Tulane Drug Analysis Laboratory that they tested a sample; however, it could not be determined by batch or lot number that it was a sample of the product being sold. It was Mrs. Townshend's belief that all of the evidence was turned over to the Medical Examiner's Office, which is the crime lab for the State. The initial Medical Examiner's report indicated that one (1) exhibit of the Pure brand tested positive for Pentedrone, a synthetic Cathinone (bath salts) that is a controlled substance in Delaware.

Mrs. Townshend stated that the inconsistency in the testimony, the labeling of the product, the testimony of the Police Department, and the inability to obtain conclusive lab reports influenced her decision to stand by the revocation of the business license.

Responding to Mrs. Williams, Mr. Rodriguez stated that the field testing done by the Police Department and the evidence from the Medical Examiner's Office both tested positive for the dangerous substance. Mrs. Townshend noted that the Medical Examiner's report is only referred to as preliminary because they have not yet tested all of the samples.

Responding to Mr. Perza, Mr. Rodriguez stated that, according to Vice Chancellor Noble's decision, "The standard which the City must satisfy in code-enforcement cases such as this is not probable cause. It also is not the criminal standard of beyond a reasonable doubt. The administrative process anticipates something akin to a preponderance of the evidence." Mr. Rodriguez stated that, based upon the request for a continuance, neither he nor the Police Chief were prepared to move forward with the hearing.

Mr. Hare asked how bath salts would be obtained in a store, noting that Sgt. Pires testimony indicated that the bath salts were not on display for sale, they were actually tucked behind the counter in a box. Mr. Kollias stated that it was a false statement and that they had video and a still photograph showing the clerk taking the substance that was purchased (not bath salts) out of a glass display case (container) just beside the register. He also noted that they were able to show the video of the entire purchase at Chancery Court and it showed that between the time the police came and made that purchase, went out, and they came in and raided the store during the period that they did this field test a total of two (2) minutes and eight seconds had passed.

Police Chief James Hosfelt stated that the Nark ® II test is the same test they use for marijuana, cocaine, heroin, etc., although it is specific to bath salts. The illegal drugs are sent to the Medical Examiner's Office and they test a random sampling of that drug, which is sufficient and recognized by all of the courts in the State. Chief Hosfelt stated that it is usually a year-long process for the Medical Examiner to test, but the initial testing of the drug shows that it is, in fact, bath salts. He noted that the drug in question was hidden behind the counter and was marked "not for human consumption."

Chief Hosfelt expressed concern that Towne Dollar and Tobacco, LLC had requested that the appeal hearing be continued this evening and that the hearing was moving forward without the benefit of having the officers and detectives available to provide testimony. He also asked, in regard to the independent lab samples, where Mr. Kollias obtained the samples that were tested. Mr. Kollias responded that the sample was requested from the distributor, who sent a sample from the bulk container to the AIBioTech laboratory. He stated that the distributor buys the material in bulk and he splits it himself into the containers that are available for retail sale and then ships them out and there are no batch numbers or lot numbers. Mr. Kollias stated that, provided with each shipment is an analysis done by the manufacturer that is provided to the distributor. He noted that they were unsuccessful in reaching the manufacturer to obtain permission for Tulane to release all of the analyses to them and the City of Dover. Responding to Chief Hosfelt, Mr. Kollias stated that he did not know if AIBioTech was recognized by the State of Delaware as an expert in field testing or testing. He indicated that he did not know if they were recognized by the State of Delaware; however, they are licensed in their state.

Mr. Kollias pointed out that Mr. Rodriguez referred to Pentedrone as a controlled substance; however, it was not included on the list.

Mr. Bonar stated that they had to decide whether or not the administrative staff has taken the proper precautions to protect the public from what they genuinely felt was a positive field test executed in the normal course of events through an investigation by the Police Department. He noted that their probable cause was enough to convince a judge that they had a right to go in there and execute a

search warrant. The preliminary field test tested positive for some of these controlled substances and the field test is just a preliminary examination and their duty was to determine if staff was acting in good conscience in protecting the general public from what was initially determined to be an illegal substance. Mr. Bonar felt that the revocation should be upheld until there is a full and complete examination of the chemical substances that are involved in all of the packages that were submitted as evidence, as long as the chain of evidence was complied with and there was probable cause to execute the search warrant. Mrs. Williams and Mr. Hare concurred with Mr. Bonar's statements.

Responding to Mr. Lynn, Mr. Kollias stated that when the laws were initially enacted by the State of Delaware, his client contacted the State to determine which of the substances they had for sale were illegal and which were not. Once it was determined that some were illegal, they returned the merchandise to the distributor. He stated that his client has no direct knowledge of the manufacture of the substance; however, they require the distributor to provide with every shipment an analysis of the compound verifying that it is legal.

Mr. Lynn asked who provided the Tulane reports. Mr. Kollias stated that they were provided by the manufacturer to the distributor, who provided copies with the shipment. He stated that it was represented to his client as a test of the actual product that was delivered.

Mrs. Williams moved to reaffirm the action taken by the Planning Department and the Police, seconded by Mr. Perza and carried by a roll call vote of eight (8) yes, one (1) no (Mr. Anderson).

VIOLATION OF DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 26 NORTH KIRKWOOD STREET, OWNED BY JOE BURDEN *(TABLED AT COUNCIL FOR 60 DAYS ON MARCH 12, 2012)*

Mr. Hare moved to lift the matter from the table. The motion was seconded by Mrs. Williams and failed by a roll call vote of one (1) yes, seven (7) no, and one absent (Mr. Lynn).

COUNCIL COMMITTEE OF THE WHOLE REPORT - MAY 29, 2012

The Council Committee of the Whole met on May 29, 2012 with Council President Leary presiding. *(City Clerk's Office Note: Except for the following time sensitive issue, the Committee's report from their May 29, 2012 meeting will be presented to Council during the Regular Council Meeting of June 11, 2012 for review and consideration.*)

Review and Recommendation - Filling of Critical Positions

Motor Equipment Operator (MEO) II - Sanitation

Mr. Scott Koenig, City Manager, reviewed a request to fill a Motor Equipment Operator (MEO) II position in the Sanitation Division. He noted that this Division was previously staffed at 13 positions and has had up to three (3) vacancies throughout the year. Mr. Koenig estimated the budgetary impact of the position at $45,604 including wages and benefits and indicated that this amount was allocated in the draft FY 2012-2013 budget.

In response to Mr. Hare, Mr. Koenig stated that the position had been vacant for approximately six (6) months. He explained that there were currently three (3) vacant positions in the Division; one

(1) was eliminated from the draft budget, one was proposed to be filled with a temporary employee, and staff was requesting to fill the third position. He indicated that it has been necessary to "backfill" this position with labor from the Grounds or Streets Divisions, which has reduced productivity in those areas.

Responding to Mr. Bonar, Mr. Koenig stated that if the position were not filled, staff from the Grounds or Streets Divisions would continue to be depleted and would have to "limp through" operations.

In response to Mr. Hare, Mr. Koenig indicated that catch basin cleaning, additional street sweeping, repainting of center skip lines, and numerous other tasks could be performed if the Department were fully staffed.

Mr. Bonar moved for approval of the request to fill the Motor Equipment Operator (MEO) II - Sanitation position for discussion purposes seconded by Mr. Hutchison.

In response to Mr. Bonar, Mr. Koenig stated that if the position were not filled, the City would likely incur overtime expenses and the level of trash collection service would be reduced; however, the resulting overtime expenses incurred by the Sanitation Division would not exceed the amount of money budgeted for the position.

Responding to Mr. Bonar, Mr. Koenig indicated that the incumbent of this position would drive City vehicles because a temporary employee cannot perform this function. He felt that failing to fill the position would hamper staff's ability to get vehicles to the locations necessary for trash pick-up and would also interfere with the Streets Division's ability to perform services such as street patching and concrete work due to understaffing.

The Committee recommended approval of the request to fill the Motor Equipment Operator (MEO) II - Sanitation position.

Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

Utility Maintenance Mechanic (UMM) I - Wastewater

Mr. Scott Koenig, City Manager, reviewed a request to fill a Utility Maintenance Mechanic (UMM) I - Wastewater position. He advised members that the incumbent of the position would perform routine maintenance on approximately 40 pump stations throughout the City, including small residential and large industrial areas. Mr. Koenig stated that there were currently six (6) positions budgeted for the Wastewater utility, two (2) of which were vacant, and noted that one (1) of these positions would be discussed subsequently during the meeting. He projected an estimated impact of $49,391 on the draft FY 2012-2013 budget for wages and benefits. Mr. Koenig stated that if staff falls behind on the pump station maintenance, the City would experience mechanical problems and incur contractual expenses for repairs that would be greater than the amount proposed to fund the position. He noted that a proposal has been negotiated in the amount of approximately $1,300 per day with Smith and Loveless, Inc., to provide emergency services if needed. Mr. Koenig felt that if City workers were available in-house to work on the utility, they would become familiar with the

equipment and the premium payment for standby services would not be necessary. He stated that, in staff's opinion, it was an absolute necessity to have mechanics on staff.

Responding to Mr. Hare, Mr. Koenig explained that a UMM II is more experienced than a UMM I and has more technical knowledge. He stated that a number of former Air Force mechanics have previously been hired as UMMs and Water Treatment Plant Operators. He noted that staff attempts to partner a UMM I with a UMM II on each crew to allow the Level II workers to train the Level I workers and to provide job progression. He explained that the goal was to have three (3) such crews available.

The Committee recommended approval of the request to fill the position of Utility Maintenance Mechanic (UMM) I - Wastewater, as recommended by staff.

Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Anderson and carried by a roll call vote of eight (8) yes and one (1) no (Mr. Hutchison).

Water Plant Operator I - Water Treatment Plant

Mr. Scott Koenig, City Manager, reviewed a request to fill a Water Plant Operator I vacancy in the Water Treatment Plant that was created by an employee retirement effective March 29, 2012. He projected an estimated impact of $50,351 on the draft FY 2012-2013 budget. Mr. Koenig noted that the position was a key component of the water production function of the City's Water utility and the incumbent would take an active part in the management and maintenance of seven (7) shallow wells at the Long Point Road Treatment Plant, 15 deep wells and associated micro-treatment plants that accompany those wells, as well as play a role in the active maintenance and operation of elevated storage tanks throughout the City. He indicated that the employee would be expected to become a State-certified water system operator, which involves a number of regulatory requirements, mandatory ongoing training, and maintenance of institutional knowledge and skills required of water treatment personnel. Mr. Koenig stated that staff deemed this position critical to the long-term use of the City's water utility. He reminded members that if the City's project with Calpine goes through as expected, demand will increase on the City's water system in the future and he felt that personnel must be prepared to handle these projected demands.

The Committee recommended approval of the request to fill the position of Water Plant Operator I, as recommended by staff.

Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Anderson and carried by a roll call vote of eight (8) yes and one (1) no (Mr. Hutchison).

Patrolman (3) Police Department

Chief James Hosfelt reviewed a request to fill three (3) projected Patrolman vacancies which will be created by the planned retirement of three (3) officers, with the first retirement scheduled for June 22, 2012. He stated that the request would create a slight impact on the FY 12 budget; however, the requests were submitted at this time to allow for attendance at the upcoming Police Academy scheduled to begin on June 18, 2012. Chief Hosfelt explained that another Academy would not be scheduled for at at least one (1) year, which would cause a lag of 1½ to two (2) years before the officers hired could assume their duties. He stated that two (2) officers had submitted

their retirement paperwork and the third individual was a sergeant who must retire on or before September 13, 2012 due to the Department's age/years of service mandatory retirement policy, as stated in Dover Police Department Procedural Notice 22 - Compensation, Benefits, and Conditions of Work. He noted that filling these positions would bring the force to 93 officers which is the authorized strength of the Department; however, after the expected retirement in September, the force would reduce to 92.

Responding to Mr. Leary, Chief Hosfelt stated that following the June 2012 Police Academy, the next Academy (run by the Delaware State Police) will be held in March 2013 and the officers trained at that time would not be able to assume full duties until one (1) year after graduation.

In response to Mr. Bonar, Chief Hosfelt stated that five (5) agencies in Delaware are authorized to hold Police Academies (one of which is the City of Dover); however, due to a lack of manpower, time, and financial resources, currently only the City of Wilmington, New Castle County, and the Delaware State Police are scheduling such training.

Responding to Mr. Bonar, Chief Hosfelt stated that he did not anticipate any additional officers to retire in the near future.

In response to Mr. Hutchison, Chief Hosfelt explained that, although the Police sergeant who was expected to retire did not wish to retire at his current age of 52, City policy requires officers to retire after attaining age 55 or 30 years of service, whichever occurs first. He stated that the State law which granted the City the authority to set this policy had been in effect "for decades" and that staff saw no reason to change this requirement. He indicated that the State law had previously been challenged at both the State and County levels and was upheld.

Mr. Hutchison stated that he was deeply concerned that an individual with many years of service with the City was being forced to retire rather than being afforded the opportunity to remain with the Department for three (3) additional years until attaining age 55, noting that, in his opinion, this officer was in "as good shape" as anyone in the Police Department.

Chief Hosfelt did not feel that it was appropriate to discuss the details of this matter at the current time and offered to speak further with Mr. Hutchison on this topic outside Council Chambers.

Responding to Mr. Hare, Chief Hosfelt stated that, to his knowledge, no City officer has previously returned to such employment as a temporary employee following retirement and he was not aware of any mechanism in place to provide for this option. In addition, he noted that temporary employment would not allow the officer to add to his pension.

In response to Mr. Bonar, Chief Hosfelt stated that he had previously researched the possibility of having a Police retiree perform responsibilities related to the Red Light Enforcement Program and potentially the Speed Enforcement Program (if implemented) on a contract basis; however, Justice of the Peace Court No. 7 would not recognize such a position as a civilian function. He noted that the employee in this position is responsible for not only reviewing camera data but also testifying in Court 7 in connection with individuals who contest violations. Chief Hosfelt advised members that consideration has been given to hiring a retired officer to maintain certification and this option

was being explored. He noted that a desk sergeant was currently administering the Red Light Enforcement Program and this individual's job responsibilities also involve overseeing the master corporal in the motorcycle unit.

Responding to Mr. Anderson, Chief Hosfelt explained that new police officers hired by the City Police Department cannot exceed 34 years in age since they must have 20 years of service in order to be eligible to retire with full benefits.

In response to Mr. Hare, Chief Hosfelt stated that the retirement age and service requirements for City police officers are a matter of City policy. He stated that at some point the effectiveness of law enforcement officers must be examined, and he felt that working night shifts and "wrestling" with offenders day after day was "too much to ask" of officers who have attained age 55 or 30 years of service. In addition, he stated that the Department assigns individuals to the Police Department based upon "what they can best do for us" and felt that the particular officer involved had been best suited to serve as a platoon sergeant.

Responding to Mr. Hutchison, Chief Hosfelt stated it was his understanding that the other two (2) retiring officers planned to request a lump sum payment when they retire. In addition, he indicated that the mandatory retirement requirements were listed in the Police Department rules and regulations and had been in place for 10-15 years. To his knowledge, this was the first employee who has had difficulty with this policy. Chief Hosfelt stated that he had discussed the matter with the employee, the City Solicitor, and other sources (including attorneys) to ensure that the law was valid and the employee had been kept abreast of these discussions. He stated that he believed that the City's position on the matter was "on solid footing."

The Committee recommended approval of the request to fill the three (3) Patrolman positions, as recommended by staff.

Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Anderson and carried by a roll call vote of eight (8) yes and one (1) no (Mr. Hutchison).

Utility Maintenance Mechanic (UMM) II - Wastewater

Mr. Scott Koenig, City Manager, reviewed a request to fill a Utility Maintenance Mechanic (UMM) II - Wastewater vacancy which was created during the previous two (2) weeks due to the transfer of an employee from the Wastewater crew to the Electric Department. He requested Council's approval to advertise the position externally and estimated the impact of wages and benefits on the draft FY 2012-2013 budget at $74,888.

Responding to Mr. Hare, Mr. Koenig explained that the UMM position that was considered earlier in the meeting was a UMM I. He stated that when wages and benefits are estimated, full wages and family health care coverage rates are used to project the highest potential budgetary impact. He explained that, although he considered this position critical, the employee who formerly occupied the position transferred to a recently vacated position in the Electric Department that was deemed equally important.

In response to Mr. Perza, Mr. Koenig stated that positions of this nature are required by Code to work in pairs due to the necessity of working in confined spaces (wet wells). He confirmed that the City is seeking to hire a Level II employee in order to match the individual with a Level I employee.

The Committee recommended approval of the request to fill the position of Utility Maintenance Mechanic (UMM) II - Wastewater.

Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Anderson and carried by a roll call vote of eight (8) yes and one (1) no (Mr. Hutchison).

Responding to Mr. Lynn regarding the absence of a request to fill critical positions at the Library as an agenda item, Mr. Koenig stated that some Library positions were approved by Council on April 9, 2012 when a "first wave" of positions was brought forth for consideration, and a Library Clerk position would likely be considered at one of the next several Council meetings. Mr. Koenig explained that the number of hours to be worked by part-time employees was a matter of discussion during current labor negotiations and would affect the filling of Library Page positions. He expressed his hope that another "wave" of positions would be brought forth in the near future. Mr. Koenig stated that he believed that these vacancies could be filled in time for the scheduled Library opening, noting that that a temporary Certificate of Occupancy for the facility would be issued in July 2012. He did not feel that a long training time would be required for the Library Page positions; however, he indicated that the Clerk position would require a longer timeline. Mr. Koenig confirmed that finding the administrative time to process the large volume of applications would present some challenges.

Review of Grant Application - City Hall Generator (DEMA)

Mr. Scott Koenig, City Manager, advised members that the City requested and received funding from the State Homeland Security Grant Program (SHSGP) for the purchase and installation of an emergency generator at City Hall. He stated that the total amount required for the generator would not exceed the grant total of $93,000 and that staff was currently in the bidding process for this piece of equipment. Mr. Koenig indicated that funding for this project was available under short notice to the City due to the failure of other municipalities in the State to complete their projects by the due date set forth by the federal government. All costs associated with the project would be charged to the Facilities Management budget and 100% of the project costs would be reimbursed to the City upon application for reimbursement. Mr. Koenig noted that the estimated yearly operating costs would be $1,800 (50 hours x nine (9) gallons per hour x $4.00 per gallon) and the annual maintenance Cost was estimated at $400 to $500. He advised members that this opportunity was the result of the Mayor's efforts to secure these funds for the City of Dover. Staff requested authorization to complete the project and request reimbursement for the costs associated with the City Hall generator not to exceed the allotted $93,000.

The Committee recommended that staff be granted authorization to complete the project and request reimbursement for the costs associated with the purchase and installation of the emergency City Hall generator, not to exceed $93,000.

Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

Mr. Bonar moved for acceptance of the report, seconded by Mr. Hare and unanimously carried.

SET PUBLIC HEARING - ELECTRIC FUND BUDGET *(RECOMMENDED THAT A PUBLIC HEARING BE SET FOR JUNE 11, 2012 AT 7:30 P.M.)*

A public hearing on the Electric Revenue Fund Budget is required for compliance with the 1985 Electric Revenue (Refunding) Bonds Resolution - Annual Budget Section (as amended by 1990 Bond Resolution) prior to adoption of the budget. Staff recommended that the public hearing be set for June 11, 2012 at 7:30 p.m.

Mr. Bonar moved to set a public hearing for June 11, 2012 at 7:30 p.m. for the 2012/2013 City of Dover Electric Fund Budget, seconded by Mr. Hare and unanimously carried.

EVALUATION OF BIDS - INFLOW AND INFILTRATION (I&I) SANITARY SEWER REHABILITATION PROJECT

Wastewater Management includes the Inflow/Infiltration Removal capital project to correct areas in the sanitary sewer collection system that are deteriorating and allowing groundwater to enter the sanitary sewer system through cracked pipes and/or through poorly sealed joints. Eliminating infiltration into the City's sanitary sewer mains will result in reduced pumping and treatment costs. Issues identified within the wastewater system are to be addressed through the Inflow / Infiltration CIP.

During FY 11/12, a Sanitary Sewer Inflow & Infiltration Study was conducted in the following areas of the City of Dover, New Street, Reed Street, Morris Estates, and Fox Hall. These areas were identified by staff to be examined due to the high level of groundwater identified entering the system as well as the level of deterioration of pipes in this part of the system. The study included staff cleaning and performing video inspections of roughly 3,113 linear feet of sanitary sewer main and 82 manholes. The survey information was submitted to a consultant to review and provide recommendations. The result of the recommendations was to replace approximately 2,135 linear feet of sanitary sewer main, install three (3) additional manholes and replace twenty-one (21) existing manholes. The bid package was advertised by the City's Contract and Procurement Manager under Bid #12-0036WW and was opened on May 16, 2012. The following three(3) contractors submitted bids for the proposed project.

CONTRACTOR	LOCATION	AMOUNT OF BID
Eastern States Construction Services, Inc.	Wilmington, DE	$976,505.00
JJID, Inc.	Bear, DE	$2,245,795.00
Teal Construction, Inc.	**Dover, DE**	**$748,00.00**

City staff reviewed the Teal Construction, Inc. bid package and found it free of math errors and/or discrepancies. In addition, staff has reviewed the contractor's qualification information, which included a list of recently completed projects similar in material scope to the sanitary sewer replacement project and their financial statement and found all information to be adequate. The low bid represents fair market value; and their qualifications are in accordance with the requirements of this project.

Staff recommended approval of the low bid submitted by Teal Construction, Inc. in the amount of $748,000 for the installation of approximately 2,135 linear feet of 8" sanitary sewer main; installation of three (3) new manholes and replacement of 21 existing manholes. The work will be accomplished in New Street, Reed Street, Morris Estates, and Fox Hall.

Mr. Hare moved for approval of staff's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.

SCHEDULING OF PREVIOUSLY CANCELLED JUNE 25, 2012 CITY COUNCIL MEETING

Council President Leary reminded members that, during the Council Meeting of February 27, 2012, the Committee and Council meetings falling in the week of the fourth Monday of every third month (March, June, September, and December) were cancelled to provide additional time for day-to-day operations for those departments that were short-staffed due to the hiring freeze. He advised members that, in order to conclude the budget process, it would be necessary to reschedule the Council Meeting of June 25, 2012.

Mrs. Williams moved to reschedule the previously cancelled June 25, 2012 City Council meeting, seconded by Mr. Anderson and unanimously carried.

DISCUSSION - STAFF MEMBERS REQUIRED TO ATTEND CITY COUNCIL MEETINGS

At the request of Mr. Hutchison, members considered excusing the Fire Chief and the Tax Assessor from regular attendance at the City Council meetings.

Speaking on behalf of Fire Chief Fortney, Captain Mark Hall, stated that the Fire Department would like to retain their seat at the Council meetings in order to stay informed. Responding to Mr. Lynn, Mrs. Townshend, Director of Planning and Community Development, stated that it is often helpful to have the Fire Department available for Violation of Dangerous Building hearings. Mr. Bonar suggested that the Fire Chief and Tax Assessor could be requested to attend when matters involving them were on the agenda.

Mr. Hutchison moved to excuse the Fire Chief and City Assessor from regular attendance at the City Council meetings. The motion was seconded by Mr. Hare and failed by a roll call vote of five (5) no, four (4) yes (Mr. Bonar, Mrs. Williams, Mr. Hutchison, and Mr. Leary).

Mr. Hare moved to excuse the City Assessor from regular attendance at the City Council meetings, seconded by Mrs. Williams and unanimously carried.

Mr. Hutchison moved that the City Manager move to lower tier of the dias, seconded by Mr. Bonar and carried with Mr. Perza voting present.

APPOINTMENT - RECOMMENDED BY COUNCIL PRESIDENT LEARY - CHAPLAIN WALLACE DIXON - CITY CHAPLAIN *(ANNUAL APPOINTMENT EXPIRES JUNE 2013)*

By consent agenda, Mr. Bonar moved for approval of the reappointment of Chaplain Wallace Dixon to serve as the City Chaplain for a term to expire June 2013, as recommended by Council President Leary. The motion was seconded by Mr. Lynn and carried by a unanimous roll call vote.

COUNCIL PRESIDENT APPOINTMENTS - 2012/2013 COMMITTEES (ANNUAL APPOINTMENTS DEFERRED DURING THE MEETING OF MAY 14, 2012)

By consent agenda, Mr. Bonar moved for approval of the Committee Appointments for 2012/2013, as recommended by Council President Leary. The motion was seconded by Mr. Lynn and by a unanimous roll call vote, the following appointments were made:

Legislative, Finance, and Administration Committee
Sean M. Lynn, Chair
David L. Anderson
William F. Hare
Daniel Shevock (Civilian Member)
Michael G. Rushe (Civilian Member Appointed by Committee Chair)

Parks, Recreation, and Community Enhancement Committee
Sophia R. Russell, Chair
David L. Anderson
David L. Bonar
Ann Baker Horsey (Civilian Member)
David A. Lewis, Jr. (Civilian Member Appointed by Committee Chair)

Safety Advisory and Transportation Committee
James L. Hutchison, Sr., Chair
Adam M. Perza
Sophia R. Russell
John J. Davis (Civilian Member)
Thomas J. Keller, Jr. (Civilian Member Appointed by Committee Chair)

Utility Committee
David L. Bonar, Chair
Adam M. Perza
Beverly C. Williams
Richard Snaman (Civilian Member)
Lester L. Blakeman, Sr. (Civilian Member Appointed by Committee Chair)

Construction Code Board of Appeals
David L. Anderson, Chair
Adam M. Perza

Other Post-Employment Benefits (OPEB) Trust Fund Board
William F. Hare, Chair
Beverly C. Williams

Retirement Committee - General Employee Pension Plan
David L. Bonar
Sean M. Lynn

Retirement Committee - Police Pension Plan
David L. Bonar
Sean M. Lynn

COUNCIL PRESIDENT APPOINTMENTS - 2012/2013 MISCELLANEOUS (ANNUAL APPOINTMENTS DEFERRED DURING THE MEETING OF MAY 14, 2012)

By consent agenda, Mr. Bonar moved for approval of the Miscellaneous Committee Appointments for 2012/2013, as recommended by Council President Leary. The motion was seconded by Mr. Lynn and, by a unanimous roll call vote, the following appointments were made:

Chamber of Commerce & Greater Dover Committee Liaison Members
Carleton E. Carey, Sr.
James L. Hutchison, Sr.

City/County Committee (Liaison to Kent County)
David L. Bonar
Carleton E. Carey, Sr., Mayor
William F. Hare
Scott D. Koenig, City Manager
Thomas J. Leary, Council President
Beverly C. Williams

Kent County Tourism
Sophia R. Russell

Kent Economic Partnership
James L. Hutchison, Sr.

COUNCIL MEMBERS ANNOUNCEMENTS

There were no Council Member Announcements.

Mrs. Williams moved for adjournment, seconded by Mr. Bonar and unanimously carried.

Meeting Adjourned at 9:23 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of May 29, 2012 are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
S:\ClerksOffice\Agendas&Minutes\Council-Minutes\2005\08-22-2005 Council.wpd

Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Letter Dated May 29, 2012 from City of Dover Non-Bargaining Employees Regarding Health Care Cost-sharing
Exhibit #2 - PowerPoint Presentation - Delaware State University
Exhibit #3 - PowerPoint Presentation - Electric Cost of Service Study and Rate Adjustment Considerations
Exhibit #4 - Correspondence from Mr. James Long Opposing Feasibility Study - Sale of the Power Plant
Exhibit #5 - Request from Sandra D. Osman (Casey) to Postpone Towne Dollar and Tobacco, LLC Hearing
Exhibit #6 - Material Provided by Basil C. Kollias, Esq. - Towne Dollar and Tobacco, LLC

May 29, 2012

To Members of Dover City Council:

We the undersigned are Non-Bargaining Employees of the City of Dover. Recent discussions regarding our health care options have prompted us, as a group, to address all members of Dover City Council.

As you know, we are the only group of employees in the city who work without union representation. The majority of us are considered "middle management"; not department heads but rather the front-line supervisors responsible for much of the day-to-day operations of the city. As a group, we have more experience, longevity, and training than any group within the city's employment ranks. More importantly, the pool of talent within this group is more vast than any other. We want to believe that our opinions and our voice matter to the city manager and to city council.

The healthcare cost-sharing proposal has one positive effect, which is simply reducing expenses for city government. However, the proposal has many negative effects, such as the inability for those close to retirement to adequately plan for the financial repercussions of this action and the morale of a group of employees who are unable to bargain for other concessions in return for losing such an important benefit. Just as important is that with all the knowledge, expertise and diversity among this group of employees, we share the same view.

At the city manager's proposed 15% cost sharing, the savings from Non-Bargaining Employees is approximately $50,000. We feel confident that given time and cooperation, another alternative can be found to equal this cost savings. Many of those in upper-level management have expressed their belief that the current economic situation is temporary. Both the public and private sectors are showing clear signs of recovery. We urge council to consider a more temporary, stop-gap measure that is viable, equitable, and balanced – such as furlough days to equal the cost savings of healthcare cost-sharing – to allow ALL of us to work together to explore other options.

We respectfully ask that council reject the cost-sharing proposal for Non-Bargaining Employees, as a whole, and consider other cost-saving measures as an alternative to the proposed health insurance cost-sharing plan for this group of employees.

Respectfully,

(please see attached)

Signature

Paul Cookson - Police Dept (20+)
Christina Kober - Police Dept. - 23 yrs. of service
~~Diane~~ Glenn - police Dept. (19+ years)
Pete Wilder 20+ years
Tim Mutter 5 YEARS CENTRAL SERV COORDINATOR, TOTAL 29 YRS W/CITY
Robin Adkins 13 years of service
Paul Bernett Dover PD 23 years of service
Diane Metsch - Planning + Inspections 23 yrs of Serv.
Dave Tiny Fire Marshal - 22 years of serv.
Cayce O'Neal Public Works - 21+ years
Steve + Co ELECTRIC DEPT - 23 years
Dave Giglio Library 17 years
Lattee Luppino - Electric - 10 years
Ralph McDowell water 25 years
Stacey Harvey Planning Dept 12 years
Nancy Swaggard Admin Services Meter Reading 18 years
Judith Avery Library 5 years
Denise Roberson Customer Svc 22
Donna Allison IT Dept 27 yrs
Marlene Looney IT Dept 27 yrs
Beverly Jackson Econ Dev 3½ yrs
Karen Bertasco D.P.L. 9.5 years
Carolyn Courtney Dover Parks 12 years
Margery Cox Dover Library, 4 years
Tim Hostett Police 24 YEARS
Jeremy Johnson 5 year
Sherry Dupon 11½ years

Becky North - Library - 1 year
Kathy Lair (Cust Sv) - 20 years
Carol Heesh (Public Works) 9½ yrs+
Suzanne Foraker - 8 months



President's Presentation to the City Council

May 29, 2012

Regular Council Meeting of 05/29/2012
EXHIBIT #2



NEW MISSION STATEMENT

Delaware State University is a public, comprehensive, 1890 land-grant institution that offers access and opportunity to diverse populations from Delaware, the nation, and the world. Building on its heritage as a historically black college, the University purposefully integrates the highest standards of excellence in teaching, research, and service in its baccalaureate, master's and doctoral programs. Its commitment to advance science, technology, liberal arts, and the professions produces capable and productive leaders who contribute to the sustainability and economic development of the global community.

outreach
community
scholarship
diversity
integrity

core values

DSU

E STATE UNIVERSITY
FOUNDED
1891

VISION

As one of America's most highly respected Historically Black Colleges and Universities, Delaware State University will be renowned for a standard of academic excellence that prepares our graduates to become the first choice of employers in a global market and invigorates the economy and the culture of Delaware and the Mid-Atlantic Region.

DELAWARE STATE UNIVERSITY
FOUNDED
1891

VISION

DELAWARE STATE UNIVERSITY
FOUNDED
1891
DOVER

2011 - 2012 Priority Areas

- ✓ STEM
- ✓ Retention and Graduation
- ✓ Health and Wellness

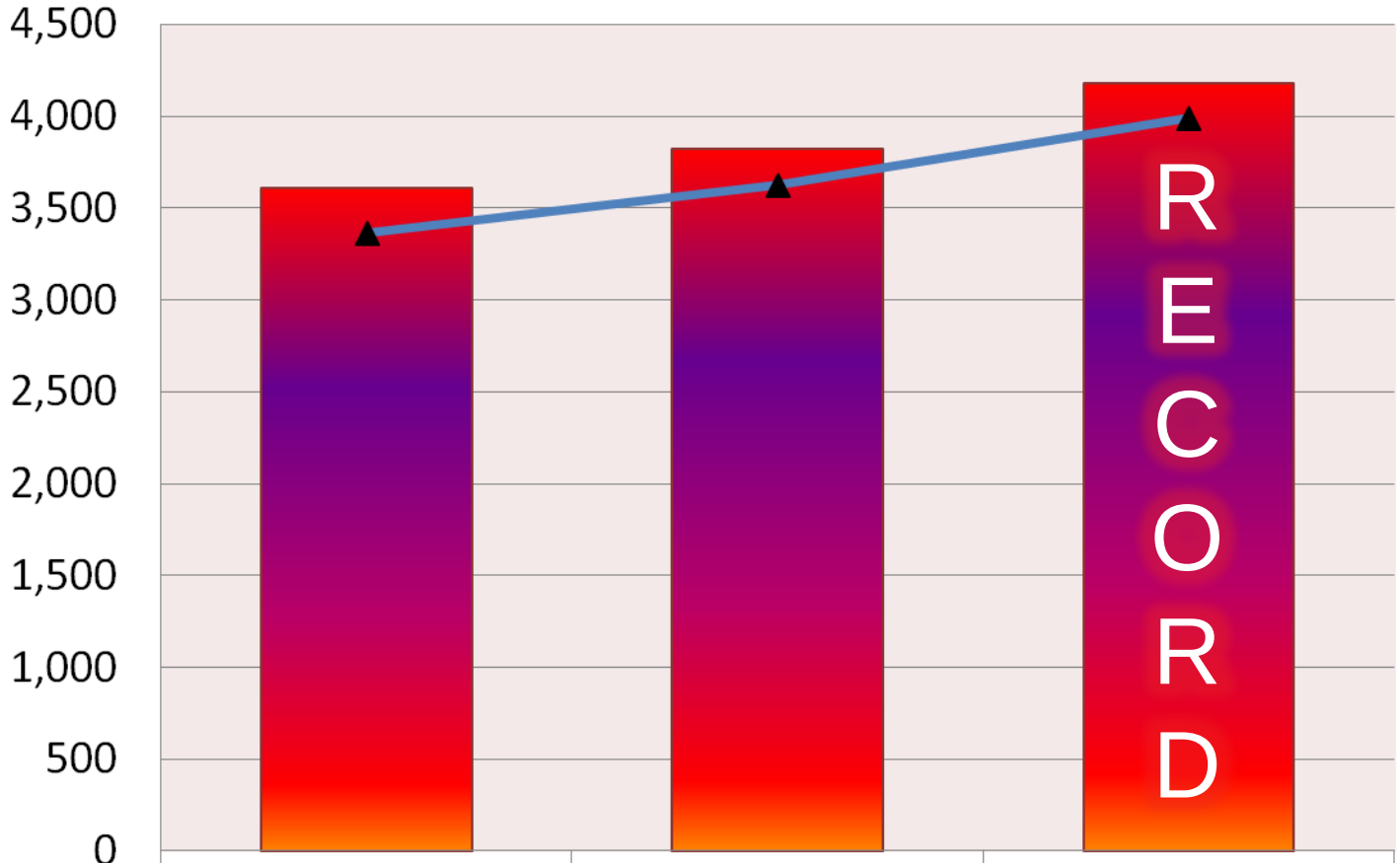




PRIORITY

DSU Total Enrollment and FTE

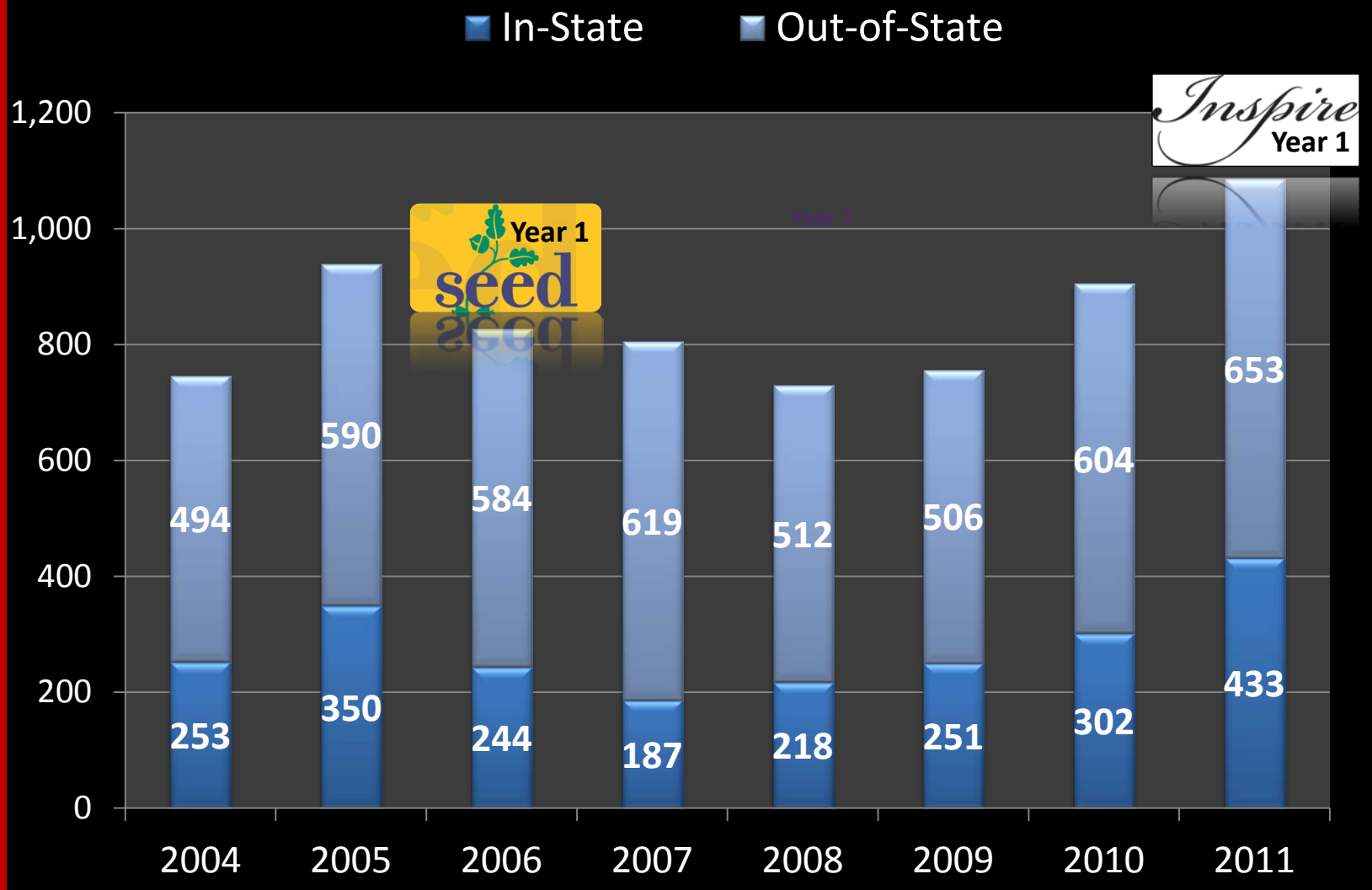
Fall 2009 - Fall 2011



	2009	2010	2011
Total Enrollment	3,609	3,819	4,178
Total FTE	3,366	3,630	3,989

DSU New Freshman Students by Residency

Fall 2004 - Fall 2011





FEATURING THE COMMUNITY SERVICE OF DSU INSPIRE SCHOLARS

March 31

City of Wilmington: Peoples Settlement
New Castle County: Food Bank of Delaware
Kent County: Central Delaware Habitat for Humanity
Sussex County: Western Sussex Boys and Girls Club

2012 DSU Inspired DAY OF SERVICE

Over 250 participants!











The News Journal
Sunday, April 1, 2012

INSPIRED DAY OF SERVICE

250 Delaware State students help projects across the state

For some, it's an obligation of their scholarships

By JAMES FISHER
The News Journal

FREDERICA—Students from Delaware State University spent their Saturday shoveling dirt, sawing boards and pounding nails to erect a Habitat for Humanity house, working alongside the family selected to live in the home when it's completed this summer.

The 27 DSU students there were part of the university's Inspired Day of Service, and for many of them, the volunteer work fulfilled an obligation attached to a scholarship supporting their studies. A two-year scholarship available to state residents who graduate with at least a 2.75 GPA, the Inspire scholarship is helping some 300 students attend DSU this year.

In addition to the Habitat project, about 250 DSU students fanned out Saturday to paint a recreation center in Laurel, prepare food bags at the Food Bank of Delaware in Newark, do maintenance at Peoples Settlement Association in Wilmington and help clean a road in Dover.

"Part of the commitment of the scholarship, to the state of Delaware, is that our students will give back," said university President Harry L. Williams, working on the site Saturday morning along with his wife and their 11-year-old son. "We said that to the legislators when we asked for the funding." Many of the students, Williams said, have done more than the 20 hours of service a year required of them.

See INSPIRED, Page B4



Students from Delaware State University, as part of their Inspired Day of Service, volunteer on this house in Frederica being built by Habitat for Humanity. THE NEWS JOURNAL/GARY EMEIGH

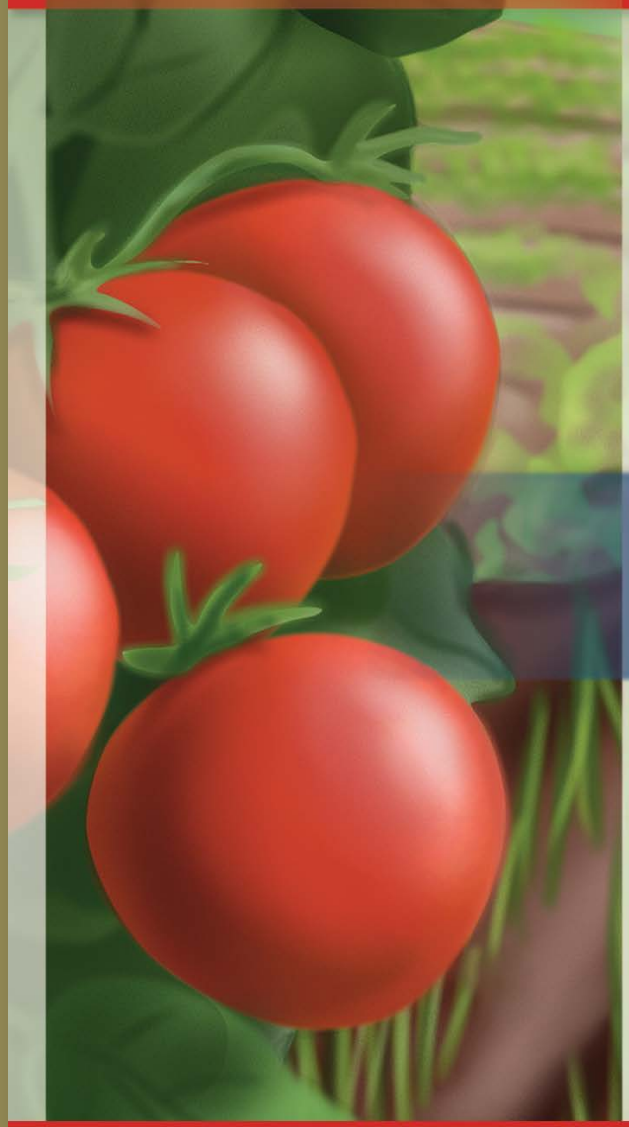
delawareonline

View a photo gallery from DSU's Inspired Day of Service.

RECORD 656 GRADUATES



Farmers Market at DSU



Every Saturday

10 a.m.–2 p.m.

Located on the corner of College Road & Route 13

All profits go to the farmers!

Questions: 302.857.6061

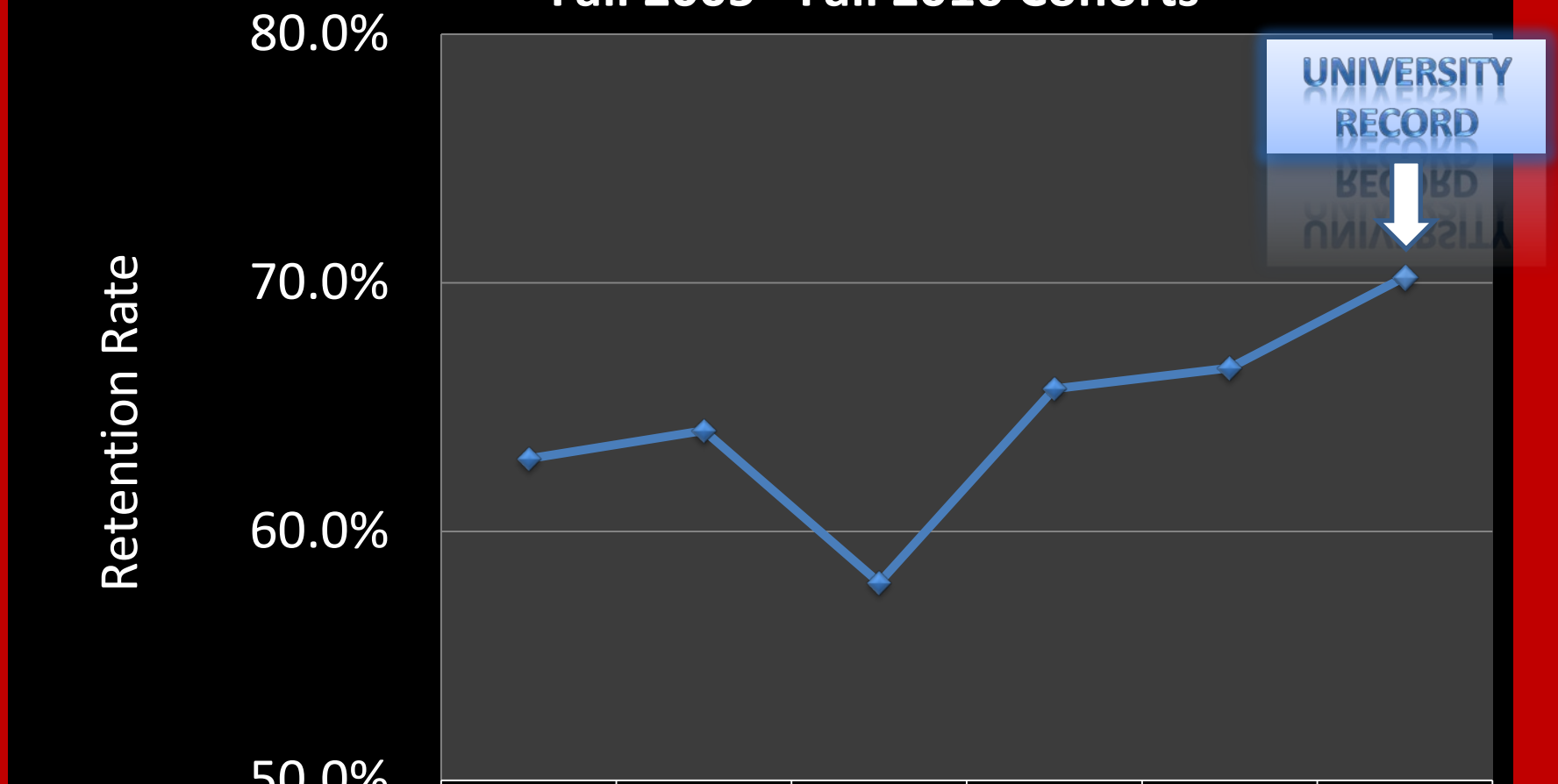
www.desu.edu

Delaware State University

Making our mark on the world

Wilmington | Dover | Georgetown | 302.857.6060

DSU New Freshman Retention Rates
Fall 2005 - Fall 2010 Cohorts



	2005	2006	2007	2008	2009	2010
Retention Rate	63%	64%	58%	66%	67%	70%

Aspire Scholars



Barclays Bank Mentor Program



International Partnerships



Vietnam National University—44 MBA students



Chinese partnerships and DSU exchanges



MOU with National School for Ag Training and Ext. of Mauritania



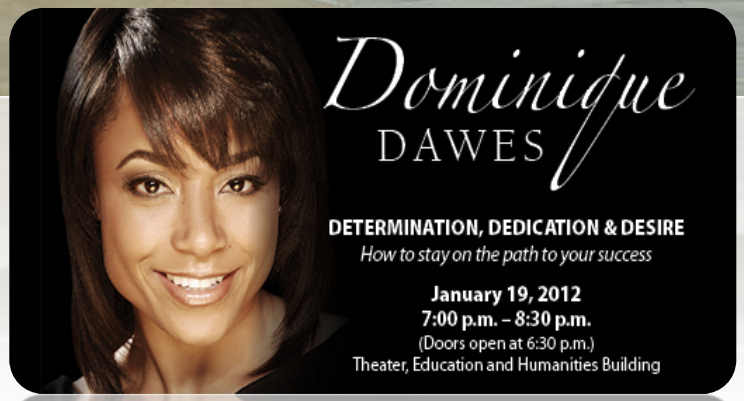
New agreement with Korea

GLOBAL

Visit DSU's new Wellness and Recreation Center

(Memberships available!)









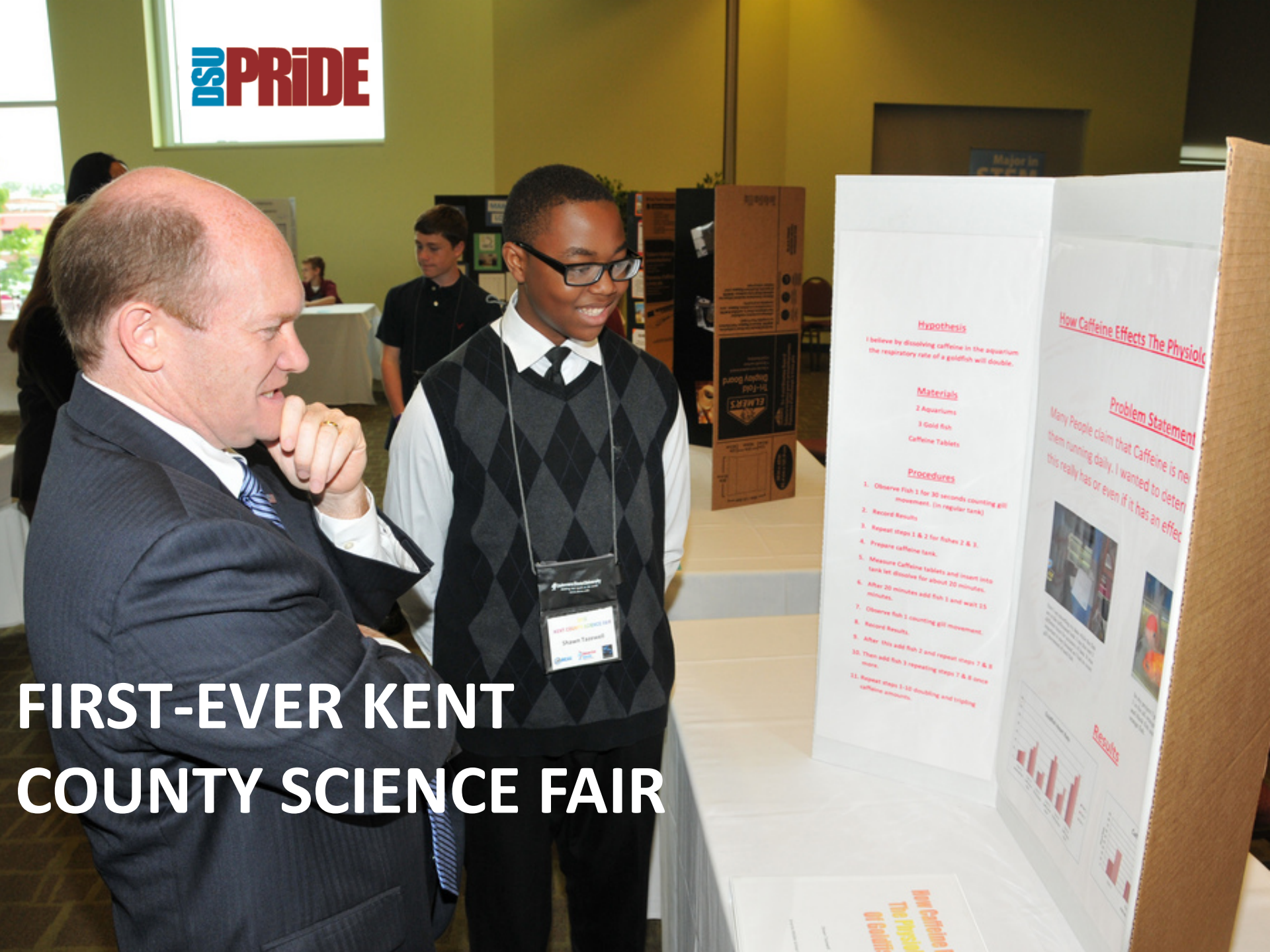


DSU is home of

FIRST-EVER PUBLIC RADIO STATION

- Broadcasting starts this summer
- Audience 800,000+
- Educational opportunities

"From the campus of Delaware State University……"



FIRST-EVER KENT COUNTY SCIENCE FAIR

DSU GOES TO MARS!





✓ STEM

Making our mark on Mars…

Timeline



- Onsite design charrette completed
- Schematic design late May
- City of Dover Development advisory Committee in June
- Vibration testing ongoing
- Geotechnical soil borings ongoing
- Site survey being completed

OPTICS

OPINION

The News Journal ...

Howard L. Gr
President and

David F. Ledf
Executive Edit

John Sweene
Editorial Page

STEM charter planned at DSU

DSU: New curriculum will be 'rigorous'

DSU's Early College High School Approved by State Board of Educatio

Staff reports

The Delaware State Board of Education has approved Delaware State University's plan to establish an Early College High School on its campus.

The state Board of Education approved DSU's application for the charter school at its meeting on Thursday.

The planned charter high school will be the state's first Early College High School, which will be designed specifically to serve first generation college-bound students.

In the Early College High School model, high school and college curricula combine to form a coherent educational program in which students work toward a high school diploma and up to two years of college credits in four years of high school, DSU spokesman Carlos Holmes said. Located on a college campus, the model directly challenges the belief system of under-prepared poor and minority students about their ability to do college level work and get a post-secondary degree.

The Early College model is a nationally recognized school design brought to Delaware through a partnership between Innovative Schools and EdWorks, Holmes said. Innovative Schools is a non-profit public school support organization based in Wilmington, and EdWorks is a subsidiary of Cincinnati-based KnowledgeWorks, which created the Ohio High School Transformation Initiative and the Ohio Early College High School Network.

Delaware State University and Innovative Schools submitted the charter school application to the Delaware Department of Education in December, he said. After several meetings with DOE's Charter School Accountability Committee and a May 8 public hearing, the committee recommended the approval of the application. The State Board approved the charter based on that recommendation.

"We are excited about the opportunity to provide an exceptional secondary/post-secondary educational experience to Delawareans," DSU provost and Vice President of Academic Affairs Dr. Alton Thompson said. "As the first early college high school in the state, we are partnering with the DOE to implement a rigorous curriculum and other support services to ensure our students are competitive on an international level."

The university has included the Early College High School as part of its development of a new Facilities Master Plan, which is expected to be finalized by the fall of 2012. The location of the charter school will be determined by the master plan. The University plans to enroll students in the school by the 2013-2014 school year, Thompson said.

Housing a high school on the DSU campus is not unprecedented in the University's history. In the 1893-1894 school year, the then-State College for Colored Students established a two-year preparatory school to help students get ready for a college education. In 1917, a Model Grade School was established by DSU, which granted a high school diploma to graduates. Capital improvement donations by philanthropist



The current Delaware State University Health Center was once the site of Delaw State College High School. It was the first high school for black students in Ken County. FILE PHOTO

Pierre du Pont in the 1920s included funding to construct a new school building named the Du Pont Building. That building served as the only high school facility for African Americans in Kent County until 1952.

"Adding an Early College High School on DSU's campus is consistent with the University's historic mission and would strengthen the University's ability to serve first generation college-bound students and underrepresented minorities from the greater Dover area," Thompson said.

Students participating in the Early College High School model launched by EdWorks in Ohio have an average graduation rate of 91 percent and outperform state averages in high stakes graduation tests for reading, writing and mathematics. At the completio four years of high school, 100 percent of dents attending Early College High Sch have earned a minimum of 30 hours of lege credit, and as many as 60 percent of dents earn an associate's degree, or equivalent of 45 to 60 college credits.

The University intends to blend the ly College Charter High School with its isting STEM (science, technology, e neering, and math) initiative.

"The Early College High School at D will be an innovative learning environm designed to inspire students who have the tential and motivation to be the first in t families to graduate from college," Tho son said. "We are committed to making school a good fit for our community."

- Facilities Master Planning
- Seeking $250,000 grant for planning grant for Convocation Center

UNDERWAY!

Convocation Center

- Commencement
- Major events
- Area hub
- Athletics
- Revenue generator
- Academics: public and allied health, sport management, physical education, Delaware Center for Health Promotions
- Job generator

$250,000 planning grant



Delaware State University

RANKED TOP 15 HBCU

US News & World Report 2012



DSU GOOD NEWS! PASS IT ON!

Burns & McDonnell
SINCE 1898

Electric Cost of Service Study and Rate Adjustment Considerations

Presented to the
City of Dover, Delaware
May 29, 2012

EXHIBIT #3
Regular Council Meeting of 05/29/2012

Agenda

- Need for Adjustments
- Financial Planning
- Cost of Service Considerations
- Potential Rate Adjustments
- Typical Bill Comparisons

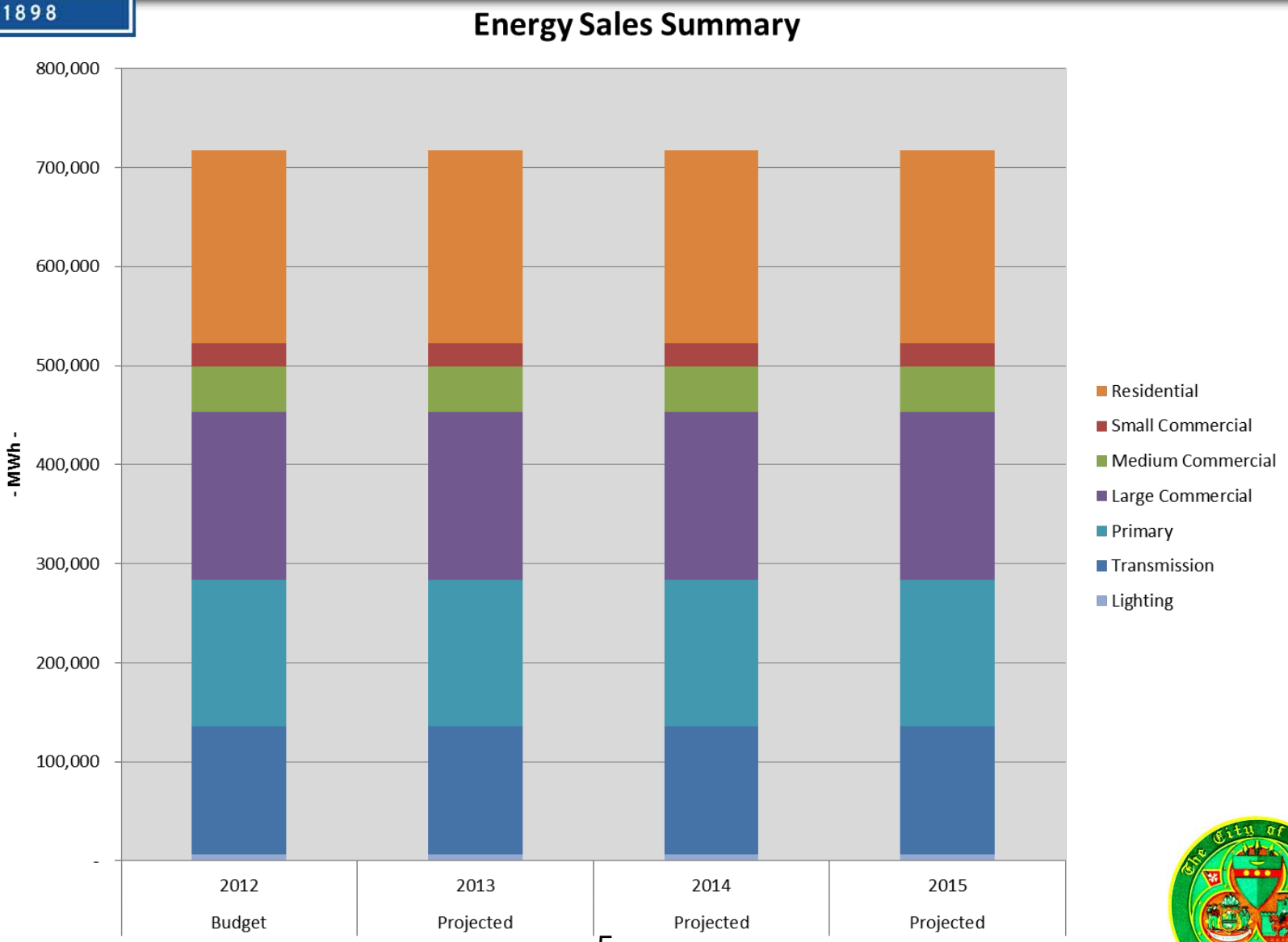
Need for Rate Adjustments

- Current Rates Implemented July 1, 2008
- Updated Financial Forecast
- Purchased Power Costs Updated
- System Growth Relatively Flat

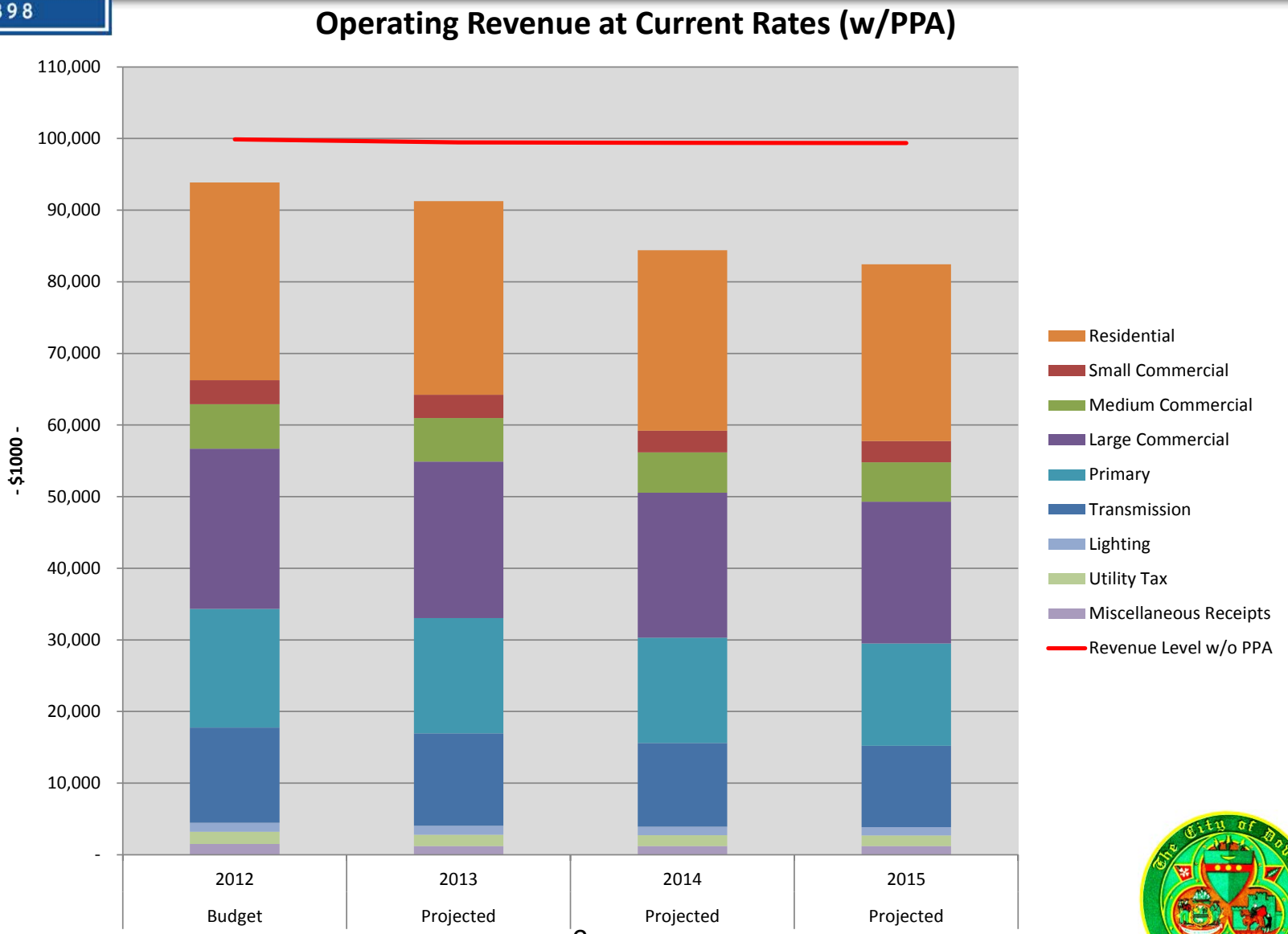
Key Assumptions

- No Customer Growth
- No Projected Energy Sales Growth:
- Projected Expenses Reflect:
  - Purchased Power Expenses
    - Down 13 Percent Since FY 2008 Rate Adjustment
  - Total Electric Operating Expenses
    - Down 6.5 Percent Since FY 2008 Rate Adjustment

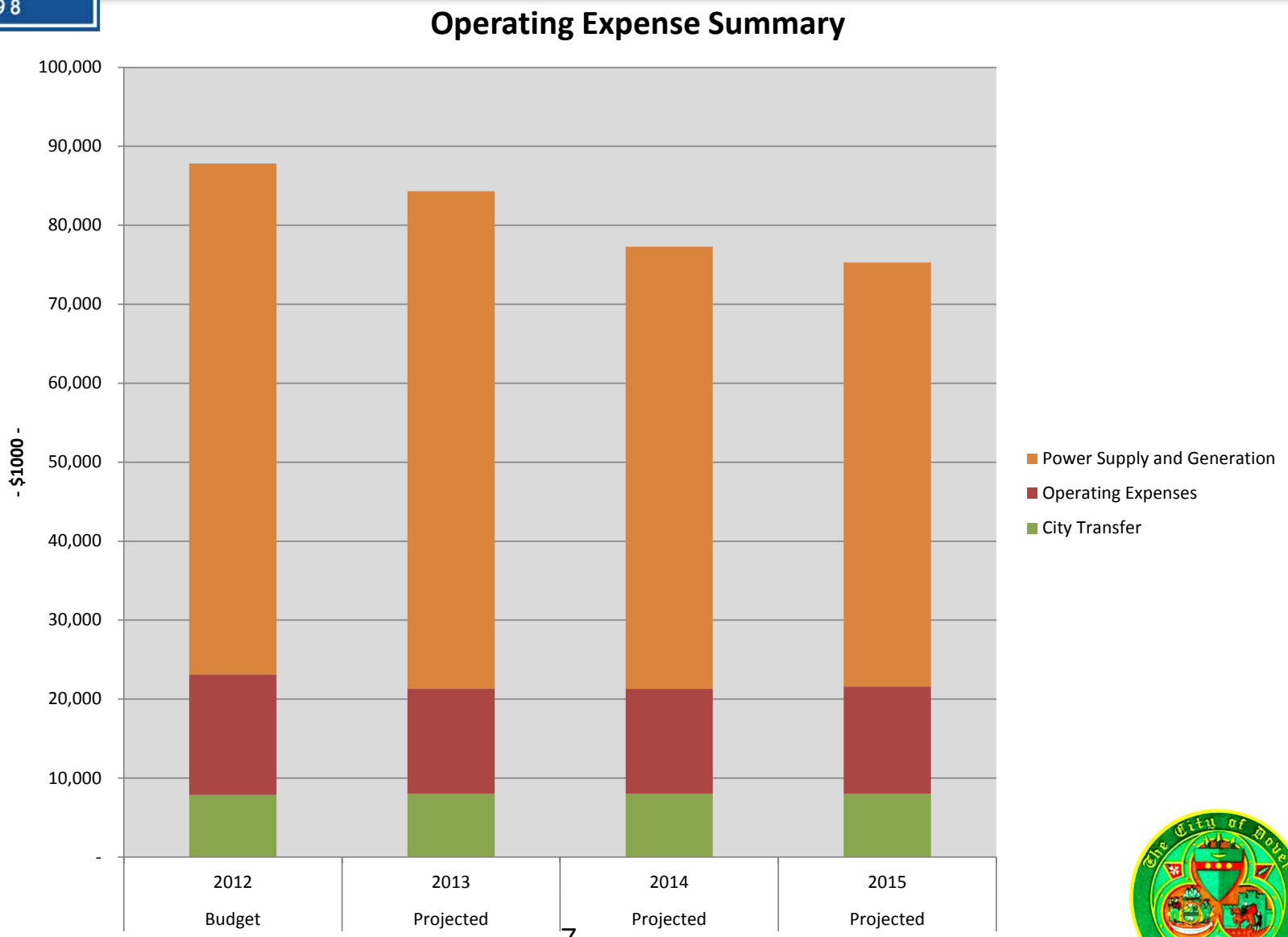
Financial Planning



Financial Planning



Financial Planning



Projected Net Margins - No Adjustments

	Budget 2012	Projected 2013	Projected 2014	Projected 2015
Revenue from Electric Sales - Current Rates	$ 96,672,000	$ 96,672,000	$ 96,672,000	$ 96,672,000
Operating Revenue - Purchased Power Adjustment	(6,012,000)	(8,217,100)	(14,984,200)	(16,917,600)
Operating Revenue - Utility Tax	1,700,000	1,658,700	1,531,800	1,495,500
Operating Revenue - Miscellaneous Receipts	1,509,603	1,204,700	1,204,700	1,204,700
Total Operating Revenue	$ 93,869,603	$ 91,318,300	$ 84,424,300	$ 82,454,600
Power Supply & Generation	$ (64,722,838)	$ (62,935,100)	$ (55,994,400)	$ (53,728,100)
Operating Expenses	(15,231,039)	(13,429,500)	(13,296,500)	(13,586,800)
Operating Transfers - Out (General Fund)	(7,876,288)	(8,000,000)	(8,000,000)	(8,000,000)
Operating Margin	$ 6,039,438	$ 6,953,700	$ 7,133,400	$ 7,139,700
Non-Oper. Rev. - Interest on Operating	$ 149,000	$ 148,500	$ 120,900	$ 109,600
Non-Oper. Rev. - Interest on Reserves	408,300	466,000	475,200	472,600
Margins Available For Debt Service	$ 6,596,738	$ 7,568,200	$ 7,729,500	$ 7,721,900
Interest for Long-Term Debt	(1,260,100)	(1,205,600)	(1,131,900)	(1,037,000)
Cash From Operations	$ 5,336,638	$ 6,362,600	$ 6,597,600	$ 6,684,900
Transfer from Rate Stabilization Reserve	$ 1,000,000	$ -	$ 400,000	$ 350,000
Debt Issue Cost Amort.- 2004 Bonds	(12,700)	(12,700)	(12,700)	(12,700)
Debt Issue Cost Amort.- 2008 Bonds	(8,900)	(8,900)	(8,900)	(8,900)
Depreciation Expense	(4,813,600)	(4,978,400)	(5,152,500)	(5,333,800)
Net Margins	**$ 1,501,438**	**$ 1,362,600**	**$ 1,823,500**	**$ 1,679,500**
Debt Service Coverage				
Margins Available for Debt Service	$ 6,596,738	$ 7,568,200	$ 7,729,500	$ 7,721,900
Total Debt Service	3,320,100	3,315,600	3,301,900	3,297,000
Debt Service Coverage Ratio	1.99	2.28	2.34	2.34

Financial Forecast

- Reviewed Results for Three Year Period
- Financial Targets:
  - Debt Service Coverage Requirements
  - Maintain Positive Net Margins
- Determined Revenue Adjustments
  - FY 2013 – 12.0 percent
  - FY 2014 – 4.25 percent
  - FY 2015 – 2.25 percent
- Reset PPA to Zero

Projected Net Margins - With Adjustments

	Budget 2012	Projected 2013	Projected 2014	Projected 2015
Revenue from Electric Sales - Current Rates	$ 96,672,000	$ 96,672,000	$ 96,672,000	$ 96,672,000
Proposed Adjustment in FY 2013 at -12.00%	-	(11,600,600)	(11,600,600)	(11,600,600)
Proposed Adjustment in FY 2014 at -4.25%	-	-	(3,615,500)	(3,615,500)
Proposed Adjustment in FY 2015 at -2.25%	-	-	-	(1,832,800)
Operating Revenue - Purchased Power Adjustment	(6,012,000)	-	-	-
Operating Revenue - Utility Tax	1,700,000	1,595,200	1,527,400	1,493,000
Operating Revenue - Miscellaneous Receipts	1,509,603	1,204,700	1,204,700	1,204,700
Total Operating Revenue	$ 93,869,603	$ 87,871,300	$ 84,188,000	$ 82,320,800
Power Supply & Generation	$ (64,722,838)	$ (62,935,100)	$ (55,994,400)	$ (53,728,100)
Operating Expenses	(15,231,039)	(13,366,000)	(13,292,100)	(13,584,300)
Operating Transfers - Out (General Fund)	(7,876,288)	(8,000,000)	(8,000,000)	(8,000,000)
Operating Margin	$ 6,039,438	$ 3,570,200	$ 6,901,500	$ 7,008,400
Non-Oper. Rev. - Interest on Operating	$ 149,000	$ 148,500	$ 120,900	$ 109,600
Non-Oper. Rev. - Interest on Reserves	408,300	466,000	394,200	377,700
Margins Available For Debt Service	$ 6,596,738	$ 4,184,700	$ 7,416,600	$ 7,495,700
Interest for Long-Term Debt	(1,260,100)	(1,205,600)	(1,131,900)	(1,037,000)
Cash From Operations	$ 5,336,638	$ 2,979,100	$ 6,284,700	$ 6,458,700
Transfer from Rate Stabilization Reserve	$ 1,000,000	$ 5,400,000	$ 1,250,000	$ 500,000
Debt Issue Cost Amort.- 2004 Bonds	(12,700)	(12,700)	(12,700)	(12,700)
Debt Issue Cost Amort.- 2008 Bonds	(8,900)	(8,900)	(8,900)	(8,900)
Depreciation Expense	(4,813,600)	(4,978,400)	(5,152,500)	(5,333,800)
Net Margins	**$ 1,501,438**	**$ 3,379,100**	**$ 2,360,600**	**$ 1,603,300**
Debt Service Coverage				
Margins Available for Debt Service	$ 6,596,738	$ 4,184,700	$ 7,416,600	$ 7,495,700
Total Debt Service	3,320,100	3,315,600	3,301,900	3,297,000
Debt Service Coverage Ratio	1.99	1.26	2.25	2.27

Cost-of-Service Analysis

- Unbundled Revenue Requirements
  - Power Supply (Demand & Energy)
  - Transmission
  - Distribution
  - Customer
- Assigned Costs to Classes
  - Allocation Factors
- Summarized Results

Cost of Service Summary

Test Period 2013 Cost of Service Summary

	Total System	Residential	Small Commercial	Medium Commercial	Large Commercial	Primary	Transmission	Lighting
Energy Cost								
¢/kWh	6.73	6.81	6.81	6.81	6.81	6.64	6.52	6.81
Demand Cost								
$/kW-mo	19.02	20.51	20.51	20.25	20.25	16.71	14.77	-
Customer Cost								
$/Customer-mo	4.67	5.17	6.25	8.31	10.34	15.51	20.68	2.58
Net Revenue Requirement	$ 85,071,400	$26,694,583	$3,026,836	$5,678,086	$21,030,477	$15,431,576	$12,043,050	$1,166,793
Revenue at Current Rates	96,672,000	29,254,800	3,526,900	6,602,900	23,782,200	17,804,000	14,375,300	1,325,900
Dollar Difference	$(11,600,600)	$ (2,560,217)	$ (500,064)	$ (924,814)	$ (2,751,723)	$ (2,372,424)	$ (2,332,250)	$ (159,107)
Cost of Service Adjustment	-12.00%	-8.75%	-14.18%	-14.01%	-11.57%	-13.33%	-16.22%	-12.00%

Indicated Adjustments to Rates

Total System	Residential	Small Commercial	Medium Commercial	Large Commercial	Primary	Transmission	Lighting
-12.00%	-8.75%	-14.18%	-14.01%	-11.57%	-13.33%	-16.22%	-12.00%

Note: This is adjustment to electric rates. A portion of this decrease is offset by resetting the PPA to zero.

Rate Design Analysis

- Need to Address Revenue Over Collection
- Rate Implementation Strategy
  - Adjust Rate Revenue -12.0 Percent July 1
  - Reset Purchased Power Adjustment
  - Consider Cost of Service Results
  - Generate Adequate Revenues
  - Meet City's Policies and Objectives
  - Incorporate Direction Provided

Proposed Electric Rates

Customer Class	Customer Charge ($/month)	Energy Charge ($/kWh)	Demand Charge ($/kW-month)
Residential	5.00	0.1316	-
Small Commercial Single Phase	5.00	0.1176	-
Small Commercial Three Phase	15.00	0.1176	-
Medium Commercial Single Phase	5.00	0.0758	15.70
Medium Commerical Three Phase	15.00	0.0758	15.70
Large Commercial *	15.00	0.0758	15.70
Primary *	10.00	0.0754	11.25
Transmission *	-	0.0727	10.50

* Large Commercial, Primary and Transmission customer classes have power factor adjustments.

Typical Bill Comparisons

Residential

	Units	Current Billing	Proposed FY 2013 Billing	Adjustment	Adjustment
Monthly Energy	- kWh -	817	817		
Customer Charge	- $ -	$ 5.00	$ 5.00	$ -	0.00%
Energy Charges	- $ -	$ 118.47	$ 107.52	$ (10.95)	-9.24%
Subtotal - Base Rates		$ 123.47	$ 112.52	$ (10.95)	-8.87%
Purchased Power Adjustment	- $ -	$ (7.00)	$ -	$ 7.00	-100.00%
Green Energy Fund Charges	- $ -	$ 0.15	$ 0.15	$ -	0.00%
Total Bill		$ 116.61	$ 112.66	$ (3.95)	-3.38%

[1] Average customer monthly energy for the test period.

Sample Bill – Small Commercial (1 Phase)

	Units	Current Billing	Proposed FY 2013 Billing	Adjustment	Adjustment
Monthly Energy	- kWh -	765	765		
Customer Charge	- $ -	$ 5.00	$ 5.00	$ -	0.00%
Energy Charges	- $ -	$ 112.07	$ 89.96	$ (22.11)	-19.73%
Subtotal - Base Rates		$ 117.07	$ 94.96	$ (22.11)	-18.88%
Purchased Power Adjustment	- $ -	$ (6.56)	$ -	$ 6.56	-100.00%
Green Energy Fund Charges	- $ -	$ 0.14	$ 0.14	$ -	0.00%
Utility Tax	- $ -	$ 4.70	$ 4.04	$ (0.66)	-14.06%
Total Bill		$ 115.36	$ 99.14	$ (16.21)	-14.06%

[1] Average customer monthly energy for the test period.

Sample Bill – Small Commercial (3 Phase)

	Units	Current Billing	Proposed FY 2013 Billing	Adjustment	Adjustment
Monthly Energy	- kWh -	1,216	1,216		
Customer Charge	- $ -	$ 15.00	$ 15.00	$ -	0.00%
Energy Charges	- $ -	$ 178.14	$ 143.00	$ (35.14)	-19.73%
Subtotal - Base Rates		$ 193.14	$ 158.00	$ (35.14)	-18.19%
Purchased Power Adjustment	- $ -	$ (10.42)	$ -	$ 10.42	-100.00%
Green Energy Fund Charges	- $ -	$ 0.22	$ 0.22	$ -	0.00%
Utility Tax	- $ -	$ 7.77	$ 6.72	$ (1.05)	-13.51%
Total Bill		$ 190.71	$ 164.94	$ (25.77)	-13.51%

[1] Average customer monthly energy for the test period.

Sample Bill – Med. Commercial (1 Phase)

	Units	Current Billing	Proposed FY 2013 Billing	Adjustment	Adjustment
Monthly Energy	- kWh -	5,171	5,171		
Monthly Billing Demand	- kW -	19	19		
Customer Charge	- $ -	$ 5.00	$ 5.00	$ -	0.00%
Energy Charges	- $ -	$ 473.15	$ 391.96	$ (81.18)	-17.16%
Demand Charges	- $ -	$ 298.30	$ 298.30	$ -	0.00%
Subtotal - Base Rates		$ 776.45	$ 695.26	$ (81.18)	-10.46%
Purchased Power Adjustment	- $ -	$ (44.32)	$ -	$ 44.32	-100.00%
Green Energy Fund Charges	- $ -	$ 0.92	$ 0.92	$ -	0.00%
Utility Tax	- $ -	$ 31.15	$ 29.59	$ (1.57)	-5.03%
Total Bill		$ 764.21	$ 725.77	$ (38.44)	-5.03%

[1] Average customer monthly energy and demand for the test period.

Sample Bill – Med. Commercial (3 Phase)

	Units	Current Billing	Proposed FY 2013 Billing	Adjustment	Adjustment
Monthly Energy	- kWh -	6,609	6,609		
Monthly Billing Demand	- kW -	23	23		
Customer Charge	- $ -	$ 15.00	$ 15.00	$ -	0.00%
Energy Charges	- $ -	$ 604.72	$ 500.96	$ (103.76)	-17.16%
Demand Charges	- $ -	$ 361.10	$ 361.10	$ -	0.00%
Subtotal - Base Rates		$ 980.82	$ 877.06	$ (103.76)	-10.58%
		$ -	$ -	$ -	0.00%
Purchased Power Adjustment	- $ -	$ (56.64)	$ -	$ 56.64	-100.00%
Green Energy Fund Charges	- $ -	$ 1.18	$ 1.18	$ -	0.00%
Utility Tax	- $ -	$ 39.33	$ 37.33	$ (2.00)	-5.09%
Total Bill		$ 964.69	$ 915.56	$ (49.12)	-5.09%

[1] Average customer monthly energy and demand for the test period.

Sample Bill – Large Commercial

	Units	Current Billing	Proposed FY 2013 Billing	Adjustment	Adjustment
Monthly Energy	- kWh -	31,264	31,264		
Monthly Billing Demand	- kW -	91	91		
Customer Charge	- $ -	$ 15.00	$ 15.00	$ -	0.00%
Energy Charges	- $ -	$ 2,860.66	$ 2,369.81	$ (490.84)	-17.16%
Demand Charges	- $ -	$ 1,428.70	$ 1,428.70	$ -	0.00%
Subtotal - Base Rates		$ 4,304.36	$ 3,813.51	$ (490.84)	-11.40%
Purchased Power Adjustment	- $ -	$ (267.93)	$ -	$ 267.93	-100.00%
Green Energy Fund Charges	- $ -	$ 5.56	$ 5.56	$ -	0.00%
Utility Tax	- $ -	$ 171.78	$ 162.31	$ (9.47)	-5.51%
Total Bill		$ 4,213.77	$ 3,981.39	$ (232.39)	-5.51%

[1] Average customer monthly energy and demand for the test period.
[2] Power factor adjustment not included in calculations.

Sample Bill – Primary

	Units	Current Billing	Proposed FY 2013 Billing	Adjustment	Adjustment
Monthly Energy	- kWh -	325,398	325,398		
Monthly Billing Demand	- kW -	820	820		
Customer Charge	- $ -	$ 10.00	$ 10.00	$ -	0.00%
Energy Charges	- $ -	$ 29,123.12	$ 24,535.01	$ (4,588.11)	-15.75%
Demand Charges	- $ -	$ 9,225.00	$ 9,225.00	$ -	0.00%
Subtotal - Base Rates		$ 38,358.12	$ 33,770.01	$ (4,588.11)	-11.96%
Purchased Power Adjustment	- $ -	$ (2,788.66)	$ -	$ 2,788.66	-100.00%
Green Energy Fund Charges	- $ -	$ 57.92	$ 57.92	$ -	0.00%
Utility Tax	- $ -	$ 712.55	$ 676.56	$ (35.99)	-5.05%
Total Bill		$ 36,339.93	$ 34,504.49	$ (1,835.44)	-5.05%

[1] Average customer monthly energy and demand for the test period.
[2] Power factor adjustment not included in calculations.

Sample Bill - Transmission

	Units	Current Billing	Proposed FY 2013 Billing	Adjustment	Adjustment
Monthly Energy	- kWh -	2,679,753	2,679,753		
Monthly Billing Demand	- kW -	5,116	5,116		
Customer Charge	- $ -	$ -	$ -	$ -	0.00%
Energy Charges	- $ -	$ 234,478.39	$ 194,818.04	$ (39,660.34)	-16.91%
Demand Charges	- $ -	$ 53,718.00	$ 53,718.00	$ -	0.00%
Subtotal - Base Rates		$ 288,196.39	$ 248,536.04	$ (39,660.34)	-13.76%
Purchased Power Adjustment	- $ -	$ (22,965.48)	$ -	$ 22,965.48	-100.00%
Green Energy Fund Charges	- $ -	$ 477.00	$ 477.00	$ -	0.00%
Utility Tax	- $ -	$ 5,314.16	$ 4,980.26	$ (333.90)	-6.28%
Total Bill		$ 271,022.06	$ 253,993.30	$ (17,028.76)	-6.28%

[1] Average customer monthly energy and demand for the test period.
[2] Power factor adjustment not included in calculations.

Electric Cost of Service Study and Rate Adjustment Considerations

Discussion and Questions

McDowell, Traci

From: Devine, Denise
Sent: Friday, May 25, 2012 10:16 AM
Cc: Koenig, Scott; Mitchell, Donna; City Clerks Office
Subject: FW: Correspondence relating to Central Delaware Chamber of Commerce support for a politically motivated study and "corporate welfare" for one or more of its members.
Attachments: Ltr to CDCC - 9 May.docx; E-mail to John Still - CDCC board member.docx; Ltr to CDCC - 21 May - reply to Diogo ltr of 11 May.docx; Diogo reply to my 9 May e-mail ltr.pdf

Please see the email from Mr. James Long below. Printed copies of Mr. Long's email and attached correspondence will be placed on member's desks Tuesday night, for consideration with Item #5B. Burns and McDonnell Electric Cost of Service Study and Rate Analysis.

Thank you,

Denise L. Devine
Assistant City Clerk
City of Dover
e-mail: ddevine@dover.de.us
(302) 736-7008 phone
(302) 736-5068 fax

From: J.P. Long [mailto:jpl61@verizon.net]
Sent: Thursday, May 24, 2012 12:09 PM
To: City Clerks Office
Cc: Dover Post: Hayes
Subject: Correspondence relating to Central Delaware Chamber of Commerce support for a politically motivated study and "corporate welfare" for one or more of its members.

May 24, 2012

To the Mayor and Council,

Attached are four pieces of correspondence I have recently exchanged with the officers and board members of the Central Delaware Chamber of Commerce (CDCC), asking that they withdraw both their request for a "feasibility study" and their continued support for this study.

I urge you to review this correspondence. The points I have made to the CDCC are applicable to each of you as well.

I also urge that you table this project. It's an expensive item, one we cannot afford particularly at this time. It's an item whose single, twisted aim is the delivery of "corporate welfare" to one or more very powerful local businesses. It's not in the public interest and will, if taken to its politically motivated conclusion work a serious and prolonged hardship on the citizens, the rate-payers and the voters of Dover.

Sincerely,

James P. Long
323 Columbia Avenue
Dover, DE 19904
(302) 674-5664

Copy: Jennifer Hayes, newseditor,the Dover Post.

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Email scanned by PC Tools - No viruses or spyware found.
(Email Guard: 9.0.0.898, Virus/Spyware Database: 6.19700)
http://www.pctools.com
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May 9, 2012

To the Officers and Board Members of the Central Delaware Chamber of Commerce

Dover Downs is a successful and well managed business but Dover Downs is not a good neighbor!

For more than 2 years, Dover Downs has been pressuring the city of Dover for lower electric rates, claiming that rates currently charged by the Dover municipal electric utility put them at a competitive disadvantage relative to other gaming firms. Recently, Dover Downs stepped-up its pressure on the city of Dover, enlisting the Central Delaware Chamber of Commerce (CDCC) in its scheme to remove the Dover municipal electric utility as an obstacle to its quest for more favorable electric rates.

Dover municipal electric utility (Dmeu) delivers electric power to more than 20,000 customers, most are individual home owners, apartment dwellers and small local business people ... while charging them rates that are among the lowest in the state. And even with these low rates, Dmeu is a very profitable business, returning millions of dollars each year to the City which in effect keeps homeowner and business property taxes low. If this major source of funds were to disappear, Dover would be in dreadful straits for at least several years as the city developed new revenue streams to replace those that had been provided by Dmeu.

I'm appalled that Dover Downs, the recipient of many government-supplied benefits including a regional non-competitive gaming license and excellence transportation connections to the Baltimore-Wilmington-Philadelphia population center would sink so low as to intentionally seek to destroy a 110 year old award-winning business … a well managed, well run and well maintained business that delivers safe, reliable and inexpensive electric power to all while funding many of the excellent quality of life services which residents, business owners and visitors to Dover have come to expect.

Sadly, CDCC has abandoned its publically stated principles which include being "non-partisan," "apolitical" and "promoting the general welfare, prosperity and quality of life in Central Delaware." CDCC has become a supporting lackey for Dover Downs in its nefarious scheme to gain corporate welfare at the expense of the people of Dover.

Accompanying this e-mail message are 3 attachments. The first contains letters written by CDCC officials, members and others to Dover government officials recommending a particular course of action in the Dover Downs rate issue. The second is a summary of remarks made by Ms. Diogo of CDCC during the open forum preceding the Dover city council meeting on January 23, 2012. These 2 attachments clearly establish that CDCC is serving the interests of Dover Downs while forsaking its responsibilities to the city, to the people of Dover and to central Delaware. The third attachment is paragraph 17 from the governor's 2012 "State of the State" message. It is included here because it was referenced by Ms. Diogo in her Open Forum statement to the Dover city council.

I urge CDCC to back away from this self-serving, political power play by Dover Downs to enhance its already attractive revenue / expense situation. Further, I urge CDCC to reclaim its principles by issuing a statement of neutrality in this matter.

And finally, if CDCC would like to play a pro-active role in this matter, let me suggest that it encourage all parties to seek a legislative solution to the generic problem faced by Dover Downs. There are 9 municipal electric utilities in the state and in turn each will surely encounter some important economic growth opportunities that are in conflict with the rate inflexibilities inherent in the municipal electric utility legal structure. Advocating the legislative route to solution would give CDCC the opportunity to once again demonstrate its leadership as well as its commitment to fair play and sustained economic growth in central Delaware.

Sincerely,

James P. Long
323 Columbia Avenue
Dover, DE 19904
(302) 674-5664.

Central Delaware
Chamber of Commerce

Chair
Kelly A. McKown

First Vice Chair
Victor N. Schimp

Vice Chair
Economic Development
David W. McGuigan

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Honorable Pamela Thornburg
Dr. Harry L. Williams

Honorary Board Members
Honorable Bradley S. Eaby
Col. Mark Camerer

President
Judy Diogo, CFRE, IOM

Staff
Gina Aurora
Cristal Brenneman
Sandy Dale
John R. Ennis

May 11, 2012

Mr. James P. Long
323 Columbia Avenue
Dover, DE 19904

Dear Mr. Long:

I am writing to you on behalf of the Board of Directors for the Central Delaware Chamber of Commerce (CDCC) in reply to your letter regarding the City of Dover electric and the CDCC's position on this issue.

The CDCC started having discussions with the City of Dover four years ago regarding the electric rates. These discussions started due to the increasing concern surrounding electric rates with our manufacturing industry. Many of our manufacturers compete with other facilities within their corporate structure for new lines and expansions. One of the issues that have hindered their ability to compete with other facilities is the rate they pay for electric.

In the past two years, other businesses both large and small, have expressed their concern with their electric rates. The CDCC and the City partnered together to host two events to allow CDCC Members to meet with City Officials to openly discuss their concerns.

Last year, the CDCC and the City of Dover established a budget focus group made of area business leaders to work with the City to share their "best practices" in cost reductions to see if there were opportunities within the City budget to apply some of the measures used by their businesses.

For the past year, the CDCC has been urging the City to do a feasibility study to determine the value of their electric assets and to access their electric rates.

The municipal electric issue was also addressed by Governor Markell, as you know, in his State of the State Address. We are pleased that the Governor, along with the municipal leaders, have now developed a Memorandum of Understanding which

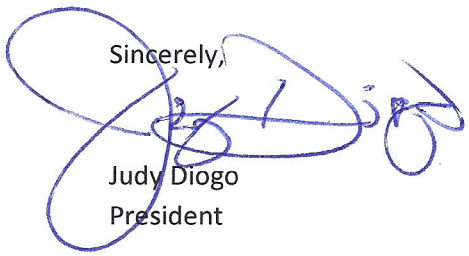
United States Chamber of Commerce
ACCREDITED
★ ★ ★

435 N. DuPont Hwy. • Dover, Delaware 19901
302.734.7513 • fax 302.678.0189
www.cdcc.net • email:info@cdcc.net

begins the process of lowering electric rates over the next three years and establishes an economic development electric rate.

As a Chamber, we will continue to work with the City of Dover and others to address the concerns of our members and to identify solutions and to create partnerships that move us forward in creating a county that is a good place to do business and a good place to live.

Sincerely,



Judy Diogo
President

May 21, 2012

Dear Ms. Diogo:

Thank you for your written response to my e-mail letter of May 9 sent to the officers and board members of the Central Delaware Chamber of Commerce (CDCC) regarding CDCC's efforts to influence the sale of the Dover municipal electric utility (Dmeu).

You noted that discussions between CDCC and the City of Dover began 4 years ago, motivated by expressions of concern from members of your manufacturing group for their inability to successfully compete in the general market for their products as well as within their individual intra-company markets for new products and / or product line enhancements and expansions. Among the concerns mentioned by these members and the single concern you brought to the City was the cost of electric power supplied by Dmeu.

You then went on to note that CDCC has been a pro-active partner with the Dover city council, jointly sponsoring events and financial-planning support groups. The final item on your list is worth quoting in part because it highlights your objective: "In the past year, the CDCC has been urging the City to do a feasibility study to determine the value of their electric assets…"

Essentially, you're urging the Dover city council to conduct a study which you hope will lead to the removal of Dmeu; a 110 year-old business, an award winning business, a business that has consistently and reliably delivered electric power, during fair weather and foul, to residents and area businesses alike at rates below the state average for electric power. But CDCC has offered no suggestions for transitioning from Dmeu to some other form of electric utility. And, apart from vague promises of lower electric rates (which are already on the way), CDCC has offered not a single benefit that would accrue to the residents and rate-payers of Dover should you realize your objective…the removal of Dmeu.

Between engineering reports and consultants' studies, Dmeu might be one of the most closely examined electric utilities in the state. In addition to many other reports and studies, Burns & McDonnell of St. Louis, an engineering consulting firm has, each year since at least 2003 as part of a municipal bond agreement, reviewed the entire Dmeu operation. I quote here from the April 18, 2012 cover letter to their 2011 report:

> "Based on these reviews and assessments, it is the opinion of Burns & McDonnell that the Electric System [Dmeu] is being operated and maintained, including replacements and upgrades, as appropriate, in a manner that is consistent with current electric utility practices."

Does this sound like an electric utility that needs to be replaced? To me, it sounds like an electric utility that's doing a good job for its customers.

Continuing with the "study" issue, the feasibility study you're "urging" the City of Dover to undertake would be very expensive. To support this position, I cite the recent experience of the City of Lewes, DE. Less than 2 years ago, Lewes received an offer to sell its municipal electric

utility, an offer they eventually rejected. To evaluate the offer, the Lewes Board of Public Utilities engaged J.W. Wilson & Associates of Arlington, VA to conduct the very same type of study you would like the Dover city council to undertake.

According to Mr. Wendell Alfred, head of the Lewes Board of Public Utilities, their study cost $130,000.00 and, based on a simple comparison of utilities (Lewes has 4,000 customers, most of them residential while Dover / Dmeu has 25,000+ customers, 19,000 of them residential) Mr. Alfred speculates that a study of the Dmeu operation would cost at least $250,000.00. But the end-to-end process would cost substantially more!

Within the Dover city government and Dmeu, there is not the technical skill required to prepare consulting solicitation documents called Requests for Proposal or RFPs. Nor are there skills to evaluate any consultant's response to an RFP. Nor are there skills to evaluate any study that a selected consultant would deliver to the City. Essentially, to pursue your recommendation the City would be required to employ a series of expensive technical experts, adding substantially to the basic cost of a study. To support this statement, I note that the City of Dover has already employed a Washington DC-based attorney to assist in the preparation of an RFP for the very study CDCC would like to have conducted.

The study you're urging the City of Dover to undertake so that you might achieve your objective - the removal of Dmeu (which is a major source of city revenue) could easily cost the city $350,000.00 to $500,000.00...and this at a time when the city is facing a one million dollar + budget short-fall. It appears that CDCC is being very generous to itself with City of Dover funds! Perhaps CDCC would care to remove this unflattering perception by offering to fund all costs associated with the study it's encouraging the Dover city council to undertake.

Earlier this year, I submitted to the Dover city clerk's office a request under the "Freedom of Information Act" for correspondence related to your issue. Here's a summary of what I received in response:

> 2 letters (virtually identical) from 2 CDCC members: Sheraton Hotel – Mr. Schimp and Dover Downs – Mr. Sutor.
>
> 2 letters from CDCC officers: Mr. Schimp (again) - as Chairman of CDCC and you as President.
>
> 2 letters from organizations supporting your efforts: the Delaware Restaurant Association and the Delaware Hotel and Lodging Association – also a form letter but different from the form letter already mentioned.
>
> 3 letters from Dover residents (2 of them hand written), all expressing opposition to any change in the status of Dmeu.

Only 2 CDCC members (albeit 2 of your most powerful members) bothered to send letters in support, and only form letters at that. For the CDCC, a larger-than-county-wide organization,

that's at best a negligible demonstration of member support given that your web site provides the following membership data:

850 members overall
15 members in 3 manufacturing related groups
23 members in your "hotel and motel" group
31 members in your "restaurant" group.

And I also note that there was not a single letter from a CDCC manufacturing group member. You're really straining credibility in claiming to have member support for your goal of removing Dmeu.

Now I want to turn to the motivation behind your objective…why does CDCC want to replace Dmeu?

CDCC also represents businesses in Smyrna and Clayton, each of them serviced by a municipal electric utility. And CDCC has members in Milford which is also serviced by a municipal electric utility. But CDCC has made no substantive effort to argue for the replacement of any of these municipal electric utilities. It's therefore reasonable to conclude that the CDCC member(s) with the Dmeu problem is a Dover-based business…a business which receives its electric power from Dmeu..

Since the problem is an electric rate issue, the recent "memorandum of agreement" between Governor Markell and Mr. McCullar of Delaware Municipal Electric Corporation could provide a win-win solution for all parties. But this route will work only if there are genuine opportunities to achieve meaningful economic development. If this is merely a veiled attempt to gain a slice of "corporate welfare," it would and it most certainly should fail.

At this point Ms. Diogo, it's appropriate to simply ask, "Where's the beef?" Who is this Dover-based CDCC member(s) that has a problem with Dmeu? And what specifically is the real problem your Dover-based member(s) has with Dmeu? If you'll be honest and candid with the people of Dover, you might be surprised to find that they too are eager for an equitable, mutually acceptable solution to your member's difficulty.

If CDCC insists on remaining less than completely forthcoming, the Dover city council may nevertheless come to see things your way. But I'm certain that the electric rate-payers of Dover, the residents of Dover and the voters of Dover, after having been stripped of their municipal electric utility and the Dmeu-provided financial support underpinning their other fine quality of life services, will not view CDCC's actions as being in the public interest.

Indeed, if CDCC prevails in its scheme to remove Dmeu, the people of Dover will eventually awake and hopefully extract from CDCC and from its members as well, the pound of flesh they would justly deserve for having suffered at the hands of a self-centered, mean-spirited and clearly anti-community CDCC.

In closing, I offer this thought to you, to your board and to the other officers of CDCC…if your powerful member(s) prevails in this unjust quest to eliminate Dmeu in order to gain reduced electric rates, you can be certain that your phantom member(s) will not stop there. Few things in life are more predictable than the actions of a bully with a recent victory. Your clandestine member(s) will be back once again, using CDCC as a tool to gain personal advantage via lower water and sewer rates, then lower property taxes and then preferential zoning and on and on and on. CDCC will become merely a low-cost hired gun, devoted to gaining corporate welfare for its bully member(s) but incapable of gaining an attentive audience for its own constructive ideas on county-wide economic development.

Now is the time for CDCC to do the right thing...turn a deaf ear to the bully's arguments and quietly withdraw your suggestion and your support for a feasibility study! Resume your place as a respected and transparent business leader and you'll regain the respect of both your community and your hard-working members. But continue as you are, serving as a shill for some corporate bully and you'll eventually earn both community scorn and the member disaffection you will have come to deserve.

Sincerely,

James P. Long
323 Columbia Avenue
Dover, DE 19904
(302) 674-5664

e-mail copies to: board members and otherCDCC officers.

E-mail response to John Still, CDCC board member, declining his offer for additional information.

May 18, 2012

Hello Mr. Still and thank you for your offer to provide additional information. At the moment, I have all the information I require.

I will however take the opportunity this e-note provides to comment on the several rate comparisons you sent to me:

1. local utility winter rates - March, 2010 (type of rate unspecified).

2. local residential utility costs - May, 2011.

3. local residential utility costs - June, 2011.

With regard to these rate comparisons, I have no argument. At the time these measures were taken, Delaware Electric Co-op clearly held a rate advantage relative to the 9 municipal electric utilities and Delmarva Power. However, even as the 2011 measures were being taken, Delaware Electric Co-op had begun to lose the competitive rate advantage it had secured 5 years earlier through the careful purchase of favorably priced forward contracts. And during this same period (spring-summer of 2011), the Dover municipal electric utility was unwinding the unfavorable contracts it had taken on 5 years earlier, replacing them with contracts offering much more competitive purchased power rates (an indication of this changing situation is the rate rebate currently in effect for Dover municipal electric utility customers).

Exactly where the rates are at this moment isn't worth discussing but of critical importance is the direction rates are headed for both Delaware Electric Co-op (Coop) and Dover municipal electric utility (Dmeu).

In general, the cost of forward contracts in the market for purchased power is coming down. This will lead to lower power costs for both Coop and Dmeu. But while Dmeu has the flexibility to purchase its power from a number of potential suppliers (including the Calpine site on White Oak Rd. and the very efficient West Depford, NJ plant when each of these comes on-line), Coop has virtually no flexibility whatsoever! Almost all of Coop's power is purchased from Old Dominion Electric Cooperative of Glen Allen, VA (Coop is a member). Old Dominion generates approximately 50% of the power it sells to its members and for the generation of this power it relies almost exclusively on coal-fired and nuclear powered generating plants (Old Dominion purchases about 50% of the power it sells).

Recently, coal-fired electric generating operations have come under significantly increased pressure from the Environmental Protection Agency. Even the cleanest, best managed coal-fired plants are flooding our atmosphere with sulfur dioxide and other noxious gases. Consequently, the EPA is putting intense pressure on all coal-fired operations to make the costly changes necessary to eliminate these undesirable emissions.

And in the matter of its nuclear-driven power source, Old Dominion (and consequently Coop) relies on the North Anna Nuclear Power Plant in Louisa County, VA. This facility is just 11 miles from the epicenter of the 5.65 magnitude earthquake which shook much of the northeastern US on August 23 last year (9 after-shocks ranging from 2.19 to 3.94 have been recorded, the most recent on March 26 of this year). Certainly, a seismic event of this magnitude and duration would, under any circumstances attract the attention of the Nuclear Regulatory Commission. But given the Japanese experience, it's reasonable to expect that the North Anna nuclear plant will encounter substantial pressure to improve both structural integrity and operating safety which in turn will lead to major cost pressure on the rates that Old Dominion charges its members, including Coop.

Going forward, one can expect that the current Coop rate advantage relative to Dmeu (and all other municipal electric utilities in Delaware) will erode significantly and quite possibly disappear completely. From a rate perspective, Coop is no longer an attractive option!

And finally, a brief but crucial comment on Coop's facilities management / maintenance experience...being principally an electric utility serving rural markets, Coop has little or no experience dealing with the concentrated and complex electric distribution system that delivers power to Dover customers ranging from small homes to major manufacturing plants, to the gaming and related operations at Dover Downs and to a myriad of other types of electric power customers.

The up-beat rhetoric in their slide presentation aside, Coop would be neither a successful substitute for Dmeu nor a viable long-term partner.

Sincerely,

James P. Long.

Towne Dollar & Tobacco, LLC
1043 Walker Road
Dover, Delaware 19904
302-736-3813

May 25, 2012

City of Dover
P O Box 475
Dover, Delaware 19903

Attn: Ann Marie Townshend, AICP
Director, Planning & Community Development

RE: Towne Dollar & Tobacco, LLC
Request for time extension for hearing dated 5-29-2012

Dear Ms. Townshend:

I was notified on May 24, 2012 of the preliminary results of the testing on the sample of pure that was sent to the Medical Examiner's office.

At this time, I have been instructed by my legal counsel to formally request a time extension for my hearing that has been scheduled for May 29, 2012. I will need this time in order for my attorney to request two samples of the pure from the appropriate party in custody of my inventory so that we can obtain an independent analysis and report.

I have been in contact with several independent laboratories, and have been told that a formal analysis and report can be done in a 5 business day period of time. I am not sure at this time how long it will take me to obtain the samples needed from the ME or Dover Police.

Obviously, I want to conclude this matter as soon as possible, however, I would not possibly be able to do so for May 29, 2012. I feel that I should be afforded this opportunity in such a legally important matter. Your consideration in this matter will be greatly appreciated.

Since this is a holiday weekend, and Monday is the holiday, could you please be so kind as to notify me of your decision by email @ Midniteblue61@hotmail.com, or notify my attorney Mr. Basil Kolias at bkollias@coochtaylor.com. Thank you in advance for your attention to this matter.

Sincerely,

Sandra D. Casey,
Owner - Towne Dollar & Tobacco, LLC

Friday, May 25, 2012

Letter from Towne Dollar & Tobacco, LLC was hand-delivered to the City of Dover office located on Loockerman Street.

The letter is to request a time extension for the hearing that was originally scheduled for May 29, 2012.

Received by A Townshend

Date: May 25, 2012 Time: 8:55 am

Hand-delivered by: Yassir Alhassan

TOWNE DOLLAR AND TOBACCO LLC
PRESENTATION

BACKGROUND

The City of Dover revoked the business license of Towne Dollar and Tobacco based upon the Dover Code, Chapter 26 – Businesses, Section 26-64, pursuant to a letter from Ann Marie Townshend dated March 20, 2012, resulting from a raid conducted on March 21, 2012. A copy of the letter is attached as **Exhibit A**. A copy of Chapter 26, sections 26-59 through 26-66 is attached hereto as **Exhibit B**.

DOVER CODE NOT FOLLOWED

Chapter 26, Section 26-59 states that when a violation of any ordinance occurs, the license officer **shall** issue a provisional order to the licensee requiring compliance within five (5) days. No provisional order was ever issued.

No hearing on any provisional order was ever held pursuant to Chapter 26, Section 26-61.

TOWNE DOLLAR AND TOBACCO NOT A NUISANCE

Towne Dollar and Tobacco's license was revoked based upon Chapter 26, Section 26-64, claiming that the business was a nuisance, as the conduct of the licensee was inimicable to the public health, safety and general welfare thus giving rise to an emergency.

NO CONVICTION

Towne Dollar Owners and Employees have not been convicted, nor do we believe they will be.

INADEQUATE FIELD TEST

The revocation was based upon a field test known as NARK II, performed by an untrained officer, said field test never having been used before by the City of Dover police. Pursuant to the field test literature, the field test only has the capability of "presumptively identifying" suspected substances. An excerpt from the manual is attached as **Exhibit C**. It is only sufficient to show probable cause, not to prove guilt.

The field test was performed in a period of two minutes.

INDEPENDENT TESTING

Towne Dollar's distributor sent a samples of the energy supplement for independent testing, these samples being from the same lot as those in the last shipment delivered to Towne Dollar. A copy of the report from the Distributor's independent laboratory is attached hereto as **Exhibit D**.

Despite this evidence, Towne Dollar's license revocation was still suspended, although there was no proof that the owners or employees were guilty of selling bath salts, nor were they or the business a nuisance.

DOVER CODE 26-1

The City of Dover argues that the business was a nuisance due to it violation of the Dover Code, Section 26-1, attached hereto as **Exhibit E**, stating that the business sold Dangerous Substances, specifically enumerated in the code.

The City of Dover provided preliminary analyses, claiming proof that one of the items confiscated by the Dover Police was a bath salt, that is illegal pursuant to Chapter 26, Section 26-1. A copy of the City of Dover's preliminary report is attached hereto as **Exhibit F**. A summary of the Dover compounds is attached as **Exhibit G**.

Pursuant to the preliminary report, the only substance found was a chemical called Pentedrone.

Pentedrone is **not** listed in Section 26-1, nor is it shown to be a salt, isomer or salt of isomers of any of the listed compounds.

DELAWARE UNIFORM SUBSTANCES CONTROL ACT TITLE 16, CHAPTER 47

The State of Delaware also has its own regulations regarding bath salts, placed within the Uniform Substances Control Act, Title 16, Chapter 47. The bath salt chemicals are specifically listed in Section 4714(f), attached hereto as **Exhibit H**. A summary of the State compounds is attached hereto as **Exhibit I**.

Pentedrone is **not** listed in 4714(f), nor is it shown to be a salt, isomer or salt of isomers of any of the listed compounds.

CONCLUSION

To date, all evidence shows that bath salts were not sold at Towne Dollar, nor were any other illegal substances sold there. Towne Dollar has been prevented from operating since March 21, 2012, well over two months, at a substantial loss of business and revenue. The City of Dover has also not followed its own code, failing to issue a provisional order restraining the business from selling any of the alleged products, until conclusive proof could be found one way or the other. The city's own analysis conclusively proves that the substances sold were not illegal.

EXHIBIT "A"

City of Dover

March 23, 2012

Sandra D. Casey
Towne Dollar and Tobacco
1043 Walker Road
Dover, DE 19904

RE: **SUMMARY ACTION – BUSINESS LICENSE 12-11480 - REVISED**

Dear Ms. Casey:

In accordance with Dover Code, Chapter 26 – Businesses, Section 26-64 – Summary Action, the business license for Towne Dollar and Tobacco is hereby revoked. On Wednesday, March 21, 2012, the City of Dover Police Department executed a search warrant at this business, where over 300 bottles of "bath salts" and numerous packages of synthetic marijuana were seized. These substances were available for sale at your business. In addition to possession and distribution of these substances being a violation of Delaware Code, Title 16, Chapter 47 – Uniform Controlled Substances Act, the sale of "bath salts" is also prohibited by the Dover Code of Ordinances.

According to Dover Code, Chapter 26 – Businesses, Section 26-1 – Dangerous Substances:

> (a) It shall be unlawful to sell or offer to sell any material, compound, mixture, or preparation which contains any quantity of the following substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
> (1) Methylone;
> (2) MDPV;
> (3) Methylenedioxypyrovalerone;
> (4) Methylmethcathinone;
> (5) Mephedrone;
> (6) Methoxymethcathinone;
> (7) Fluromethcathinone

Under the provisions of Dover Code, Chapter 26 – Businesses, Section 26-64 – Summary Action:

> (a) Nuisance. When the conduct of any licensee, agent or employee is so inimicable to the public health, safety and general welfare as to constitute a nuisance and thus give rise to an emergency, the license officer shall have the authority to summarily order the cessation of business and the close of the premises or to suspend or revoke the license.

(b) Hearing; notice. Unless waived in writing within ten days after he has acted summarily, the license officer shall conduct a special hearing for the action in respect to the summary order as may be therein determined. Notice of the hearing shall be given the affected person in the manner prescribed in section 26-61.

A hearing is scheduled for **Monday, March 26, 2012 at 11:00 a.m.** in the **Caucus Room** of City Hall, located at 15 Loockerman Plaza, with regard to this summary action. At this hearing, you will be able to present testimony as to the revocation of the business license.

If you have additional questions, please contact me at 736-7196.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director, Planning & Community Development

EXHIBIT "B"

article.

(b) *Failure to keep.* The license officer shall make his own determination as to the financial statement for any business where the licensee has failed to keep books and records as required by this article.

(Code 1968, § 18-25; Code 1981, § 11-26)

Sec. 26-58. - Inspections.

(a) *Investigations for enforcement.* The license officer shall make or have made all investigations reasonably necessary to the enforcement of this article.

(b) *Order by license officer.* The license officer shall have the authority to order the inspection of licensees, their businesses and premises by all city officials having duties to perform with reference to the licensees or businesses.

(c) *Fire, health inspections.* The fire marshal and executive officer of the board of health may inspect any licensed premises.

(d) *Police inspections.* All police officers may inspect and examine businesses located within their respective jurisdictions or beats, to the extent permitted by law, to enforce compliance with this article.

(e) *Right of entry.* All persons authorized by this section to inspect licensees and businesses shall have the authority to enter the premises to inspect at all reasonable times.

(f) *Report of violations, etc.* Persons inspecting licensees, their businesses or premises shall report all violations of this article to the license officer and shall submit any other reports that the license officer shall order.

(Code 1968, § 18-26; Ord. of 3-12-1973, § 1(7); Code 1981, § 11-27)

Sec. 26-59. - Provisional order generally.

(a) *Issuance.* When a city inspector has reported a violation of any ordinance by a holder of a license or any of his employees, the license officer shall issue a provisional order to the licensee.

(b) *Compliance.* The provisional order shall require compliance within five days of service on the affected person.

(Code 1968, § 18-27; Code 1981, § 11-28)

Sec. 26-60. - Hearing on provisional order.

Upon written request by a person served with a provisional order pursuant to the provisions of this article, the license officer shall hold a hearing on the alleged violation, and a notice of the hearing shall be served in the manner required in section 26-61.

(Code 1968, § 18-27(c); Code 1981, § 11-29)

Sec. 26-61. - Service of notices and orders.

Provisional orders and all other notices issued pursuant to this article shall be in writing, shall be personally served and shall apprise the licensee of his specific violations. In the absence of the licensee or his agent or employee, a copy of the notice shall be affixed to some structure on the premises. Should any other permitted method of service of notice fail, then sending the notice to the affected person's last

known address shall constitute service.

(Code 1968, § 18-27; Code 1981, § 11-30)

Sec. 26-62. - Authority to modify orders.

Upon written application or on his own motion, the license officer shall have the authority, in a proper case:

(1) To extend the time for compliance;

(2) To grant a new hearing date; and

(3) To change, modify or rescind any recommendation or order.

(Code 1968, § 18-28; Code 1981, § 11-31)

Sec. 26-63. - Final order.

(a) *Generally.* Upon the failure or refusal of the licensee to comply with the provisional order or with any order made after an opportunity for a hearing pursuant to this article, the license officer shall make the provisional order final.

(b) *License suspension, revocation.* The license officer shall have the authority to suspend or revoke a license upon making and declaring a provisional order final.

(c) *Refund; cease business.* Upon revocation or suspension of a license, no refund of any portion of the license fee shall be made to the licensee and he shall immediately cease all business at all places under that license.

(Code 1968, § 18-29; Code 1981, § 11-32)

Sec. 26-64. - Summary action.

(a) *Nuisance.* When the conduct of any licensee, agent or employee is so inimicable to the public health, safety and general welfare as to constitute a nuisance and thus give rise to an emergency, the license officer shall have the authority to summarily order the cessation of business and the close of the premises or to suspend or revoke the license.

(b) *Hearing; notice.* Unless waived in writing within ten days after he has acted summarily, the license officer shall conduct a special hearing for the action in respect to the summary order as may be therein determined. Notice of the hearing shall be given the affected person in the manner prescribed in section 26-61

(Code 1968, § 18-30; Code 1981, § 11-33)

Sec. 26-65. - Appeals.

(a) *Authorized.* Any person aggrieved by any decision of the license officer, after a hearing conducted pursuant to this article, shall have the right to appeal to the city council by filing a written appeal with the city council within 30 days following the effective date of the action or decision complained of. The appeal shall set out a copy of the order or decision appealed from and shall include a statement of the facts relied upon to avoid the order.

(b)

Notices; findings. The city council shall fix a time and place for hearing the appeal and shall serve a written notice upon the person requesting the appeal informing him of the hearing. The city council shall also give notice to the license officer and he shall be entitled to appear and defend the order. The findings of the city council shall be final and conclusive and shall be served upon the person who requested the appeal.

(Code 1968, § 18-31; Code 1981, § 11-34)

Secs. 26-66—26-100. - Reserved.

FOOTNOTE(S):

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(16) ***Charter reference—*** *Power of city to license, subpart B, § 2.* *(Back)*

EXHIBIT "C"

GENERAL PRODUCT INFORMATION

SIRCHIE's NARK® II Progressive System for Drug Identification is keeping pace with the increasing demands of the Law Enforcement Community.

NARK® II has the capability of presumptively identifying several families of substances suspected of being abused drugs.

Designed to function as a transportable narcotics laboratory, it is available for use wherever the need for its capability might arise.

Each of the tests is comprised of one or more chemical reagents based on National Institute of Justice Standard 0604.01 and/or UN Standard ST/NR/13REV1. When a predictable color or series of colors occur within a specific testing sequence, a positive identification may be presumed. This presumptive field test is sufficient to bind the accused through a preliminary hearing.

There is no drug identification system presently in use which completely eliminates the occurrence of false positives and false negatives. A forensic laboratory is required to qualitatively identify an unknown substance.

Testing Capability

NARK® II provides for presumptive identification of the following groups of drugs:

- Cannabis Sativa L.
- Depressants
- Hallucinogens
- Narcotics
- Stimulants

General Testing Protocol

The results of a single test may or may not yield the target confirmation. To minimize the occurrence of a false positive or false negative, it is recommended that the NARK® II Colorimetric Flow Chart be referenced as an assist in employing the next step option to confirm the presence of a specific target drug.

Material or Substance Classification

- **Hard Materials or Tablets**—crush into powder form and begin testing with NARK2001 Marquis Reagent.
- **Capsules**—carefully remove a portion of powder from the capsule and begin testing with NARK2001 Marquis Reagent.
- **Powders**—begin with NARK2001 Marquis Reagent.
- **Plant Material**—use several at least ¼" long particles and place into NARK2005 Duquenois-Levine.
- **Brown or Black Tar Heroin**—place into NARK2011 Mecke's Modified Reagent a size similar to the top of a pinhead.
- **Liquid Samples** should not be placed directly into the test pouch. Instead, wet a piece of paper about ½" x ½" with two or three drops of the suspect liquid, permit the paper to briefly air dry and then insert the paper into the pouch. The ideal paper is filter paper. Other recommended papers are unscented, uncolored facial or toilet tissue.

Recommended Amounts for Testing:

Other than the amounts described for Brown/Black Tar Heroin and plant material, all powder should fit within this particular sized area ☐.

EXHIBIT "D"

AIBioTech™
AMERICAN INTERNATIONAL BIOTECHNOLOGY, LLC

601 Biotech Dr., Richmond, VA 23235
phone: 800-735-9224
fax: 804-648-2641
www.aibiotech.com
email: kcarter@aibiotech.com

Pure



By comparison with various reference standards (Table 1), Sample Pure was found not to contain any synthetic stimulants listed.

Table 1. Stimulant Compounds Tested for in Sample:

Product Name	Batch Lot	Test Results	Purity
Sample Pure	Sample Date 04/04/2012	(S)-2-Diphenylmethylpyrrolidine	Not Detected
		2-AI, 2C-I, 2C-E, 5 IAI	Not Detected
		5-Methoxy DALT	Not Detected
		3'4' Dimethylmethcathinone	Not Detected
		3-FMC (3-Fluoromethcathinone)	Not Detected
		4 EEC (4-Ethylethcathinone)	Not Detected
		4 EMC (4-Ethlymethcathinone)	Not Detected
		4 MEC (4-Methylethcathinone)	Not Detected
		4 Methoxy DMT	Not Detected
		4 MMC (4-Methyl methcathinone)	Not Detected
		3- or 4-FA (3- or 4-Fluoroamphetamine)	Not Detected
		3- or 4-FEC (4-Fluoroethcathinone)	Not Detected
		3 or 4-FMA (3 or 4-Fluoromethamphetamine)	Not Detected
		3 or 4-FMC (3- or 4-Fluoromethcathinone)	Not Detected
		3 or 4-MEC (3 or 4-Methylethcathinone)	Not Detected
		3 or 4-Methyl Buphedrone	Not Detected
		5- or 6-APB (5- or 6-(2-aminopropyl)benzofuran)	Not Detected
		α-PPP, α-PVP	Not Detected
		bk-DMBDB	Not Detected
		Buphedrone	Not Detected
		D2PM	Not Detected
		Harmaline	Not Detected
		MDAI	Not Detected
		MDMA Methylene Homolog	Not Detected
		MDPBP (3'4'-Methylenedioxy-α-pyrrolidinobutiophenone)	Not Detected
		MDPPP (3'4' methelendioxy-α-pyrrolidinopropiophenone)	Not Detected
		MDPV (Methylenedioxy Pyrovalerone)	Not Detected
		Mephedrone, Methedrone	Not Detected
		Methylhexanamine	Not Detected
		Methylone	Not Detected
		MPPP (4'-Methyl-α-pyrrolidinopropiophenone)	Not Detected
		Pentylone	Not Detected
		Phencyclidine	Not Detected
		Pravadoline	Not Detected
		Pyrovalerone	Not Detected

Thank you for your use of our facilities. Please call or email with questions, and please let us know if we can be of further assistance.

Sincerely,

K M C

AIBioTech™
AMERICAN INTERNATIONAL BIOTECHNOLOGY, LLC

601 Biotech Dr., Richmond, VA 23235
phone: 800-735-9224
fax: 804-648-2641
www.aibiotech.com
email: kcarter@aibiotech.com

Yayo



By comparison with various reference standards (Table 1), Sample Yayo was found not to contain any synthetic stimulant listed.

Table 1. Stimulant Compounds Tested for in Sample:

Product Name	Batch Lot	Test Results	Purity
Sample Yayo	Sample Date 04/04/2012	(S)-2-Diphenylmethylpyrrolidine	Not Detected
		2-AI, 2C-I, 2C-E, 5 IAI	Not Detected
		5-Methoxy-DALT	Not Detected
		3'4' Dimethylmethcathinone	Not Detected
		3-FMC (3-Fluoromethcathinone)	Not Detected
		4 EEC (4-Ethylethcathinone)	Not Detected
		4 EMC (4-Ethlymethcathinone)	Not Detected
		4 MEC (4-Methylethcathinone)	Not Detected
		4-Methoxy DMT	Not Detected
		4 MMC (4-Methyl methcathinone)	Not Detected
		3- or 4-FA (3- or 4-Fluoroamphetamine)	Not Detected
		3- or 4-FEC (4-Fluoroethcathinone)	Not Detected
		3 or 4-FMA (3 or 4-Fluoromethamphetamine)	Not Detected
		3 or 4-FMC (3- or 4-Fluoromethcathinone)	Not Detected
		3 or 4-MEC (3 or 4-Methylethcathinone)	Not Detected
		3 or 4-Methyl Buphedrone	Not Detected
		5- or 6-APB (5- or 6-(2-aminopropyl)benzofuran)	Not Detected
		α-PPP, α-PVP	Not Detected
		bk-DMBDB	Not Detected
		Buphedrone	Not Detected
		D2PM	Not Detected
		Harmaline	Not Detected
		MDAI	Not Detected
		MDMA Methylene Homolog	Not Detected
		MDPBP (3'4'-Methylenedioxy-α-pyrrolidinobutiophenone)	Not Detected
		MDPPP (3'4' methelendioxy-α-pyrrolidinopropiophenone)	Not Detected
		MDPV (Methylenedioxy Pyrovalerone)	Not Detected
		Mephedrone, Methedrone	Not Detected
		Methylhexanamine	Not Detected
		Methylone	Not Detected
		MPPP (4'-Methyl-α-pyrrolidinopropiophenone)	Not Detected
		Pentedrone, Pentylone	Not Detected
		Phencyclidine	Not Detected
		Pravadoline	Not Detected
		Pyrovalerone	Not Detected
		α-Pyrrolidinopentiphenone	Not Detected

Thank you for your use of our facilities. Please call or email with questions, and please let us know if we can be of further assistance.

Sincerely,

KMC

EXHIBIT "E"

ARTICLE I. - IN GENERAL

Sec. 26-1. - Sale of dangerous substances.
Secs. 26-2—26-30. - Reserved.

Sec. 26-1. - Sale of dangerous substances.

(a) It shall be unlawful to sell or offer to sell any material, compound, mixture, or preparation which contains any quantity of the following substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Methylone;
(2) MDPV;
(3) Methylenedioxypyrovalerone;
(4) Methylmethcathinone;
(5) Mephedrone;
(6) Methoxymethcathinone;
(7) Fluromethcathinone;

(b) *Penalties.* Violations of this section shall be subject to fines in accordance with Appendix F—Fees and Fines, section 1-17 and revocation of business license under the provisions of Chapter 26—Businesses, Article II—Licenses, sections 26-59 and 26-63

(c) *[Enforcement.]* The provisions of this section may be enforced by any city inspector or officer of the police department.

(Ord. No. 2011-24, 9-29-2011)

Secs. 26-2—26-30. - Reserved.

EXHIBIT "F"

DELAWARE HEALTH
AND SOCIAL SERVICES

OFFICE OF CHIEF MEDICAL EXAMINER
FORENSIC SCIENCES LABORATORY

Richard T. Callery, M.D., F.C.A.P.
Chief Medical Examiner
Director, Forensic Sciences Laboratory

RECEIVED
MAY 23 2012
CITY OF DOVER
PLANNING & INSPECTIONS

Controlled Substances Laboratory Report
CONFIDENTIAL

Laboratory Case No.:	CS 121668 A-O	**Police Complaint No:**	5012007607
Case Name(s):	OSMAN, AHMED,	**Alias:**	
Agency:	Dover PD	**Received from:**	NEYLAN
County:		**Track:**	

Evidence Materials Examined:

A is a brown box which is sealed, initialed, and dated, B through N are brown paper bags which are sealed initialed and dated. O is a envelope which is sealed initialed and dated.

Evidence Description:

PRELIMINARY REPORT

[redacted]

H.I. Two hundred plastic round containers each labeled as "PURE" containing an off-white substance with a total net weight of 87.07 grams.

[redacted]

Materials Analyzed:

[redacted]

H.I. (1-200) Off-White Substance

Drugs Detected:

[redacted]

Pentedrone

Bipin Mody
Forensic Chemist

5/23/12
Date

Delaware Office of the Chief Medical Examiner
Forensic Sciences Laboratory
200 South Adams St.,
Wilmington, DE 19801

EXHIBIT "G"

Dover Code § 26.1					
Illegal Substance	**Formula**	**Pentedrone**	**Isomer?**	**Salt?**	**Isomer Salt?**
Methylone	$C_{11}H_{13}NO_3$	$C_{12}H_{17}NO$	No	No	No
MDPV	$C_{16}H_{21}NO_3$	$C_{12}H_{17}NO$	No	No	No
Methylenedioxypyrovalerone	$C_{16}H_{21}NO_3$	$C_{12}H_{17}NO$	No	No	No
Methylmethchathinone	$C_{11}H_{15}NO$	$C_{12}H_{17}NO$	No	No	No
Mephedrone	$C_{11}H_{15}NO$	$C_{12}H_{17}NO$	No	No	No
Methoxymethcathinone	$C_{11}H_{15}NO_2$	$C_{12}H_{17}NO$	No	No	No
Fluromethcathinone	$C_{10}H_{12}FNO$	$C_{12}H_{17}NO$	No	No	No

EXHIBIT "H"

a. JWH-015;

b. JWH-018;

c. JWH-019;

d. JWH-073;

e. JWH-081;

f. JWH-122;

g. JWH-200;

h. JWH-250;

i. JWH-251;

j. JWH-398;

k. HU-210;

l. HU-211;

m. HU-308;

n. HU-331;

o. CP 55,940;

p. CP 47,497 and its homologues;

q. WIN 55212-2;

r. AM-2201;

s. AM-694;

t. JWH-203;

u. RCS-4; and

v v. RCS-8.

(e) Any material, compound, mixture or preparation which contains any quantity of the following depressant substances, including their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific designation:

(1) Methaqualone.

(2) Gamma Hydroxybutyrate (GHB).

(f) Any material, compound, mixture or preparation which contains any quantity of the following stimulant substances, including their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific designation:

(1) Fenethylline;

(2) N-Ethylamphetamine;

(3) Cathinone;

(4) Methcathinone;

(5) Aminorex; and

(6) Synthetic cathinone, which means a substance containing 1 or more of the following chemical compounds:

a. Mephedrone (also known as 4-MMC; 4-Methylephedrone; and 2-(methylamino)-1-(4-methylphenyl)-1-propanone);

b. MDPV (also known as Methylenedioxy Pyrovalerone; 3,4-methylenedioxypyrovalerone; and 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone);

c. Methylone (also known as M1; bk-MDMA; 3,4-Methylenedioxy-N-methylcathinone; and 1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-propanone);

d. Naphyrone (also known as O-2482; NRG-1; Naphpyrovalerone; =mp b-Naphyrone; and 1-(2-naphthalenyl)-2-(1-pyrrolidinyl)-1-pentanone);

e. Flephedrone (also known as 4-FMC; and 1-(4-fluorophenyl)-2-(methylamino)propan-1-one);

f. Methedrone (also known as 4-Methedrone; Methoxyphedrine; PMMC; para-Methoxymethcathinone; 4-methoxymethcathinone; and 1-(4-methoxyphenyl)-2-(methylamino)-1-propanone; 4-methoxymethcathinone);

g. Ethcathinone (also known as Ethylpropion, N-ethylcathinone and 2-ethylaminopropiophenone; =mp bk-Ethylamphetamine; 2-ethylaminopropiophenone; and 2-ethylamino-1-phenyl-propan-1-one, N-ethylcathinone);

h. Ethylone (also known as 3,4-methylenedioxy- N -ethylcathinone; MDEC; bk-MDEA; and (RS)-1-(1,3-benzodioxol-5-yl)-2-(ethylamino)propan-1-one);

i. Butylone (also known as =mp b-keto MBDB; and 1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-butanone);

j. Metamfepramone (also known as N,N-Dimethylcathinone; and 2-(dimethylamino)-1-phenyl-1-propanone);

k. Alpha-PPP (also known as =mp a-Pyrrolidinopropiophenone; and 1-phenyl-2-(1-pyrrolidinyl)-1-propanone);

l. MOPPP (also known as 4/'-Methoxy-=mp a-pyrrolidinopropiophenone; and 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)propan-1-one);

m. MDPPP (also known as 3/',4/'-Methylenedioxy-=mp a-pyrrolidinopropiophenone; and 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-propanone);

n. Alpha-PVP (also known as =mp a-Pyrrolidinopentiophenone; =mp a-PVP; O-2387; alpha-PVP; and 1-phenyl-2-(1-pyrrolidinyl)-1-pentanone);

o. 3-FMC (also known as 3-Fluoromethcathinone; and 1-(3-fluorophenyl)-2-(methylamino)propan-1-one);

p. MPBP (also known as 4/'-Methyl-=mp a-pyrrolidinobutiophenone; and (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-butanone); and

q. Methcathinone (also known as =mp a-methylamino-propiophenone; Ephedrone (Europe); and (RS)-2-(methylamino)-1-phenyl-propan-1-one).

16 Del. C. 1953, § 4714; 58 Del. Laws, c. 424, § 1; 61 Del. Laws, c. 261, §§ 1, 2; 71 Del. Laws, c. 295, § 3; 75 Del. Laws, c. 256, §§ 2, 3; 77 Del. Laws, c. 110, §§ 1, 2; 78 Del. Laws, c. 61, § 2; 15 DE Reg. 577 (Emergency); 78 Del. Laws, c. 204, §§ 2[2], 3.;

§ 4715. Schedule II tests.

The Secretary shall place a substance in Schedule II if the Secretary finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

16 Del. C. 1953, § 4715; 58 Del. Laws, c. 424, § 1; 70 Del. Laws, c. 186, § 1.;

§ 4716. Schedule II.

(a) The controlled substances listed in this section are included in Schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives, and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Alphaprodine;

(2) Anileridine;

(3) Bezitramide;

EXHIBIT "I"

16 *Del. C.* § 4714(f)					
Illegal Substance	**Formula**	**Pentedrone**	**Isomer?**	**Salt?**	**Isomer Salt?**
Fenethylline	$C_{18}H_{23}N_5O_2$	$C_{12}H_{17}NO$	No	No	No
N-Ethylamphetamine	$C_{11}H_{17}N$	$C_{12}H_{17}NO$	No	No	No
Cathinone	$C_9H_{11}NO$	$C_{12}H_{17}NO$	No	No	No
Methcathinone	$C_{10}H_{13}NO$	$C_{12}H_{17}NO$	No	No	No
Aminorex	$C_9H_{10}N_2O$	$C_{12}H_{17}NO$	No	No	No
Mephedrone	$C_{11}H_{15}NO$	$C_{12}H_{17}NO$	No	No	No
MDPV	$C_{16}H_{21}NO_3$	$C_{12}H_{17}NO$	No	No	No
Methylone	$C_{11}H_{13}NO_3$	$C_{12}H_{17}NO$	No	No	No
Naphyrone	$C_{19}H_{23}NO$	$C_{12}H_{17}NO$	No	No	No
Flephedrone	$C_{10}H_{12}FNO$	$C_{12}H_{17}NO$	No	No	No
Methedrone	$C_{11}H_{15}NO_2$	$C_{12}H_{17}NO$	No	No	No
Ethcathinone	$C_{11}H_{15}NO$	$C_{12}H_{17}NO$	No	No	No
Ethylone	$C_{12}H_{15}NO_3$	$C_{12}H_{17}NO$	No	No	No
Butylone	$C_{12}H_{15}NO_3$	$C_{12}H_{17}NO$	No	No	No
Metamfepramone	$C_{11}H_{15}NO$	$C_{12}H_{17}NO$	No	No	No
Alpha-PPP	$C_{13}H_{17}NO$	$C_{12}H_{17}NO$	No	No	No
MOPPP	$C_{14}H_{19}NO_2$	$C_{12}H_{17}NO$	No	No	No
MDPPP	$C_{14}H_{17}NO_3$	$C_{12}H_{17}NO$	No	No	No
Alpha-PVP	$C_{15}H_{21}NO$	$C_{12}H_{17}NO$	No	No	No
3-FMC	$C_{10}H_{12}FNO$	$C_{12}H_{17}NO$	No	No	No
MPBP	$C_{15}H_{21}NO$	$C_{12}H_{17}NO$	No	No	No