REGULAR COUNCIL MEETING

A G E N D A

February 25, 2008 - 7:30 P.M. - Council Chambers - City Hall - City of Dover

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

Those items on the Council Agenda which are considered routine and non-controversial shall be marked with an asterisk (*) and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

* 1. Adoption of Minutes - Regular Council Meeting of February 11, 2008

2. Certificate of Congratulations - The Levitt's 50th Anniversary

3. Proclamation - Employee Appreciation Day

4. Presentation - South Governors Avenue Project *(James Satterfield, DelDOT)*

* 5. Special Legislative, Finance, and Administration Committee Report - February 4, 2008
   A. Discussion of 1988 Consent Decree with City Solicitor

* 6. Special Safety Advisory and Transportation Committee Report - February 5, 2008
   A. DART Presentation on Funding of Weekend and Late Night Bus Services in Kent County
   B. Resolution in Support of Weekend Bus Service *(Dover Human Relations Commission)*
   C. Initial Discussion - Prioritization of Transportation Projects
   D. Briefing on DelDOT Projects - *Gary Laing*
   E. Briefing on MPO Projects - *Juanita Wieczoreck*

7. Utility Committee Report - February 11, 2008

* A. Dedication of Rights-of-Way and Public Infrastructure - Maple Glen ***(Committee Recommended Approval of Staff's Recommendation to Accept Rights-of-way and Public Infrastructure, with the Stipulation that Staff Work with the Developer and Residents on Outstanding Issues and Report Back to the Committee on February 25, 2008)***

* B. Lighting Project and Rehabilitation Schedule

* C. Underground Electric Conversion Schedule

D. Water Main Replacement Priority List

* E. Annual Engineering Consultant's Report on the Operation and Maintenance of the Electric System - Fiscal Year 2007 ***(Due to a Lack of Time, This Item was Deferred Until February 25, 2008)***

* F. PACE/NAES Monthly Report *(December)****(Due to a Lack of Time, This Item was Deferred Until February 25, 2008)***

* 8. Legislative, Finance, and Administration Committee Report - February 11, 2008

A. Comprehensive Annual Financial Report - Final Presentation

B. Amendment to Robbins Hose Company Annual Contribution in the CIP to Reflect New Cost of Engine 5 Replacement ***(Committee Tabled Pending Haggarty & Haggarty Report on February 25, 2008)***

C. Request of Capital School District - New Construction Surcharge ***(Deferred Pending Further Information)***

D. Status of Incentives for Downtown ***(Deferred Until February 25, 2008 Due to Lack of Time)***

9. Parks, Recreation, and Community Enhancement Committee Report - February 12, 2008

* A. Animal Care and Control Service

B. Updates

* b-1. Puncheon Run Watershed Action Team Update

* b-2. John W. Pitts Recreation Center

* b-3. Planning and Funding for New Library

b-4. 2008 Comprehensive Plan Update ***(Committee Recommended Approval of Staff's Recommendation that the Deadline for Comprehensive Plan Amendment Applications be Set for May 2, 2008)***

10. Legislative, Finance, and Administration Committee Report - February 25, 2008

(*Except for the following time sensitive issue, the LF&A Committee Report from February 25, 2008 will be presented to Council during their Regular Meeting of March 10, 2008 for Council's review and consideration)*

A. Amendment to Robbins Hose Company Annual Contribution in the CIP

* 11. Monthly Reports - January 2008

A. Budget Report

B. Chief of Police Report

C. City Assessor Report

D. City Manager's Report

E. Planning and Inspections Report

F. Dover Fire Department Report *(December and January)*

G. CIP Report

* 12. Annual Reports
   A. Dover Human Relations Commission
   B. Fire Department
   C. Police Department

13. Contract with Tyler Technology for Assessing Services as Needed

14. Evaluation of Bids - 69 KV Construction Bids for Phase 1 Feeders 3 & 4

15. Delaware Civic Center - Discussion

16. Reconsideration of Administration by City Manager of City Assessor and City Planner

* 17. Appointment Recommended by Mayor Carey - Dover Public Library Advisory Commission - Beth Petit de Mange - Five Year Term to Expire June 16, 2009 *(To Fill the Unexpired Term of Dr. Morris Eskenazi*)

18. Rezoning Request/First Reading (Recommended for referral to the Planning Commission on March 17, 2008 and that a Public Hearing be set for April 14, 2008 at 7:30 p.m.)

   A. Property located at 442 Kings Highway, consisting of 0.38 $^{+/-}$ acres, owned by Luther Senior Services of Dover. The property is currently zoned RG-5 (General Residence Zone for Mid-Rise Apartments) and the proposed zoning is C-4 (Highway Commercial)

19. First Reading - Rezoning Request/Proposed Ordinance - Land Development Plan Amendment to Comprehensive Plan Update 2003, as Amended in May 2005, September 2006, and March 2007

   The First Reading is offered on the following proposed ordinance. Since it is an amendment to the Comprehensive Plan, a public hearing is required. It is recommended for referral to the Planning Commission on March 17, 2008 and that a Public Hearing be set before City Council for April 14, 2008 at 7:30 p.m. and that the Second Reading and Final Action by Council will take place at that time. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

   A. A 13.967$^{+/-}$ acre portion of the Lands of H & M Properties, LLC located on the north side of Commerce Way, with the total parcel consisting of 22.967$^{+/-}$ acres. The land use classification is designated as Industrial on Map 11-1. An application has been received to rezone the property to a zoning classification that is identified as inconsistent with Map 11-1. The appropriate land use classification for the proposed zoning would be Residential High Density. The applicant is requesting that the land use type be changed to Residential High Density for the 13.967$^{+/-}$ acre portion of the site. In addition, the property is currently zoned IPM (Industrial Park Manufacturing) and the applicant is requesting that the 13.967 $^{+/-}$ acre portion of the site be rezoned to RG-2 (General Residence Zone)

20. Final Reading - Proposed Ordinance
    The First Reading of the following proposed ordinance was accomplished during the Council Meeting of February 11, 2008. Copies of the proposed ordinance are available at the entrance of the Council Chambers.

    Proposed Ordinance - Chapter 110 - Utilities, Article II - Electric Service, Section 110-32 - Pole Attachment Fee

21. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on February 11, 2008 at 7:30 p.m. with Council President Williams presiding. Council members present were Mr. Leary, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mr. Hogan, Mr. Salters, and Mr. Ruane.

Council staff members present were Police Chief Horvath, Mr. Capuano, Mrs. Mitchell, Mrs. Townshend, Fire Chief Carey, Mr. DePrima, City Solicitor Rodriguez, Mrs. McDowell, and Mayor Carey.

OPEN FORUM

The Open Forum was held at 7:16 p.m., prior to commencement of the Official Council Meeting. Council President Williams declared the Open Forum in session and reminded those present that Council is not in official session and cannot take formal action.

Mr. Eric O'Brien, 30 N. New Street, provided a letter (*as on file in the Office of the City Clerk*) addressing the deplorable living conditions in his neighborhood, as well as other documentation, including portions of the Wilmington Code, which he felt may provide additional information to assist the City with these matters. He advised members that there is a continued problem with strangers "taking over" public streets. It was his feeling that the City and its representatives have failed in providing the residence in the downtown area a safe and peaceful living environment.

The invocation was given by Chaplain Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Ruane moved that item #11 - Transfer Tax Determination, be deleted from the agenda, seconded by Mr. Leary.

Responding to Mr. Slavin, Mr. Ruane felt that if members wished to discuss this item further, it should first be conducted during an executive session. It was Mr. Slavin's understanding that this matter was being re-submitted since all members of Council were not present during the last Council meeting when action was taken. He reminded members that during the last Council meeting on January 28, 2008, the vote failed by a tie vote and that, in fairness, this matter was being resubmitted to allow a full Council to vote. If there is a need for an executive session, Mr. Slavin stated that members of Council can vote to go into executive session to allow for further discussion.

Mr. Ruane questioned the manner in which the item was included on the agenda since it was not considered during the agenda preparation meeting. Referring to the absence of members, he stated that there have been several votes taken during his absence and that matters were not reconsidered due to his absence.

The motion to delete item #11 - Transfer Tax Determination, from the agenda failed by a roll call vote of five (5) no and four (4) yes (Mr. Leary, Mr. McGlumphy, Mr. Ruane, and Council President Williams).

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

Mr. Hogan moved for approval of the consent agenda, seconded by Mr. Salters and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JANUARY 28, 2008

The Minutes of the Regular Council Meeting of January 28, 2008 were unanimously approved by motion of Mr. Hogan, seconded by Mr. Salters and bore the written approval of Mayor Carey.

PRESENTATION BY DELDOT - WELCOME TO DOVER SIGN

Mr. Michael Williams, Manager of Public Relations for DelDOT, presented a replica of the new "Welcome to Dover Sign" to Mayor Carey for display in the Mayor's Office. He advised members that the new sign is located at the southern end of the City, at Webb's Lane and Route 13.

Responding to Mr. Ruane, Mr. Williams stated that the new sign has no effect on the signage that depicts various organizations which was located by the old Welcome to Dover Sign.

Mayor Carey thanked the Department of Transportation for the work done on this project.

RECOGNITION OF ACCOMPLISHMENT - DOVER HIGH SCHOOL NEWSWEEK TOP SCHOOL

The City Clerk read the following Recognition of Accomplishment into the record:

WHEREAS, Dover High School, which is located in the Capital School District, has been named for the second year in a row a NEWSWEEK TOP SCHOOL; and

WHEREAS, they have achieved the status of Newsweek Top School by meeting or exceeding the criteria of dividing the number of Advanced Placement tests given to students by the number of graduating seniors, ranking them amongst one of the nations highest; and

WHEREAS, the status of being a Newsweek Top School reflects the level of commitment the school has done in aiding students and preparing them for their college careers and giving them an edge regardless of their economic background; and

WHEREAS, the dedication shown by the students, staff, faculty, and administration of Dover High School and Capital School District makes them deserving of such an honor.

NOW, THEREFORE, I, CARLETON E. CAREY SR, MAYOR OF THE CITY OF DOVER, DELAWARE do hereby congratulate and award this Recognition of Accomplishment to Dover High School on the 11th day of February 2008.

Mayor Carey presented the Certificate to Dr. Michael Thomas, Superintendent of Capital School District, and Board Members, Mr. Gene Montaño, Mr. Phil Martino, Mr. Thomas Keitel, and Ms. Karen Clemmins.

Dr. Thomas relayed appreciation for the recognition and thanked the many individuals, including board members, faculty, students, parents, community members, etc., who are responsible for the award.

Mr. McGiffin advised members that the Drama Club will be performing the musical, The Little House of Horrors, on February 22nd and 23rd and encouraged every one to attend.

Noting that the number of graduating students has increased, high school drop outs have decreased, and academic standards have been raised, Mr. Salters requested that the superintendent and board members be invited to attend a future meeting to provide members a briefing of the Capital School District.

PUBLIC HEARING/FINAL READING - REZONING OF PROPERTIES LOCATED AT 988-990 FOREST STREET (THE SOUTHEAST CORNER OF ROUTE 8 AND SAULSBURY ROAD), OWNED BY ROUTE 8 AND SAULSBURY ROAD, LLC

A public hearing was duly advertised for this time and place to consider rezoning of properties located at 988-990 Forest Street (southeast corner of Route 8 and Saulsbury Road), owned by Route 8 and Saulsbury Road, LLC, consisting of four (4) parcels of land totaling $2.18^{+/-}$ acres. Two (2) parcels, consisting of 0.95 acres, are currently zoned C-3 (Service Commercial) and the northern portion of two (2) parcels, consisting of 0.38 acres is currently zoned CPO (Commercial Professional Office), with the total area subject to COZ-1 (Corridor Overlay). The proposed zoning for the $1.33^{+/-}$ acre area is C-2A (Limited Central Commercial) and subject to COZ-1 (Corridor Overlay). The residual portion of two (2) parcels will remain zoned as CPO (Commercial Professional Office) and subject to COZ-1 (Corridor Overlay Zone). The developer is BBC Properties, Inc. *(The First Reading of this ordinance was accomplished during the Council Meeting of January 22, 2007)*

Council President Williams advised members that the applicant has requested that this item be postponed pending consideration of a Comprehensive Plan Amendment.

Mrs. Townshend, City Planner, reminded members that during their Regular Meeting of January 28, 2008, Council authorized allowing applicants to proceed with Comprehensive Plan Amendments during the interim for completion of the Comprehensive Plan Update. She explained that the rezoning application for these properties is inconsistent with the Comprehensive Plan that was received prior to this action. Based on the action taken by Council, the applicant is requesting that the dates for the rezoning be rescheduled to be considered by the Planning Commission on March 17, 2008 and that a public hearing be held before City Council on March 24, 2008, which would coincide with their Comprehensive Plan Amendment request.

Mr. Slavin moved for approval of the applicant's request to postpone and that it be considered by the Planning Commission on March 17, 2008 and that a public hearing be set for March 24, 2008 at 7:30 p.m. The motion was seconded by Mr. Salters and carried by a roll call vote of eight (8) yes and one (1) no (Mr. Ruane).

REQUEST TO POSTPONE PUBLIC HEARING/FINAL READING - PROPOSED ZONING TEXT AMENDMENT - APPENDIX B - ZONING ORDINANCE, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 29 - SOURCE WATER PROTECTION OVERLAY ZONE (SWPOZ)

Council President Williams reminded members that during their Regular Meeting of January 14, 2008, members accomplished the First Reading of the proposed ordinance amending Appendix B - Zoning Ordinance, Article 3 - District Regulations, Section 29 - Source Water Protection Overlay Zone (SWPOZ). Since they are amendments to the Zoning Code, she stated that Council referred them to the Planning Commission on February 19, 2008, and that a public hearing and final reading was set for March 10, 2008 at 7:30 p.m. Since the public notice was not advertised in accordance with legal requirements, staff requested that the referral to the Planning Commission be rescheduled for March 17, 2008 at 7:00 p.m. and that the public hearing/final reading be rescheduled for March 24, 2008 at 7:30 p.m.

Mr. Hogan moved to approve the request to postpone and that the referral to the Planning Commission be rescheduled for March 17, 2008 and that the public hearing before City Council be rescheduled for March 24, 2008 at 7:30 p.m., as recommended by staff. The motion was seconded by Mr. Salters and unanimously carried.

PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - 533 CAROL STREET

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 533 Carol Street, owned by Shawnlyn G. Foskey. Mr. Koenig, Public Services Director, advised members that the utilities for this property have been disconnected since November 21, 2001. The single story wood frame dwelling was found to be in violation of several building and property maintenance codes on May 8, 2007. The dwelling was found to have an unsecured rear door, which was boarded up and secured by City crews on or about June 7, 2007 after the property owner failed to comply with a violation notice to secure the door. Five (5) notices have been sent to Ms. Foskey via certified mail, which were signed as being received by Ms. Foskey. Mr. Koenig stated that there have been no repairs done and that until just recently, Ms. Foskey has failed to make any contact with City staff to discuss her intentions regarding the property. Currently, he advised members that there is $1,350 in unpaid summonses related to the property and as of January 30, 2008, none of the violations have been corrected. The structure was registered as a vacant building on October 18, 2007 by City staff after Ms. Foskey failed to register the dwelling herself. Mr. Koenig provided a presentation depicting the condition of the structure. He noted that the property is located within a development and that the deterioration of the building is affecting the neighboring properties.

Responding to Mr. Salters, Mr. Koenig estimated that the repairs could be accomplished at a cost of $5,000 to $7,000.

Staff recommended that City Council: 1) declare this property dangerous; 2) order the property repaired or demolished by March 11, 2008 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structure if not completed by the owner or equity owner within (10) days of the date set by Council; and 4) order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged

against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or to be recovered in a suit at law against the owner.

Council President Williams declared the public hearing open. There being no one present wishing to speak during the public hearing, Council President Williams declared the public hearing closed.

Mr. Hogan moved to declare the property located at 533 Carol Street in violation of the dangerous building ordinance, as recommended by staff. The motion was seconded by Mr. Leary and carried by a unanimous roll call vote.

UTILITY COMMITTEE REPORT - JANUARY 28, 2008

The Utility Committee met on January 28, 2008 with Chairman Ruane presiding.

2030 Energy Plan Committee - RFP Process

As discussed during their meeting of January 14, 2008, Mr. Lunt, Public Utilities Director, reminded members that the 2030 Energy Plan Committee was developed to review and analyze the current status of the existing generation assets, projected load growth, and current procurement practices for purchasing capacity and energy for the ratepayers served by the City of Dover Public Utilities. He advised members that through this process, it became apparent that the City's current generation assets are not large enough to serve the electric system demand. The City is currently short approximately 15 mw of capacity, which is projected to grow to between 62 mw to 153 mw, depending upon growth, and assuming that all current generation assets continue to operate. Due to this shortfall, the City's Public Utilities is required to purchase capacity from the PJM marketplace in addition to the energy requirements. In order to properly evaluate the options available, Mr. Lunt stated that the 2030 Energy Plan Committee recommended contacting the energy and generation market to gather further information from potential generation development parties. Because of the complexity of this process, and in order to entertain a broad scope of potential services, the 2030 Energy Plan Committee recommended that a Request for Proposal Purchasing and Process Policy be adopted for this process as the current Purchasing Policy does not provide the flexibility required for this complex need. Staff provided members with a draft of the proposed Policy, which was designed to provide access to specialized market expertise in a fair, competitive, transparent process to facilitate an efficient evaluation of the potential proposers.

Mr. Lunt provided a presentation and reviewed the draft Request for Proposal Policy and Process.

Staff recommended adoption of the Request for Proposal Policy and Process for the evaluation of capacity and energy products available to the City of Dover Public Utilities and to designate PACE Global as the Proposal Administrator for this process.

With regards to the creation of a Steering Committee, Mr. Leary suggested that the Chairman of the Utility Committee, Mr. Ruane, serve as a member.

Mr. Ruane suggested that the motion clarify that staff's recommendation is to designate PACE Global as the Proposal Administrator for Phase I, which is the Request for Qualifications, of this process.

The committee recommended approval of staff's recommendation for adoption of the Request for Proposal Policy and Process for the evaluation of capacity and energy products available to the City of Dover Public Utilities and to designate PACE Global as the Proposal Administrator for Phase I, which is the Request for Qualifications, of this process.

By consent agenda, Mr. Hogan moved for approval of the committee's recommendation, seconded by Mr. Salters and carried by a unanimous roll call vote.

Mr. Frank Tenusak, 880 Schoolhouse Lane, suggested that, due to the complexity of this issue and the interest of the public, the City should place an article in a local newspaper to inform the residents of the action being taken. In response to several questions, Mr. DePrima offered to meet with Mr. Tenusak to further explain the process and details regarding this matter. Mr. Ruane noted that this matter will be forwarded to City Council for consideration during their Regular Meeting of February 11, 2008.

Proposed Ordinance - Chapter 110 - Utilities, Article II - Electric Service, Section 110-32 - Pole Attachment Fee

Members were provided a draft ordinance amending Chapter 110 - Utilities, Article II - Electric Service, Section 110-32 - Pole Attachment Fee, as well as the Pole Attachment Fee Study performed by Thomas Unke of Virchow Krause & Company dated June 30, 2005. Mr. Lunt, Public Utilities Director, advised members that the ordinance was developed by Jim Baller and Sean Stokes of the Baller, Herbst Law Group, P.C., who have vast experience with pole attachments. They have co-authored the APPA Pole Attachment Work Book with Thomas Unke, and Charles Forster and have drafted similar ordinances for other utilities in numerous states.

Mr. Lunt explained that the proposed ordinance will enable the City to charge rental fees to entities which attach to the City's electric distribution and transmission poles, ducts, or conduits. These fees will compensate the City for the carrying costs associated with constructing, operating, and maintaining the poles, ducts, and conduits. The fees can be considered the cost of "renting" a portion of the pole, ducts, or conduits. Pole attachment fees are meant to recover pole, duct, or conduit related costs incurred by the City. He stated that the actual charge of $8.17 for the fee came from the 2005 Pole Attachment Fee Study and is based on the FCC Based Method of calculating pole attachment fees. It was decided to use this methodology as this is a Federal standard that investor owned utilities are mandated to follow. The implementation of this fee is estimated to generate approximately $81,700 annually (estimated 10,000 poles x $8.17). Mr. Lunt advised members that the Electric Department will be required to pay Verizon for the poles that the Department attaches to within the service area. At this time, it is unknown exactly how many poles are owned by Verizon; therefore, this expense cannot be estimated.

Mr. Lunt indicated that staff reviewed the ordinance with William Pepper, Deputy City Solicitor, and that the draft ordinance and attachments were sent to all known entities attaching to our poles, which included Comcast, Verizon, and Bayhealth Medical Center, so that they could review and respond to it. He advised members that staff has discussed the content of the ordinance with Comcast numerous times and negotiated language changes as appropriate. While they have minor issues with certain clauses, for the most part they have agreed with the intent of the ordinance. Staff has also met with Verizon several times and is in the process of negotiating a Joint Use Agreement

with them. The Joint Use Agreement is recognized within the ordinance and is applicable for parties that also own poles within the Dover area. It is anticipated that this Agreement will be forthcoming.

Staff recommended approval of the Pole Attachment Fee Ordinance amending Chapter 110 - Utilities, Article II - Electric Service, Section 110-32 - Pole Attachment Fee.

Responding to Mr. Ruane, Mr. Lunt stated that the City is recommending use of the FCC Guidelines, which were developed for industrial utilities to follow FERC accounting. He noted that the City does not use FERC accounting methods for expenses towards the utilities, which is not unusual for municipalities, nor is the City mandated to follow the FCC Guideline, explaining that municipal utilities are exempted from that mandatory requirement of industrial utilities. He explained the difficulty with the City utilizing the FCC Guidelines. It was his opinion that the actual charge, in the amount of $8.17, would be reviewed in five (5) years. Mr. DePrima indicated that these fees will be included in the Revenue Manual.

Since the proposed fee came from the 2005 Pole Attachment Fee Study, Mr. Ruane noted that three (3) years has since lapsed and suggested consideration of this in setting the year for its review.

The committee recommended approval of staff's recommendation for adoption of the Pole Attachment Fee Ordinance amending Chapter 110 - Utilities, Article II - Electric Service, Section 110-32 - Pole Attachment Fee.

By consent agenda, Mr. Hogan moved for approval of the committee's recommendation, seconded by Mr. Salters and carried by a unanimous roll call vote. (The First Reading of the ordinance will take place during the latter part of the meeting).

Presentation - Contact Chamber Effectiveness

Members were provided a presentation on Water Quality Improvements - Contact Chamber Effectiveness, which was reviewed by Mrs. Duca, Assistant City Engineer. She reminded members that the 2006 Water Quality Evaluation recommended the installation of contact chambers at deep well sites and that these chambers were identified as a necessary first step in addressing brown water issues. Mrs. Duca advised members that two (2) of the three (3) chambers that have been installed are online. In order to verify the effectiveness of the contact chamber, she stated that data was collected before and after the chamber was brought online. She reported that the sample data that was collected confirms that the expected results were achieved.

Mrs. Duca indicated that it is anticipated that most of the chambers will be installed and online during FY2008.

Members commended Mrs. Duca and other staff members for their commitment and work on this project.

The committee recommended acceptance of the Report on the Water Quality Improvements - Contact Chamber Effectiveness as presented.

Mrs. Duca provided a presentation of the Water Quality Improvements - Contact Chamber Effectiveness to members of City Council (***Exhibit #1***).

Mr. Ruane moved for approval of the committee's recommendation, seconded by Mr. McGiffin and unanimously carried.

Mr. Ruane moved for acceptance of the Utility Committee Report, seconded by Mr. McGiffin and unanimously carried.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JANUARY 28, 2008

The Legislative, Finance, and Administration Committee met on January 28, 2008 with Chairman Slavin presiding.

Results and Recommendations from Request for Proposals - Pay for Performance Consultant

Members were advised that the PFP sub-committee (consisting of Councilmen McGlumphy and Salters, City Manager, Mr. DePrima, and Human Resources Director, Mr. Szyjka) interviewed those consultants who submitted proposals for the Review and Evaluation of the Pay for Performance (PFP) Evaluation System. As a result, it was determined that the Management Advisory Group was the most qualified to complete the outlined evaluation of the PFP System, at a cost of $34,965, and that the final report be submitted by March 31, 2008.

Members were provided with the proposal submitted by the Management Advisory Group. Mr. DePrima reminded members that although the costs for this review and evaluation was not budgeted for, it was supported by City Council during the budget hearings. The funds for the review and evaluation would come from savings gained by reducing the PFP increases recommended by the City Manager. The final adjustments would be completed as part of the Mid-year Review.

Staff recommended approval to hire Management Advisory Group, at a cost of $34,965, to conduct a Review and Evaluation of the PFP Evaluation System.

Noting that there is no funding source for this expense and concerns regarding the economy, as well as the hiring of an outside firm, Mr. McGlumphy relayed reluctance in supporting this request at this time. He suggested that this request be tabled until there is a better understanding of funding availability due to revenue projections. He was also recently advised that the State of Delaware has resources for setting of salaries, explaining the understanding that the proposal is inclusive of other evaluations. He requested that members of Council be provided with copies of these reports, as follows: 1) "Delaware 2014 Occupation and Industry Projections"; 2) "Delaware Wages 2006 Report"; and 3) "Delaware Annual Economic Report 2006".

Concurring, Mr. DePrima suggested that this request be considered during the mid-year review, feeling that staff may have the ability to identify a source for funding. He advised members that the only drawback would be that the review and evaluation would not be accomplished in time for this year's evaluation period.

Mr. Salters noted that there is an expected savings of funds that will be realized as a result of the review and evaluation and suggested that members move forward with the request at this time.

The committee recommended tabling the request to hire Management Advisory Group to conduct a Review and Evaluation of the PFP Evaluation System until the Mid-Year Review.

By consent agenda, Mr. Hogan moved for approval of the committee's recommendation, seconded by Mr. Salters and carried by a unanimous roll call vote.

Revenue Forecast Model - FY 2009

Mrs. Tieman, Senior City Administrator, presented and reviewed the Fiscal Year 2009 Revenue Forecasting Model Projections, as well as a comparison of the forecast model projections to the latest projections of Department Heads and the Finance Director (Expert Forecast). She explained that the Fiscal Year 2009 Forecasting Model Projections are performed using regression analysis and trend forecasting. For most projections, regression equations have been estimated using ten years of available data. The number of years is less where data are not available.

Mrs. Tieman advised members that forecasting should be used in conjunction with expert opinions when developing revenue projections for budgets. The forecasting model uses several variables, including Kent County Population, US Housing Starts, US Gross Domestic Product, Kent County Civilian Labor Force, US Unemployment, and Construction Values for Dover. Data for these variables is obtained from the Delaware Population Consortium and the Livingston Survey used by the Philadelphia Federal Reserve. She noted that the forecasting file consists of 25 spreadsheets and that the first spreadsheet includes key variables used to forecast revenues. The second spreadsheet computes the forecasts for construction values from three (3) different equations and requires a manual entry for the actual prediction. Construction is the key variable to many of the forecast projections. The next 22 sheets compute forecast values for 22 revenue items including one (1) for total General Fund revenue. The general revenue forecast is a separate forecast, not the sum of the 20 other forecasts; therefore, the general revenue forecast may be different from the forecast obtained by adding the forecasts of the component revenue sources.

Mrs. Tieman indicated that for eight (8) revenue categories, the previous fiscal year revenue is required (for FY 2009, the latest FY 2008 revenue estimate is used). The eight (8) revenue categories are:

- Business Licenses
- Rental Dwelling Permits
- Trash Revenue
- Property Taxes
- Water Fees
- Sewer Fees
- Fuel/Waste-Water Adjust
- General Fund Total Revenue

Mrs. Tieman noted that for several other revenue categories, there was no statistical basis to choose among two (2) or more estimating equations. In these cases, two (2) or more estimates appear on the respective forecast sheet. Over time, one (1) estimate may prove to be superior to the other(s). The items with two (2) or more forecasts are:

- Recreation Revenue
- Rental Dwelling Permits
- Trash Revenue
- Trash Fee Rebate
- Property Taxes
- Penalties – Taxes
- Chancery Court Fees
- Water Fees
- Sewer Fees
- Fuel/Waste-Water Adjust

There was no further action taken on this matter.

Mr. Slavin advised members that he has scheduled Special Committee Meetings to be held on the first Monday of each month to be dedicated to the 2005 Charter Review Committee Recommendations until its completion. He noted that the next committee meeting will be held on February 4, 2008 at 4:30 p.m. for the discussion of the 1988 Consent Decree with the City Solicitor.

By consent agenda, Mr. Hogan moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Salters and carried by a unanimous roll call vote.

SPECIAL PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - JANUARY 29, 2008

A Special Parks, Recreation, and Community Enhancement Committee meeting was held on January 29, 2008 with Chairwoman Russell presiding.

CDBG Program Guidelines and Update

During their meeting of December 11, 2007, members deferred consideration of proposed amendments to the CDBG Program Guidelines until the January meeting, with the understanding that members will be presented a decision sheet on each one of the actions that have been taken through January with a recommendation for re-programming, if necessary, within the guidelines. Additionally, members directed that staff reconsider arbitrarily setting a percentage and allow all applicants to be equal regardless of the resulting applicant percentages.

Mrs. Harvey, Community Development Manager, reviewed the 2006/2007 CDBG Expenditure Status Report and the proposed amendments to the CDBG Program Guidelines.

In response to Mr. Ruane, Mrs. Harvey stated that the unencumbered balance for FY2006 Housing Rehabilitation Program, in the amount of $23,906, has been carried forward to FY2007. She confirmed that with the $50,000 allocated for the Housing Rehabilitation Program for FY2007 and the $23,906, there is a total of $73,906. She stated that there are six (6) homes intended for rehabilitation and assured members that the funds would be expended by the end of the program year, which is June 30, 2008. Mrs. Harvey assured members that these funds would be utilized, explaining that the initial inspection confirms extensive work is required for many of these homes.

Mr. Ruane suggested that members be provided the list of homes, with addresses, that are eligible for the Housing Rehabilitation Program and a progress report for this work.

Responding to Mr. Ruane, using Whatcoat Social Service Agency as an example, Mrs. Harvey advised members that the grant was awarded in July 2007. Monitoring letters were sent by the City

in October and January. It was Mr. Ruane's feeling that there may be a need to have additional monitoring letters to assure that work begins in a more timely manner. Mrs. Harvey noted that the Guidelines have been revised to require each applicant to expend 25% of the grant each quarter of the year (page 4, first paragraph). If this requirement is not met, she stated that the matter would be presented to the committee for their review and recommended action. Mrs. Townshend, Director of Planning and Inspections, explained that each applicant may have specific circumstances for the delay. Mr. Lewis suggested that these details be included in the monthly report.

Although he felt that the City should increase the monitoring of each project, Mr. McGlumphy disagreed with the requirement for expending 25% of the grant each quarter.

Mrs. Townshend explained that HUD requires the City to have expended, by 60 days prior to the end of the program year, no more than 1½ times the City's allocation remaining in the credit line, otherwise, the City may not be granted the full allocation the next year. She also advised members that if an organization is a chronic violator of the time limit standard, HUD will eliminate the City's eligibility for the future. She stated that the money received by the City for the community is necessary to meet an important need, specifically for low and moderate income persons, and explained that the City does not want to take the risk of losing it in the future because the City is being too nice to applicants.

Mr. Ruane reminded members of their struggles in determining the allocation of the grant money when there are multiple applicants. He stated the unfairness to those that were not awarded the money when the awarded recipient does not utilize the funds awarded. He advocated for the monitoring to be serious so that if the grant money has not been expended, there be consequences, which would include having the funds withdrawn.

Responding to Mr. Lewis, Mrs. Townshend stated that the House of Pride has been given 30 days, from January 23, 2008, to have a structural engineer inspect the property at 110 S. New Street and submit a report. Although the grant included heaters for specific properties, the House of Pride can select other properties for installation of the heaters.

After much discussion, members suggested that staff meet with Ms. Harris to provide assistance and an understanding of all options available for the House of Pride. Mrs. Russell noted that Ms. Harris also needs to put forth an effort to help the City assist her in this matter.

Based on Mrs. Russell's questions, Mr. Ruane suggested that members be provided a copy of the guidelines and blank contract which specifies requirements for recipients of these grants.

In reviewing Section D of the proposed amendments to the CDBG Program Guidelines, Mrs. Harvey provided members with "Attachment A" to the Guidelines, which is the table of income limits. She noted that for Section E of the proposed Program Guidelines, she included only two (2) of the categories for Documentation of National Objectives since its so broad; however, she provided members with "Attachment B" to the Guidelines, which is a list of all categories. Responding to Mrs. Russell, Mrs. Harvey explained that she chose to list "Housing Rehabilitation Activities" and "Transitional Housing Operating/Cost Rehabilitation" since they are the most popular categories.

Mr. Ruane explained his understanding that the Guidelines are a description of the CDBG Program. He expressed concern that if the Guidelines are to provide assistance to applicants, it should be inclusive of all categories. He also felt that specific restrictions and guidelines should not be included. Responding, Mrs. Townshend suggested that staff revise Section D in its entirety to address the concerns relayed by members.

In response to Mrs. Russell, Mr. Ruane requested that members be provided a copy of the Application Schedule for the CDBG Program and that, in the future, members be kept informed of any notices regarding the CDBG Program.

Responding to Mr. McGlumphy regarding the notices being placed in the "public notice" section of the newspaper, Mrs. Townshend stated that staff can issue a press release in addition to the public notice ad in an attempt to provide better notice to the public regarding this issue.

With reference to the last paragraph of the Program Guidelines regarding waivers, Mr. Ruane relayed concern with giving the Director of Planning and Inspections authority to waive any requirement of the policy not required by Federal/State Law or Regulation. He suggested that such waivers be required to be reviewed by the committee for recommendation to City Council. Mrs. Townshend assured members that the paragraph would be modified to provide clarification regarding this authority.

In reviewing the 2008 CDBG Grant Application Review Sheet (Attachment C of the Guidelines), Mr. Ruane felt that there should be definitions which would help guide members in making a determination. Responding, Mrs. Townshend explained that there are no definitions for Performance Measurements and that members must make a "judgement call" for the scoring.

Noting that HUD provides measures for conducting Performance Measurements, Mr. Ruane suggested that the guidelines include the requirement for applicants to "track and measure" in accordance with the HUD Performance Standards and that the Review Sheet include the question "does the application reflect the use of the HUD Performance Standards".

Mrs. Russell reiterated that members will not accept any hand-written applications, as was specified during last year's review.

By consent agenda, Mr. Hogan moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Salters and carried by a unanimous roll call vote.

APPOINTMENT RECOMMENDED BY MAYOR CAREY - ETHICS COMMISSION - DENNIS K. JONES - FIVE (5) YEAR TERM TO EXPIRE JULY 31, 2012

Mayor Carey recommended the reappointment of Mr. Dennis K. Jones to serve on the Ethics Commission for a five (5) year term to expire July 31, 2012.

By consent agenda, Mr. Hogan moved for approval of the appointment as recommended by Mayor Carey, seconded by Mr. Salters and carried by a unanimous roll call vote.

TRANSFER TAX DETERMINATION

During their Regular Meeting of January 28, 2008, members considered an issue involving the Blue Hen Corporate Center Transfer Tax that was initially discussed during an executive session held on January 7, 2008.

Mr. Hogan moved to defer this item to be considered at the end of this meeting to allow members to recess into executive session prior to taking action on this matter. The motion was seconded by Mr. Leary.

Mr. McGlumphy relayed reluctance in discussing these types of issues in executive session and concern that Council has been advised not to discuss certain matters in open session, particularly this issue. With regards to any changes to the agenda, he questioned if the City would be in violation of FOIA. He stated his intention to request the City Clerk to submit this question to the Attorney General to determine if FOIA has been violated. Mr. McGlumphy felt that it is a grave disservice to the citizens of Dover if members of Council do not discuss this matter in open session since it does affect them. He also stated his intention to pursue this issue with the City's Ethics Commission.

Mr. Hogan explained his understanding was that there are some issues that members of Council, according to State law, cannot discuss in open session. Therefore, it was his opinion that Council is bound by State law since private information is involved.

City Solicitor Rodriguez advised members that this particular issue involves potential litigation. He reminded members that during the executive session, strategy was discussed which should absolutely remain confidential. In response to Mr. McGlumphy's suggestion that this matter involves the public, Mr. Rodriguez stated that this matter involves two (2) private parties.

Mr. Hogan withdrew his motion; however, the seconder did not withdraw his motion.

On a call for the question, the motion to defer this item for its consideration at the end of this meeting to allow the opportunity for members to recess into executive session prior to taking action on this matter was carried by a roll call vote of eight (8) yes and one (1) no (Mr. McGlumphy).

TWO-YEAR EXTENSION OF THE EXISTING RECYCLING CONTRACT

Mr. DePrima, City Manager, reminded members that in October 2005, the City of Dover began offering voluntary curbside recycling to its citizens through the Delaware Solid Waste Authority (DSWA). The City had over 575 Dover residents who enrolled in the program. In February, the City began paying the DSWA $2 per month per customer to offer the service to our residents at no cost. Mr. DePrima advised members that the City currently has over 2,000 enrolled. Because this is a popular program, as well as its positive impact on the environment and the City's operations, staff and the DSWA are interested in extending the program an additional two (2) years. After that two (2) year period, the DSWA has indicated that it will be necessary to increase the fees to meet the costs; however, he assured members that this extension does not commit Dover beyond the two (2) year period.

Mr. DePrima advised members that the program is principally funded from savings which result in diverting recyclables from the landfill. The revised calculation is based on October 2006 City of Dover results, as follows:

Average pounds of recycling from Dover customers annually = 676 (13 lbs./week x 52 weeks)

Estimated number of customers participating in the supported program = 2,000 (approx. three times the current enrollment) x 676 lbs = 1,352,000 lbs. per year or 676 tons per year

676 tons per year x $51.50 per ton ($61.50 per ton minus the DSWA rebate of $10 per ton) = $34,814 estimated total annual savings in landfill fees.

In addition to these savings, Mr. DePrima stated that there are reduced expenses associated with the reduction of gasoline and maintenance expense, as well as labor cost by reducing the number of trips to the landfill.

Staff recommended that the City Manager be authorized to sign an extension of the contract for a two (2) year period with the Delaware Solid Waste Authority (DSWA) to provide the City of Dover supported voluntary curbside recycling at a cost of $24 per year per participating resident for every other week pickup.

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

ANNEXATION/REZONING REQUEST/FIRST READING - 1889 KENTON ROAD, OWNED BY BRIAN L. AND WILLIAM A. BRIGHT

A request was received for annexation and rezoning of property located at 1889 Kenton Road, containing $.50^{+/-}$ acres, owned by Brian L. and William A. Bright. The property is currently zoned AR - Agricultural Residential (Kent County) and the requested zoning is R10 - One Family Residence (City of Dover). Staff recommended that the request be referred to the Utility Committee on February 25, 2008, the Planning Commission on March 17, 2008, and that a public hearing be set for April 28, 2008 at 7:30 p.m.

Mr. Hogan moved for approval of staff's recommendation and to acknowledge the First Reading of the rezoning ordinance by title only. The motion was seconded by Mr. Salters and unanimously carried.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Zoning Ordinance Amendments as read by the City Clerk, by title only, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1889 KENTON ROAD.

FIRST READING - PROPOSED ORDINANCE - LAND DEVELOPMENT PLAN AMENDMENT TO COMPREHENSIVE PLAN UPDATE 2003, AS AMENDED IN MAY 2005 AND SEPTEMBER 2006

Council President Williams reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Since the ordinance is an amendment to the Comprehensive Plan Update 2003, as Amended in May 2005 and September 2006, a public hearing is required. Staff recommended referral of the amendment to the Planning Commission on March 17, 2008, and that a public hearing take place during the Council Meeting of March 24, 2008, at 7:30 p.m., at which time, final action by Council will take place.

Mrs. Townshend, Director of Planning and Inspections, advised members that an application has been received to rezone properties located at 988-990 Forest Street to a zoning classification of C-2A (Limited Central Commercial), which has been identified as being inconsistent with Map11-1. She stated that the current Comprehensive Plan designation of a portion of this property is Office and Office Parks. The appropriate land use type for the proposed zoning would be Commercial; therefore, Mrs. Townshend stated that the proposed amendment is presented to change the designation to Commercial to allow for the rezoning of the properties to proceed.

Mr. Slavin moved for approval of staff's recommendation for referral of the proposed amendment and to acknowledge the First Reading by title only. The motion was seconded by Mr. McGiffin.

Mr. Hogan reiterated his concerns with the consideration of splitting the zoning classification for one (1) parcel and stated that he would not support its consideration until such time that the lot lines are changed to create a single zoning classification for the parcel.

The motion to approve staff's recommendation for referral of the proposed amendment and to acknowledge the First Reading by title only was carried by a roll call vote of six (6) yes and three (3) no (Mr. McGlumphy, Mr. Hogan, and Mr. Ruane).

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Zoning Ordinance Amendments as read by the City Clerk, by title only, as follows:

AN ORDINANCE AMENDING THE CITY OF DOVER COMPREHENSIVE PLAN UPDATE, 2003, AS AMENDED IN MAY 2005 AND SEPTEMBER 2006, BY AMENDING LAND DEVELOPMENT MAP 11-1 BY CHANGING THE LAND DEVELOPMENT PLAN DESIGNATION FROM OFFICE AND OFFICE PARK TO COMMERCIAL ON PROPERTY LOCATED AT 998-990 FOREST STREET.

FIRST READING - PROPOSED ORDINANCE

Council President Williams reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinances will take place during the Council Meeting of February 25, 2008.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Ordinance Amendment as read by the City Clerk, by title only, as follows:

CHAPTER 110 - UTILITIES, ARTICLE II - ELECTRIC SERVICE, SECTION 110-32 - POLE ATTACHMENT FEE

FINAL READING - PROPOSED ORDINANCE

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of January 14, 2008. It was noted that Council deferred the Final Reading during their Regular Meeting of January 28, 2008.

Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-128 - Sprinkler Requirements

Mr. McGiffin moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Hogan and unanimously carried.

Mr. Hogan, Chairman of the Safety Advisory and Transportation Committee, advised members that the proposed ordinance was introduced by the Fire Marshall and considered by the committee during a Special Meeting on December 13, 2007. The proposed ordinance would require sprinkler systems to be installed in townhouses. Noting that several members of Council are not present during the committee meetings and, therefore, have not heard the discussion regarding his issue, he suggested that discussion be permitted at this time.

Mr. Hogan moved to suspend the rules to allow two (2) speakers, one (1) in favor and one (1) in opposition of the proposed amendment. The motion was seconded by Mr. McGlumphy and unanimously carried.

Mr. Todd Stonesifer, representing the Kent County Association of REALTORS, noted that a member of the Home Builders Association of Delaware was present who also wished to address members in opposition to the proposed amendment. Responding, Mr. Hogan explained that the suspension of the rules was specific regarding the number of speakers. As a realtor, Mr. Stonesifer stated that it is his goal to help people attain home ownership. Costs for the purchase of a home continue to rise and, currently, a townhouse is the most affordable home in the City. As we increase the cost, there will be a loss in their affordability and the opportunity for many individuals to purchase a home and realize the American dream. Mr. Stonesifer noted that the costs associated with the installation of sprinkler systems in a townhouse range from $2.00 and $3.75 per square foot. Using an average of $2.95 per square foot, with a 6% commission, a transfer tax of 1.5% to the City, a transfer tax of 1.5% to the State, and miscellaneous costs such as attorney's fees, has increased the average cost to the consumer in excess of $3.10 per square foot. For a 1,200 sq. ft. townhouse, he stated that this would cost an additional $3,695. According to data collected, he advised members that for every $1,000 in increased cost of a home, there are 700 families alienated from the ability to purchase a home. Therefore, the increase resulting in the proposed ordinance would alienate 2,586 families who would not be able to afford to purchase the most affordable type of housing. Mr. Stonesifer also advised members that building codes and materials have improved over the years and that the need for such sprinkler systems would be with the older townhouses if at all, noting that there has not been proof of the need for the fire sprinkler requirements as they relate to fire injuries or damage in the City of Dover. Mr. Stonesifer assured members that he is not arguing against safety, but rather arguing for affordability. He urged members to consider these concerns as they take action on this matter.

Mr. Truax, Fire Marshal, suggested that there is no true evidence to prove that these costs would deter buyers, explaining that sprinkler systems were installed in all the townhouses recently built behind Wal-Mart in Camden and that each of those homes sold. He does not believe that the reason people choose to live in the City is due to whether or not sprinkler systems have been installed but rather because of the quick police response, reasonable trash collection fees, low taxes, shopping, eating establishments, schools, etc. He assured members that he has observed the evidence that proves that these systems save lives and assets in the community. Mr. Truax reminded members of the public outcry when the City initiated "no smoking" in public establishments. There was a fear that restaurants and bars would go out of business; however, today, these establishments are doing fine. He noted that the City of Dover is becoming an increasingly urban environment, with growth and density increasing; therefore, staff has taken a pro-active approach to this issue. He explained his feeling that response based fire protection cannot be relied upon alone anymore when there is technology available to protect the public and property from fire. He reminded members that this type of technology also provides protection for the men and women of the fire department who enter buildings that are on fire. Noting that the proposed ordinance does not include an effective date, Mr. Truax suggested that the requirements become effective March 1, 2008. He urged members to consider this matter as a public safety issue and support the proposed ordinance.

Responding to Mr. Salters, Mr. Truax stated that he was not aware of any recent townhouse fire that resulted in a death. Chief Carey advised members that although he too was not aware of any deaths associated with a townhouse fire, there were several fires in townhouses that spread and caused damage to other property due to their configuration. He explained that these fires could have been contained to the room of origin if there was a sprinkler system installed. As a result, Chief Carey stated that rather than one (1) family being affected by the fire, there were three (3) families affected.

Noting that sprinkler systems are not new technology, Mr. Salters questioned why the delay in the consideration of this matter. Responding, Mr. Truax suggested that the delay may have been a result of the cost, which has decreased as a result of the use of plastic pipe. He noted that sprinkler systems either suppress the fire or control the fire until the fire department arrives.

In response to Mr. Salters, Mr. Truax stated that the sprinkler requirements are proposed only for townhouses due to their configuration, explaining that when residents live side by side, what one person does can drastically affect their neighbor.

Mr. Hogan moved to suspend the rules to allow an additional speaker to address members regarding the proposed amendment. The motion was seconded by Mr. Slavin and carried with Mr. Ruane voting no.

Mr. Bob MacLeish, Home Builders Association of Delaware, stated that he has worked with City staff regarding this issue and explained that he struggled with placing a dollar value on safety when human lives are in question. It was his feeling that it is important to understand that the dollar value is not intended to measure human worth but rather assist decision makers in determining how much it would cost to reduce the risk for loss of life and property. He indicated that the changes in residential construction methods and materials, and improved building codes and inspections, are, by design, to adequately protect the home throughout its life without the need for fire sprinklers.

In regards to older homes, Mr. MacLeish explained that there have been improved fire protection measures, such as code provisions, separation, blocking, and draft stopping, as well as improvements to emergency escape and rescue, such as electrical circuit breakers and smoke detectors. He explained that the cost for the installation of fire sprinklers involves changes to infrastructure, such as the water line, additional electrical work, etc. He stated that townhouses, by their nature, have become the affordable houses. However, additional costs for the installation of sprinkler systems would only increase the price of townhouses.

Mr. Hogan moved for adoption of the ordinance, with the insertion on line 13 "January 1, 2009", seconded by Mr. Leary.

Mr. McGiffin stated his struggle with this issue since there are two (2) issues that involve constituents: affordability and safety. Given the choice between affordability and safety, he would prefer to side with safety and support the proposed ordinance.

Although he relayed concurrence with Mr. McGiffin, Mr. Slavin stated that since a goal of the City is to increase home ownership, he will side with the affordability issue.

Mr. Salters stated that poor people are having difficulty purchasing homes at this time, the addition of any costs would only make this more difficult.

Mr. Hogan relayed his dilemma with this issue as the Chairman of the Safety Advisory and Transportation Committee and as the spouse of a local realtor. City Solicitor Rodriguez suggested that Mr. Hogan abstain from voting due to the conflict since his wife is a local realtor.

The motion for adoption of the ordinance, with the insertion on line 13 "January 1, 2009", failed by a roll call vote of five (5) no, three (3) yes, (Mr. Leary, Mr. McGiffin, and Mr. Ruane), and one (1) abstention (Mr. Hogan).

FINAL READING - PROPOSED ORDINANCE

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of January 28, 2008.

Proposed Budget Amendments - Budget Balances and Carry-Forwards

Mr. Slavin moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Hogan and unanimously carried.

Mr. Hogan moved for adoption of the Budget Ordinance Amendments - Budget Balances and Carry-Forwards (*Exhibit #2*), seconded by Mr. Salters and carried by a unanimous roll call vote:

TRANSFER TAX DETERMINATION

Council President Williams reminded members that earlier in the meeting, this item was deferred to be considered at this time.

Mr. Slavin moved to recess into executive session, seconded by Mr. Hogan and carried with Mr. McGlumphy voting no.

Meeting Recessed at 9:06 P.M. and Reconvened at 9:34 P.M.

Mr. Hogan moved to reconvene, seconded by Mr. Salters and unanimously carried.

Mr. Slavin moved that, regarding the transfer tax question for the Blue Hen Mall sale, from Blue Hen Venture LLC to Pettinaro Enterprises LLC, the purchase price was $17,400,000, the affidavit of value confirmed this amount, and it appeared that it has been demonstrated that this transaction was an arms length transaction between unrelated parties which demonstrated fair market value for the transaction; the purchase price stated in the deed and affidavit of value in the amount of $17,400,000 shall be accepted as the purchase price upon which the transfer tax shall be based and that the City Assessor is directed to accept this value for determining the transfer tax and notify the parties accordingly. The motion was seconded by Mrs. Russell.

Mr. Ruane reiterated his concerns regarding the vote previously taken during the Council Meeting of January 28, 2008. Responding, City Solicitor Rodriguez explained that according to Roberts Rules, if the same motion is made during the same session, a motion for reconsideration would be required; however, if it occurs at a subsequent session, there are no restrictions or requirements.

Mr. McGlumphy moved to amend the motion by adding "Any party assessed, utilizing the same methods or procedures applied by the City Assessor be granted an abatement similar to the realty transfer received by the Blue Hen Ventures, LLC". There being no second, the motion failed.

The motion regarding the transfer tax question for the Blue Hen Mall sale, from Blue Hen Venture LLC to Pettinaro Enterprises LLC, the purchase price was $17,400,000, the affidavit of value confirmed this amount, and it appeared that it has been demonstrated that this transaction was an arms length transaction between unrelated parties which demonstrated fair market value for the transaction; the purchase price stated in the deed and affidavit of value in the amount of $17,400,000 shall be accepted as the purchase price upon which the transfer tax shall be based and that the City Assessor is directed to accept this value for determining the transfer tax and notify the parties accordingly was carried by a roll call vote of six (6) yes and three (3) no (Mr. Leary, Mr. McGlumphy, and Mr. Ruane).

COUNCIL MEMBERS ANNOUNCEMENTS

There were no announcements by members of Council.

Mr. Leary moved for adjournment, seconded by Mr. Salters and unanimously carried.

Meeting Adjourned at 9:39 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of February 11, 2008, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Presentation of the Water Quality Improvements - Contact Chamber Effectiveness
Exhibit #2 - Budget Ordinance Amendments - Budget Balances and Carry-Forwards

CERTIFICATE OF CONGRATULATIONS

Presented to

Phyllis & Irving Levitt

In celebration of 50 years of Marriage
February 2, 2008
Your commitment and love for each other is an inspiration to all

Presented
February 25, 2008

CARLETON E. CAREY, SR.
MAYOR

BEVERLY C. WILLIAMS
COUNCIL PRESIDENT

PROCLAMATION

WHEREAS, year after year City of Dover employees continue to work hard for our community and our citizens; and

WHEREAS, all employees of the City of Dover strive daily to promote Community Excellence Through Quality Service; and

WHEREAS, due to the teamwork and the commitment of our employees, the citizens of Dover are able to enjoy some of the lowest utility and tax rates in this region; and

WHEREAS, the City of Dover values its employees, recognizing that every member of the work force - from meter reader to engineer, laborer to policeman, dispatcher to secretary - is an integral part of the day-to-day operations of the City of Dover; and its success is due largely to the pride and efforts of its employees.

NOW, THEREFORE, I, Carleton E. Carey, Sr., Mayor, of the City of Dover, Delaware do hereby proclaim Friday, March 7, 2008

EMPLOYEE APPRECIATION DAY

in the City of Dover and recognize the dedication and hard work of all City of Dover employees, and request that all citizens take a moment to thank a City of Dover employee for their outstanding service to our community.

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor

SPECIAL
LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

A Special Legislative, Finance, and Administration Committee meeting was held on February 4, 2008, at 4:32 p.m. with Chairman Slavin presiding. Members present were Mr. McGlumphy, Mr. Salters, Dr. Jones, and Mr. Shevock. Other members of Council present were Mr. Leary, Ms. Russell, Mr. McGiffin, Mr. Hogan, Mr. Ruane, and Mrs. Williams.

AGENDA ADDITIONS/DELETIONS

Mr. McGlumphy moved for approval of the agenda, seconded by Mr. Shevock and unanimously carried.

Discussion of 1988 Consent Decree with City Solicitor

Members were provided the 1988 Consent Decree between the Central Delaware Branch of the NAACP and the City of Dover. Mr. Slavin reminded members that in conjunction with their comprehensive review of the 2005 Charter Review Committee Recommendations, members had suggested the opportunity for a discussion of the 1988 Consent Decree with the City Solicitor in order to gain an understanding of consent decrees, as well as background information regarding the 1988 Consent Decree.

Due to the interest in this matter, Mr. Slavin advised members that in addition to all members of Council, those invited to attend this evening's meeting included representatives of the NAACP, Mr. Cecil Wilson, and Dr. Margaret McKay. He noted the attendance of Election Board members, Chairman Garfinkel and Mrs. Legates. Mr. Slavin introduced the City Solicitor, Mr. Rodriguez, and Deputy City Solicitor, Mr. Pepper, and requested that they explain what a consent decree is and to provide information regarding the conditions that led to the 1988 Consent Decree and what effect it has on the City.

Mr. Pepper advised members that prior to the Consent Decree, there were eight (8) members of Council (elected at-large for each district) and meetings were presided over by the Mayor. In 1985, the Central Delaware Branch of the NAACP filed suit under the Voting Rights Act against the City primarily to challenge the at-large method of voting for Councilmen. At the suggestion of the City Solicitor, Mr. Pepper stated that the City entered into negotiations with the NAACP and, as a result, both parties agreed to a Consent Order. He explained that a consent order is a settlement that becomes a judgement of the court and can only be modified by a court or by an agreement of the parties. He indicated that the City cannot unilaterally change the Consent Order.

Mr. Pepper stated that as a result of the Consent Order, district voting was created, whereby only residents in a particular district would be eligible to vote for the candidate in that district. In addition, a minority district was created in which the black population had to be 65%. The Consent Order created a new Council position, the Council President, which resulted in a total of nine (9) members of Council. It removed the Mayor as the presiding officer and instead required that the Council President preside over Council Meetings. He noted that the transition was smooth and that there were no problems. However, upon receipt of the 2000 Census, Mr. Pepper advised members that when the Election Board began to redraw the council districts they encountered substantial difficulty in redrawing the minority district to make it equal in population with the other three (3)

districts and at the same time, maintaining the 65% black population requirement. He explained that the minority population of the City of Dover no longer resided almost exclusively in certain areas of the City but had dispersed throughout the City. It was his opinion that this issue will occur again when the 2010 Census is received and suggested that it may be impossible to develop a single district where the minority population is 65%. He anticipates that the City would accomplish the requirement by developing eight (8) Council districts, with two (2) minority districts, which would require the Consent Decree to be amended.

Mr. Pepper indicated that when he met with the 2005 Charter Review Committee, there was some interest in putting the Mayor back as the presiding officer. He advised members that the removal the Mayor as presiding officer and creation of the ninth (9th) Council seat are beyond the remedies available under Section 2 of the Voting Rights Act. However, he stated that there has been case law since the Decree that indicated that those types of changes could not be forced upon a municipality. Should Council wish to reverse such changes, it could be accomplished by including it in a motion to modify the Consent Order.

Responding to Mr. Shevock, Mr. Pepper stated that the Voting Rights Act does not permit a Court to require the size of the legislative body to be changed. The 65% is usually chosen to assure the election of a representative of their own for that district. Should it become impossible to create a district that has a super majority, whether its 65%, 60%, or 55%, it was his opinion that the Voting Rights Act does not offer a remedy for the minority.

In preparing for this meeting, Mr. Ruane advised members that there have been several Supreme Court decisions since 1988 that also seem to put a city such as Dover in a position where racially conscious redistricting is against some of those Court decisions. He noted that the Court has thrown out some redistrictings due to the gerrymandering manner in which it was accomplished and questioned if the City would be vulnerable in this matter. Responding, Mr. Pepper stated that several of those cases were relative to 14th Amendment cases, due process and equal protection cases, and that the City's case falls under the Voting Rights Act, which Congress passed in order to enforce the guarantees provided by the 15th Amendment that granted the right to vote to blacks. It was his opinion that the City would not be vulnerable under these circumstances; however, he suggested that the vulnerability would be a challenge based on Baker versus Carr. After receipt of the 2010 Census, in 2011, when the City begins to redraw the districts, it was his opinion that the City will have serious difficulty in developing a district consisting of 65% minority population, particularly with maintaining only four (4) districts.

Mr. DePrima noted previous discussion regarding a strong mayor form of government and having the city manager reporting to the mayor. At that time, it was his recollection that it was the opinion of representatives of the NAACP that this would violate the Consent Decree since such a change would in effect put city government under the direction of an individual voted at-large versus members of council. Responding, it was Mr. Pepper's opinion that such an argument would not have merit under the Consent Decree. He assured members that, outside of the requirements of the Consent Decree, the City of Dover is free to form its government in any way it chooses.

Mr. Hogan alluded to legislation being proposed for consideration by Congress that would allow for defendants to petition the court to remove any consent decree after four (4) years. Mr. Pepper felt that such legislation would create an issue regarding the separation of powers. He is not aware of the proposed legislation or its status with Congress. Mr. Ruane noted that the legislation was introduced to the U.S. Senate and House in November.

In response to Mr. Ruane, Mr. Pepper confirmed that there has been a lot of movement afoot in an attempt to eliminate consent decrees relating to jail management and educational facilities; however, it was his opinion that it would be disastrous to take this type of action regarding elections.

Concurring, Mr. Salters noted that the minority population in Dover is approximately 30%-35%, which should result in at least 30% representation of Council or any other elective body. Although there have been improvements, he stated that the only assurance of participation by all people is with the current Consent Decree or the possibility of more districts with a minimum of 65% minority population. He advised members that there is concern in the community regarding the City's consideration of this issue.

For clarification, Mr. Slavin stated that this meeting was called specifically to gain information. He noted that due to a prior commitment, Mr. Pepper had to depart the meeting; however, City Solicitor Rodriguez would be available for any further questions.

Mr. Hogan expressed his pride in the City for its diversity and felt that the reason this has become an issue is because the black enclaves continue to disappear. As a result of the diversity throughout the City, he relayed concern that the City will not be able to meet the 65% black district and questioned what the result would be if this requirement was not met. Responding, Mr. Rodriguez stated that if the City was unable to meet the 65% black district, the City would be in violation of the Consent Decree and would have to explain the situation to the Court. He further explained his opinion that the districts cannot be split, they must remain contiguous.

Considering the possibility that the court could determine to nullify the Consent Decree, Mr. Leary suggested that the Plaintiffs would rather have the opportunity to discuss the alternatives to allow for a 65% black district.

Mr. Slavin suggested that members continue an on-going conversation and dialogue through the receipt of the 2010 Census information, with the understanding that since a decision would not be necessary for a few years, these discussions will remain preliminary in nature.

Referring to previous comments of Mr. Ruane, Mr. Salters indicated concurrence that the issue that should be addressed is relative to economics. It was his opinion that if there were more adequate jobs in Dover, there would be less renters and more homeowners, which would decrease the black population in the Fourth District. He advised members that historically in Dover, no minority has been elected at-large and he felt that if members were to understand the ramifications and reasons for this, they would have a different perspective on this matter. Mr. Salters stated that although the City of Dover has come a long way, the fact is that we are not quite there yet.

Responding, Mr. Hogan reminded members that Mr. Hardcastle was elected to City Council by at-large voting and, although he concurs with Mr. Salters, he relayed concern that there will be a problem meeting the requirements of the Consent Decree and that members must consider a solution.

Although there may be other solutions to the problems, Mr. McGlumphy suggested that if members developed a strong economic development plan, providing livable wage jobs, etc., the dilemma being faced by the City in this regard could be resolved. He also questioned why the at-large elected position was created.

Mr. McGiffin stated his feeling that there is an economic issue to some degree; however, he suggested that members not lose sight of the fact that the problem goes beyond economics, noting that the issue is not with just poor people but rather poor, black people. He explained that these people are not only disadvantaged by the way Dover is set up economically, but are historically oppressed people. He suggested that members not lose sight of this fact while dealing with the problem that the City's growing diversity has left us.

In closing, Mr. Slavin stated that based on the discussion this evening, during the Review of the 2005 Charter Review Committee Recommendations, in all probability, members will not be able to formulate any recommendation regarding this matter until the receipt of the 2010 Census. It was also his opinion that members of Council would not take any action on this matter until after 2010 and only if the conditions in the Census warrants any action.

Mr. McGlumphy moved for adjournment, seconded by Mr. Salters and unanimously carried.

Meeting Adjourned at 5:28 P.M.

Respectfully submitted,

Timothy A. Slavin
Chairman

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SPECIAL SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

A Special Safety Advisory and Transportation Committee Meeting was held on February 5, 2008, at 6:04 p.m. with Chairman Hogan presiding. Mr. Leary was also present. Mr. Slavin, Mr. Lakeman, and Mr. Link were absent.

Noting that there was not a quorum, Mr. Hogan stated members cannot take action; however, should members arrive during the meeting, their recommendations would be forwarded to City Council. *City Clerk's Office Note: Since no additional members arrived for the meeting, no official recommendations were made to forward to Council.*

AGENDA ADDITIONS/DELETIONS

There being no objections, Mr. Hogan requested that item #2 - Resolution in Support of Weekend Bus Service be considered prior to item #1.

Resolution in Support of Weekend Bus Service (*Dover Human Relations Commission*)

During their meeting of November 28, 2007, the Dover Human Relations Commission (DHRC) recommended adoption of a proposed Resolution in support of weekend bus service in Dover. Members were provided with correspondence from the DHRC, as well as the proposed Resolution for their consideration.

Dr. Hoff, Chairman of the DHRC, advised members that the commission believes that there is a need for weekend bus service, such service is a critical quality of life issue, and payments for such services should be provided by the state, county, and local government if possible. The DHRC recommended approval of the proposed Resolution and that it be forwarded to the Governor and General Assembly of the State of Delaware for consideration.

Based on previous discussions, Mr. Hogan indicated his belief that the committee members would support the proposed Resolution; however, since there was not a quorum, no official action could be taken. He noted that it may be necessary to revise some of the language to coincide with Resolutions considered by Council. Mr. Hogan stated that during the next committee meeting of February 26, 2008, members will take action regarding the proposed Resolution to be forwarded to Council for action.

DART Presentation on Funding of Weekend and Late Night Bus Service in Kent County

Members reviewed a letter from Mr. Stephen Kingsberry, Executive Director of the Delaware Transit Corporation, requesting the City Manager for the opportunity to discuss the City's ability to help fund weekend bus services for Kent County residents and businesses. Members were provided a response from Mr. DePrima, City Manager, suggesting that a presentation be given to the Safety Advisory and Transportation Committee and that if it is their desire for the City to consider funding for this service in fiscal year 2008-2009 budget year, then a specific request should be included in the presentation. It was noted that the Delaware Authority for Regional Transit (DART) is managed and operated by the Delaware Transit Corporation (DTC).

Ms. Catherine Smith, Planning Manager for the DTC, provided background information regarding the services provided by DTC. Ms. Lisa Collins, Planner for DTC, reviewed the map depicting the

fixed route service area for Kent County and the Spring 2008 Saturday Proposal, as well as information regarding the Weekend Bus Service Pilot Program (***Attachment #1***).

Ms. Smith advised members that the cost for the four (4) fixed routes to operate on Saturday would be approximately $360,000 annually (funded by the State of Delaware); the cost to extend the existing fixed route from 6:00 p.m. to 9:00 p.m. during the weekday would be approximately $400,000 to $500,000 annually; and the cost to add Saturday and Sunday services, full complement of the fixed routes ran during the weekday, would be approximately $750,000 to $800,000 annually.

Responding to Mr. Hogan, Ms. Collins stated that last year, there were 185,000 users of the service. With regards to the largest ridership for the fixed routes, Ms. Smith indicated that last year there were 20,000 on Route 101; 23,000 on Routes 104 and 109; and 15,000 on Route 114. For each of these routes, there are approximately 160-170 riders per day. Ms. Collins advised members that weekend services has been the biggest request amongst users for the past several years.

Ms. Smith noted that public hearings have been scheduled to be held during the first week in April. She also advised members of the partnerships that have been developed with businesses and it was her feeling that there is an opportunity to expand these partnerships to the downstate area.

Mr. Hogan suggested that the City be provided information regarding the public hearings in order for the information to be included on the City's Website.

Initial Discussion - Prioritization of Transportation Projects

There being no objections, Mr. Hogan requested that the briefing on DelDOT and MPO Projects occur prior to the committee's discussion regarding the Prioritization of Transportation Projects since these briefings may provide information that will effect the discussion regarding this matter.

Briefing on DelDOT Projects (*Gary Laing*)

Mr. Gary Laing, Municipal Liaison for DelDOT, gave members the following updates:

Signalization Project

Mr. Laing advised members that the signalization project continues to progress, although there has been a slight delay due to weather conditions. He stated that the work at the intersection of Loockerman and New Streets should be completed this week, at which time work will begin at the intersection of Loockerman Street and Legislative Avenue. Although Loockerman Street will be closed, the north side of Legislative Avenue must remain open as it serves as an access and exiting point for the Post Office, State offices, and Treadway Towers.

Mr. Laing indicated that upon completion of the Loockerman Street and Legislative Avenue intersection, there will be three (3) more intersections to complete for this project as follows: 1) New and North Streets; 2) Queen and North Streets; and 3) Queen and Water Streets.

Responding to Mr. Ruane, Mr. Laing stated that the Dover Police Department would have accident data for those intersections that have been completed; however, he stated that DelDOT has received positive feedback as a result of this project, particularly from users of Division Street, which has been totally completed.

South Governors Avenue Improvements

Mr. Laing advised members that the original intent was to begin the South Governors Avenue Improvement project in March. In reviewing this schedule, he stated that it was discovered that the detour route, as a result of the closure of South Governors Avenue, would cause traffic to utilize New Burton Road, which could possibly bring traffic onto Queen Street. He explained that this would not be acceptable since Queen Street may be closed due to the Signalization Project; therefore, DelDOT will be delaying the South Governors Avenue Improvements Project until the Signalization Project is complete. It is anticipated that this project will begin in May, no later than June.

Mr. Laing stated that DelDOT has requested the opportunity for the Project Manager for the South Governors Avenue Improvements Project to provide a presentation to City Council during their meeting of February 25, 2008. He advised members that a public workshop will be held on Tuesday, March 4, 2008 at Reilly Brown Elementary School in order to remind the public and provide details as to what the project entails.

Briefing on MPO Projects (*Juanita Wieczorek*)

Ms. Wieczorek, Director of the Dover/Kent County Metropolitan Planning Organization (MPO), briefed members on the Planning Studies of the MPO. She advised members that the Route 8 Study was not adopted at the last MPO Council meeting, which will delay how soon those recommendations are forwarded to DelDOT for funding. She stated that there were some issues regarding the manner in which the cultural resource survey was accomplished and reported, which she felt have been resolved. Ms. Wieczorek stated that there was also an issue regarding maintenance of plantings in the median, explaining that the study recommended grass or some sort of plantings in the median between Mifflin Road and Saulsbury Road and that DelDOT has indicated that they would not be responsible for the maintenance. She plans to meet with the City Manager to determine if this would be an issue for the City.

With regards to the North Dover Study, Ms. Wieczorek advised members that meetings will be scheduled with businesses and homeowners in this area to share with them the consultant's (RK&K) traffic analysis. She indicated that the plan is for this project to be completed by the end of this fiscal year.

Ms. Wieczorek reviewed the draft list of projects approved by the MPO for transportation improvement program projects (***Attachment #1***). Regarding the US Route 13/Division Street Intersection Improvement and Pedestrian Crossing Project, Ms. Wieczorek stated her understanding is that DelDOT is conducting an analysis of the safety issues and that Highway Safety Improvement money will be made available for this project upon its completion. She suggested that the City of Dover also identify this location as a safety issue that requires resolution.

Ms. Wieczorek noted that although it was not included on the Unfunded Projects List, the Chairman of the MPO is submitting a request to DelDOT to review the intersection of West and North Streets regarding concerns of the traffic in the area of Saulsbury Road and West and North Streets. DelDOT is being requested to conduct a study of this area and to incorporate any improvements in the West Dover Connector and/or the Eden Hill Property improvements.

Responding, Mr. Hogan noted that the West Dover Connector will not be accomplished for several years and that there is a problem in this area that requires immediate attention. He suggested the possibility of making West Street one-way southbound as a temporary solution until the West Dover Connector is completed. Ms. Wieczorek advised members that discussions were held with DelDOT several years ago regarding the possibility of making West Street one-way south, and Queen Street one-way north; however, this was not specified by the MPO at their last meeting. The approach DelDOT has requested of the MPO is not to define the solution, but rather to simply provide the problem. Responding to Mr. Hogan, Ms. Wieczorek suggested that this issue be a separate project from the West Dover Connector in order to improve assurance of consideration by DelDOT.

Initial Discussion - Prioritization of Transportation Projects

During their meeting of December 13, 2007, Mr. Hogan requested that members begin to give consideration to prioritizing transportation projects for further discussion. Members were reminded that each year, members of Council submit a prioritization list of transportation projects for the City of Dover to the Secretary of the Department of Transportation, as well as the Governor and other distinguished delegates, for their review and consideration. To aid in the initial review, members were provided the letter and the list of projects submitted in 2007.

In addition to the projects mentioned, Mr. Ruane suggested that members also consider the issue regarding Railroad Cars and the relocation of the switching and storage along New Burton Road. There has also been reference to the Kent County Aeropark having an apron installed and suggested that members include this as a project on their list. He encouraged members to continue to support the passenger rail service. He questioned if the Water Street Railroad Crossing has been considered and whether it should also be included on a prioritization list.

Responding, Mr. Hogan requested that Mr. Ruane as well as all members of Council and the committee provide a list with a brief explanation of any items that they wish to be included in the transportation prioritization list for consideration during the next committee meeting on February 26, 2008.

There being no further business, Mr. Hogan declared the meeting adjourned.

Meeting Adjourned at 7:24 P.M.

Respectfully submitted,

Kenneth L. Hogan
Chairman

KLH/TM/jg
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Attachment to Original Minutes and File Copy
Attachment #1 - Draft List of Projects, Approved by the MPO, for Transportation Improvement Program Projects (Funded and Unfunded)

UTILITY COMMITTEE

The Utility Committee meeting was held on February 11, 2008 at 5:00 p.m. with Chairman Ruane presiding. Members present were Mr. McGiffin, and Mr. Leary. Mr. Cregar and Mr. Snaman were absent. Members of Council present were Mr. Slavin, Mr. Hogan, and Mayor Carey.

AGENDA ADDITIONS/DELETIONS

Mr. McGiffin moved for approval of the agenda, seconded by Mr. Leary and unanimously carried.

Dedication of Rights-of-Way and Public Infrastructure - Maple Glen

The developer of the Maple Glen Subdivision, Bay Developers, Inc., has requested that all public infrastructure improvements related to this subdivision be dedicated to the City of Dover for permanent ownership and maintenance. Members were provided a map that depicted all the public improvements associated with the subdivision and a map that depicted the general location and configuration of the subject rights-of-way. Bay Developers, Inc. has constructed all of the improvements in accordance with City standards and specifications. After construction was completed, City staff inspected the public improvements and provided the developer with a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. As of this date, all work has been completed by the developer and a one (1) year Maintenance Agreement, Letter of Credit, and a Release of Liabilities have been submitted by the developer as part of the dedication process. In addition, as-built drawings of the infrastructure have also been submitted to the City for our permanent records.

Mr. Koenig, Public Services Director, advised members that all open space/wetlands, stormwater management areas, and the stormwater outfall structure (including 68 l.f. of 24" Class III reinforced concrete pipe) from the pond area are to be privately maintained by the Maple Glen Homeowner's Association. He stated that he has had conversations with Mr. Gaudioso, representative of the Homeowner's Association, for several years regarding the dedication of Maple Glen and that he has relayed concerns regarding the pipe culvert adjacent to the Covington property, as well as some public road that is encroaching on that pipe improvement. Mr. Koenig stated that staff will resolve this issue during the one year maintenance period. Mr. Gaudioso also indicated that there are some deficiencies with the improved park area associated with the subdivision. This is a privately owned park area that will eventually be assumed by the Homeowner's Association. He assured Mr. Gaudioso that staff would work through all the issues related to the private open space, since they appear to be small and cosmetic in nature; however, there are other issues important to the Homeowner's Association that should be addressed by the committee.

Staff recommended acceptance of dedication of rights-of-way and public infrastructure in the Maple Glen Subdivision, with the dedication to include all of the referenced public improvements, as follows:

Sewer Utility Infrastructure (Construction Value = $321,300.00):			
15" SDR-35 PVC Sanitary Sewer Main	-	1,958 l.f.	
8" SDR-35 PVC Sanitary Sewer Main	-	1,255 l.f.	
6" PVC Sanity Sewer Laterals	-	1,350 l.f.	(54 laterals)
4' Diameter Sanitary Sewer Manholes	-	21 ea.	(281.67 v.f.)

Water Utility Infrastructure (Construction Value = $169,675.00):			
8" Ductile Iron (Class 52 Cement Lined) Water Main	-	3,085 l.f.	
6" Ductile Iron (Class 52 Cement Lined) Water Main	-	105 l.f.	
1" Polyethylene Water Service Line	-	1,125 l.f.	(43 services)
8" Gate Valves	-	7 ea.	
6" Hydrant Valves	-	4 ea.	
Fire Hydrants	-	4 ea.	
2" Blow Off Assembly	-	2 ea.	
Storm Water Infrastructure (Construction Value = $179,625.00)			
Catch Basins	-	19 ea.	
15" Type III Reinforced Concrete Pipe	-	1,453 l.f.	
18" Type III Reinforced Concrete Pipe	-	384 l.f.	
24" Type III Reinforced Concrete Pipe	-	408 l.f.	
15" ADS N-12 Plastic Pipe	-	20 l.f.	
24" ADS N-12 Plastic Pipe	-	130 l.f.	
Flared End Sections (Concrete)	-	3 ea.	

Street Infrastructure: (0.5765 miles) (Construction Value = $380,500.00)		
Maple Glen Drive	Station 0+00 to Station 26+75	2,673 l.f.
Covington Drive	Station 0+00 to Station 2+00	200 l.f.
Northgate Drive	Station 0+00 to Station 1+71	171 l.f.
		3,044 l.f.

Responding to Mr. McGiffin, Mr. Koenig stated that if the acceptance is deferred it would affect snow removal, street sweeping, etc., and that the City would be required to work with the developer regarding these types of issues. It was his opinion that the acceptance would remove the developer from the equation and allow staff to work directly with the homeowners regarding their concerns. He also advised members that homeowners always have the recourse of contacting the City Manager or City Council should they be unsatisfied with staff's action.

For clarification, Mr. Gaudioso, 167 Maple Glen Drive, stated that he does not represent the Homeowner's Association and, to his knowledge, there are no residents that are members of the Homeowner's Association, although the Homeowner's Association has been incorporated. On behalf of the residents (it was noted that there were approximately 20 residents of Maple Glen in attendance), Mr. Gaudioso provided members with pictures of the subdivision *(as on file in the Office of the City Clerk)*, depicting the cul-de-sac on Covington Drive and explained the concerns. Several months ago, he requested Mr. Koenig to inspect the area due to concerns regarding the slope of the land leading down to the cul-de-sac (erosion) and the condition within the culvert. He also noted the erosion occurring under the sidewalk and concern with the homeowner's being responsible for these issues in the future. Mr. Gaudioso also advised members of issues regarding uneven ground in the public open space area and dead trees on public and private land. It was his feeling that the City has the responsibility to protect the residents regarding these issues since they approved the plans for the subdivision. He requested that the City protect the residents from being held financially responsible in resolving these issues.

Responding, Mr. Koenig assured members that the culvert issue will be resolved as a part of the dedication, explaining that any required improvements in the public rights-of-way is covered under the one year maintenance agreement. He advised members that with the approval of the subdivision, there was an obligation of Bay Developers, Inc. to form a Homeowner's Association. Unlike most developments, during the time of construction, the developer and builder were not the same entity. With the exception of the last lot, Mr. Koenig stated that Bay Developers, Inc. sold all the lots to Middleneck Homes. Therefore, since there is a separate developer and builder for this development, he explained that it has been difficult to obtain its dedication, which should have occurred many years ago. With regards to the issues involving the private open space, Mr. Koenig stated that Bay Developers controls the officers of the Homeowner's Association; therefore, any problems with these areas are the responsibility of these officers. He stated that it is his intent to advise Bay Developers of the private open space issues in an attempt to have them resolved.

Mr. Leary moved to defer this matter until the next meeting to allow staff the opportunity to provide more details, seconded by Mr. McGiffin.

Mr. McGiffin felt that the dedication is a separate issue from the concerns relayed by the residents and that this meeting is not the avenue for which they should be addressed; however, he questioned the appropriate mechanism provided by the City for having such concerns resolved. Responding, Mr. Koenig indicated that there is a building permit outstanding and, although staff has not instituted the "clean hands" ordinance for these types of issues, he advised members that staff deals with developers on these types of outstanding issues on a regular basis. He felt confident that the City has enough options to compel the developer to resolve the issues.

Responding to Mr. Ruane, Mr. Koenig explained that the City has an obligation to dedicate the public infrastructure. He agreed to provide members with a status report on the action taken regarding the concerns relayed by the residents in two (2) weeks, although they may not all be resolved.

Mr. Leary withdrew his motion to defer, as did the seconder.

Mr. Leary moved to recommend approval of staff's recommendation for the acceptance of the dedication of rights-of-way and public infrastructure for The Maple Glen Subdivision, with dedication to include all of the referenced public improvements, stipulating that staff provide a status report on the action taken regarding the concerns relayed by Mr. Gaudioso. The motion was seconded by Mr. McGiffin and unanimously carried.

Lighting Project and Rehabilitation Schedule

During the committee meeting of October 8, 2007, in reviewing the Lighting Project and Rehabilitation included in the FY 2007/08 Electric Capital Improvement Projects Briefing, members requested that staff provide a schedule of the neighborhoods/developments that are to be considered.

As requested, Mr. Lunt, Public Utilities Manager, provided members with a schedule of the neighborhoods/developments slated for the lighting project and rehabilitation, which included estimated costs associated with the project. He explained the criteria used in the analysis and

prioritization and noted that the schedule may be altered or accelerated based on possible funding from Delaware Legislators through the DelDOT Community Transportation Fund.

Mr. Leary moved to recommend acceptance of the schedule as presented by staff, seconded by Mr. McGiffin and unanimously carried.

Underground Electric Conversion Schedule

Mr. Lunt, Public Utilities Manager, advised members that staff has analyzed and prioritized those developments that require conversion from overhead pole lines to underground pad-mounted equipment. He explained the criteria used in the analysis and prioritization, as well as the process used to convert the developments. Members were provided a schedule for the underground electric conversion, which was developed based on the criteria, as follows: 1) Kent Acres (partially completed); 2) Schoolview; 3) Highland Acres; 4) Crossgates; and 5) Buchanan Acres.

Mr. Lunt noted that, historically, a lump sum is budgeted towards the completion of projects as designated by staff. In addition to funding the overhead to underground projects, the fund also includes the replacement of obsolete or failed existing underground cables and the conversion of circuits for aesthetic reasons. He stated that these projects will take the City well past the current five (5) year plan based on the current funding levels.

Mr. Leary moved to recommend acceptance of the schedule as presented by staff, seconded by Mr. McGiffin and unanimously carried.

Water Main Replacement Priority List

Members were provided a Presentation of the Water Main Replacement Priority List for water quality improvements, which was reviewed by Mrs. Duca, City Engineer for the Public Utilities Department. She introduced Mr. Jason Lyons, the new City Engineer, and advised members that he has been working with her on this project.

Mrs. Duca reminded members that the 2006 Water Master Plan and 2006 Water Quality Evaluation recommended the establishment of a Water Main Rehabilitation Program. She explained that a rated inventory of all water mains maintained by the City was developed in order for the City to meet this recommendation. Such a program would assist the City in meeting industry standards, as well as addressing water quality issues.

In order to develop a water main replacement priority list, Mrs. Duca stated that a Water Main Pipe Rating (WMPR) was developed to rate the condition of water mains based upon key characteristics. These characteristics include pipe size, material, installation date, repairs/leaks, water quality complaints, flushing times, and demand significance. She reviewed the water main replacement priority list, which consisted of the 20 lowest rated water mains.

Mrs. Duca assured members that the water main priority list will be reviewed in conjunction with the street priority list to facilitate the coordination of projects. The Water Main Rehabilitation Projects will be based upon the priority listing and are to be implemented each fiscal year.

Mr. Leary moved to recommend acceptance of the priority list as presented by staff, seconded by Mr. McGiffin and unanimously carried.

Due to time constraints, Mr. Ruane suggested that the remaining agenda items be deferred until the next committee meeting.

Mr. Leary moved to defer the remaining agenda items until the next committee meeting, as follows: 1) Annual Engineering Consultant's Report on the Operation and Maintenance of the Electric System - Fiscal Year 2007; and 2) PACE/NAES Monthly Report (*December*). The motion was seconded by Mr. McGiffin and unanimously carried.

Mr. Leary moved for adjournment, seconded by Mr. McGiffin and unanimously carried.

Meeting Adjourned at 5:56 P.M.

Respectfully submitted,

Eugene B. Ruane
Chairman

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LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on February 11, 2008 at 6:00 p.m. with Chairman Slavin presiding. Members present were Mr. McGlumphy, Mr. Salters, Dr. Jones, and Mr. Shevock. Other members of Council present were Mr. Leary, Mr. McGiffin, Mr. Hogan, Mr. Ruane, and Mayor Carey.

AGENDA ADDITIONS/DELETIONS

Mr. Salters moved for approval of the agenda, seconded by Mr. McGlumphy and unanimously carried.

Comprehensive Annual Financial Report - Final Presentation

During their meeting of December 10, 2007, members reviewed the final draft of the City's Comprehensive Annual Financial Report (CAFR) for the year ending June 30, 2007. Mrs. Mitchell, Treasurer/Finance Director, reminded members that this is the first time the Audit Committee approach has been used in the preparation and presentation of the CAFR.

Members were provided a Presentation of the Final Comprehensive Annual Financial Report, which was reviewed by Mrs. Mitchell. She also provided a summary and provided explanations to the major highlights of the report.

Mr. McGlumphy stated that as a laymen, the information provided is very difficult to comprehend and suggested that the report allow for more transparency and details to assist members in having a better understanding. Responding, Mrs. Mitchell stated that the terminology and manner in which items are grouped together is a requirement of the new GASB. She explained that the front section of the report contains the items in groups; however, further in the report (pages 90-91), information regarding individual departments is provided.

Mr. Salters moved to recommend acceptance of the Comprehensive Annual Finance Report - Final Presentation, as presented by staff, seconded by Mr. McGlumphy and unanimously carried.

Amendment to Robbins Hose Company Annual Contribution in the CIP to Reflect New Cost of Engine 5 Replacement

Members considered a request to amend the Robbins Hose Company annual contribution in the CIP of the City 2007/08 Budget, to reflect the down payment of $5,000 and ordering of replacement Engine #5. Fire Chief Carey advised members that in accordance with the CIP for next fiscal year, the Dover Fire Department sent out a specification for a piece of fire apparatus to replace the current Engine #5, which is a 1989 Mack/Pierce. He indicated that there is a long delivery time for fire engines which requires the order to be placed well in advance of the fiscal year. Although the specification was sent out to four (4) vendors (American LaFrance, KME, Seagrave, and Pierce), he advised members that Pierce was the only vendor to submit a proposal, at a cost of $588,614. Chief Carey stated that they also submitted a bid for an optional cab which would lower the cost to $539,299. The engine committee chose to go with the optional cab and also eliminated several safety items to bring the truck close to the City's projected budget (CIP), which resulted in a cost of $512,764. By inflating the price for a 3% maximum change order limit, he stated that the cost would be $528,146. To finance this option over three years (using current market rates) would translate

into a loan payment of $180,300 for a total financed cost of $540,900. It was noted that the payments are subject to change based on prevailing interest rates at time of financing.

Chief Carey advised members that the following crash safety options were eliminated: Advanced ABS System, Tire Pressure Management System, Seat Belt Alarms, Side Roll Protection, Additional LED Warning Lights on Cab Doors (exit), Insta Chains, and Frontal Impact. These safety items would bring the cost to $555,478 including the 3% maximum change order limit. To finance this option over three years (using current market rates) would translate into a loan payment of $195,300 for a total financed cost of $585,900.

Chief Carey noted that Engine #5 is 19 years old and the Fire Department currently has a 15 year replacement program. He stated that the current engine lacks dependability which could jeopardize firefighter safety. He also indicated that research was completed to determine if the City paid for the truck being replaced, unfortunately, the files are not complete; however, staff was able to determine that $120,000 of City money was used to pay for the 1989 Mack.

Staff recommended approval of the amendment to Robbins Hose Company CIP sheet of the City 2007/08 Budget, down payment of $5,000 and ordering of the replacement of Engine #5. Chief Carey stated that upon modification of the CIP, the equipment would be ordered and that the order and down payment in the amount of $5,000 must be in by February 27, 2008 to secure current prices. The estimated delivery would be in late 2008.

Mr. McGlumphy relayed concern with the timing of the request and difficulty in supporting the request based on information obtained from studies completed. In reviewing the CIP sheet, he noted that the original budget for the replacement of Engine #5 was $150,000 for FY2009 through FY2011 and now the request has increased to $180,000 to $195,000 per year. It was his feeling that it would be irresponsible for Council to approve an increase for an obligation of this magnitude for this upcoming fiscal year without the knowledge and consideration of the entire budget and needs for FY2009. Mr. McGlumphy suggested that in taking such action, members would be "hedging their bet", explaining that it is unknown whether the cost for the truck would increase or decrease the next year.

Responding to Mr. McGlumphy, Chief Carey advised members that the delivery time for a fire truck is approximately one (1) year ,which is why it is necessary to place the order at this time. The main concern at this time is the down time of Engine #5 due to broken fuel lines. He also advised members that Engine #5 failed the pump test, which is an NFPA requirement. The pump test should be rated at 2,000 gallons per minute and Engine #5 is rated at 1,850 gallons per minute, which is a significant factor for fire fighting efforts.

In response to additional concerns relayed by Mr. McGlumphy, Chief Carey stated that the City's Purchasing Department did not assist in the specification process and that it was conducted by a committee of the Fire Department. He assured members that all vendors were given the same opportunity for bidding, including the option to eliminate items, and that no member of the Fire Department would benefit financially from this purchase. He also confirmed that the purchase is for

a Pierce Truck and would be ordered from Pierce. Responding to Mr. McGlumphy, Chief Carey explained that Singer Associates is the distributor for the Delaware and Maryland area and that there is one (1) member of the Fire Department associated with Singer Associates; however, he stated that this member did not serve on the committee and was not involved with the development of the specifications.

Referring to the report by Haggarty and Haggarty Accountants that was previously provided to members, which includes recommendations for the Fire Department, Mr. McGlumphy explained that the reasoning for his questions is that the recommendations are contrary to the request of staff. Until members are provided the opportunity to discuss the merits of the accountant's recommendations, Mr. McGlumphy stated that he is not in favor of approving any purchases for the Fire Department, nor would he favor approving any purchase of equipment that was not bid through the City's Purchasing Department.

In response to Mr. McGlumphy, Chief Carey indicated that he would provide members and staff a copy of the bid and final pricing for the requested purchase. With regards to the sale of the current Engine #5, Chief Carey stated that the monies derived from the sale are used to pay for equipment and apparatus for the Fire Department; these funds are not given to the City. Since the City would be paying for the equipment, Mr. McGlumphy suggested that any funds acquired as a result of the sale of such equipment should be submitted to the City.

Responding to Mr. Salters, Chief Carey stated that there is a safety issue involved with Engine #5 and reiterated the need for its replacement.

Mr. DePrima stated that in previous years, the Fire Department would order the apparatus the year prior to the year the purchase was budgeted and if there was an increase in the actual purchase price from the amount budgeted, staff would make an adjustment to the budget. In this instance, the Fire Department took a more proactive approach by notifying Council of the price increase based on the bids received and worked with staff in the development of a revised CIP Sheet.

Being aware that American LaFrance has filed bankruptcy, Mr. Hogan questioned why the other two (2) companies did not submit a bid. In following up with the vendors regarding this matter, Chief Carey stated that KME did not respond to the inquiry and that Seagrave submitted a letter indicating that they were not interested in submitting a bid. He stated that an offer has been received for the purchase of Engine #5 in the amount of $30,000, which is substantially less than the amount desired by the Fire Department. He estimated that the original cost of Engine #5 was $220,000 in 1989.

Referring to the Haggarty and Haggarty Report provided to members, Mr. Leary stated his concerns as a steward of taxpayer's money and questioned what actions are being taken in conjunction with City staff to rectify the problems. Chief Carey advised members that in previous years, the City would provide the Fire Department with their portion of the loan payment for processing and that now, the Fire Department has no access to the loan funds. He explained that the Fire Department provides the loan payment to the Finance Department for processing. He stated that another correction being made is with the bidding process for equipment, explaining that a blanket bid will

be let in July for the entire year. As an example, Chief Carey stated that bids would be let for the purchase of boots in July; however, the boots would be ordered throughout the year only as needed. He assured members that actions are being taken to correct the issues relayed by the accountants.

Several members relayed their support for the Fire Department and appreciation to the men and women who serve the City in this capacity.

Mr. McGlumphy moved to recommend tabling the request based on such requests being kept within the City's budget process, the receipt of a report within the next couple of weeks, an improved comfort with the Fire Chief's plan for improvement, and assurance that all financial matters are handled by the City's Finance Director. The motion was seconded by Dr. Jones.

Mr. Salters relayed concern that the delay in action by tabling the request could jeopardize the safety of the citizens of Dover.

Chief Carey stated that the City's Finance Director is currently responsible for handling the loan process, although it will be a loan of the Fire Department. He also advised members that delaying the ordering of the truck will result in a 4% to 5% increase, and noted that the purchase price is only locked in until February 27, 2008.

Mr. Slavin relayed his concern with several issues included in the Haggarty and Haggarty Report, as well as the bid process. He stated that although he supports the Fire Department, members have a responsibility and obligation to provide due diligence regarding this matter. If the matter is tabled, he offered to place the request on the committee's next agenda, in two (2) weeks, at which time, the Haggarty and Haggarty Report could be brought forward and the Fire Chief would be provided the opportunity to respond to the recommendations.

The motion recommending that the matter be tabled was carried with Mr. Salters and Mr. Shevock voting no.

Request of Capital School District - New Construction Surcharge

During their meeting of February 26, 2007, members reviewed a letter received from Dr. Michael Thomas, Superintendent of Schools for the Capital School District, requesting consideration of the adoption of a surcharge on new home construction, similar to the ordinance enacted by Kent County Levy Court. The ordinance would provide financial support for the school district in funding future capital projects. At that time, Dr. Thomas indicated that at least one municipality in Kent County (Town of Smyrna) has enacted such a surcharge and that other municipalities are in the process.

Mrs. Mitchell, Treasurer/Finance Director, provided members with copies of the ordinances adopted by Kent County and the Town of Smyrna, and a compilation of sample charges. She also provided and reviewed a recap of each ordinance.

Dr. Thomas explained that the proposal submitted by the Capital School District is to charge an impact fee in the amount of 1.25% of the construction value of the building permit of new residential dwellings and new non-residential structures of all types. The funds for the impact fee would be collected by the City and transferred to the Capital School District quarterly. These funds would be used specifically by the Capital School District for capital construction to enhance the provision of educational facilities to the residents of the City.

Dr. Thomas advised members that both the State of Delaware Department of Education, and the Capital School District conducted an enrollment study. It is felt that the growth enrollment predictions of the Capital School Districts are more realistic. He noted that an important fact is not only with regards to growth but the need to modernize facilities for the Capital School District. He stated that the State of Delaware estimates that within the next five (5) to ten (10) years, there would be an increase of 6,300 to 6,400 and thereafter, the enrollment numbers would maintain; the Capital School District estimated that there would be an additional 300-400 enrollment growth beyond ten (10) years.

Mr. McGlumphy noted that many of the residents of the Second Council District are within the Caesar Rodney School District. Responding, Dr. Thomas stated that the bulk of the Caesar Rodney School District lies within Kent County boundaries. He is not aware of any action taken by the Town of Camden regarding this concept.

Mr. Ruane questioned if there has been any analysis of the results of the surcharge as it relates to the cost for a new home. Dr. Thomas stated that he is not aware of any analysis.

Responding to Council President Williams, Dr. Thomas explained that there are several issues that drive the need for facilities: enrollment and programs and services provided to children. He suggested that, considering education in general, over the past 30 years, there have been other factors that have driven the need for additional space that are not relative to enrollment. He explained that there is the issue of providing services to special needs children, as well as providing for full-day kindergarten, and that these issues require additional space.

Mr. Thomas Keitel, Capital School District Board Member, advised members that there is no extra empty classroom for kindergarten through fourth grade; therefore, any growth whatsoever puts a binding pressure on the school district. He noted that there is now an extra concern with the initiation of Pre-K. He stated that the current facilities of the Capital School District are inadequate for the current student population.

In response to Mr. Shevock, Dr. Thomas stated that the County impact fee is collected only for properties located outside of the City limits. If the proposed impact fee were instituted for the City, he suggested that the impact fees collected for properties that are within another school district would benefit that particular school district and not the Capital School District.

Mr. Hogan noted that the impact fee collected by the County provides for Polytech School District as well. It was his opinion that if the City were to initiate the impact fee, there would need to be a determination as to the amounts that would be assigned for each of the school districts: Capital,

Caesar Rodney, and Polytech. Responding to Mr. Hogan, Dr. Thomas stated that as of the last report provided by Kent County, they have collected $269,642.70 for Capital School District; however, none of this money has been applied for by the Capital School District. He stated that the Board has decided that the Capital School District would apply for the funds at such time as a referendum is held for the construction of the new high school. He noted that the construction costs for the new high school are currently estimated at $101M and that every year it is delayed, due to inflation and construction costs, this amount will increase.

In reviewing the committee minutes of February 26, 2007, Mr. Slavin questioned the receipt of the following information: 1) an opinion from the City Solicitor regarding any restriction in the City Charter that would prohibit the City from adopting such an ordinance; 2) a determination as to whether or not there is legislation that would require the State to grant the City authorization to institute such a surcharge, noting that the County had to obtain such permission; and 3) a report from staff in accordance with the motion. There being no objections, Mr. Slavin stated that no further action would be taken regarding this request until such time that the requested information has been provided to members.

Due to time constraints and there being no objections, Mr. Slavin deferred action on the Status of Incentives for Downtown until the next committee meeting scheduled for February 25, 2008.

Mr. McGlumphy moved for adjournment, seconded by Mr. Shevock and unanimously carried.

Meeting Adjourned at 7:04 P.M.

Respectfully submitted,

Timothy A. Slavin
Chairman

TAS/TM/jg
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PARKS, RECREATION, AND COMMUNITY ENHANCEMENT

The Parks, Recreation, and Community Enhancement Committee meeting was held on February 12, 2008, at 12:00 noon with Chairwoman Russell presiding. Members present were Mr. McGlumphy, Mr. Ruane, Mrs. Horsey, and Mr. Lewis.

AGENDA ADDITIONS/DELETIONS

Mr. McGlumphy moved for approval of the agenda, seconded by Mr. Ruane and unanimously carried.

Animal Care and Control Service

During their meeting of January 15, 2008, members were provided an update by the City Manager on the cost benefit analysis for providing animal control services by considering the elimination of the City's animal control officer and contracting with the SPCA. Members were advised that the City Manager was in the process of finalizing the material for developing a final report to be considered by members during a future meeting. As a result of several questions, it was suggested that Mr. Goldwaithe, Executive Director of SPCA, be invited to meet with members.

Mr. DePrima reminded members that Mr. Goldwaithe was requested to provide members with information regarding those services that are provided by the SPCA in Kent County and the City, and an understanding of what services are provided to the City through the contract with the County or State.

Mr. Goldwaithe advised members that there is no contract with Kent County and that the SPCA is contracted by the State of Delaware to enforce the State Dog Law. There are two (2) contracts with the State: one through DNREC, which handles the dog management control; and the Board of Health, Department of Social Services, which handles rabies control (animal bites). Under the State's contract, Mr. Goldwaithe stated that those municipalities that already had their own animal control laws and services were not included since it was their preference not to be included. The only contract that the SPCA has with the City of Dover is for housing animals. The SPCA does provide services to the City, on an hourly basis, when the animal control officer is not available or when the Police Department requests assistance.

Responding to Mr. DePrima, Mr. Goldwaithe stated that DNREC continues to be responsible for dog management control. There is a three (3) year plan, as a result of new legislation, that requires cities and towns to pay for animal control through the County. He stated that beginning his year, DNREC has paid half of the contract fees and that for the following years, the County will pay for all contract fees; however, the program will continue to be managed through DNREC.

Mr. McGlumphy reminded members that staff was requested to conduct a cost benefit analysis for providing animal control services by considering the elimination of the City's animal control officer and contracting with the SPCA. He requested Mr. Goldwaithe to provide his opinion regarding the costs and services for outsourcing animal control and details regarding the services that are provided by the SPCA that are not currently provided by the City. He noted that staff has suggested the possibility of hiring additional animal control officers. In an attempt to control costs, he questioned the benefits of the City hiring additional officers versus having the services provided by the SPCA.

Mrs. Russell also requested details as to the types of training provided by the SPCA for their animal control officers.

Mr. Goldwaithe stated that animal control officers for the SPCA are provided training through the OGP Guidelines and state and national training conferences to obtain certification. The State of Delaware does not currently require animal control officers to be certified as law enforcement officers; however, these officers are certified for providing law enforcement services that are animal related, such as warrants, arrests, prosecutions, etc. He explained that the SPCA is governed by the Delaware Code to provide animal enforcement in the State of Delaware.

Responding to Mr. Ruane, Mr. Goldwaithe stated that the animal control officers are required to obtain National Certification, which authorizes them to administer tranquilizers. Animal control officers would be required to obtain federal licenses for control and narcotics, explaining that the SPCA is also an animal hospital. Only those officers that have obtained certification and their department has acquired the required DDA licensing are permitted to administer tranquilizers.

Mr. DePrima stated his belief that training is available, at a minimal cost, for the City's animal control officers to obtain the certification and authorities for providing law enforcement services. With regards to the tranquilizing, it was his feeling that the Police Department could obtain DDA licensing.

In response to Mrs. Russell, Mr. Goldwaithe advised members that officers of the SPCA are available 24 hours per day, 7 days per week. He noted that he has provided the City's Police Department with three (3) different proposals for providing services to the City. A comparable to the City's current services, he stated that the SPCA could assign an officer specifically for the City, 7 days per week, 12 hours per day. He advised members that most complaints are received between 6:30 a.m. to 10:00 a.m. and then 4:00 p.m. to 7:00 p.m. Mr. Goldwaithe stated that, unlike the City, the SPCA would not require a police officer to assist with any animal control issue, which eliminates the need to take a law enforcement officer away from their duties. The SPCA provides all the animal housing, which he estimated would take an hour trip for a City officer.

Regarding the proposals submitted to the Police Department, Mr. McGlumphy requested that members be provided copies of the proposals. Mr. Goldwaithe indicated that the proposals consisted of alternatives for 60 days, 90 days, and one (1) year.

Responding to Mr. DePrima, Mr. Goldwaithe stated that the SPCA responds to all animal complaints, including cats. He advised members that last year, the SPCA responded to 55 complaints and 84 assists in the City. The SPCA took in 715 cats, 278 dogs, 7 exotics, and 2 goats, and handled 10 wildlife cases.

Mr. DePrima noted that both the State of Delaware and Kent County pays the SPCA for animal control services. The City of Dover residents pay State and County taxes; however, the residents are not provided any of these services. When the SPCA responds to a City request, the City pays for this service (hourly rate and flat fee for housing). It was his opinion that this is an unfair situation for

the resident of Dover, explaining his opinion that the residents of Dover should be receiving services equal to the County and State residents. He felt that, in essence, the City is subsidizing services in the County since the City chose to have an animal control officer. Mr. DePrima further explained that, due to the fact that the City does have an animal control officer, there is less burden for the SPCA. He suggested that there should be a certain amount of services provided by the SPCA to the residents of Dover since they too are taxpayers of the State and County. He stated that a part of the cost benefit is analyzing why the City is required to pay extra for a service, when, in the County, those residents are not required to pay for the service.

Responding, Mr. Goldwaithe advised members that the SPCA met with Police Chief Horvath and Ms. Herman, Program Manager for DNREC, at which time the Police Chief indicated that the City of Dover was not interested in the SPCA providing animal control services to the City. Therefore, he explained that the City was not figured into the SPCA contract with the State of Delaware for dog control. He assured members that this service is paid for; however, the costs were not included in the contract with the State since the City did not want to be included.

Noting that the City was not included in the State's contract relating to dog control, Mr. DePrima noted that the City has contracted with the SPCA for additional services, such as housing for animals, which he felt should be included in the State's contract. Responding, Mr. Goldwaithe suggested that if the City indicated a desire to have these services included in the contract with the State, the contract would be developed accordingly. He noted that the SPCA is currently in the second year of a three (3) year contract with the State. If desired, he suggested that the City meet with Ms. Herman to determine if the City could be included in this regard and advised members that the SPCA is in the process of submitting a contract to the City for the housing of animals.

In response to Mr. DePrima, Mr. Goldwaithe stated that the fees paid for dog licensing is credited to the State for dog control. Mr. DePrima noted that there is no credit provided to the City for dog licenses purchased by City residents; therefore, Dover residents pay for these services through taxes as well as licensing.

Mrs. Horsey questioned which municipalities are provided animal control service by the SPCA. Mr. Goldwaithe stated that the Towns of Milford and Smyrna have contracted with the SPCA for animal control services. He stated that it would be necessary for the SPCA to add an additional officer if they were to provide animal control services for the City of Dover.

For clarification regarding cat control, Mr. Goldwaithe explained that there are no current laws regarding cats; however, the SPCA will provide assistance if a resident has a cat problem or there is an indication that there are sick cats, due to the possibility of a rabies control issue.

Mrs. Russell suggested that members be provided the proposed contracts submitted to the City and that the Police Chief and Mr. Goldwaithe attend the next committee meeting on March 11, 2008 to further discuss this issue. As directed during the committee meeting of January 15, 2008, Mr. McGlumphy noted that staff was requested to contact the City of Newark and Wilmington to obtain information as to how they handle animal control within their jurisdiction and requested that

this information also be provided to members during their next meeting. Mr. Ruane suggested that the City Manager include his recommendation with regards to the Police Department in the final report of the cost benefit analysis for providing animal control services. In order to allow for appropriate review, Mrs. Russell reiterated the need to include all the information in the packet for the meeting and that the information not be presented to members at the committee meeting.

Noting that another option has been presented to members, Mr. Ruane requested that the City Manager's report include the alternative of having the animal control services provided by the SPCA through the State of Delaware contract, to be paid for by the resident through the licensing fees and taxes paid to the State and County. For clarification, Mr. Goldwaithe indicated that the State's contract only provides for animal control services for dogs and wildlife.

Mr. Ruane suggested that the draft amendments to the City's animal control ordinance be provided to the representatives of SPCA for their review and comments. Due to the amount of time it has taken in the development of this draft, he questioned if members wish to pursue the amendment, to determine if he should continue to work on this project.

Responding, Mrs. Russell suggested that members have been delaying the consideration of the proposed ordinance amendment for receipt of additional information, such as that which is being obtained regarding the animal control services.

Updates
Members were provided the following updates:

Puncheon Run Watershed Action Team Update
Mr. Koenig, Public Services Director, indicated that no further action has been taken since the last update; therefore, the next update will be provided to members during their meeting of March 11, 2008. Responding to Mr. Ruane, Mr. Koenig stated that he anticipates a meeting to be held by the Puncheon Run Watershed Action Team prior to the committee's meeting on March 11, 2008 and that members will follow-up on the recommendations of the URS Corporation that were submitted to the Conservation District.

Mr. Koenig stated that he also requested that the concerns previously relayed by Mr. Ruane be addressed regarding the flood plain of the Puncheon Run.

Mr. Ruane reiterated the importance of notifying residents due to the affect the results could have on their obtaining insurance. He stated that the committee will be given the opportunity to be supportive of recommendations to be forwarded to the General Assembly.

John W. Pitts Recreation Center
Mr. Carter, Director of Parks and Recreation, reviewed the update for the John W. Pitts Recreation Center, and advised members that the opening is scheduled for March 2008; therefore, he stated that this should be the last update provided to members.

Responding to Mrs. Russell, Mr. Carter stated that once the building is completed, he would contact her to schedule a tour of the facility for members of the Services for Seniors Committee. In response to her request regarding the basketball team, Delaware Finest, Mr. Carter stated that there are no other City facilities available to provide basketball courts and that the space at the new Center will be made available for leasing.

Mr. Ruane requested that during the next committee meeting, staff be directed to provide members an update on the status regarding the Schutte Park issue involving the Boys and Girls Club and the CDSA, which was previously discussed by members.

Mr. Frank Tenusak, 880 Schoolhouse Lane, indicated his interest in additional facilities for residents. He stated that he has found difficulty in locating a place for individuals who wish to play basketball, exercise, etc., due to the facilities being rented and leased to groups. He suggested consideration of public comments on what would be desired of the various facilities. Responding, Mrs. Russell suggested that Mr. Tenusak attend the Services for Seniors Committee meeting tomorrow, which was developed as a result of several of these same concerns.

Mr. Carter advised members that staff is continuing to meet with senior citizens in an attempt to address their needs in this community relative to recreation, including the Senior Olympics.

Planning and Funding for New Library

Mr. Richard Thau, Library Director, provided an update on the planning and funding for the new library.

Mr. Ruane requested that staff provide a brief financial report regarding the new library during future updates.

Mr. Frank Tenusak, 880 Schoolhouse Lane, advised members of his involvement at the State level, prior County meetings, and recent Library Commission meetings. Being supportive in the development of library facilities, he was requested to participate in fund raising efforts. Having attended a recent fund raising meeting, it was his feeling that prior to asking the public for contributions for this cause, as well as other groups beyond the monies available from governments, that the known status of the project be defined clearly as it applies specifically to the City of Dover. He explained that although there have been studies conducted, it would behoove those involved in the fund raising efforts to have information relative to the decisions made by Council regarding the construction and funding for the new library. He also requested any documents that may exist that specify the current status of the plans for the new library. Mr. Tenusak stated that this information is critical so that when members approach the people for contributions and they have questions, members will be able to respond.

Mr. Thau assured members that once the "team of consultants" has been acquired, their responsibility would be to consolidate the project and clarify the elements therein in order for the development of a cohesive plan.

2008 Comprehensive Plan Update

Mr. Koenig, Public Services Director, reviewed the update on the Comprehensive Plan development process for the 2008 Comprehensive Plan.

Mr. Ruane requested that staff provide members with a copy of the current Comprehensive Plan to allow members the opportunity to better understand the various elements.

It was noted that staff would like to have determined at what point during this process they should no longer accept applications to amend the current Comprehensive Plan. Mr. Koenig explained that this deadline would allow staff to prepare a Comprehensive Plan to be submitted to the State in a final format, without pending amendments. Staff recommended that a deadline of May 2, 2008 be established for these applications. This would allow for Council to take action on the applications in July, which aligns with the submission of the draft to the State for their review.

Mr. Ruane moved to recommend that a deadline of May 2, 2008 be established for accepting applications for amendments to the Comprehensive Plan, as recommended by staff. The motion was seconded by Mr. McGlumphy and unanimously carried.

Mr. Ruane noted that during the review of the previous Comprehensive Plan, the City Committees were involved since there are certain elements of the Plan specific to their area of expertise. As an example, he stated that the Safety Advisory and Transportation Committee had a very significant role in the development of the transportation section of the current Plan. He urged staff to schedule meetings with the various committees to allow for their input and allow for the committee's priorities and goals to be included, as well as to obtain their support of the Plan.

In addition, Mr. DePrima suggested that the civilian committee members be invited to attend the Planning Commission/Council Workshop scheduled for April.

Mr. McGlumphy moved for adjournment, seconded by Mrs. Horsey and unanimously carried.

Meeting Adjourned at 1:24 P.M.

Respectfully submitted,

Sophia R. Russell
Chairwoman

SRR/tm/ac/jg
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ACTION FORM

PROCEEDING: Legislative, Finance & Administration	**AGENDA ITEM NO.:** 02/25/2008
DEPARTMENT OF ORIGIN: FIRE	**DATE SUBMITTED**: 01/11/2008
PREPARED BY: Chief David Carey, City Manager	
SUBJECT: Amendment to Robbins Hose Company Annual Contribution in the CIP to Reflect New Cost of Engine 5 Replacement	
REFERENCE:	
RELATED PROJECT:	
APPROVALS: Finance Director, City Manager	
EXHIBITS: Modified CIP sheet	
EXPENDITURE REQUIRED FY08/09 – FY11/12: $180,300 or $195,300 annually as explained below **AMOUNT BUDGETED IN CIP**: $450,000 ($150,000 annually in FY 08/09, FY09/10 FY10/11). **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Fire CIP Page: Page 171	
TIMETABLE: Upon modification of the CIP, equipment will be ordered; order and down payment of $5,000 must be in by February 27, 2008 to secure current prices. Estimated delivery would be the late 2008.	
RECOMMENDED ACTION: Approval of amendment to Robbins Hose Company CIP sheet of the City 07/08 Budget, down payment of $5,000 and ordering of replacement Engine #5.	

BACKGROUND AND ANALYSIS

In accordance with the CIP for next fiscal year the Dover Fire Department sent out a specification for a replacement piece of fire apparatus to replace the current Engine 5 which is a 1989 Mack/Pierce. There is a long delivery time for fire engines which require the order to be placed well in advance of the fiscal year.

Engine 5 is 19 years old and we currently have a 15 year replacement program. The current engine lacks dependability which could jeopardize firefighter safety. The specification was sent out to four vendors, American LaFrance, KME, Seagrave, and Pierce. Pierce was the only vendor to submit a proposal.

The proposal for the specification came in at a cost of $588,614. They also bid an optional cab which would lower the cost to $539,299. The engine committee chose to go with the optional cab and also deleted several safety items to bring the truck close to the City's projected budget (CIP). That price is $512,764, inflating for a 3% maximum change order limit the price is $528,146. To finance this option over three years (using current market rates) would translate into a loan payment of $180,300 for a total financed cost of $540,900.

The Fire Chief wants Council to be aware of the following crash safety options : Advanced ABS System, Tire Pressure Management System, Seat Belt Alarms, Side Roll Protection, Additional LED Warning Lights on Cab Doors (exit), Insta Chains, and Frontal Impact. These would bring the cost to $555,478 including the 3% maximum change order limit. To finance this option over three years (using current market rates) would translate into a loan payment of $195,300 for a total financed cost of $585,900.

Research was completed to determine if the City paid for the truck being replaced. The files are not complete; however we were able to determine $120,000 of City monies were used to pay for the 1989 Mack.

* The payments are subject to change based on prevailing interest rates at time of financing.

City of Dover Annual Contribution to Robbins Hose Company



FISCAL YEAR: 2008 - 2012

PROJECT NO: n/a

CATEGORY: General

DEPARTMENT: Fire

DEPT. RANKING: 2

PROJECT DESCRIPTION: This contribution covers payments to the Robbins Hose Company to cover the Major Fire Apparatus Replacement Plan and the annual mortgage payment for Station #2.

NEED, JUSTIFICATION, BENEFIT: The annual mortgage payment is based on an earlier agreement that the City has with the Robbins Hose Company. The Major Fire Apparatus Replacement Plan ensures loan payments for replacement according to a schedule which guarantees equipment will not be outdated and unserviceable. This plan is based on replacing one of the Company's five engines and one rescue vehicle every three years which would put the average replacement age at 18 years. The two ladder trucks would be replaced every 15 years depending on condition and current needs. This schedule would reduce overall maintenance costs because fire apparatus would be replaced before major problems occur. By providing the Robbins Hose Company with the needed payments for the Major Fire Apparatus Replacement Plan, the Robbins Hose Company will be enabled to pay for a $5.5 million door rehabilitation of the Company Headquarters on Governors Avenue. This renovation is designed to handle 25 years of growth of the company and would preclude any need for an additional fire station in Dover. The Robbins Hose Company will also cover costs associated with miscellaneous apparatus and equipment such as command units, utility vehicles, and large hose replacement.

CONSEQUENCES OF DELAYING OR ELIMINATING THIS PROJECT: increased maintenance costs; possibility of not meeting ISO requirements and NFPA standards

THIS PROJECT IS RELATED TO THE FOLLOWING: n/a

EXPLANATION OF IMPACT ON OPERATING BUDGET: n/a

TIME-LINE/CURRENT STATUS:

Fiscal Year	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	TOTALS
Mtge Stat. #2	35,000						$ 35,000
Ladder 1 (2001)	70,000						$ 70,000
Ladder 2 (1993)	92,910	92,910	92,910	92,910	92,910	92,910	$ 557,460
Engine 4 (1989)							$ -
Engine 5 (1989)		180,300	180,300	180,300			$ 540,900
Engine 7 (1997)					160,000	160,000	$ 320,000
Totals	**$ 197,910**	**$ 273,210**	**$ 273,210**	**$ 273,210**	**$ 252,910**	**$ 252,910**	**$ 1,523,360**

COMMENTS: None

FIVE-YEAR COST BREAKDOWN SCHEDULE:

	Prior to 2008	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TOTAL
Planning and Design							
Land							
Construction							
Miscellaneous Equipment	197,910	273,210	273,210	273,210	252,910	252,910	**1,523,360**
Other							
TOTAL	**197,910**	273,210	273,210	273,210	252,910	252,910	**1,523,360**

FINANCING:

	Prior to 2008	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TOTAL
General Fund	197,910	273,210	273,210	273,210	252,910	252,910	**1,523,360**
TOTAL	197,910	273,210	273,210	273,210	252,910	252,910	**1,523,360**

IMPACT ON OPERATING BUDGET:

Description	Prior to 2008	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TOTAL

From: DePrima, Tony
Sent: Wednesday, February 20, 2008 3:52 PM
To: McDowell, Traci
Subject: Evaluation of Engine #5 Bid by Peter Gregg
The following is Pete Gregg's evaluation of the Fire Truck bid. Please include this in the LFA packet for next meeting thanks.

Tony,

I have reviewed the Pierce submission for the Pumper. I have also contacted the vendors who did not submit a bid. Please keep in mind that I am not a functional expert on Fire Trucks.

All documents were submitted by Singer Associates as required by the bid instructions. The bid submitted the Pierce truck met, almost exactly, all the requirements of the vehicle specifications. Therefore the Pierce should be considered as a responsive and responsible bidder. When only one bid is received, my advise to all Department Heads is paraphrased from Delaware Code, Title 29 which states if only one response is received, an award may be made to the single bidder if the Department determines that the price received is fair and reasonable and other prospective bidders had a reasonable opportunity to respond, or, there is not adequate time for re-solicitation. If the bid is rejected, they may solicit new bids or cancel the proposed procurement.

I received and email from Rick Strauss, Vice President of DPC Emergency Equipment, Sales representative for American La France. I will forward it to you for your review. I also spoke to Rob Mortka from Emergency Products Inc, representative of Seagrave, and Skip Stringer from James B. Hunt MFG Co, representative of KME. They all stated that they did not bid because the specification was proprietary and only a Pierce truck could meet all of the requirements. I can not verify this claim. Only someone knowledgeable about the details of this type of vehicle would know. It is the responsibility of the specification author to ensure that the specification is not restrictive.

If this specification had been bid through me, following the City of Dover Purchasing Policy, I believe that we would have had the same result. I will forward any emails I receive on this subject as I get them.

Please let me know if you need anything else from me on this matter. I want to state that Chief David Carey was extremely cooperative and provided answers to all my questions. It was a pleasure working with him on this review.

Pete

Peter K. Gregg
Contract and Procurement Manager
City of Dover
(302) 736-7795

Anthony (Tony) J. DePrima, AICP
Dover City Manager
P.O.Box 475
Dover, Delaware 19903
PH: 302-736-7005
FX: 302-736-7002
Check out our website www.cityofdover.com

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Gomes, Linda

To: Mitchell, Donna

Subject: RE: Dover Fire Department Bid

Mitchell, Donna

From: Rob Mortka [mailto:rob@emergencyproductsinc.com]
Sent: Friday, February 22, 2008 11:20 AM
To: Mitchell, Donna
Subject: Fw: Dover Fire Department Bid

----- Original Message -----
From: Rob Mortka
To: Gregg, Peter
Sent: Wednesday, February 20, 2008 7:12 PM
Subject: Re: Dover Fire Department Bid

Pete,

Thanks for the opportunity, and I hope this will assist in your Endeavour.

It is fact, by virtue of the postage date on the envelope, that it was mailed on the 11th of December, certified. I believe our offices received it no later than the 14th, you should be able to validate that with the certification of receipt. However, I am comfortable stating that it was on my desk by that date.

The cover letter inside is dated the 10th of December, additionally, it states that the bids were due back no later than the 31st (Noon). If I had begun to work on it immediately, that would give me 16 days for a turnaround. However, what needs to be taken into account is that we have six (6) days off the bat, that are either Saturdays or Sundays, days traditionally not worked, so now we are down to 10. Out of those 10, two of the days were holiday, the 24th and 25th, now we are at 8. Say what you want, but when the calendar falls the way it does, the whole nation takes advantage of the four day holiday, especially Christmas.

Eight days. Hardly not enough time, even if you have the inside track. I am sure you are aware of the time it takes just to turn a bond around! I (Reality is seven, cant work the day it is due!)

On page 2 of the specifications, there is a requirement for the unit to be delivered by the 31st of October. An approximate 10 month turnaround. Penalty would ensue for everyday there after. The statement is very bold with no consideration for the details of a contract to be worked out and some pre-approvals that are customary in our business. My guess is that Pierce Mfg. having the lead, would have all of these details already worked out, so they could commit to the timeline. The remaining boilerplate pages up to page 7, are indicative of items that I have seen in the past in an effort to exclude as many builders as possible.

The technical portion, specific to the apparatus itself, there are items in there that are proprietary. Examples are;

Page 8, "Front Non Drive Axle", calls for a suspension to be a "TAK-4" with a registered trade mark. This is indicative of a product that only Pierce provides. True there are other independent suspensions out there, but it is specific.

Page 19, eight paragraph, states for the cab access steps to be automatic, drop down when the door opens and to stow when the door is closed. An option only available by Pierce with their "Quantum" cab version.

Page 29, "Frontal Impact Protection", even though I cannot argue when it comes to safety, but as of the distribution, Pierce was the only one to offer this.

Page 63, "Pump", the configuration calls for a mounting system to be located under the crew cab, a design that Pierce just recently introduced in April of ' 07 with their "Husky" foam system.

I tried to focus on the items that are truly proprietary, there are more, but I hope this gives you and idea.

In summary, I could not meet the intent in seven days and turn around a bonafide proposal.

I close with this. If your intent is to buy a Ford, then you surely do not go to the Chevy dealer and furnish him with a list of options that you know he cannot comply with. There are ethical and savvy ways to get what you want and prove the worthiness as to why more money should be spent vs. accepting the lowest bid. One of the problems that plagues us today is that the fire service, hero's that they are, have come to expect too much and do not want to place the effort in justifying their need.

Respectfully,

Rob Mortka
President EPI

> ----- Original Message -----
> **From:** Gregg, Peter
> **To:** rob@emergencyproductsinc.com
> **Sent:** Wednesday, February 20, 2008 9:18 AM
> **Subject:** Dover Fire Department Bid
>
> Rob,
>
> I have been tasked with a review of the recent Dover Fire Department Bid for a Multipurpose Emergency Response Vehicle that was sent to Emergency Products Inc on December 11, 2008. Please respond to this email and let me know why your company, representing Seagrave, elected not to bid.
>
> Thanks you
>
> Peter K. Gregg
> Contract and Procurement Manager
> City of Dover
> (302) 736-7795
> Fax (302) 736-7178
> pgregg@dover.de.us
> www.cityofdover.com

Gomes, Linda

To: Mitchell, Donna
Subject: RE: Truck Purchase

Mitchell, Donna

From: Rick Strauss [mailto:rickstrauss@dpcemergency.com]
Sent: Wednesday, February 20, 2008 3:48 PM
To: Mitchell, Donna
Subject: FW: Truck Purchase

fyi..read below

Rick Strauss

Vice President

DPC Emergency Equipment

302-492-1245 phone

302-492-1340 fax

302-242-1693 cell

From: Rick Strauss [mailto:rickstrauss@dpcemergency.com]
Sent: Tuesday, February 19, 2008 4:31 PM
To: 'pgregg@dover.de.us'
Cc: 'adamjarrell@dpcemergency.com'
Subject: Truck Purchase

Pete,

Dover FD sent us a proprietary spec back in December asking us for a price. We were never given any chance at demo, meet with truck committee, etc. We were also only given a little over 2 weeks when 1 month is pretty much standard. We were simply given a spec and asked to bid. After looking at the spec and realizing that no exceptions were allowed, we determined it was not in our interest to bid. Given the amount of work involved with a truck bid, when a department will not even meet with you to discuss the bid, it is over 98% guaranteed to be a losing effort.

Dover FD never once contacted us asking if we had plans to bid and honestly, we didn't make much effort given the bid environment. We were never asked why we didn't bid, nor did we offer. We would be more than willing to sit with you and go over the bid spec pointing out what is proprietary. I actually enjoy reviewing trucks specs for that purpose much more than for bid purposes. As an owner of DPC, I am more concerned about a fair process than I am about whether or not we are awarded the bid. Our business is solely based on integrity and I hope to never lose that focus. Customers should take the time to educate themselves as to what they are buying and how to bid fairly and effectively. Most simply do not appreciate the time and resources it takes to put a proper truck bid together. Most truck dealers attempt to get their spec as the only acceptable spec to guarantee themselves a

sale. We prefer open bids where the bidder who best meets the spec for the price is successful. Price is not always the deciding factor, but should play a major role in that decision. Service should also play a major role.

We switched brands to Rosenbauer America on Jan 19, 2008. ALF had been having internal issues (not product issues) for over a year with no end in sight. We decided to explore other options and had actively been looking at several manufacturers since last Nov. We continued our operations as usual in all bid cases and left ALF 1 week before they filed.

The ALF bankruptcy took us by surprise on Jan 28, 2008...long after the bid closing date

There are many other variables which ultimately lead to us choosing to bid Dover or other accounts and I will gladly explain if interested. We have some pretty extensive exposure to municipal purchasing at several other departments - PG County MD, Baltimore County MD, Fairfax County VA, etc.

Please feel free to call.

FYI...We will have a Rosenbauer demo here this Friday, Fed 22 for about 1 month and would be more than willing to show the truck.

Rick Strauss

Vice President

DPC Emergency Equipment

302-492-1245 phone

302-492-1340 fax

302-242-1693 cell

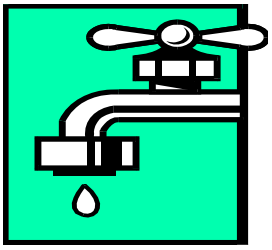
CITY OF DOVER

FINANCE DEPARTMENT

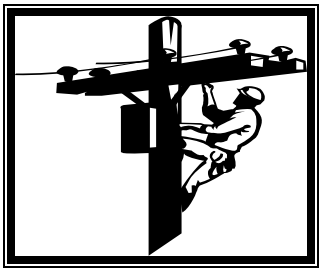
MONTHLY BUDGET REPORT

JANUARY 2008









PREPARED BY: FINANCE DEPARTMENT

PLEASE NOTE – THIS REPORT PROVIDES TOP LINE INFORMATION ON THE THREE MAJOR OPERATING FUNDS. IF YOU WOULD LIKE ADDITIONAL INFORMATION, PLEASE FEEL FREE TO CONTACT THE FINANCE DEPARTMENT.

City of Dover
Finance Department
Monthly Budget Report

JANUARY 2008

Strategic Objectives for Fiscal Year 2007 – 2008

1. Coordinate audit program with the Legislative, Finance & Administrative Committee. Meet all deadlines as established in the audit program.

2. Test of internal controls by the auditor. Not to exceed the tolerable rate established by the auditor's by more than five (5) percent.

3. Utilizing Fortis, scan 10% of files/documents into an electronic database.

4. Conduct an internal control risk assessment.

ACTIVITY LEVELS

	FY07 – YTD	FY08 – YTD
Bank Trends		
Total Amount of All Deposits	$ 78,646,517	$ 86,208,014
Number of Bank Accounts	27	28
Payroll:		
Number of Pay Periods	16	15
Number of Payroll Checks	6,718	6,636
Number of Pension Checks	1,538	1,553
Total Gross Payroll	$ 11,399,154	$ 11,338,202
Total Pension Payments	$ 2,306,601	$ 2,374,109
Total Overtime	$ 434,921	$ 428,678
Accounts Payable:		
Number of Vouchers	4,422	5,095
Dollar Amount Disbursed	$ 15,066,571	$ 21,361,218
Wire Transfers	$ 57,888,275	$ 62,269,687

City of Dover
Finance Department
Monthly Report – January 2008

General Fund Summary

	Budget	YTD	Balance	58% of Budget
Receipts				
Beginning Balance	$ 3,542,086	$ 3,912,270	$ (370,184)	110.5%
Court of Chancery Fees	761,000	445,860	315,140	58.6%
Fines & Police Revenues	1,182,169	571,538	610,631	48.3%
Franchise Fees	422,000	226,749	195,251	53.7%
Grants	97,440	54,948	42,492	56.4%
Intrafund Services	4,899,522	2,489,740	2,409,782	50.8%
Library & Recreation Revenues	531,297	426,951	104,346	80.4%
Licenses & Permits	2,547,343	2,296,920	250,423	90.2%
Property Taxes	9,453,511	10,043,852	(590,341)	106.2%
Sanitation Revenues	1,361,411	844,722	516,689	62.0%
Other Miscellaneous Revenues	372,363	291,505	80,858	78.3%
Transfers-In from Other Accounts & Utilities				
Civil Traffic Penalties	500,000	269,654	230,346	53.9%
Municipal Street Aid Fund	660,000	475,075	184,925	72.0%
Transfer Taxes	2,650,222	2,133,498	516,724	80.5%
Parkland Reserve	1,987,200	2,132,370	(145,170)	107.3%
Water/Wastewater Fund	565,000	606,780	(41,780)	107.4%
Electric Fund	6,601,269	2,650,317	3,950,952	40.1%
Total	$ 38,133,833	$ 29,872,749	$ 8,261,084	78.3%
Expenditures				
City Clerk & Council	$ 422,893	$ 192,669	$ 230,224	45.6%
Mayor, City Manager & Human Resources	1,271,498	602,193	669,305	47.4%
Police & Police Extra Duty	11,795,705	6,432,173	5,363,532	54.5%
Public Works	4,663,483	2,382,476	2,281,007	51.1%
Central Services	2,467,120	1,359,758	1,107,362	55.1%
Planning & Inspections	1,529,503	769,388	760,115	50.3%
Finance, Info Tech & Customer Services	2,772,642	1,501,511	1,271,131	54.2%
Library & Recreation	1,849,341	952,655	896,686	51.5%
Fire	644,773	324,135	320,638	50.3%
Assessor	332,606	118,564	214,042	35.6%
Debt Service	437,468	437,468	-	100.0%
Insurance	546,857	266,585	280,272	48.7%
Retirees' Health Care	683,321	433,266	250,055	63.4%
Street Lights	575,000	530,675	44,325	92.3%
Provision for Uncollectibles	10,000	10,000	-	100.0%
Transfers Out				
Pension Fund	89,850	89,850	-	100.0%
Pension COLA	44,925	44,925	-	100.0%
Contingency Reserve	34,500	34,500	-	100.0%
Library Reserve	399,350	399,350	-	100.0%
Capital Projects Fund	4,680,362	3,632,370	1,047,992	77.6%
Budget Bal-Working Capital	2,882,636	-	2,882,636	0.0%
Total	$ 38,133,833	$ 20,514,511	$ 17,619,322	53.8%
Reserve Balances				
Contingency	$ 711,180	**$ 697,156**		

City of Dover
Finance Department
Monthly Report – January 2008

Water/Wastewater Fund Summary

	Budget	YTD	Balance	58% of Budget
Revenue				
Beginning Bal-Water	$ 2,037,928	$ 2,190,178	$ (152,250)	107.5%
Beginning Bal-Wastewater	1,289,956	1,092,601	197,355	84.7%
Beginning Bal-Kent Co Sewer Adj.	(1,109,481)	(1,198,201)	88,720	108.0%
Water Fees	4,371,900	2,636,207	1,735,693	60.3%
Water Tank Leases	242,798	189,391	53,407	78.0%
Wastewater Fees	2,508,600	1,555,366	953,234	62.0%
Impact Fees	746,500	577,370	169,130	77.3%
Kent County Treatment Fees	4,264,357	2,476,840	1,787,517	58.1%
Miscellaneous	188,750	113,600	75,150	60.2%
Total	$ 14,541,308	$ 9,633,352	$ 4,907,956	66.2%
Expenses				
Engineering & Inspection	$ 646,464	$ 292,707	$ 353,757	45.3%
Water	956,975	498,781	458,194	52.1%
Water Treatment Plant	968,057	492,240	475,817	50.8%
Wastewater	1,159,137	457,988	701,149	39.5%
Water Meter Reading	63,293	37,052	26,241	58.5%
Construction & Inspection	521,595	249,501	272,094	47.8%
Kent County Treatment Fees	4,065,467	2,151,608	1,913,859	52.9%
Retiree's Health Care	113,730	67,805	45,925	59.6%
Debt Service	180,877	116,903	63,974	64.6%
Intrafund Services	1,363,424	642,077	721,347	47.1%
Transfers Out				
General Fund	565,000	565,000	-	100.0%
Water/Wastewater I & E Fund	3,435,800	1,000,000	2,435,800	29.1%
Impact Fee Reserve	384,650	-	384,650	0.0%
Pension COLA	10,200	10,200	-	100.0%
Pension Unfunded Liability	20,400	20,400	-	100.0%
Budget Bal-Working Capital - Water	430,356	-	430,356	0.0%
Budget Bal-Working Capital - WW	566,474	-	566,474	0.0%
Budget Bal-Working Capital - KSA	(910,591)	-	(910,591)	0.0%
Total	$ 14,541,308	$ 6,602,262	$ 7,939,046	45.4%

Reserve Balances		
Contingency-Water	$ 112,818	**$ 111,213**
Contingency-Wastewater	$ 127,221	**$ 124,271**
Impact Fee Reserve	NO BUDGET	**$ 2,550,085**

Bond Coverage Ratio (Covenant 1.20)	**2.06 ***	**4.47**

* High ratio attributed to lower Debt Service Requirement and timing of expenses/transfers.

City of Dover
Finance Department
Monthly Report – January 2008

Electric Revenue Fund Summary

	Budget	YTD	Balance	58% of Budget
Revenue				
Beginning Balance	$ 7,822,873	$ 7,627,419	$ 195,454	97.5%
Sales to Customers	93,516,294	57,216,187	36,300,107	61.2%
Utility Tax	1,599,100	1,016,140	582,960	63.5%
Weyandt Hall Rents	186,816	77,484	109,332	41.5%
Miscellaneous Revenues	2,479,250	2,142,991	336,259	86.4%
Duke Contract Revenue	800,000	-	800,000	0.0%
Intrafund Service Receipts Water/Wastewater	267,483	99,552	167,931	37.2%
Total	$ 106,671,816	$ 68,179,773	$ 38,492,043	63.9%
Expenses				
Power Supply & Generation				
Power Supply	$ 60,764,531	$ 31,842,325	$ 28,922,206	52.4%
Power Supply Management/Incentive	3,255,038	1,674,488	1,580,550	51.4%
Capacity Charges	11,493,950	7,234,546	4,259,404	62.9%
PJM Charges - Load	2,684,707	5,067,668	(2,382,961)	188.8%
Total Power Supply	78,198,226	45,819,027	32,379,199	58.6%
Plant Operations	6,258,151	2,842,553	3,415,598	45.4%
Generation Fuels	2,858,979	1,986,288	872,691	69.5%
Capacity Credits	(11,933,536)	(7,029,343)	(4,904,193)	58.9%
PJM Credits	(3,696,990)	(2,445,601)	(1,251,389)	66.2%
Total Generation	(6,513,396)	(4,646,103)	(1,867,293)	71.3%
Total Power Supply & Plant	71,684,830	41,172,924	30,511,906	57.4%
Electric Operating Divisions				
Transmission/Distribution	3,541,793	1,845,845	1,695,948	52.1%
Electrical Engineering	1,806,923	809,984	996,939	44.8%
Administration	744,423	361,558	382,865	48.6%
Meter Reading	318,995	174,408	144,587	54.7%
Systems Operations	464,503	291,282	173,221	62.7%
Utility Tax	1,599,100	1,016,140	582,960	63.5%
Interest on Deposits	35,000	29,313	5,687	83.8%
Retirees Health Care	464,620	293,143	171,477	63.1%
Accounts Receivable Write-Offs	100,000	100,000	-	100.0%
Green Energy Payment to DEMEC	134,350	83,839	50,511	62.4%
Debt Service	3,379,104	1,423,670	1,955,434	42.1%
Intrafund Services	3,803,581	1,947,214	1,856,367	51.2%
Inventory write-offs	100,000	100,000	-	100.0%
Transfers Out				
Electric Improvement & Extention Fund	2,925,000	2,925,000	-	100.0%
General Fund	6,601,269	2,650,317	3,950,952	40.1%
Pension COLA	19,875	19,875	-	100.0%
Pension Unfunded Liability	39,750	39,750	-	100.0%
Rate Stabilization Reserve	1,000,000	1,000,000	-	100.0%
Budget Bal. - Work. Capital	7,908,700	-	7,908,700	0.0%
Total	$ 106,671,816	$ 56,284,262	$ 50,387,554	52.8%
Reserve Balances				
Contingency Reserve	$ 878,652	**$ 869,166**		
Insurance Reserve	$ 360,500	**$ 360,434**		
Rate Stabilization Reserve	$ 1,397,981	**$ 1,400,498**		
Bond Coverage Ratio (Covenant 1.25)	**2.06**	**4.43**		
Purchased/Generated MWh	787,788	**471,772**		
All In MWh Supply & Generation	$ 90.995	$ 87.538		

City of Dover
Finance Department
Monthly Report – January 2008

General Capital Project Fund Summary

	Budget	YTD	Balance	58% of Budget
Revenue				
Transfer from General Fund for Projects	$ 4,680,362	$ 3,632,370	$ 1,047,992	77.6%
Gifts/Donations (1)	-	83,000	(83,000)	0.0%
Interest Earnings	-	20,468	(20,468)	0.0%
Total	$ 4,680,362	$ 3,735,838	$ 944,524	79.8%
Expenses				
Tax Assessor	$ 45,000	$ 49,019	$ (4,019)	108.9%
Fire	282,910	180,235	102,675	63.7%
Grounds Maintenance	129,913	-	129,913	0.0%
Recreation	2,135,700	1,349,346	786,354	63.2%
Inspections	96,000	-	96,000	0.0%
Police	343,720	24,902	318,818	7.2%
Streets	511,000	403,843	107,157	79.0%
Sanitation	502,800	-	502,800	0.0%
City Manager	10,300	867	9,433	8.4%
Information Technology	367,400	41,326	326,074	11.2%
Public Services - Administration	40,100	-	40,100	0.0%
Facilities Management	59,800	28,641	31,159	47.9%
Central Services	21,000	-	21,000	0.0%
Fleet Maintenance	34,719	9,086	25,633	26.2%
Current Year Balance - Projects	100,000	-	100,000	0.0%
Total	$ 4,680,362	$ 2,087,265	$ 2,593,097	44.6%

Capital Asset Replacement Reserve	NO BUDGET	**$ 168,542**
Library Reserve	$ 1,909,820	**$ 2,443,409**
Parkland/Recreation	$ 825	**$ 107,966**

(1) J.W. Pitts Rec.Center Donation-Beiser-West Family 75,000
Delaware Community Foundation 8,000

City of Dover
Finance Department
Monthly Report – January 2008

Water/Wastewater Improvement & Extension Fund Summary

	Budget	YTD	Balance	58% of Budget
Revenue				
Beginning Balance-Water	$ 827	$ 252,728	$ (251,901)	0.0%
Beginning Balance-Wastewater	16,502	230,956	(214,454)	0.0%
State Grant (Homeland Security) & Other	140,000	-	140,000	0.0%
Interest Earned	22,000	18,325	3,675	83.3%
Transfer from Water Operating Fund for Water	2,660,500	770,000	1,890,500	28.9%
Transfer from Wastewater Operating Fund for Wastewater	775,300	230,000	545,300	29.7%
Transfer from Impact Fee Reserve	850,000	1,524	848,476	0.2%
Total	$ 4,465,129	$ 1,536,883	$ 2,928,246	34.4%
Expenses				
Engineering & Inspection	$ 52,000	$ -	$ 52,000	0.0%
Water	2,237,476	482,558	1,754,918	21.6%
Wastewater	1,496,250	167,395	1,328,855	11.2%
Water Treatment Plant	17,700	-	17,700	0.0%
Water Meter Reading	5,648	-	5,648	0.0%
Water Construction	39,450	-	39,450	0.0%
Budget Bal-Working Capital - Water	453,001	-	453,001	0.0%
Budget Bal-Working Capital - WasteWater	163,604	-	163,604	0.0%
Total	$ 4,465,129	$ 649,953	$ 3,815,176	14.6%
Reserve Balances				
Capital Asset Replacement - Water	$ 1,129,699	**$ 1,131,519**		
Capital Asset Replacement - Wastewater	$ 534,142	**$ 532,480**		

City of Dover
Finance Department
Monthly Report – January 2008

Electric Improvement & Extension Fund Summary

	Budget	YTD	Balance	58% of Budget
Revenue				
Beginning Balance	$ 13,954	$ 1,382,772	$ (1,368,818)	0.0%
Interest Earnings	160,000	37,481	122,519	23.4%
State Reimbursement for Projects	710,318	-	710,318	0.0%
Transfer from Electric Revenue Fund	2,925,000	2,925,000	-	100.0%
Transfer from Depreciation Fund	4,288,392	-	4,288,392	0.0%
Bond Issue 2008	19,500,000	-	19,500,000	0.0%
Total	$ 27,597,664	$ 4,345,253	$ 23,252,411	15.7%
Expenses				
Power Plant	$ 377,000	$ 320,877	$ 56,123	85.1%
Transmission/Distribution	1,634,250	916,333	717,917	56.1%
Electrical Engineering	16,046,710	2,659,170	13,387,540	16.6%
Administration	8,000	25,498	(17,498)	318.7%
Meter Reading	28,241	-	28,241	0.0%
Budget Bal. - Work. Capital	153,463	-	153,463	0.0%
Budget Bal. Bond - Work. Capital	9,350,000	-	9,350,000	0.0%
Total	$ 27,597,664	$ 3,921,878	$ 23,675,786	14.2%
Reserve Balances				
Depreciation Reserve	$ 9,737,808	**$ 13,888,874**		
Future Capacity Reserve	$ 9,294,070	**$ 9,192,896**		

Dover Police Department

Monthly Report
To
Mayor & City Council

"To Protect and Serve"

January 2008

DEPARTMENT OF POLICE

Jeffrey Horvath
Chief of Police
F.B.I.N.A.

400 South Queen Street
Dover, Delaware 19904
302/736-7111
Fax 302/672-1842

February 13, 2008

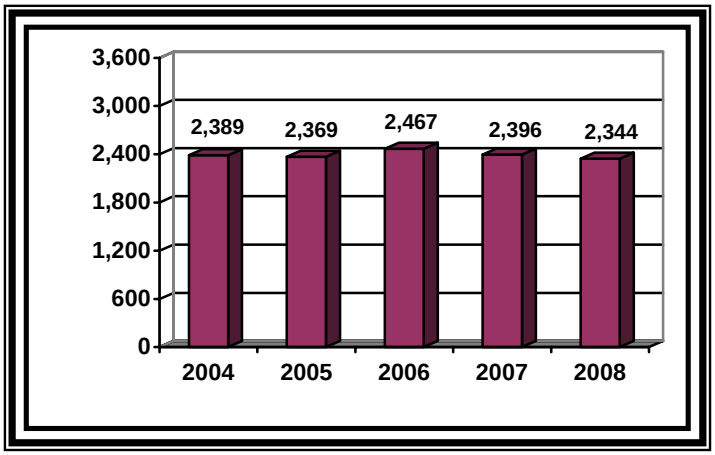
Honorable Carleton E. Carey, Sr., Mayor
Members of Dover City Council
City Hall
Dover, DE 19901

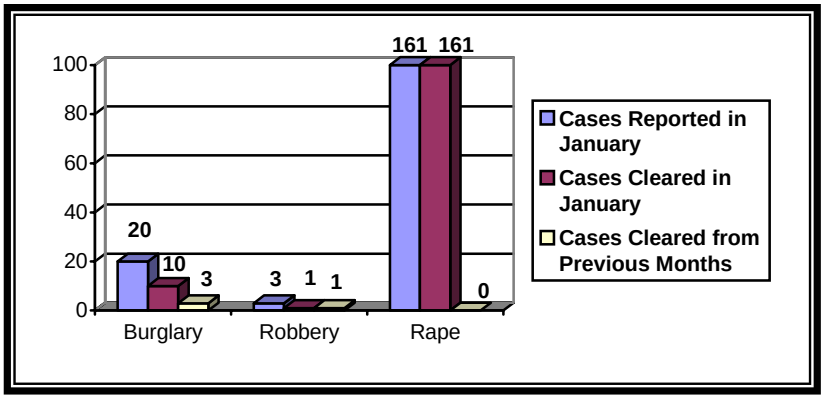
Mayor Carey and Council Members:

The following is the report on Police Department activities for the month of January 2008:

COMPLAINTS

Total complaints received through January 31st, numbered 2,344. This is a decrease of 52 complaints over the same time period for last year.

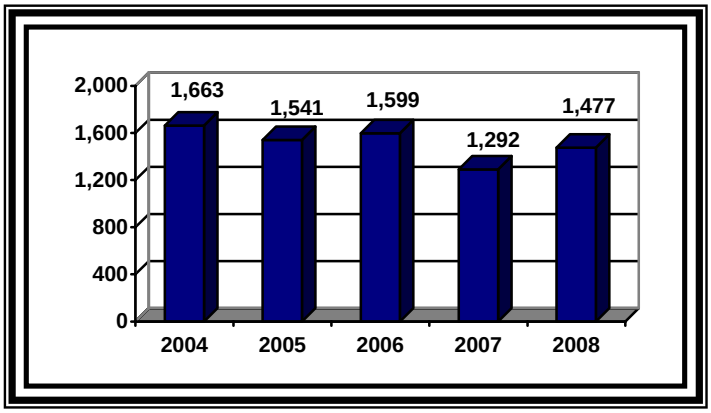




CRIMINAL INVESTIGATIONS

QUALITY OF LIFE TASK FORCE

ENFORCEMENT ACTION	ARRESTS
ABANDONED VEHICLES	10
ALCOHOL VIOLATIONS	24
ASSIST OTHER	32
WARRANTS ON FILE	0
BIKE ON SIDEWALK	0
CITY PARK VIOLATIONS	3
CRIMINAL ARRESTS	42
DRUG RELATED ARRESTS	35
LOUD MUSIC	6
MISCELLANEOUS VIOLATIONS	16
PARKING VIOLATIONS	19
COLLECTION OF DELINQUENT DCO'S	0
PEDDLER	0
PROSTITUTION	0
WANTED CHECKS/CPC'S	8
WARNINGS/TRAFFIC ARRESTS	77
FUGITIVE	27
TOTAL ARRESTS	299

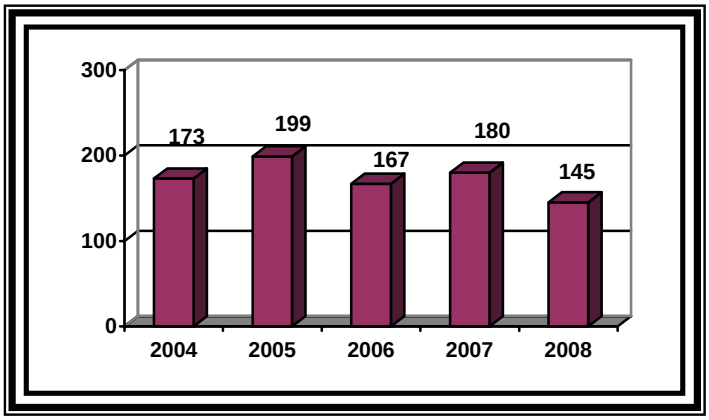


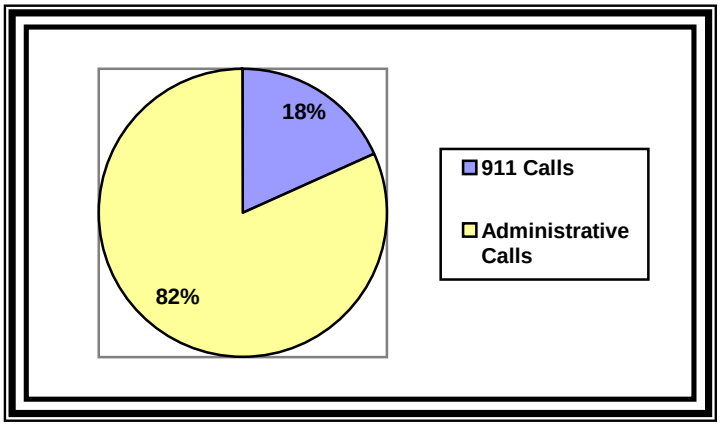
TRAFFIC ARRESTS

The department issued 1,477 traffic citations through this reporting period. This is an increase of 185 citations over the number issued during the same period last year.

TRAFFIC ACCIDENTS

Through January 31st, Dover Police investigated 145 traffic accidents. This is a decrease of 35 accidents investigated during the same period last year.



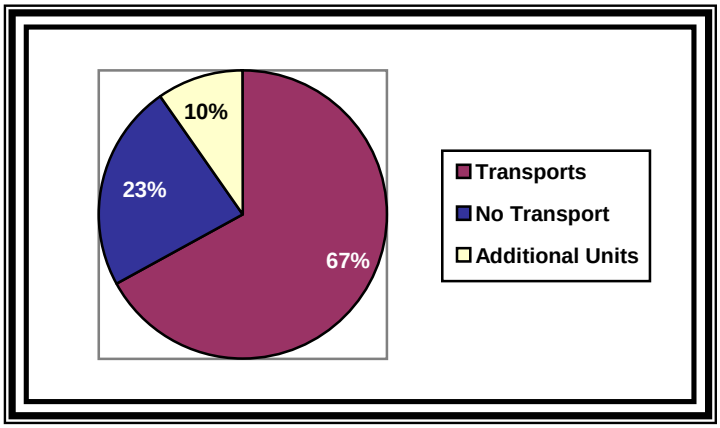


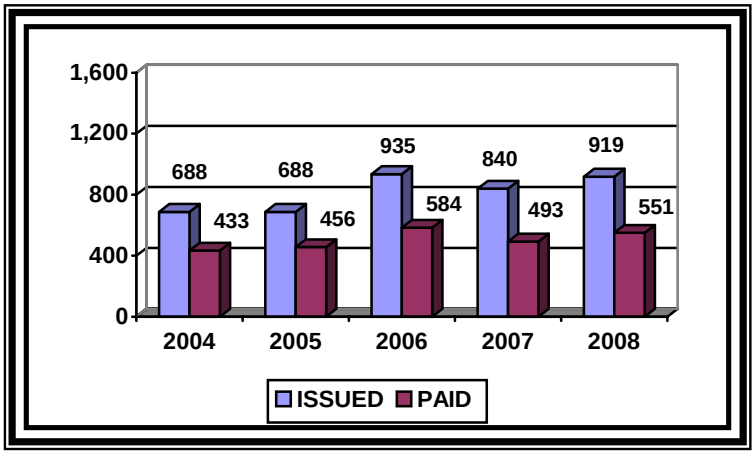
911 CENTER

During the month of January, our 911 Center handled a total of 9,936 calls averaging 321 calls per day. Dispatchers handled 1,826 calls on the 911 lines, an average of 59 calls per day.

EMERGENCY PREPAREDNESS & BASIC LIFE SUPPORT DIVISION:

Prime Care Medical Transport, Inc. responded to 463 emergency calls in January, resulting in 345 patient transports. The average response time from dispatch by 911 to arrival on scene was 8 minutes and 0 seconds. Additional units responded to 50 of the 463 calls.





CITY ORDINANCE SUMMONS

Through January 31st, we issued 919 city ordinance summons an increase of 79 summons over January of last year. *Note: of those summonses issued in January , 23 were issued for handicapped parking violations, 34 for fire lane parking violations, 19 for false alarms (13 for 3-5 alarms, 6 for 6-9 alarms, 0 for 10-15 alarms, and 0 for 16 or more alarms) and 13 for noise violations (8 for vehicle violations and 5 for residence violations).

Listed below are the major crimes and activities that occurred during the month of January:

- On January 16, 2008, Detectives arrested two subjects for the robbery of the Valero Gas Station which occurred on November 2, 2007. The arrests came as a result of a tip from the Delaware Crime stoppers. Both defendants were charged with Robbery 1st, Wearing a disguise during the commission of a felon, Poss. of a Deadly Weapon during the commission of a felony, Conspiracy.

- On January 20, 2008, Dover Officers responded to a residence on Willis Road to investigate a burglary complaint. While in the residence, child pornography was observed inside one of the bedrooms. A search warrant was obtained and executed. As a result one subject was arrested on 19 counts of Child Pornography.

- On January 23, 2008, Dover Officers responded to a report of suspicious activity in the parking lot of Cedar Chase Apartments. The caller reported a suspect was sitting in a vehicle with its trunk open next to the construction site of the Hilton Garden Inn. Two other subjects were seen carrying bags and cases from the construction area towards the vehicle. Upon arrival of the police the two subjects fled the area, but the third subject was detained and arrested on multiple charges. The property taken was recovered and returned to the owner. The juvenile defendant was charged with Burglary 3rd, Theft, Conspiracy 2nd and Criminal Mischief.

- On January 26, 2008, Detectives were alerted to the possibility that a twenty-six year old man was having sexual relations with a juvenile female victim. The incidents occurred over the course of two months at a residence located at Dover East Mobile Home Park. The subject was arrested and charged with 6 counts of Rape 3rd, 6 counts of Sexual Solicitation of a Minor and 1 count of Dangerous Crime against a Child.

- On January 27, 2008, two subjects entered the Little Grocer Convenience store located on E. Division Street and demanded money from the clerk. One of the subjects produced a sawed off shotgun which led to a physical confrontation between the subjects and the clerk working the counter. The clerk refused the subjects demand for money, instead grabbing the shotgun and pulling it away from the subject. Once the clerk had established control of the shotgun both subjects fled the store. The investigation is continuing at this time.

Major crimes and activities that occurred during the month of January continued:

- On January 29, 2008, two subjects forced their way into a home and confronted the residents with handguns. The subjects physically assaulted the residents. One of the victims was able to identify one of the subjects and warrants were obtained. The investigation ultimately revealed the identity of the second subject. Both suspects have been arrested and charged with multiple offenses.

- On January 29, 2008, officers from the Drugs, Vice, and Organized Crime Section, T.A.C., and SORT assisted the Delaware State Police in the apprehension of two suspects who were staying at a residence on Division Street. The two suspects were wanted for a homicide which occurred in Camden on January 27, 2008.

- On January 30, 2008, officers from the Drugs, Vice, and Organized Crime Section executed a search warrant at a residence on Paul Street. As a result of the search warrant, a small amount of marijuana and cocaine was seized along with three shotguns and a .22 rifle. The resident was arrested in connection with drugs and weapons charges.

- On January 30, 2008 officers of the Quality of Life Task Force responded to the West Division Street regarding a complaint of prostitution. Upon arrival, the officers observed the suspect vehicle behind a local business. Officers then contacted the subject who was exiting the passenger side of the vehicle. Through investigation it was discovered that the subject agreed to engage in sexual contact for money. The subject was arrested and charged with 1 count of Prostitution while within 1000 feet of a church and 1 count of Loitering.

- On January 31, 2008 the Department held our Promotion and Award Ceremony. Mark Hoffman and Kevin Streadwick were promoted to the rank of Patrolman First Class. The department also recognized several citizens, Ms. Rochelle Ross, Mr. Thorton Spellman, and Mr. Marvin Parker were given a life saving award. They were responsible for rescuing Mr. Ricky Mayhall who was trapped at the bottom of an 8 foot deep drainage ditch in the muddy water for approximately 4 hours. Mr. Andrew Littleton was given a Distinguished Citizen Award for detaining a purse snatcher until police could arrive. Numerous officers and civilians were awarded commendations. Ptlm. Peter Martinek was recognized as Officer of the Year for 2007 while Mrs. Karen Hudson was recognized as Civilian of the Year for 2007.

Respectfully Submitted,



Jeffrey Horvath
Chief of Police

Monthly Report
January 2008

Office of City Assessor

City of Dover
Assessor's Monthly Report

Fiscal Year 2008

Property Tax Assessments and Collections

Month	Assessed Value Before Exemptions	Senior Exemptions	State Exemptions	Assessment Adjustments	Taxable Value	Taxes Levied	Billing Adjustments	Adjusted Billing	Total Tax Collections	Taxes Outstanding
July	$ 3,263,240,475	$ (17,041,800)	$ (348,051,300)	$ 2,079,900	$ 2,900,227,275	$ 9,479,274	$ (48,106)	$ 9,431,168	$ 7,250,825	$ 2,313,238
August	3,265,320,375	(17,041,800)	(348,051,300)	7,085,300	$ 2,907,312,575	-	35,704	$ 9,466,872	1,508,441	841,701
September	3,272,405,675	(17,091,800)	(348,051,300)	55,826,700	2,963,089,275	-	(1,572)	$ 9,465,300	186,742	653,387
October	3,328,232,375	(17,091,800)	(348,051,300)	18,187,600	2,981,276,875	148,569	(62,484)	$ 9,551,385	184,242	555,230
November	3,346,419,975	(17,091,800)	(348,051,300)	3,911,400	2,985,188,275	-	(286)	$ 9,551,098	140,068	414,875
December	3,350,331,375	(17,091,800)	(348,051,300)	15,850,300	3,001,038,575	35,414	68	$ 9,586,580	49,068	401,290
January	3,366,181,675	(17,141,800)	(348,051,300)	(7,640,100)	2,993,348,475	-	(17,788)	$ 9,568,792	75,588	307,914
February										
March										
April										
May										
June										
Tax Adjustments								21,144		
Year to Date (excludes BID tax)								**$ 9,589,936**	**$ 9,394,974**	

Other Tax Related Cash Receipts

	Current Month	YTD
Penalties (recorded when received; not billed)	$ 6,950	$ 49,178
		92468
Pay In Lieu Of		
State of Delaware	$ -	$ 353,759
Luther Towers	$ -	14,336
Dover Housing	$ 4,500	10,500
		$ 378,595
Farmland Rollback		
Lafferty Lane	$ -	$ 26,143
Total Property Tax Receipts		**$ 10,043,852**
Transfer Taxes	**$ 92,468**	**$ 2,217,470**

CITY MANAGER'S MONTHLY REPORT



January 2008

MONTHLY HIGHLIGHTS

Customer Services

- Preparations continue in advance of the scheduled delivery of the Itron Mobile Collection System.
- Attended demonstration of on-line bill payment systems.

Budget, Program Development

- Meetings held to review of Capital Investment Plans.
- Attended Council Retreat.
- Began review of new and updated revenue sources.
- Began work on 2007-2008 Mid-Year Review.

Human Resources

- ICMA Representative met with employees regarding retirement plans.

Information Technology

- Fire suppression system installation has been completed.
- Citizen Request Management system has been implemented and is currently available on the City's website.

Parks, Recreation, & Library

- Staff installed posts and rope fencing around the back parking lot of Schutte Park.
- The Library recorded 492 people attending 24 various children's programs.

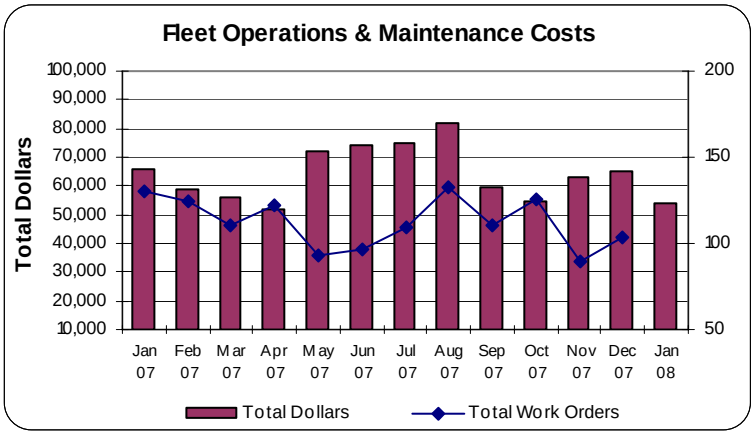
Public Services

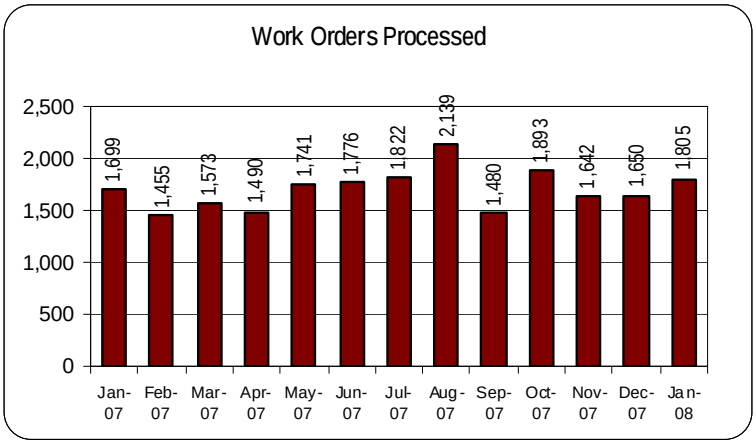
- The Public Services Manager attended a one-day training seminar at the Delaware State Fire School regarding Ag Preparedness Emergency Responder and Avian Influenza Response.
- The dedication of rights-of-ways and public infrastructure in the Four Seasons Subdivision has been completed.

Public Utilities

- Chemical Handling safety training was conducted.
- Staff attended the first portion of PJM training in Malvern, Pennsylvania.

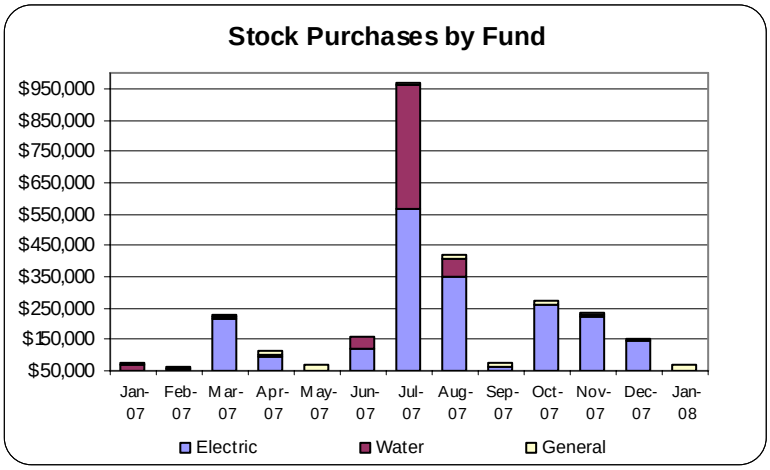
CENTRAL SERVICES

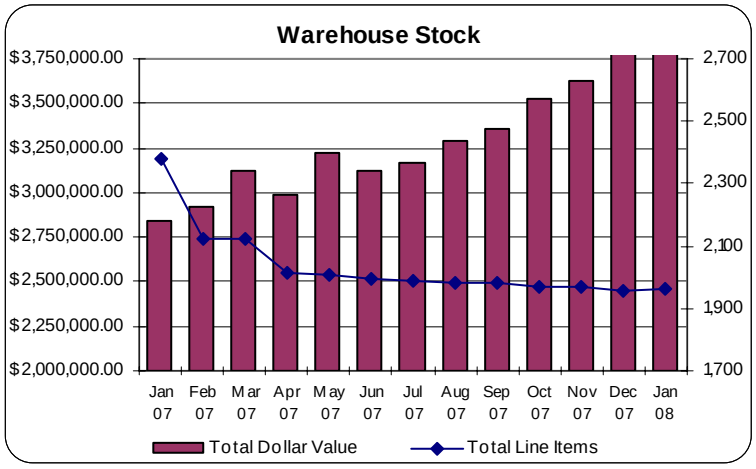




Work Orders: 95
Fleet Maintenance: $ 1.364.55 (excludes Melvin's Sunoco)
Fuel: $52,824.12

Electric: $651,545.29
Water: $ 27,632.91
General: $ 37,590.94





Electric: $30,564.88
Water: $ 7,785.30
General: $29,204.90

Total Dollar Value: $3,908,097.36
Total Line Items: 1,962

SOP / CIP Updates (percentages below represent percent completed)

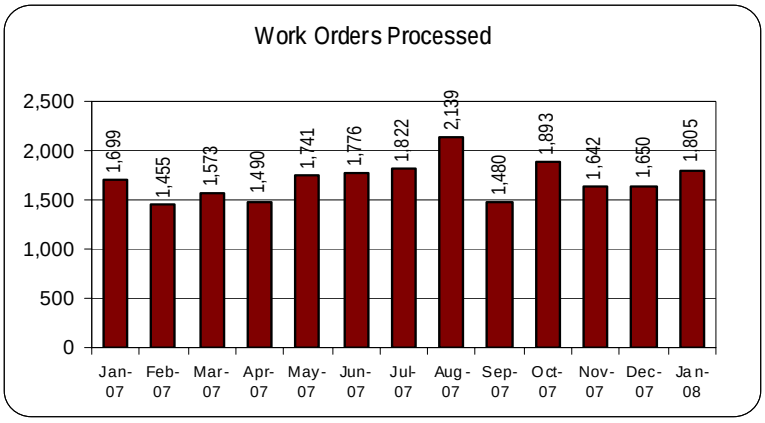
FY07 – Ongoing Projects

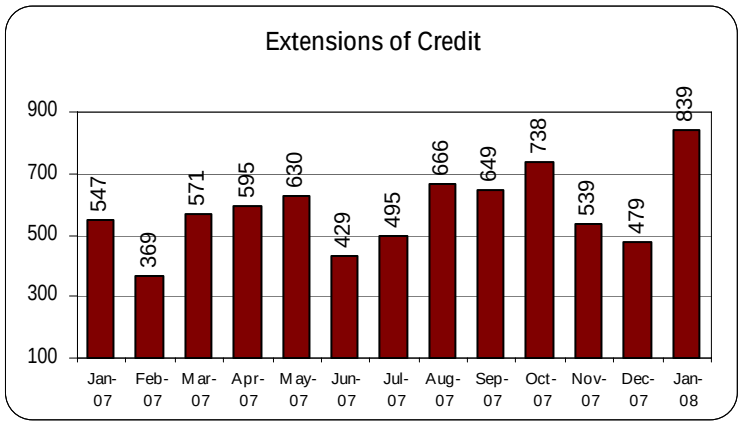
- *Renovation of Pear Street Warehouse – Project #SP001*. Ongoing – three-year project (45%).
- *Space Needs Study Implementation – Project #FM0803* Finance Department moved to new location on 10/31/2007. Project completed (100%). Remodeling of Finance space at City Hall for Public Services. (20%)

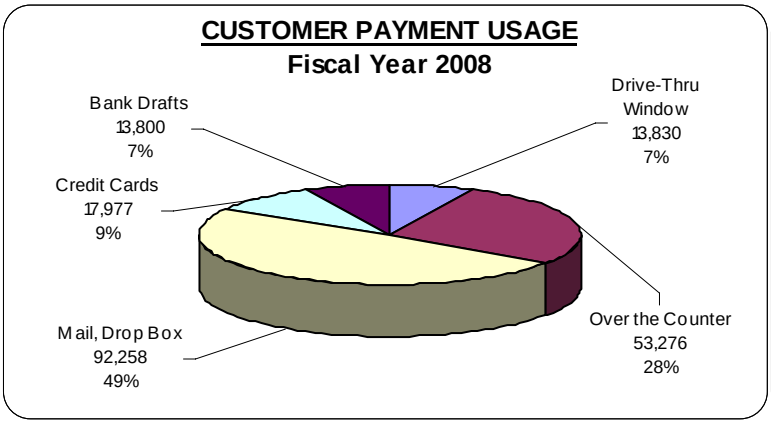
FY08 – New Projects

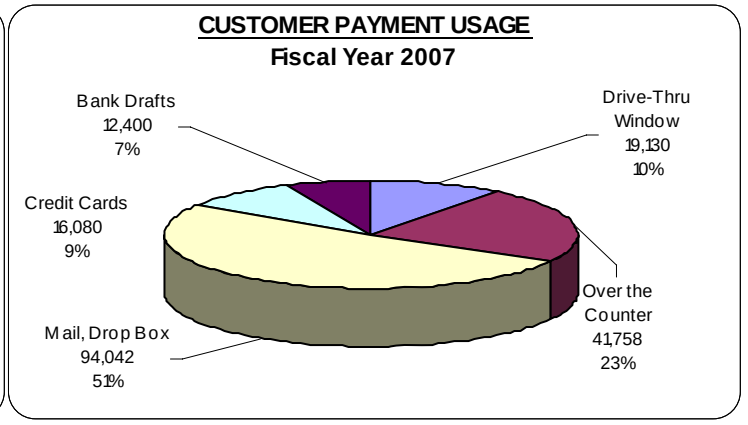
- *Fleet Exhaust Extraction System – Project #FL801.* Vendors have been contacted for information. Staff visited offsite garages to review exhaust systems. (25%).
- *Fire Suppression System in I/T - #FM0802.* Bid awarded to Comprehensive Fire Technologies. System inspected by Fire Marshal office, all installations passed tests and inspections (100%).
- *Replace fuel pumps in the City yard by December 2007.* Nothing new to report.

CUSTOMER SERVICES







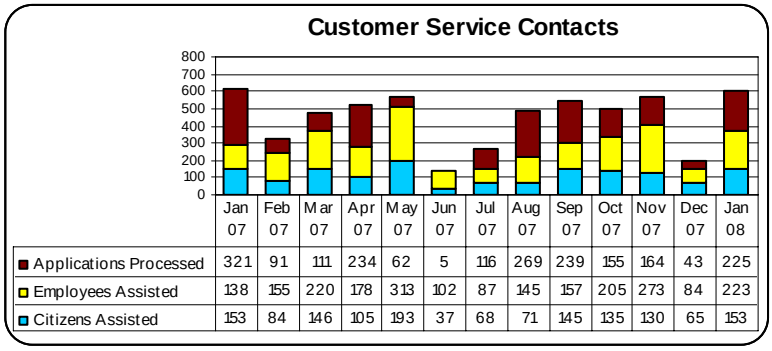


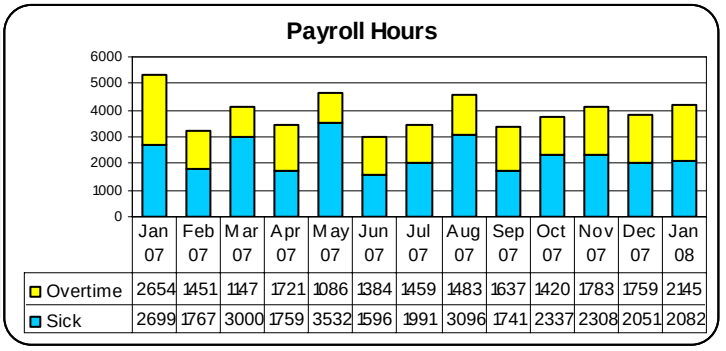
	Jan 2008	Jan 2007	Difference	FY 2008 Year-to-Date	FY 2007 Year-to-Date
Final Bills	651	590	61	$ 4,819	4,232
Estimated Bills	151	157	(6)	$ 1,068	1,606
Penalties Posted	$ 18,586	$ 14,770	$ 3,816	$ 112,850	$ 100,277
Extensions of Credit - Amount Extended	$ 179,855	$ 107,295	$ 72,560	$ 961,200	$ 1,404,741
Balance Transfers	$ 14,088	$ 2,792	$ 11,296	$ 40,128	$ 29,759
Utility Collections	$ 20,943	$ 18,090	$ 2,854	$ 217,162	$ 171,439
Special Assessments	$ -	$ 140	$ (140)	$ 1,647	$ 2,415
Miscellaneous Billings	$ -	$ 99,772	$ (99,772)	$ 96,466	$ 476,185
Returns - Checks	$ 31,856	$ 15,537	$ 16,319	$ 208,112	$ 132,737
Return Check Charges	$ 975	$ 304	$ 671	$ 21,747	$ 7,692
Cuts for Non-Payment (CNP)	$ 930	$ 960	(30)	$ 4,760	$ 4,580
CNP through Disconnect Collars	$ 21	$ 21	-	$ 185	$ 46
Cuts for Non-Payment - Amount	$ 174,913	$ 323,362	$ (148,448)	$ 1,008,922	$ 1,060,740
Reconnects - Service Charges	$ 23,400	$ 21,050	$ 2,350	$ 150,400	$ 121,625
Court Cases	-	-	-	-	-
Tamperings	-	-	-	3	3

SOP / CIP Updates

- *Re-sequence and reroute meter routes.* Since the beginning of the fiscal year a total of 2,662 water meters and 1,437 electric meters have been changed out.
- *Payment of property tax bills through the City of Dover web site.* This payment option will also be available to utility customers during this fiscal year. Delinquent tax properties have been selected to submit for monition sale. A total of 69 properties will be sent to the City Solicitor for processing. The selection list is updated as payments are received.
- *Install an Itron Mobile Collection System with GPS mapping in Meter Reading to maximize efficiency, reduce costs, and improve performance.* The water/wastewater radio read installations have increased due to added staff. Delivery of the Itron Mobile Collection System for Meter Reading is expected at the end of January 2008.

HUMAN RESOURCES

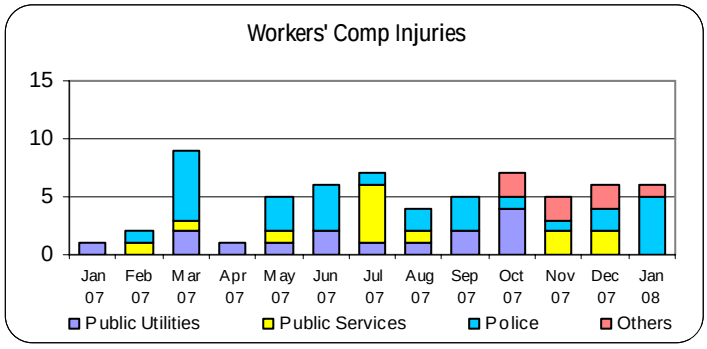




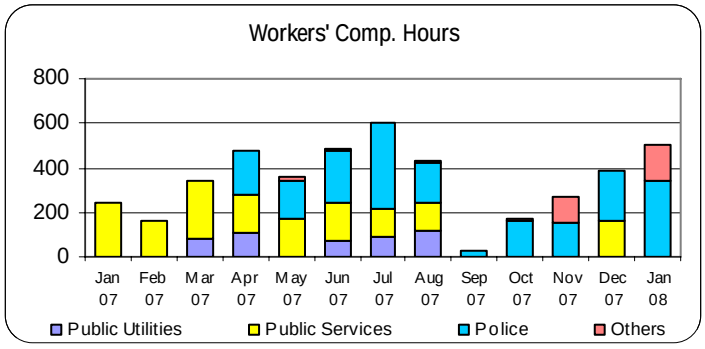
Category	Jan 07	Feb 07	Mar 07	Apr 07	May 07	Jun 07	Jul 07	Aug 07	Sep 07	Oct 07	Nov 07	Dec 07	Jan 08	Total
Caucasian	310	312	315	315	319	322	324	328	328	333	341	342	342	N/A
Minorities	68	68	68	68	69	69	69	69	69	68	68	69	69	N/A
Hired	2	2	5	0	5	3	2	4	0	5	8	2	2	40
Terminated/Resigned/Retired	3	2	2	1	2	0	2	2	6	1	0	1	2	24
Promoted	2	0	0	2	0	1	4	1	4	3	0	2	0	19
Jobs Posted	6	1	6	8	3	2	5	12	5	7	7	1	6	69
Workers Comp. Injuries	1	2	9	1	5	6	7	4	5	7	5	3	6	61
Workers Comp. Hours	247	160	341	477	357	481	606	428	24	172	273	389	503	4458

Workers' Comp. hours may not be the result of injuries that occurred during the current month.

- Jobs Posted: Two Custodian I's (Police & Pitts Center), Nurseryperson I, Recreation Center Coordinator (In-House), Human Resources Director, Emergency Management Coordinator.
- Employee (s) Hired: Records Management Coordinator, Residential Assessment Technician.



Public Utilities: 0 Public Services: 0 Police: 5 Others: 1

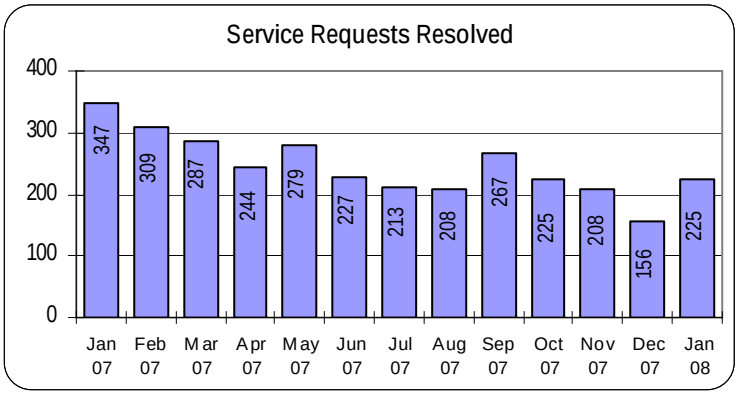


Public Utilities: 0 Public Services: 0 Police: 344 Others: 159

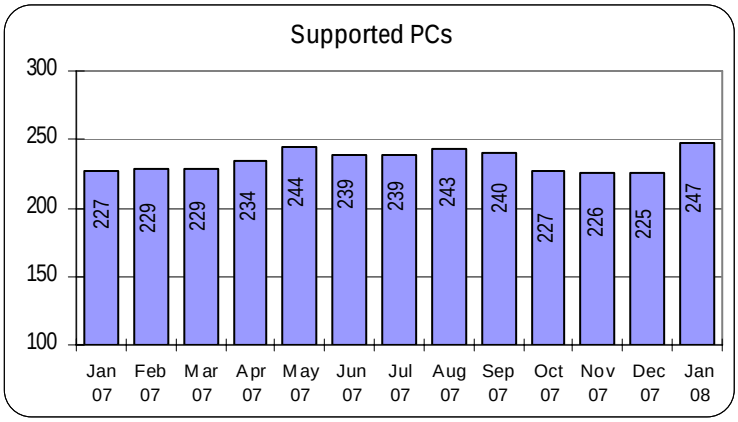
SOP / CIP Updates

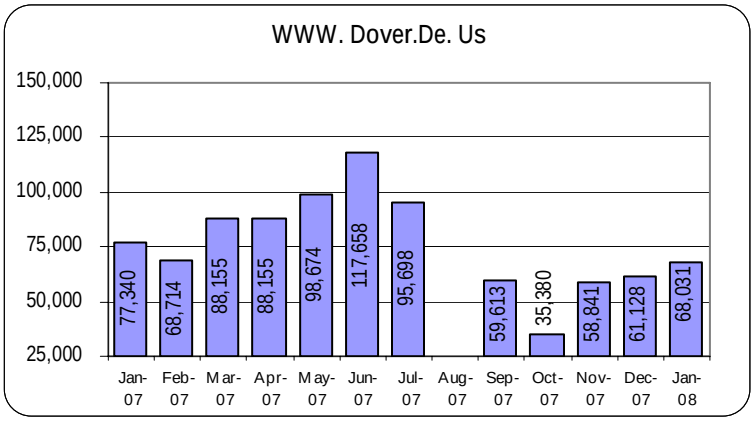
- *Effectively negotiate a labor agreement with the IUE and IBEW by June 2007.* The IUE contract was approved by Council on November 26, 2007. IBEW agreement was reached and approved in June of 2007.
- *Develop an RFP and hire a management consultant who will prepare a report evaluating the PFP system based on analysis. Final report by January 2008.* On January 28, the Legislative and Finance Committee tabled the final recommendation until the Mid-Year Review has been completed, in order to identify a sufficient funding source.
- *Assist the Pension Board in developing alternatives to the standard across the board Pension COLA that would provide compensation to those retirees in the most need without substantially increasing the pension liability. Research, analysis, and report should be provided prior to February 2008.* During their January, meeting the Pension Board considered suggestions for stipends.
- *Streamline insurance claim processing and develop the ability for the essential users to view the progress of liability claims throughout the insurance process. This will be completed by March 2008.* A detailed spreadsheet has been prepared and all claims are scanned into Fortis. Access has been granted to staff members on a need to know basis only.
- *Develop two additional new Supervisory Training modules and programs utilizing both internal and external resources. This is to be completed by January 2008. Leadership skills will be the primary focus.* In early December, the following two new modules were presented to the City Manager and approved - Twelve Choices that Lead to Success and Seven Moments That Define Excellent Leaders.
- *Develop and hold government mandated Workplace Harassment Training for all City of Dover employees by May 2008.* Training sessions are scheduled for March through May 2008.

INFORMATION TECHNOLOGY



The DoverDe.net service that used to be charted here was terminated October 2007. Coming in March 2008 - statistics on the new Citizen Request Management System.





Performance Indicators	Current Month	Last Month	Same Month Last Year
iSeries Availability	100%	100%	100%
Server Availability	100%	100%	100%
Programming Requests Completed	2	2	10
AS/400 Connections (concurrent/authorized users)	39%	38%	37%
PCs Supported	247	225	227
Servers Supported	17	17	8

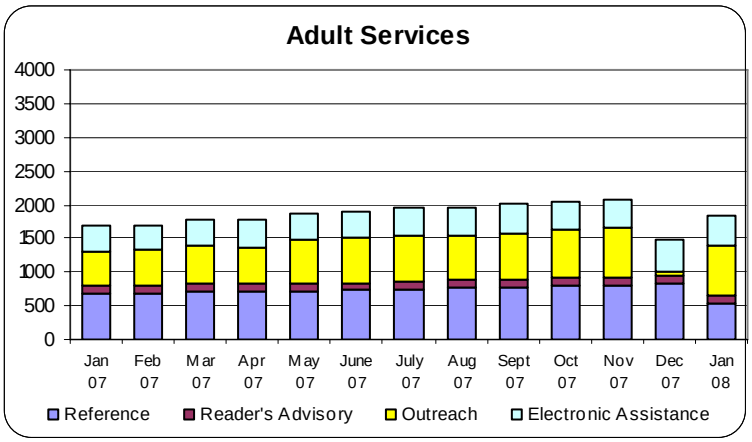
(Availability statistics based on 7:00 a.m. to 5:00 p.m. M-F)

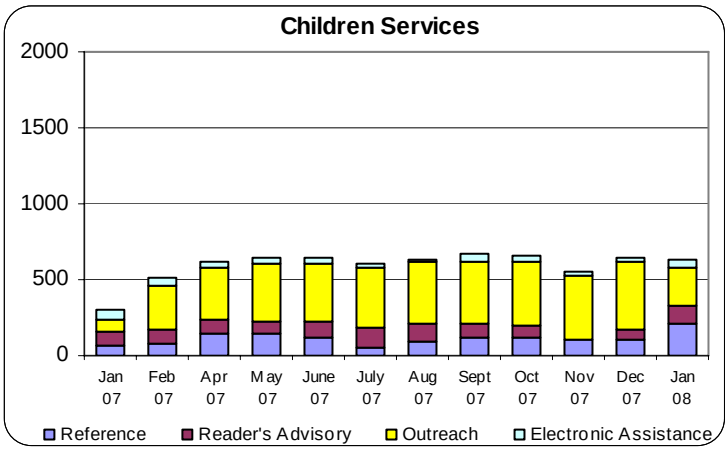
SOP / CIP Updates

- *E-Government Services.* Nothing new to report.
- *iSeries System (main computer) Replacement.* Replacement completed in September 2007 as part of the life cycle program. Project completed.
- *Implement City-wide Document Imaging System.* Committee Action for prepared for Committee and Council presentation was approved.
- *Replacement of Tax Assessment Software.* Contract signed for CAMA (Computer Aided Mass Appraisal) Software, the server has been ordered and set-up. Project Completed.
- *GIS Pilot Project.* Nothing new to report.

PARKS, RECREATION & LIBRARY

Library





Reference: 528 Reader's Advisory: 120
Outreach: 736 Electronic Assistance: 444

Reference: 208 Reader's Advisory: 117
Outreach: 251 Electronic Assistance: 57

Circulation	JAN 08	FYTD 08	JAN 07	FYTD 07
Dover residents	15,930	110,958	17,399	109,612
Kent residents	17,047	119,375	16,404	111,776
Non-county residents	1,313	9,143	1,172	9,357
Registrations				
Dover residents	218	1,585	350	2,526
Kent residents	199	1,367	277	2,088
Non-county residents	12	110	17	340
Other				
Visiting patrons	36,962	197,952	26,400	203,093
Meeting room usage	120	1,020	60	1,000
Photocopier usage	1,527	7,093	785	13,044
Dial-a-Story	1,482	7,130	1,972	11,244
Computer (Internet) Usage	4,553	38,126	5,067	38,251
Holds Placed	4,934	32,229	5,089	33,543

Breakout of Kent County Residential Statistics

Circulation	Registrations
Harrington: 260	Harrington: 2
Smyrna: 797	Smyrna: 7
Milford: 326	Milford: 1
Outside City Limits: 15,634	Outside City Limits: 189

Other Points of Interest

Interlibrary: 2,779 items loaned out
2,450 items borrowed

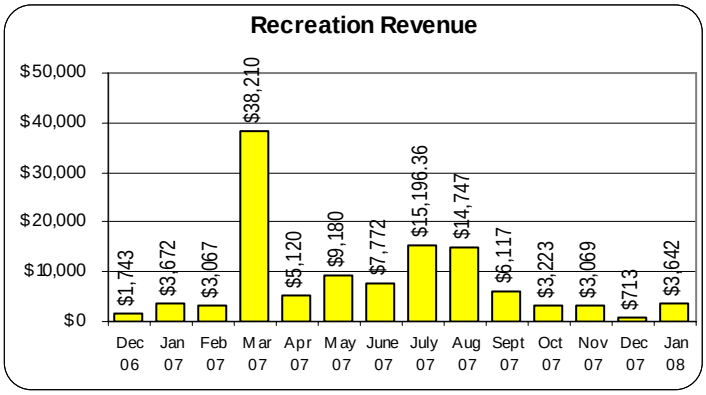
Technical services: 754 items added
451 items deleted

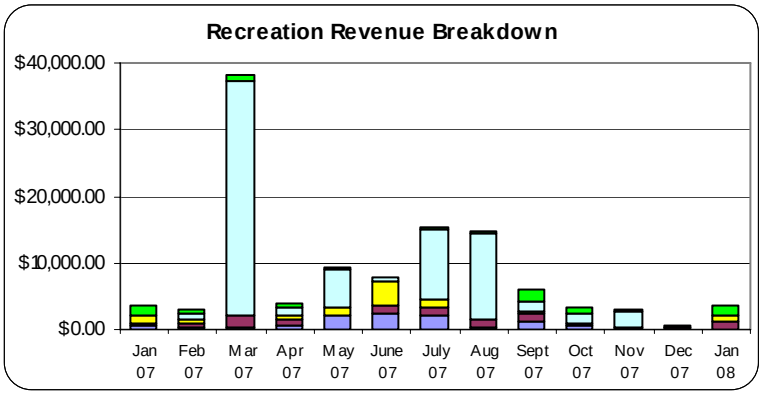
Volunteers: 122 hours of service completed

SOP / CIP Updates

- *Develop potential locations, funding sources, and preliminary operating concepts for regional library in Dover*. Meeting of the Library Building Committee resulted in the formation of three sub-committees. Sub-committee will hold regularly scheduled meetings to help advance this project.
- *Acquire laptop computers and related equipment to be used primarily for public computer training classes.* Laptops and other equipment have been ordered. Currently awaiting installation.

Parks and Recreation





General: $145 Rental Payments: $1,036 Sports: $780
Leagues: $160 Trips: $1,396

Rentals	JAN 08		FYTD 08		JAN 07		FYTD 07
Baseball/Softball Field Rentals*	0		180		0		186
Dover Park Pavilions (2)	0		25		0		23
Multipurpose/Field Hockey Field Rentals*	0		30		0		39
Recreation Center	12		156		12		111
Silver Lake Pavilions (2)	1		27		0		27
Soccer Field Rentals*	0		14		0		14
Stage	0		17		2		17
These numbers reflect **groups that utilized our facilities during January.*							
Program Attendance**	**JAN 08**		**FYTD 08**		**JAN 07**		**FYTD 07**
Lean–N-Play – All Sports	5		64		not offered		
***The program attendance report reflects programs that ended in the month of January.*							

SOP / CIP Updates

- *Construction of the John W. Pitts Recreation Center – Project #PR0501.* Construction is currently underway and on-schedule. Bi-weekly progress meetings continue. Grand opening is planned for March 2008.
- *Playground Equipment Purchase – Project # 0706:* Nothing new to report.
- *Schutte Park Land Improvements – Project # PR0702*. Nothing new to report.
- *Mirror Lake Dredging – Project #PR0703.* Nothing new to report.
- *Park and Playground Improvement Program – Project #PR0704.* State awarded an extension on the grant until June 30, 2008. Work will continue when warmer weather permits.

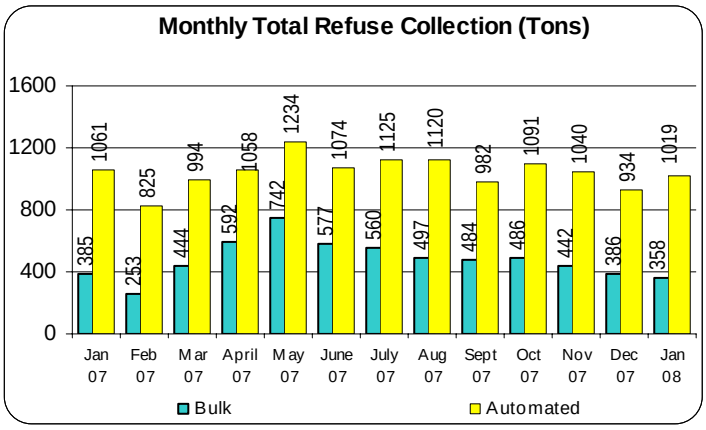
PUBLIC SERVICES

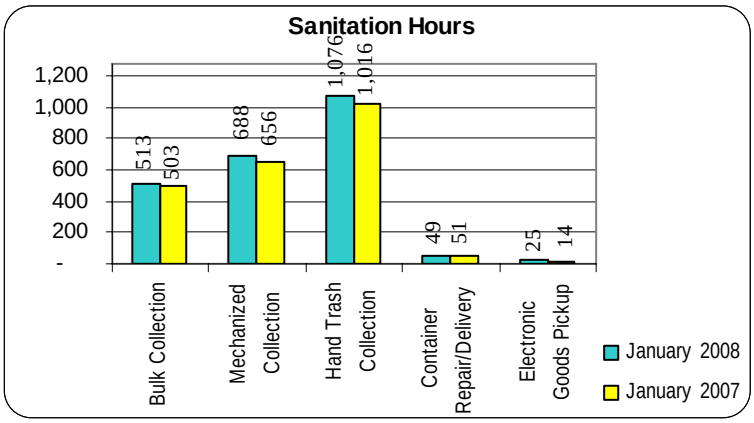
Administration

Administrative review and inspection services continued on all residential and commercial developments. The following residential subdivisions are in various phases of construction:

Oak Shadows
Village of Westover (Phase VI)
Stoney Creek (Phase II)
Maple Glen
Somerset Park
Emerald Pointe
Seskinore
Clearview Meadows
Patriot Village
Lexington Glenn
Nottingham Meadows
Village of Cannon Mill
Eden Hill

Sanitation





	JAN 08	FYTD 07	JAN 07	FYTD 06
Tons Dry Waste Collected	111.09	1,150.93	129.1	1,876.98
Tipping Fee Savings Realized	$2,166.26	$22,443.16	$2,517.45	$36,601.12
Trips to DSWA Sandtown Landfill	285	2,138.00	301	2,482
Total Tonnage to DSWA	1,376.61	10,477.26	1,450.23	11,894.72
90-Gallon Containers Delivered	39	266.00	52	319
300-Gallon Containers Delivered	1	22	4	18

Streets

	JAN 08	FYTD 08	JAN 07	FYTD 07
Signed Installed	33	194	83	225
Signs Repaired	15	69	21	64
Curbs Painted Yellow (feet)	224	2,930	306	829
New Post Installed	9	52	18	66
Concrete Patching (Cubic Yards)	40	91	0	94
Street and Alley Maintenance (Hrs)	144	1,006	171	5,603
Leaves Collected (Cubic Yards)	1,400	10,537	125	10,030
Leaf Collection (Miles)	1,186	9,007	451	5,969

Grounds

Arborist Crew		
	JAN 08	JAN 07
Trees Pruned	14	15
Trees Removed	5*	5
Trees Planted	51	0
Stumps Removed	23	24
* One of these trees was an American Elm on The Green which was 100 feet tall and almost 6 feet across at the stump.		
Both Arborists attended the ISA Shade Tree Symposium in Lancaster, Pennsylvania to obtain CEU credits.		

Beautification Crew
Removed Christmas wreaths and candles from City Hall, Weyandt Hall and the Library.
Cleaned up the greenhouse including pulling weeds, washing down benches and seed trays.
Interviewed applicants for the vacant Nurseryperson I position.
Beautification slideshow was presented at the Westminster Village Retirement Community, where there were 35 residents in attendance.

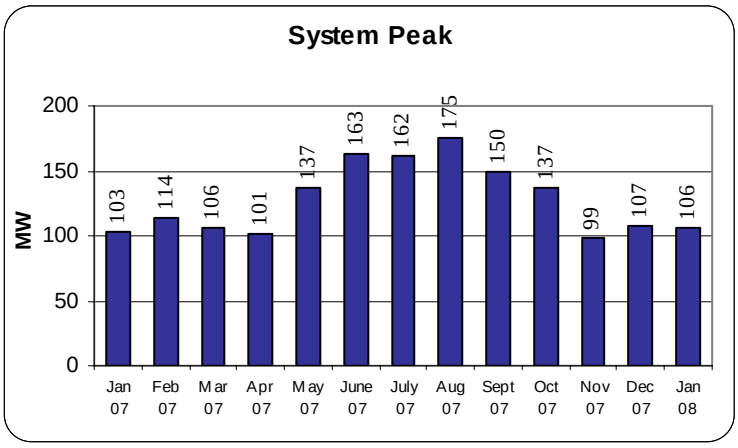
Landscape Repair/Special Projects Crew
Planted 51 trees between curbs and sidewalks. The trees were purchased with a $5,000 grant from The Urban/Community Forestry Tree Planting Program.
Assisted with removal of the large American Elm from The Green.

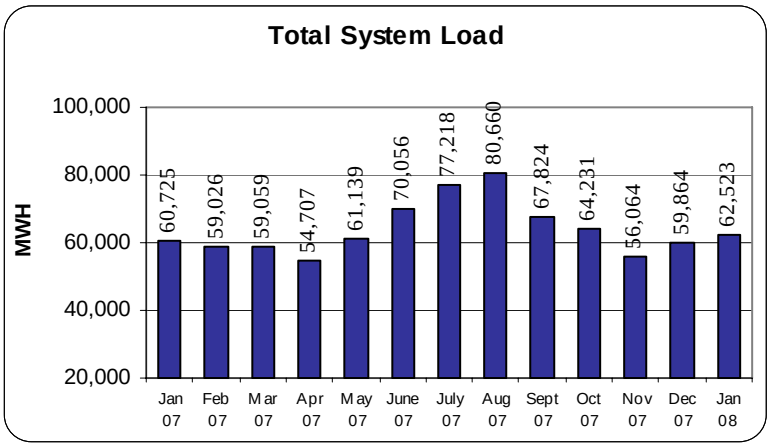
Grounds Maintenance/Mowing Crews
Returned materials, used for First Night back to the Warehouse for storage.
Chipped approximately 1,400 Christmas trees. The chips will be used to mulch trees planted next fall.
Assisted with removal of the large American Elm from The Green

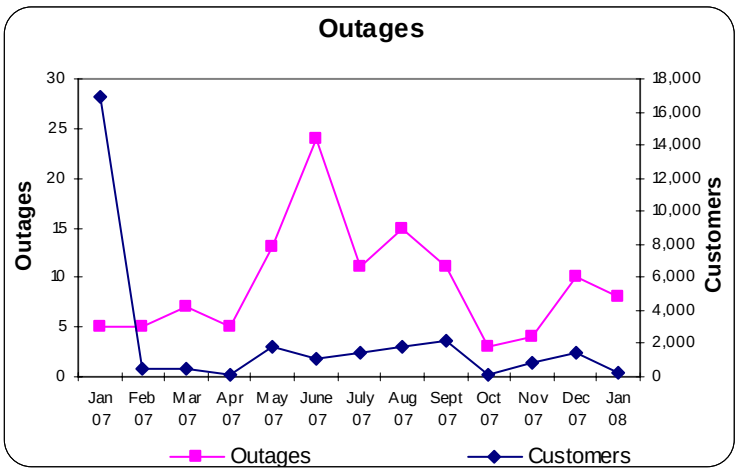
SOP/CIP Updates (percentages below represent percent completed)
Generic Subdivision Signs – 60%
Silver Lake Dam Improvements – 8%
FY08 Street Program –80%
FY08 Concrete Program – 82%
Wesley College Parking Lot Program – 100%

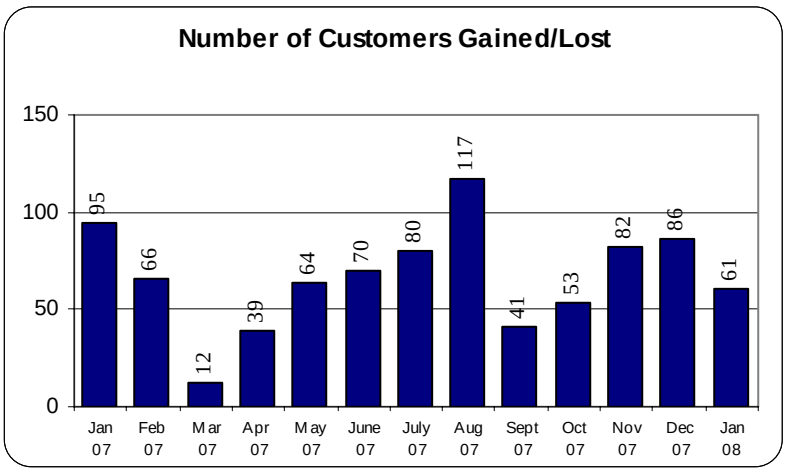
PUBLIC UTILITIES

Electric









Outages: 8 Customers: 295

ELECTRIC OUTAGE REPORT

OUTAGE #	DATE	TIME OUT	TIME IN	LOCATION	DEVICE	# OF CUST	ACTION
1	01/03	07:54 AM	09:00 AM	238 N Governors Boulevard	Fuse	45	Replaced Fuse
2	01/04	05:50 PM	07:07 PM	3 Mineral Court	Cable	3	Repaired Cable
3	01/07	12:07 PM	01:26 PM	Danner Farm Substation	Elbow	52	Replaced Elbow
4	01/10	07:40 AM	08:19 AM	307 S Bay Road	Switch	121	Reset Switch
5	01/11	10:32 AM	12:05 PM	72 Heritage Drive	Cable	1	Repaired Cable
6	01/17	07:26 AM	08:10 AM	1727 N Little Creek Road	Transf	1	Reset Transformer
7	01/27	11:45 AM	02:10 PM	443 River Road	Cable	1	Repaired Cable
8	01/30	11:09 AM	11:57 AM	146 Kentwood Drive	Fuse	71	Replaced Fuse

Engineering Services

Completed Projects	Active Projects / % Completed	Projects in Design / % Completed
– Cedar Chase Hotel – Mainstay Suites – 793 Queen Street - Bayhealth	– Grandview Mobile Home Park - 80% – Lexington Glenn - 80% – Clearview Phase 1, 2, 3 - 50% – Feeders 3 & 4, Phase I - 5% – Tall Pines, Dover Kenton Road - 10% – Nottingham Meadows - 50% – Cannon Mill, Phase II - 90% – Village of Westover, Phase VI -20% – Kent Acres Rehab. - 40% – SR1/SR9 Rebuild - 0% – Eden Hill Medical Center - 90% – Stover Professional Center, 508 - 90% – Dover Air Force Base, Phase III - 95% – Dover Air Force Base, Phase IV - 80% – Dover Air Force Base, Phase V - 20% – Dover Station - 75% – Dove View Development - 10% – Governors Avenue - 0% – Mayfair Bus Work - 80% – Fiber Upgrade - 5% – Twin Oaks – 10% – North State Street Lighting - 5% – Kids R Us Daycare - 75% – Collegian Complex - 10% – Fiber Ugrade - 20%	– Fiber Map - 0% – Wawa, Bay Court Plaza - 90% – Feeders 3 & 4, Phase II - 60% – Cahne Medical Building - 0% – North Street Improvements - 50% – Cannon Mill, Phase III - 100% – Dover Saturn - 100% – Robert W. O'Brien Building - 0% – State Street Commons - 100% – Wawa, Court Street - 0% – Eden Hill, Residential - 80% – Kesselring Farm - 100% – 69 KV Relocation Frazier - 90% – Route 8 & Salisbury Road - 100% – College Road Distribution - 100% – Schoolview Development - 100% – Kenton Child Care - 0% – Dover Transit - 0% – 1600 N. Little Creed Road - 100% – Spence's Bazzar - 0% – South Governors Avenue Lighting - 100% – Brentwood - 90% – Kent General Hospital - 90% – Route 9 & Route 113 - 100% – Compass Pointe - 100% – Kent 8 Building - 0% – Walgreen, DuPont Highway - 0% – Silver Bullet Office Building - 100% – Patriot Village - 0% – DAFB Underground Service - 100%

Transmission and Distribution

Underground Work	% Completed	Overhead Work	% Completed
– Cannon Mill	98%	– Overhead Maintenance	Ongoing
– Clearview	Ongoing	– Maintenance of City Lighting	Ongoing
– Lexington Glenn	Ongoing	– Rebuild Mayfair Substation	70%
– Dover Air Force Base - new infrastructure install	Ongoing	– Blue Light Installation (2 of 3)	66%
– Nottingham Meadows	Ongoing	– Capacitor Installation (9 of 11)	85%
– Capitol Park - upgrade to underground	70%		
– Seskinore Development	95%		
– Infrared Testing & Repairs	60%		
– Vera's Haven	99%		
– Rigley Street Storage	60%		
– Stover Professional Center	75%		
– Kent Acres (on hold until 2009)	10%		
– Eden Hill Medical Center	90%		
– Capacitors Installation (4 of 6)	66%		

FY 08 Meter Stats

	Jan 07	Feb 07	Mar 07	Apr 07	May 07	Jun 07	Jul 07	Aug 07	Sep 07	Oct 07	Nov 07	Dec 07	Jan 08
Radio Read Meter Installations	635	380	370	249	205	177	219	530	270	223	511	378	531
Meters Tested	1399	648	570	506	494	368	179	962	622	281	838	673	975
Meters Junked	603	283	261	245	193	129	79	382	235	127	374	290	368
Meters Removed	13	12	16	20	11	5	20	15	2	27	30	5	4
Meter Changes	523	298	341	183	1273	94	110	392	224	137	385	284	460
New Services	93	69	20	55	63	63	95	112	35	496	105	80	56
Services Retired	3	4	1	2	2	4	6	3	0	31	12	1	2
System Operations Center													
Switching schedules	20	17	17	13	12	18	7	14	18	20	8	17	8
Work orders	666	428	456	1,579	636	636	512	614	6,757	1,135	804	738	538
Miss Utility tickets called back	1,623	1,438	2,238	1,706	1,914	2,607	1,528	2,008	2,162	2,488	2,026	1,568	1,359
Tickets located	1,743	1,344	2,085	2,559	2,871	2,532	2,295	3,114	3,069	3,771	2,946	2,481	2,529

Substation Relay

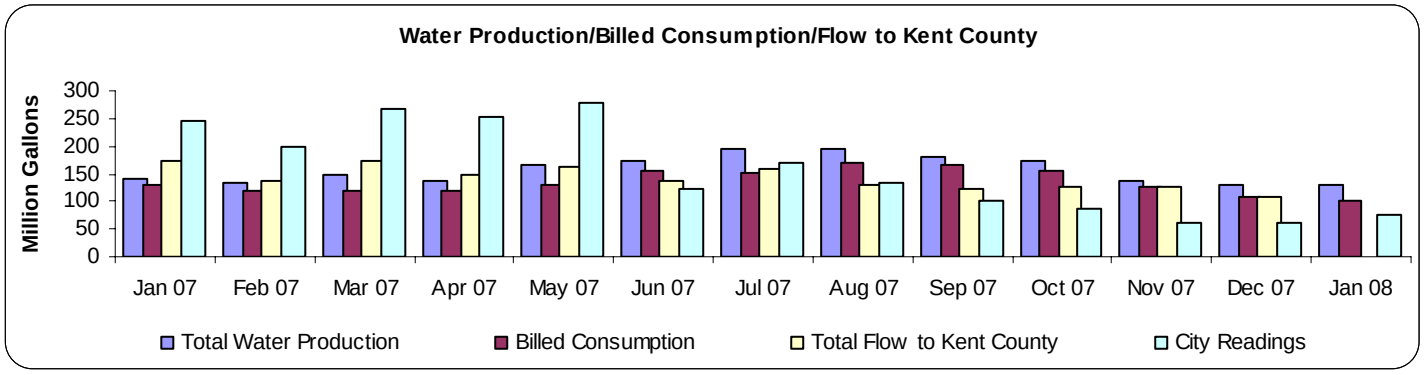
Substation	Status
Cartanza	Repaired Oil Leak
McKee Run	Repaired Breaker 22-1050
Mayfair	Continuing Construction

SOP / CIP Updates

- *Develop an Electric Department mapping system to assist crews with power restoration.* Mapping system is up and running.
- *Hire two junior engineers to replace senior system engineer and senior SCADA technician.* Recruitment of Electrical Engineer-SCADA Technician, pending evaluation.
- *Continue the Blue Light Security program in the City of Dover – Project #EE0709.* Three Blue Lights have been received and two have been installed.
- *Leverage and maximize the use of existing fiber optic outside plant and conduit by enhancing the existing fiber optic network and sharing these facilities with key community stakeholders – Project #PR0710.* RFP was approved by Council and the contract was awarded to Columbia Tele Communications.

CIP Project	% Completed	CIP Project	% Completed
Mayfair 69/12 KV Transformer and Breaker – Project #ES0105	90%	Meter Testing Bench	90%
69 KV Feeders 3 and 4 – Project #EE0601	19%	Lighting Project and Rehabilitation – Project #EE0605	10%
UG Transformers – New Construction UG Conductor Devices – New Construction Project #EE0808	0%	College Road Replacement of 69KV Breakers – Project #EE0809	0%
Lebanon Transformer – Project #EE0701	10%	Radio Read Meter Changeout – Project #ET0501	75%
Transmission Relpay Upgrade – Project #EE0806	80%	Relay Substation Equipment – Project #EE0801	100%
Replacement of 69 KV Breakers – Project #EE0408	70%	Disitribution Capacitors, Underground – Project #EE0810	5%
Distribution Capacitors Overhead – Project #EE0805	15%	North Street RTU – Project #EE0804	50%
Horsepond Transformer – Project #EE0802	60%	Distribution Upgrades FY08 – Project #EU0808	90%
Lighting Project & Rehab – Project #EE08xx	60%		

Water/Wastewater



Total Water Production: 131,418,000

Billed Consumption: 99,471,000

Total Flow to Kent County: *
Billing information not available

City Readings: 75,355,290

	JAN 08	JAN 07
Water Production – Daily Average	4,239,290	4,539,258
Fire Hydrants – Flushed	0	0
Fire Hydrants – Tested	2	0
Final Readings	1,167	0
Cutoffs	10	0
Turn Ons	9	0
New Inspections	21	0
Curb Boxes Located	46	0
Curb Boxes Adjusted	3	0
Water Service Lines Repaired	13	2
Water Meters Repaired	33	23
Radio Technology Installations	543	137
New Meters Added	12	19
Total Water Meters in City Distribution System	13,394	13,121

	JAN 08	JAN 07
L.F. Sewer Lines Flushed	51,281	87,743
Sewer Lines Inspected	23,081	91,343
Feet Sewer Mains Videotaped	1,762	793
Manholes Inspected	285	434
Manholes Cleaned	271	410

SOP / CIP Updates

- *Reduce number of brown water complaints through the implementation of the Water Quality Improvements Program – Project #WD0811/WS0707.* Four contact chambers have been installed and two have been placed online. Installation of the fifth chamber is scheduled to begin in February 2008. Bids for primary materials for the final six chambers where approved by Council in January. Staff contacted Black & Veatch regarding the start of the next phase of water quality consulting.
- *Reduce cost to the City arising from inflow/infiltration – Project #WS0501.* Staff continued to work on cost estimation and RFP development for work which has been identified through the Inflow & Infiltration Study and investigations performed by City crews.
- *Increase the metering accuracy of the water/sewer utility through the expansion of the Meter Reading Technology Upgrade Project – Project #WS0802.* The budget for this program increased to $366,300 for FY 2008. Currently, 49 percent of the budget has been spent.
- *Increase the mapping accuracy of the water/sewer utility through the expansion of GIS.* The new GIS Technician began in October and approximately 50 percent of the water system has been entered. Field verification is still required for areas entered.

CIP Project (Water)	Percent Completed
Cheswold Well (#8) Replacement) – Project #WS0705	20%
Meter Reading Technology Upgrade – Project #WS0802	50%
Wellhead Redevelopment – Project #WD0801	6%
Wellhead VFD Upgrades - #11 – Project #WD0808	9%
Wellhead VFD Upgrades - #13R – Project #WD0809	9%
Wellhead VFD Upgrades - #15 – Project #WD0810	9%
Water Quality Improvements – Project #WD0811	37%
Bayard Avenue Contact Chamber – Project #WS0707	100%
Remote Control & Monitor Wells – Project #WD0802	6%
Emergency Generators (Wells) – Project #WD0803	0%
1.0 MG Elevated Water Storage Tower – Project #WD0804	2%
Piney Point Well – Project #WD0805	2%
Scarborough Road Interconnection – Project #WD0601	2%
Miscellaneous Distribution System Improvements – Project #WD0806	39%
South Governors Avenue Water Main Upgrade – Project #WD0807	0%

CIP Project (Wastewater)	Percent Completed
Meter Reading Technology Upgrade – Project #WS0802	48%
Inflow / Infiltration Removal Study – Project #WS0501 (2008 only)	0%
Inflow / Infiltration Removal – Project #WW0803	1%
SCADA System Tech Upgrade – Project #WW0804	5%
Lafferty Lane Package Pump Station Replacement – Project #WW0805	8%
White Oak Farms PS VFD's – Project #WW0806	9%
US 13 East Sanitary Sewer Interceptor – Project #WW0810	7%
Dover East Pumping Station & Force Main Replacement – Project #WW0807	1%
Misc. Sewer System Improvements – Project #WW0808	0%
South Governors Avenue Sewer Main Upgrade – Project #WW0809	0%

Construction

Utility Crew

1. Contact Chambers – Completed piping and meter installation at well #11. Started installation of chamber at well #15 (99% complete).
2. Replaced sewer lateral on Charles Drive.

MONTHLY REPORT

Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7010 Fax (302) 736-4217

Department of Planning and Inspections January 2008

PERSONNEL

January 22nd – 25th, 2008 Ann Marie Townshend, Dawn Melson-Williams, Janelle Cornwell, Michael Albert and Diane Metsch participated in continued training regarding the Planning and Engineering Overview for the HTE system conducted on site in the office. The training included follow-up of functions being utilized from previous training on different functions of the system and to streamline applications so that they can also be tracked in other areas of HTE such as Building Permits.

The Planning Office participated in an off-site Staff Retreat at the Schwartz Center on January 28, 2008. Topics covered Education and Training opportunities, General Office Operations, and Projects and Priorities for the coming year.

EDEN HILL TND

The Administrative Site Plan for the Community Center Building, a component of the Active Recreation Area for the Residential District, continues through the Check Print process with a revised plan received for review in mid-January. At the project site, construction is progressing on Buildings 1 and 2 (exterior and interior work) and the site improvements within the Professional Office, Medical & Financial District. Construction work also continues on the infrastructure of utilities and roads for the Residential District. In late January, the Plan for the Commercial District was submitted to begin review for finalization of the Construction Plans for this district.

COMPREHENSIVE PLAN 2008

With the start of the Research Assistant Intern, Asma Manejwala on January 17th, the research and data gathering for the Comprehensive Plan 2008 is progressing. Staff is planning for the first series of public outreach workshops associated with the Comprehensive Plan 2008. A special committee lead by City Manager Tony DePrima focusing on the Economic Development chapter met on January 24th to begin analysis of this topic for the Plan. Meetings for the City Staff involved in the project continue to discuss the research progress and assignments for the project.

CODE ENFORCEMENT

Case Type	# cases current month	# cases YTD	% staff initiated current month	% staff initiated YTD
No valid rental permit	49	49	100%	100%
No valid building permit	2	2	100%	100%
Tall grass and weeds	0	0	0%	0%
Unregistered vehicle	10	10	80%	80%
Abandoned vehicle	15	15	80%	80%

Annual Housing Inspection	178	178	98%	98%
CO Inspection – Planning	12	12	100%	100%
Property Maintenance – Exterior	61	61	79%	79%
Electric Termination	24	24	100%	100%
Dover Code of Ordinances	85	85	82%	82%
Zoning	61	61	85%	85%
Basketball goal	6	6	100%	100%
Total Cases	**503**	**503**		

DEMOLITIONS

There are nine structures on the Dangerous Building List:

- City Council ordered demolition of the pool located at 123 Blue Beach Drive in September 2006. The property has been the subject of a bankruptcy which has caused an automatic stay. The City Solicitor is working within the relevant legal framework to either bring the pool into full compliance or allow the City to proceed with demolition.

- The dwellings located at 312-314 W. Division Street were condemned by the City, a lien search was conducted and a notice was sent to the property owner, Mr. Ron Lemay. Mr. Lemay made application on July 9th for a renovation permit with a contract to sell the property to Mr. David Bright. Mr. Bright's deal with Mr. LeMay expired on September 20, 2007 and he will no longer be purchasing the property. Mr. Lemay continues to make repairs, he has replaced deteriorated floor joist, installed new drywall, and completed siding on the rear of the structure.

- The structure at 43 E. Division Street has been posted with all interested parties notified. The property is in litigation; a letter has been sent to the property owner's lawyer, Mr. Nicholas Ferdirko that the City would need to know the reason and a timetable as to when the litigation will be settled. Per Mr. Pepper, Assistant City Solicitor, the litigation does not prevent the City from proceeding with action per the Dangerous Building Ordinance; however, we will await response. Mr. Ferdirko's lawyer, Mr. Sean Lynn, has informed Staff that litigation on the property is due to the contractor not completing the work, which resulted in the Code enforcement. Mr. Lynn has requested and was granted time to either reach a settlement or obtain a court ruling. The structure is currently safe and will not collapse at this time. Mr. Ferdirko was given until January 7, 2008 to bring the building into compliance or it will be taken before City Council to be demolished. Mr. Ferdirko stated he has signed a contract for the repairs to begin. He was advised to bring in a copy of the contract. As of January 2, 2008 he has yet to provide signed contract. This building is in located within the Historic District Zone and Mr. Fedirko has met with Planning Staff to discuss his options with regards to either repair or demolition of the property.
- The structure at 66 Washington Street was declared a dangerous building on November 28, 2007 with all interested parties notified. City Staff has met with the owner and discussed a set timetable for repairs to be completed.

- The structure at 533 Carol Street was declared a dangerous building on November 28, 2007 with all interested parties notified.

- The structure at 54-56-58 S. Queen Street was declared and posted as a dangerous building on December 5, 2007 with notice sent to all parties with interest in the property on December 11, 2007.

- The structure at 230 W. Division Street was declared a dangerous building on January 4, 2008 with all interested parties notified.

- The structure at 74 N. West Street was declared a dangerous building on January 4, 2008 with all interested parties notified.

- The structure at 1335 Walker Road was declared a dangerous building on January 7, 2008 with all interested parties notified.

COMMUNITY DEVELOPMENT

Dover First Start

For the month of January one (1) family is mortgage ready and shopping for a home.

Housing Rehabilitation Program

Five (5) owner occupied homes have been completed.

House of Pride

Three (3) heaters have been installed in Transitional Housing units for the House of Pride and all of the properties have been treated for termites.

First Resources Conservation & Development Council

Emergency repairs have been completed on Five (5) owner occupied homes.

301-305 W. Loockerman Street (Rental Rehab)

The roof has been replaced.

MEETING REPORTS

Board of Adjustment:

The Board of Adjustment met on January 16, 2008 and took the following actions:
The next scheduled meeting for the Board of Adjustment will be held on February 20, 2008.

1. **Applicant #V-08-01 - 260 Beiser Blvd., Lands of Delaware Surgical Associates:** Tabled.

Dover Parking Authority: At its meeting of January 3, 2008 reports were given on the budget, permit sales, Police Department activities, Main Street, DDDC Report and Water Street Collections. There was also a parking requirement waivers discussion held along with discussion on the Governors Avenue permit configuration. Also discussed was a parking requirement discussion regarding Franklin Hall Apartments.

Historic District Commission:

The Historic District Commission met on January 17, 2008.
The next scheduled meeting for the Historic District Commission is February 21, 2008.

1. **HI-07-07 Franklin Hall at 326 West Loockerman Street** – Clarification of Architectural Review Certification Recommendations and Waivers: Moved to approve with conditions.
2. **HI-07-06 Jackson Hall (Capital Plaza) on West Loockerman Street** – Informational item only.

Planning Commission
At its meetings of January 22, 2008, the Planning Commission took the following actions:

1. **S-07-62 Dover Central Middle School: Gym Replacement and Auditorium Renovations at 211 Delaware Avenue** – Moved to approve with conditions.
2. **C-08-01 House of Pride at Properties on North New Street and South New Street** – Moved to approve with conditions. Conditional Use approval to be reviewed again in July 2008.
3. **Z-08-01 Lands of BBC Properties located at 988-990 Forest Street** – Moved to table.
4. **S-08-01 South Dover Elementary School at 955 South State Street** – Moved to approve with conditions.
5. **S-08-04 Happy Harry's/Walgreens at 226 North DuPont Highway** – Moved to approve with conditions.
6. **S-08-05 Dover Post at 1196 South Little Creek Road** – Moved to approve with conditions.

INSPECTIONS ACTIVITY
Permits and Licenses

Rental Dwelling, Public Occupancy & Lodging House Permits: Year to Date	1,053
Number of New Occupancies – January 2008	1,053
Permit Fees Collected for Rental, Public Occupancy & Lodging Permits, Jan 2008	$135,140.00
Number of Business Licenses & Mobile Homes Issued – January 2008	60
Total Number of Business Licenses & Mobile Homes for Year 7/1/07 to 6/30/08	2,609
Total Fee Collected for Business Licenses & Mobile Homes for Jan 2008	$ 5,672.65
Total for all Construction Permits* and Certificate of Occupancies Issued for Jan 2008	259
Value of Construction & Fire Prevention projects permitted in January 2008	$ 4,951,569.00
Fees Collected for Construction Permits and CO's for January 2008	$ 55,479.50

*Construction permits include Building, Fire Prevention, Plumbing, and HVAC Permits

Building and Property Maintenance Inspections	
Construction Inspections	
Building	318
Plumbing/Mechanical	277
Certificate of Occupancy	18
Total New Construction	**613**

During the month of January the Planning & Inspections staff logged in 530 walk-in traffic citizens.
As always, please contact me regarding any questions you may have.

Ann Marie Townshend
Director of Planning and Inspections Department

DOVER FIRE DEPARTMENT

Established 1882

February 15, 2008

Mayor and Council
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Mayor and Council,

During the month of January and February, a Committee action form was completed for the Engine 5 vehicle replacement and submitted to the Legislative and Finance committee. The bids for Engine 5 were sent out to four vendors to replace the 1989 Mack Engine. The bidding process was closed on December 31st with one bid received from Pierce Manufacturing. I have been working with Mrs. Mitchell and Mr. Deprima on funding for the apparatus which has been built into the 2008/2009 budget and forecasted in the CIP for 2010 and 2011. Tony and Donna have been a great help during this process keeping the project moving to better serve our citizens.

Turnout gear bid was awarded to Maryland Fire Equipment. This is to replace aged and worn out turnout gear. The new gear meets the current NPFA standard ensuring firefighter safety. The gear also features a rescue drag device which is used to remove trapped or injured firefighters from a building. The rescue drag device proved itself Sunday January 13th when we had a firefighter fall through the second floor of a residence while attempting to extinguish a fire.

Firefighters utilized the drag device to remove the fallen firefighter from the floor and took him to safety. The firefighter was transported to Bay health for a strained back, over extended legs injuring tendons and ligaments in his legs. The Firefighter was out of work for 2 weeks.

Firefighters attended 12 training classes in January and February, equaling 760 man-hours of training. This training included structural firefighting skills, Rapid Intervention Team training for rescuing trapped, lost or injured firefighters in burning buildings, Emergency Medical training and electric and gas emergencies.

I have been working with Mr. Deprima and Mrs. Mitchell on resolving issues found in the Independent Accountant Report. I want to ensure you that we are addressing the issues in the audit and providing the documentation to ensure each of you we are utilizing

103 South Governors Avenue • Dover, Delaware 19904
Headquarters: (302) 736-7168 • Fire Chief's Office: (302) 736-7167 • FAX: (302) 736-7166

your funds properly and providing the City of Dover a progressive fire department. The information will be provided to you as soon as it's available. In my opinion it appears that there was a technicality on the availability of the fire department treasurer was not available due to a family death during the review of the three accounts in question.

As the new Fire Chief, I ensure you that City Policy will be followed to a tee. There will be no question on the creditability of the fire department for 2008 and years to come. If you should have any questions please contact me.

During the Month of January, we responded to 84 incidents. The incidents with the most severity are listed below:

January 13, Firefighters responded to 2731 Hazelville Road for a working house fire. On arrival found a 2-1/2 story farm house well involved on the second floor with fire showing thru the roof. A exterior attack was started and then changed to an interior attack after some of the fire was knocked down. Firefighters entered the structure to extinguish same when a firefighter fell thru the floor injuring his legs and back. The Fire fighter was unable to free himself at which time he called for a Mayday. A rapid intervention team entered the structure and freed the firefighter from the floor. Fire fighter was transported and released for Bay health Medical Center. 65 firefighters responded, 8 pieces of apparatus. Firefighters were on scene 3 hours.

January 21, Firefighters responded to a building fire at 600 Jefferic Blvd. (Public Storage Facility). On arrival found a 30 x 200 public storage facility with smoke showing The fire was located in two of the walk thru storage units and quickly extinguished. The cause of the fire is under investigation by the City of Dover Fire Marshall's office. 35 Firefighters Responded, 5 pieces of Apparatus. Firefighters were on scene 1 hour.

January 22, Firefighters responded to 1300 S. Farmview Dr. (Woodmill Apartments). On arrival found a three story multi-family dwelling with smoke showing. Firefighters found a fire between the 2nd and 3rd floors. Firefighters cut several holes in the floor to gain access to extinguish same. 32 Firefighters responded, 6 pieces of apparatus. Firefighters were on scene for 1 hour. The City of Dover Fire Marshall's office is investigating.

January 23, Firefighters responded to an MVC with a subject trapped on Maidstone Branch Rd. On arrival found one vehicle on its side with a subject trapped. Firefighters extricated the victim and transported the patient to KGH. 25 Firefighters responded, 4 pieces of apparatus. Firefighters were on scene for 45 minutes.

January 28, Firefighters responded to a Building fire at Autumn Run Apartments. On arrival found Smoke showing from the back of the building. Firefighters entered building L and located a bedroom on fire and extinguished same. Firefighters also evacuated approximately 20 occupants that did not leave the building when the fire alarm activated. The apartment was destroyed by fire however; other occupants of the building only had smoke damage to their living areas.25 firefighters responded, 5 pieces of apparatus. Firefighters were on scene 1 hour.

To date for the Month of February, we responded to 38 incidents. The incidents with the most severity are listed below:

February 4, Firefighter responded to a building fire at 200 Weston Drive. On arrival found fire showing from the front of the building extending into the attic area and maintenance area of the building. Firefighters entered the facility and extinguished same. Heavy heat and smoke damage was done to the office area of the facility. 52 firefighters responded, 8 pieces of apparatus. Firefighters were on scene 2-1/2 hours.

February 11, Firefighters responded a Motor Vehicle Collision on State route on 1 just south of the toll plaza with subjects trapped. On arrival found an overturned tractor trailer vs. a tow truck that was towing a pick up that was underneath the tractor trailer. Two patients self extricated themselves from the wreckage on arrival and where transported to Kent General. Units remained on scene for 1-1/2 hours due to a large diesel fuel leak from the tractor trailer. 28 Firefighters responded, 4 pieces of apparatus.

February 14, Firefighters responded to a House fire at 110 Shadow Court. On arrival found fire showing from the garage in front of the structure. Crew advanced lines into the structure containing the fire strictly to the garage with minor smoke damage to the living are of the residence. 31 firefighters responded, 5 pieces of apparatus. Firefighters were on scene 1-1/2 hours.

If you should have any questions or concerns please feel free to contact me at any time.

Yours in Service,

David C. Carey
Fire Chief

CIP January 2008 Fiscal Status

(Operational Comments through February 20, 2008)

Highlights

General Fund

All projects have started; three are complete.

- The J. W. Pitts Center is moving along; grand opening is likely to be in March.
- Police Station steps are DONE.
- Installation of the CAMA system is going smoothly.
- All project progress is going well.

Water/Wastewater Fund

All projects but one have started. Most are in some phase of design work, ordering material, or under construction.

- I have dropped the Dover East Force Main. We believe the necessity of this project has been satisfied through county and private improvements.
- We are progressing nicely on installations of contact chambers.
- DelDOT is now bidding the South Governors Avenue reconstruction.

Electric Fund

All projects started; four are completed.

- The McKee Run Oil Tank was inspected and no serious problems were detected.
- After many years of delay, serious work has started at the Mayfair Substation. The station has been taken out of service, and construction has begun.
- The College Road transformer has been ordered, but we are concerned that long lead times for delivery will delay completion of this project this fiscal year.
- Both the St. Jones and Horse Pond Substation Transformers are being ordered. These will not be delivered until next fiscal year. Due to the size of the required down payment, funds budgeted to be expended next year will have to be shifted into this fiscal year.
- Due to outages in the Pennwood Subdivision we have decided to focus "Distribution Upgrades" funds in this area. The work will require more monies than budgeted. We will be shifting funds from the "New Development" budget where spending is below budget due to the slowed construction economy.
- It is likely that the Transmission Upgrade Project will not be completed this year. Upon starting the project we learned that our "as built" drawings of Substations relay were not accurate. This required us to have to commission new "as built" drawings. This unexpected step will cause a delay in the project and perhaps increase its budget.

City of Dover
Electric Improvement & Extension Fund - Major CIP Projects
January 2008

		TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR (Including Encumbrances)				
Type	Description	Original Project Budget	Revised Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	Current Fiscal Yr. Budget	Fiscal YTD Expenses	% Budget Spent	Status	Comments
	FY 2003										
M	Mayfair 69kv/12kv SS Upgrade	$ 555,000	$ 617,965	$ 625,075	$ (7,110)	101.2%	$ 65,000	$ 259,552	399.3%	Started	Majority of construction complete.
	Totals	$ 555,000	$ 617,965	$ 625,075	$ (7,110)	101.2%	$ 65,000	$ 259,552	399.3%		
	FY 2005										
M	Radio Read Meter replacement Prog.	$ 1,830,000	$ 1,830,000	$ 1,787,395	$ 42,605	97.7%	$ 545,000	$ 503,733	92.4%	Started	All materials purchased; ongoing installation.
	Mayfair to Mid-City 69 kv	650,000	723,200	443,323	279,877	61.3%	-	-	0.0%	Started	Construction ongoing; completion end of fiscal year.
	Totals	$ 2,480,000	$ 2,553,200	$ 2,230,719	$ 322,482	87.4%	$ 545,000	$ 503,733	92.4%		
	FY 2006										
M	69 KV feeders 3 and 4	$ 11,060,000	$ 14,747,500	$ 3,036,808	$ 11,710,692	20.6%	$ 9,077,500	$ 2,839,476	31.3%	Started	Receiving materials. Labor bid to Council in February.
	Governor's Avenue Rebuild	1,268,450	2,068,260	112,355	1,955,905	5.4%	2,068,260	112,355	5.4%	Started	Waiting for start order from DelDOT.
	College Road Capacitor	155,000	119,995	5	119,990	0.0%	-	-	0.0%	Dropped	Changed to Distribution Capacitors.
M	Replacement of 69 KV line breakers - North Street	150,000	230,000	271,078	(41,078)	117.9%	-	122,418	0.0%	Started	See 69KV Breaker Project in FY08
	Totals	$ 12,633,450	$ 17,165,755	$ 3,420,246	$ 13,745,509	19.9%	$ 11,145,760	$ 3,074,249	27.6%		
	FY 2007										
M	Lebanon Transformer	$ 620,000	$ 851,850	$ 766,124	$ 85,726	89.9%	$ 637,950	$ 552,224	86.6%	Started	Construction started. Transformer April 08 delivery.
R	Lighting Project & Rehab (Gov Ave)	50,000	50,000	21,570	28,430	43.1%	-	15,209	0.0%	Complete	Lights done at Wesley.
	Blue Light Security System Call box	25,000	25,000	22,142	2,858	88.6%	-	13,755	0.0%	Started	2 of 3 lights installed; being activated.
	McKee Run Transformer	350,000	350,000	301,011	48,989	86.0%	-	5,074	0.0%	Complete	Completed.
M	College Road Substation	2,960,000	2,960,000	2,491,377	468,623	84.2%	2,435,000	2,426,547	0.0%	Started	Labor bids are in. To make this within budget will use some in house labor.
M	Transmission Relaying Upgrades Ph I	100,000	100,000	100,000	(0)	100.0%	-	72,971	0.0%	Started	Some installation. Need new "as built" drawings.
	Totals	$ 4,105,000	$ 4,336,850	$ 3,702,224	$ 634,626	85.4%	$ 3,072,950	$ 3,085,780	100.4%		
	FY 2008										
	Unit 3 Turb Bearing Fire Protect Deluge	$ 50,000	$ 50,000	$ -	$ 50,000	0.0%	$ 50,000	$ -	0.0%	Started	Obtaining quotes.
	Tank Inspections SPCC/AST	300,000	300,000	291,910	8,090	97.3%	300,000	291,910	97.3%	Complete	Done; no major problems found.
	VS COMS replacement	27,000	27,000	28,967	(1,967)	107.3%	27,000	28,967	107.3%	Complete	Done
M	Horsepond Transformer	1,020,000	1,020,000	807,741	212,259	79.2%	325,000	807,741	248.5%	Started	Transformer ordered. Need to shift funds from next fiscal year to cover deposit.
R	Distribution Capacitors OH/UG	225,000	225,000	141,275	83,725	62.8%	225,000	141,275	62.8%	Started	Installation started.
M	Transmission Relay Upgrade FY 08	520,000	520,000	348,608	171,392	67.0%	520,000	348,608	67.0%	Started	This project will be behind schedule and may be overbudget due to the City not having accurate as built drawings, new drawings had to be commissioned.
R	New Developments	1,015,000	1,015,000	410,423	604,577	40.4%	1,015,000	410,423	40.4%	Started	Ongoing
R	Replacement of 69 KV line breakers	183,000	183,000	136,400	46,600	74.5%	183,000	136,400	74.5%	Started	Construction and installation ongoing.
R	Lighting Project & Rehab	100,000	100,000	61,592	38,408	61.6%	100,000	61,592	61.6%	Started	Material ordered; some construction started
M	St Jones Substation Transformer	2,166,039	2,166,039	1,002,858	1,163,181	46.3%	-	1,002,858	0.0%	Started	Transformer ordered. Need to shift funds from next fiscal year to cover deposit.
	Itron Mobile Collection System	28,241	28,241	20,400	7,841	72.2%	28,241	20,400	72.2%	Started	System in testing.
R	Distribution Upgrades FY 08	300,000	300,000	255,604	44,396	85.2%	300,000	255,604	85.2%	Started	Woodmill complete. Working in Kent Acres and Pennwood. Will need additional funds due to Pennwood work.
		$ 5,934,280	$ 5,934,280	$ 3,505,779	$ 2,428,501	59.1%	$ 3,073,241	$ 3,505,779	114.1%		
	Grand Totals	$ 25,707,730	$ 30,608,050	$ 13,484,043	$ 17,124,007	44.1%	$ 17,901,951	$ 10,429,093	58.3%		

Legend
M = Multi-year project - a project with a specific schedule to occur over multiple years
R = Recurring project - a project that begins and ends each fiscal year and is rebudgeted to start over each fiscal year.

City of Dover
Streets Funds - Major CIP Projects
January 2008

		TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR (Including Encumbrances)				
Type	Description	Original Project Budget	Revised Project Budget	Project To Date Expenses	Project Budget Balance	% Budget Spent	Current Fiscal Yr. Budget	Fiscal YTD Expenses	% Budget Spent	Status	Comments
	FY 2002										
	North Street Sidewalk	$ 654,629	$ 819,120	$ 738,704	$ 80,416	90.2%	$ 80,416	$ -	0.0%	Not started	Work on hold pending Collegiate decision.
	Clara Street turn lane	170,916	187,949	166,795	21,154	88.7%	52,952	31,798	60.1%	Not started	(1) See below.
	Totals	$ 825,545	$ 1,007,069	$ 905,499	$ 101,570	89.9%	$ 133,368	$ 31,798	23.8%		
	FY 2005										
	Dover Little League Parking Lot Phase II	$ 134,000	$ 134,000	$ 123,215	$ 10,785	92.0%	$ 10,785	$ -	0.0%	Done	Awaiting staff decision on re-appropriation of available funds.
	Fox Hall signs/Lincoln Park sign	20,340	20,340	10,340	10,000	50.8%	10,000	-	0.0%	Done	The signs for Fox Hall & Woodlands of Fox Hall are complete. Work not started for Lincoln Park.
	Totals	$ 154,340	$ 154,340	$ 133,555	$ 20,785	86.5%	$ 20,785	$ -	0.0%	-	
	FY 2006										
	Silver Lake Park Sign	$ 16,400	$ 16,400	$ -	$ 16,400	0.0%	$ 16,400	$ -	0.0%	Not started	10% received from State. Work not started.
	Capitol Park/ Rodney Village Signs	20,000	19,205	19,206	(1)	100.0%	8,244	8,245	100.0%	Done	Done
	Heatherfield Sign./ Voshells	20,000	20,000	12,781	7,219	63.9%	15,380	8,161	53.1%	Done	Done
	Cowgill St.	25,000	25,000	45,246	(20,246)	181.0%	25,000	45,246	181.0%	Not started	10% received from State. Work not started.
	Morris Dr.	79,000	79,000	54,939	24,061	69.5%	79,000	54,939	69.5%	Not started	10% received from State. Work not started.
M	Lincoln Park Center (317)	400,000	400,000	238,358	161,642	59.6%	161,642	-	0.0%		
	Totals	$ 560,400	$ 559,605	$ 370,530	$ 189,075	66.2%	$ 305,666	$ 116,591	38.1%	-	-
	FY 2007										
	E. Water St. brick sidewalk	$ 65,000	$ 65,000	$ -	$ 65,000	0.0%	$ 65,000	$ -	0.0%	Not started	10% received from State. Work not started.
	Dover Fire Company parking lot	80,000	100,000	33,552	66,448	33.6%	100,000	33,552	33.6%	Not started	Received 10% on original agreement; awaiting decision on funding reallocation.
	Andrew Dr./ G. Washington Dr./ Maple Dale Ave.	200,600	200,600	109,602	90,998	54.6%	200,600	109,602	54.6%	Started	10% received from State. Work not started.
	Penn. Ave./ West St. Alleys	36,900	36,900	11,776	25,124	31.9%	36,900	11,776	31.9%	Not started	10% received from State. Work not started.
	Maryland Ave.	25,000	25,000	23,106	1,894	92.4%	25,000	23,106	92.4%	Not started	10% received from State. Work not started.
	Bedford Drive	1,580	1,580	790	790	0.0%	1,580	790	50.0%	Not started	
		$ 409,080	$ 429,080	$ 178,825	$ 250,255	41.7%	$ 429,080	$ 178,825	41.7%		
	FY 2008										
	Budgeted Approp FY08	$ 350,000	$ 312,011	$ -			$ 312,012				General Fund Approp
	Legislative Drive		6,616	6,616			6,616	6,616		Started	General Fund Approp
	Governors Ave W.Alley		28,400	28,400			28,400	28,400			
	Wesley College Parking Lot Covered by Approp		2,973	2,973			2,973	2,973		Started	General Fund Approp
	Sub Total GF Approp	350,000	350,000	37,989	312,011	10.9%	350,001	37,989	11.8%		Done
	Wesley College Parking lot	169,424	169,424	169,343	81	100.0%	169,424	169,343	100.0%	Done	
	Totals	$ 519,424	$ 519,424	$ 207,332	$ 312,092	39.9%	$ 519,425	$ 207,332	42.2%		
	Grand Totals	$ 2,468,789	$ 2,669,518	$ 1,795,741	$ 873,776	67.3%	$ 1,408,324	$ 534,546	38.7%		

Legend

M = Multi-year project - a project with a specific schedule to occur over multiple years
R = Recurring project - a project that begins and ends each fiscal year and is rebudgeted to start over each fiscal year.
CC = Construction complete.

City of Dover
General Fund - Major CIP Projects
January 2008

		TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR (Including Encumbrances)				
Type	**Description**	**Original Project Budget**	**Revised Project Budget**	**Project To Date Expenses**	**Project Budget Balance**	**% Budget Spent**	**Current Fiscal Yr. Budget**	**Fiscal YTD Expenses**	**% Budget Spent**	**Status**	**Comments**
	FY 2004										
M	Pitts Recreation Center	$ 3,000,000	$ 3,000,000	$ 2,806,959	$ 193,041	93.6%	$ 1,987,200	$ 1,880,917	94.7%	Started	Exterior finished; interior fit out under construction. February completion.
	Totals	$ 3,000,000	$ 3,000,000	$ 2,806,959	$ 193,041	93.6%	$ 1,987,200	$ 1,880,917	94.7%		
	FY 2005										
	Dover Park Enhancements	$ 60,000	$ 60,000	$ 31,241	$ 28,759	52.1%	$ 46,670	$ 17,911	38.4%	Started	First coat of paving done; finish in spring.
	Totals	$ 60,000	$ 60,000	$ 31,241	$ 28,759	52.1%	$ 46,670	$ 17,911	38.4%		
	FY 2008										
	CAMA (Orion) System Upgrade	$ 45,000	$ 45,000	$ 49,019	$ (4,019)	108.9%	$ 45,000	$ 49,019	108.9%	Started	Server built; data transfer underway.
	Phone System Upgrade Fire	55,000	55,000	26,485	28,515	48.2%	55,000	26,485	48.2%	Started	March completion.
	Red Alert Dispatching System Upgrade	30,000	30,000	-	30,000	0.0%	30,000	-	0.0%	Started	Waiting for vendor to start
	JWP Center office equipment & furniture	78,500	78,500	8,569	69,931	10.9%	78,500	8,569	10.9%	Started	Some furniture ordered.
	Millcreek\Schutte Playgrounds	40,000	40,000	-	40,000	0.0%	40,000	-	0.0%	Started	Try to set design meeting with Millcreek HOA
	Improvements	30,000	30,000	-	30,000	0.0%	30,000	-	0.0%	Started	Spring paving of basketball courts.
	6 wheel box truck fire investigation unit	70,000	70,000	31,551	38,449	45.1%	70,000	31,551	45.1%	Started	Truck delivered; interior fit out on-going
	Concrete Construction & Replacement	65,000	65,000	53,843	11,157	82.8%	65,000	53,843	82.8%	Started	Contracted work is done.
	Carpet Replacement	15,300	15,300	9,883	5,417	64.6%	15,300	9,883	64.6%	Completed	Done
	Police Front Steps	30,000	65,000	29,616	35,384	45.6%	65,000	29,616	45.6%	Completed	Done
	Internet/Intranet expansion of online services	70,000	70,000	474	69,526	0.7%	70,000	474	0.7%	Started	CRM installed; training on-going; Jan. roll out.
	Citywide document imaging system	80,000	80,000	-	80,000	0.0%	80,000	-	0.0%	Started	Waiting for vendor to start.
	Citywide fleet management system	41,400	41,400	-	41,400	0.0%	41,400	-	0.0%	Started	Visiting other users; designing RFP.
	Replace ISeries system	40,000	40,000	40,852	(852)	102.1%	40,000	40,852	102.1%	Completed	Done
	Upgrade/replacement of inner city fiber optic loop	122,000	122,000	-	122,000	0.0%	122,000	-	0.0%	Started	Construction started.
	Fire Suppression System in IT	27,000	27,000	14,593	12,407	54.0%	27,000	14,593	54.0%	Started	Vendor selected.
	Space needs study Implementation	32,800	32,800	14,030	18,770	42.8%	32,800	14,030	42.8%	Started	Finance done; remodeling for Planning.
	Exhaust extraction system	25,000	25,000	-	25,000	0.0%	25,000	-	0.0%	Started	Preparing bids.
	Totals	$ 897,000	$ 932,000	$ 278,916	$ 653,084	29.9%	$ 932,000	$ 278,916	29.9%		
	Grand Totals	$ 3,957,000	$ 3,992,000	$ 3,117,116	$ 874,884	78.1%	$ 2,965,870	$ 2,177,744	73.4%		

Legend

M = Multi-year project - a project with a specific schedule to occur over multiple years.
R = Recurring project - a project that begins and ends each fiscal year and is rebudgeted to start over each fiscal year.

City of Dover

Water/Wastewater Improvement & Extension Fund - Major CIP Projects

January 2008

	TOTAL PROJECT - PAST, CURRENT & FUTURE BUDGETS					CURRENT FISCAL YEAR (Including Encumbrances)				
Description	**Original Project Budget**	**Revised Project Budget**	**Project To Date Expenses**	**Project Budget Balance**	**% Budget Spent**	**Current Fiscal Yr. Budget**	**Fiscal YTD Expenses**	**% Budget Spent**	**Status**	**Comments**
FY 2005										
Inflow/Infiltration Removal Investigation	$ 375,000	$ 650,000	$ 120,049	$ 529,951	18.5%	$ -	$ -	0.0%	Started	Study done; project design.
Totals	$ 375,000	$ 650,000	$ 120,049	$ 529,951	18.5%	$ -	$ -	0.0%		
FY 2006										
Scarborough Road Interconnection Ph II	$ 120,000	$ 122,500	$ 51,159	$ 71,341	41.8%	$ 72,500	$ -	0.0%	Started	Finalizing drawings
Totals	$ 120,000	$ 122,500	$ 51,159	$ 71,341	41.8%	$ 72,500	$ -	0.0%		
FY 2007										
Cheswold Well (#8) Replacement	$ 175,000	$ 175,000	$ 184,678	$ (9,678)	105.5%	$ -	$ 179,395	0.0%	Started	Construction started
Bayard Avenue Contact Chamber	-	76,044	79,949	(3,905)	105.1%	9,800	8,905	90.9%	Done	Done
Totals	$ 175,000	$ 251,044	$ 264,627	$ (13,583)	105.4%	$ 9,800	$ 188,301	1921.4%		
FY 2008										
Wellhead Redevelopment	$ 45,000	$ 45,000	$ -	$ 45,000	0.0%	$ 45,000	$ -	0.0%	Started	Bid out in February.
Remote Control & Monitor Wells	139,700	139,700	8,878	130,822	6.4%	139,700	8,878	6.4%	Started	On-going installation.
Emergency Generators (Wells)	140,000	140,000	-	140,000	0.0%	140,000	-	0.0%	Not Started	
1.0 MG Elevated Water Storage Tower	55,000	55,000	-	55,000	0.0%	55,000	-	0.0%	Started	Braun Eng. notice to proceed with design.
Piney Point Well	10,000	10,000	-	10,000	0.0%	10,000	-	0.0%	Started	Braun Eng. notice to proceed with design.
Misc. Distribution System Improvements	55,000	55,000	21,449	33,551	39.0%	55,000	21,449	39.0%	Started	On-going improvements.
South Gov. Ave Water Main Upgrade	200,000	200,000	-	200,000	0.0%	200,000	-	0.0%	Started	DelDOT bidding project.
Wellhead VFD Upgrades	126,000	126,000	4,500	121,500	3.6%	122,000	4,500	3.7%	Started	Evaluating bids.
Meter Reading Tech Upgrade	366,300	366,300	165,955	200,345	45.3%	366,300	165,955	45.3%	Started	On-going replacement -66% complete.
Inflow/Infiltration Removal	100,000	100,000	-	100,000	0.0%	100,000	-	0.0%	Started	Out to bid next month.
Scada System Tech Upgrade	74,000	74,000	41,350	32,650	55.9%	74,000	41,350	55.9%	Started	Material due in February.
Lafferty Lane Package P/S Replacement	230,000	230,000	29,418	200,582	12.8%	230,000	29,418	12.8%	Started	Out to bid. Completion pushed to next FY.
White Oak Farms PS VFD's	66,000	66,000	5,000	61,000	7.6%	66,000	5,000	7.6%	Started	Going to Council for approval in March.
Dover East P/S & Force Main Replace	335,000	335,000	-	335,000	0.0%	335,000	-	0.0%	Dropped	
Misc. Sewer System Improvements	30,000	30,000	-	30,000	0.0%	30,000	-	0.0%	Started	On-going improvements.
South Governors Ave Sewer Main	300,000	300,000	825	299,175	0.3%	300,000	825	0.3%	Started	DelDOT bidding project.
US 13 East Sanitary Sewer Interceptor	85,000	85,000	50,937	34,063	59.9%	85,000	50,937	59.9%	Started	In design; considering moving project to westside of Route 13.
Water Quality Improve FY 08	915,000	910,000	660,810	249,190	72.6%	905,200	660,810	73.0%	Started	Well #4 done; well #15 done; working on well #11, Starting Well #2. All materials ordered.
Totals	$ 3,272,000	$ 3,267,000	$ 989,123	$ 2,277,877	30.3%	$ 3,258,200	$ 989,123	30.4%		
			-	-						
Grand Totals	$ 3,942,000	$ 4,290,544	$ 1,424,957	$ 2,865,587	33.2%	$ 3,340,500	$ 1,177,423	35.2%		

DHRC SHOWS COMMITMENT TO SERVING COMMUNITY

(Annual Report)

by Dr. Samuel B. Hoff

The Dover Human Relations Commission (DHRC) had a very active year in 2007. This article summarizes the events and activities undertaken by the DHRC and covers prospects for issues of interest in 2008.

The full compliment of members of the DHRC is 15. The Commission filled three member vacancies in 2007. Michelle Lee, Sonya Homewood, and Kimberly Brumble were welcomed to the DHRC and have already made significant contributions.

Part of the DHRC's charge is to hold meetings in the community and to hold forums on serious issues of concern.

The DHRC undertook activities in both of the latter areas in 2007. In March, the DHRC held a forum on the issue of homelessness, which featured testimony from several persons. In September, the DHRC held a forum on school safety at Dover High School. A previous forum on the issue took place in December 2006. At the Commission's December meeting, a large segment was devoted to the viewing of a video depicting immigration issues affecting the state.

In 2007, the DHRC sponsored or supported a number of community events in Dover. The Commission's Interfaith Task Force was responsible for scheduling two programs, including an interfaith religious service in May and an interfaith Thanksgiving service in November. Additionally, the DHRC directly participated in Race Unity Day, was represented at a Martin Luther King Day event, and supported the annual African American Festival.

One of the most active areas of the DHRC's agenda during 2007 dealt with passing proclamations and resolutions on important issues facing the city and state. The Commission unanimously approved a proclamation for Race Unity Day which was signed by then-Mayor Stephen Speed. The Commission likewise unanimously approved three resolutions, all of which were sent to the Dover City Council for action.

The DHRC passed a resolution calling for the Delaware General Assembly to apologize for the state's support of slavery in April, which was tabled by City Council in May.

In October, the DHRC passed a resolution against hate crimes. In November, the DHRC passed a resolution urging the Dover City Council and other government entities to support providing public bus service in Dover on weekends.

Both of the latter two resolutions are pending action in the Dover City Council.

During 2007, the DHRC sought to augment its visibility within the community. The Commission had an advertisement noting its objectives, members, and meeting dates placed on Comcast for viewing in August; the information is still running and will be updated through the end of 2008 soon. In September, all utility bill customers in the city received an insert with their bill describing the latter features about the Commission.

With the assistance of City of Dover staff, the DHRC minutes from the establishment of the Commission until the present have been placed on the city's web site.

There are a number of exciting projects on the horizon for 2008. First, the DHRC will continue to hold as many meetings as possible within the community. In this manner, we will continue a trend begun in 2005. Such meetings make it easier for Dover residents to have contact with the Commission and afford DHRC members the opportunity to hear residents' concerns and complaints. Second, the DHRC is moving forward with its Viewing Race project. Third, the Commission hopes to commemorate the 40th anniversary of the 1968 Fair Housing Act among other important events. Finally, the Commission looks forward to hearing from Dover citizens and to having residents attend meetings.

The DHRC is committed to serving the people of Dover so as to facilitate togetherness, tolerance, and understanding. The support of the Dover community in achieving this goal is both desired and necessary.

Dr. Samuel B. Hoff is Chair of the Dover Human Relations Commission. He has been a resident of Dover for 18 years.

ANNUAL REPORT

FROM THE

CHIEF OF THE DEPARTMENT

DOVER FIRE DEPARTMENT

DOVER, DELAWARE

DOVER FIRE DEPARTMENT

Established 1882

February 15, 2008

Mayor & Council
City of Dover
P.O Box 475
Dover, DE 19903

Dear Mayor & Council:

It is with great pride that I present you the Annual Report of the Fire Chief for the Dover Fire Department for 2007. During this period, the 200 men and women of your fire department worked aggressively to improve our service capabilities to the City of Dover. I would like to thank the firefighters and officers for their selfless commitment to their neighbors and their communities safety. With these professional volunteers, the community as a whole would not be to enjoy the level of protection and safety that they have come to expect.

The fire department responded to 1161 emergency responses last year, an increase of 1.2% over the last year. The accumlated man hours for incident response last year totaled 17,606. The average amount of time from which a resident calls 911 until the first fire department unit arrives throughout the city is seven minutes 90 percent of the time. This is well below national averages for departments similar to ours where the time is normally nine minutes. This time is important to us because it decreases our chances for los of life and increased fire loss.

The department currently maintains and operates 5 Engines, 2 Ladder Trucks, 2 Heavy Rescue Vehicle, 1 Brush unit, 1 Foam trailer, 1 Rescue boat, 2 Utility Trucks and 2 Command vehicles. All apparatus is maintained and tested according to National Fire Protection Association (NFPA) standards by contract maintenance technicians. Because of strict guidelines, which are followed for the maintenance of our apparatus, I can ensure full serviceability of all tools and equipment. The department also maintains and test over 22,000 feet of hose annually. The testing of this is done totally by firefighters, which is a considerable amount of savings to the city.

Accomplishments:

The Special Operations Heavy Rescue Vehicle was placed in service in January at a total cost of 1.2 million dollars including equipment. This vehicle and equipment were funded through Federal Emergency Management Agency (FEMA) grant money for Weapons of

103 South Governors Avenue • Dover, Delaware 19904
Headquarters: (302) 736-7168 • Fire Chief's Office: (302) 736-7167 • FAX: (302) 736-7166

Mass Destruction (WMD). This vehicle is equipped for specialized rescue operations consisting of High Angle, Confined Space Rope rescue, and Trench and Building Collapse Rescue. This addition to our fleet also ensures that the cost of homeowners insurance does not rise due inadequate fire protection.

A new command vehicle was placed in service in September at a cost of $60,000 dollars. This vehicle is equipped with a command console, 800 Mhz radios and reference materials for Hazardous material, Specialized rescue and fire ground accountability to ensure the safety of our community and firefighters safety while performing their duties.

The Communications Center at Station 1 is complete with the exception of our computer aided dispatch system Red Alert and the new City phone system which will be installed in early 2008. Once the final upgrades are complete the citizens of Dover will have a state of the art dispatch facility.

Delaware Supreme Court ruled in favor of the City of Dover on a fire district boundary dispute between the City of Dover and Cheswold Fire Company to provide fire protection to a parcel (Bush farm) at the intersection of McKee and Denny's Road that was annexed into the City. This court decision will allow Dover Fire Department to provide adequate fire protection to the tax payers of the City of Dover.

Completion of renovations and expansion of station 1 have been completed which include the following:

- Adequate Facilities for both males and females.
- A kitchen area.
- Office area for administrative and fire officers.
- Bunkrooms for males and females.
- An engine room with space for three pieces of fire apparatus.
- Training room.
- A ventilation system to exhaust carbon monoxide from fire apparatus out of the building.

Training is a very large focus of the fire department's operations. During the year firefighters attended 111 different training courses and received over 2,600 man-hours of training through the Delaware State Fire School and through in-service training. Several firefighters also took advanced rescue training and received certification through the Nation Fire Protection Association.

The community has been very supportive of the department in many different ways, either by monetary donations for equipment or by employers allowing their employees to respond to fire incidents during the workday. We have a very successful ongoing recruitment drive in the community and always welcome citizens to apply. Citizens can find out more about the department by visiting our website at www.doverfire.org.

During the past year the fire department has responded to several working incidents which displaced many residents and caused a large mount of monetary loss. There were 130 working incidents within the Dover Fire District in 2007. These incidents range from unattended cooking fires to building fires that consumed the majority of a structure.

With the proactive City of Dover Fire Marshal's office that we have and the aggressive fire safety inspections of structures in the city of Dover, large loss fires have dropped dramatically in 2007.
Other steps that could be taken to decrease the possibility of large fire loss or deaths within the City of Dover are:

1. Yearly fire Safety inspections of all occupancies in the City of Dover by the Fire Marshal's Office.
2. Retrofitting buildings with sprinkler systems in existing buildings.
3. Require residential sprinklers in multi family dwellings.
4. Inspection of our fire hydrants yearly in according to NFPA.
5. Holding more Fire Department training exercises in high risk areas.

I am happy to report that we have taken some of the steps needed to ensure fire safety in the city of Dover. In October over 3,000 children visited the fire station or had a fire apparatus visit their school for fire prevention week. Over 300 smoke detectors were given out to the citizens of Dover in accordance with the Wake up Delaware Campaign for Fire Safety. The fire Marshal's office has been working closely with the fire department on the condition of downtown buildings, the fire hydrants are being inspected in accordance with NFPA and the fire department has held training exercises throughout the City. This alone is not is not enough though I believe that stricter sprinkler system ordinances are the key to fire safety in both residential and commercial buildings, this would save lives, property and save taxpayers money in the end.

In closing, I would like to say that the firefighters of the City of Dover are committed to providing quality fire and rescue services to our city through fire prevention and suppression. A key element to our success in the needed support we receive through our support staff and the City. Without the fire dispatchers and administrative assistant, we could not provide the service we provide today. These civilian employees enable the firefighters to focus on their mission: Fire Prevention, Training and Emergency Incident Response.

If you have any questions about this report or would like to tour our facilities please feel free to contact my officer at any time.

Yours in Service,

David C. Carey
Fire Chief

City of Dover Police Department

Annual Report

2007



"To Protect & Serve"

City of Dover Police Department
Annual Report
2007

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DEPARTMENT OF POLICE

Jeffrey Horvath
Chief of Police
F.B.I.N.A.





400 South Queen Street
Dover, Delaware 19904
302/736-7111
Fax 302/672-1842

February 19, 2008

The Honorable Carleton Carey, Mayor
Members of Dover City Council
City Hall
Dover, DE 19901

Mayor Carey and Council Members:

Once again, it is my pleasure to submit to you the Dover Police Department's Annual Report. I believe that you will agree the Dover Police Department has distinguished itself among other agencies in the National Crime Clearance Comparison Study. In this study, the department's clearance rates are compared to other police departments in cities with populations of 25,000 to 49,999. After viewing the comparisons found on page 13 of this report, I think you will agree that the men and women of the Dover Police Department are doing an outstanding job.

When viewing the Crime Clearance Comparison you will notice that we only had a 50% clearance rate for the crime of Murder in 2006 (we have a clearance rate of 100% for 2007). I would like to point out that we investigated two Murders in 2006, one of which occurred on December 14, 2006. We cleared the investigation in 2006, but were not able to arrest the subject until March 28, 2007, due to the fact that the defendant was in custody in Maryland. Since the arrest did not occur within the same calendar year as the crime, the Dover Police Department does not get credit for the clearing the investigation when the study is completed.

I am also pleased to point out that we finally cleared the Murder that occurred on July 23, 2003, at the rear of the Kentucky Fried Chicken located in the Gateway West Shopping Center. On September 11, 2007, we arrested two subjects for the Murder and were able to obtain confessions. As far as national statistics go, we also do not get credit for clearing this investigation.

We received 850 fewer total complaints in 2007, which is a decrease of 2.8%. Group A Crime, which is the more serious offenses, were up by 4% and our clearance rate for this type of crime was 60.5%. Violent crime was up by a total of 15 crimes and we were able to clear 75% of those offenses.

Robberies increased for the third year in a row and went from 52 to 70. This is the highest number of Robberies since 2002, when we also investigated 70, however, the number of Robberies is still far lower than the numbers we investigated in the 80's and 90's. I am also pleased to point out that we cleared 64% of our total Robberies, and that the national average for cities our size is about 30%.

The department investigated 22% less Burglaries than the year before and we were able to clear 48% of the total Burglaries that occurred in our city. The national average for clearing Burglaries in cities the size of Dover is approximately 13%.

I am sure most of you have heard me talk about how important it is to enforce our state and federal drug laws. I truly believe that the use and sale of illegal drugs has the largest impact on the quality of life in most communities in our country. As a department, we had a 5% increase of total drug offenses and we cleared 96% of those crimes. I am proud to point out that the Drugs, Vice, and Organized Crime Section had a 6% increase in total drug related arrests. It is important to note that almost every one of these drug arrests is the result of self initiated, pro-active police work.

The number of crashes in Dover has continued to decrease for the fifth year in a row. It is especially nice to point out that the number of personal injury crashes and fatal crashes has decreased. In 2006, seven people died in crashes in Dover. In 2007, only one person was killed in a collision.

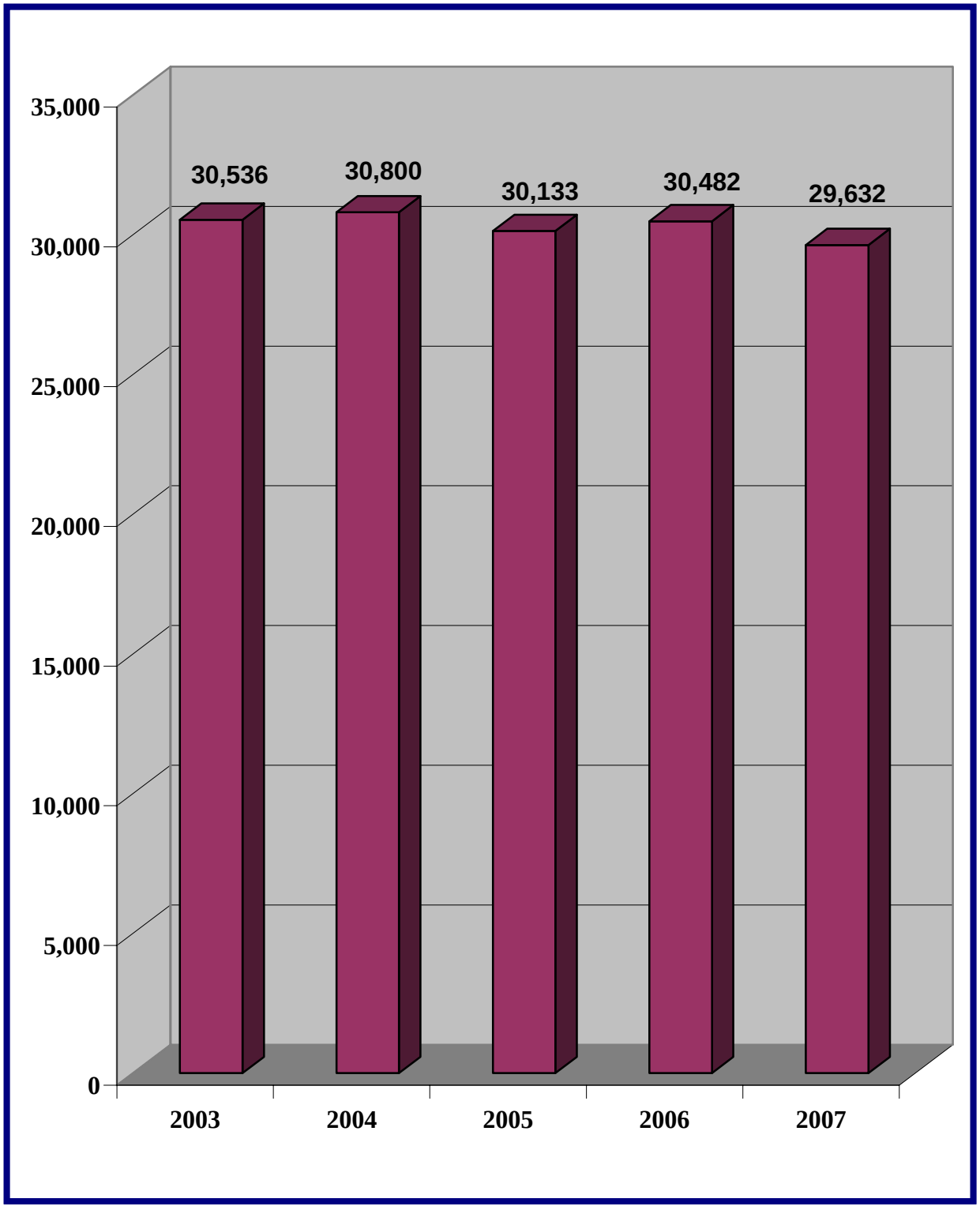
I think 2007, was a good year for the City of Dover and the City of Dover Police Department. I am sure there are many challenges in front of us and I am confident that we will be able to rise to those challenges. Please take the time to review this report. I think you will agree that it is the result of the hard work being done by the men and women of the police department and that it is something our citizens can be very proud of.

Sincerely,



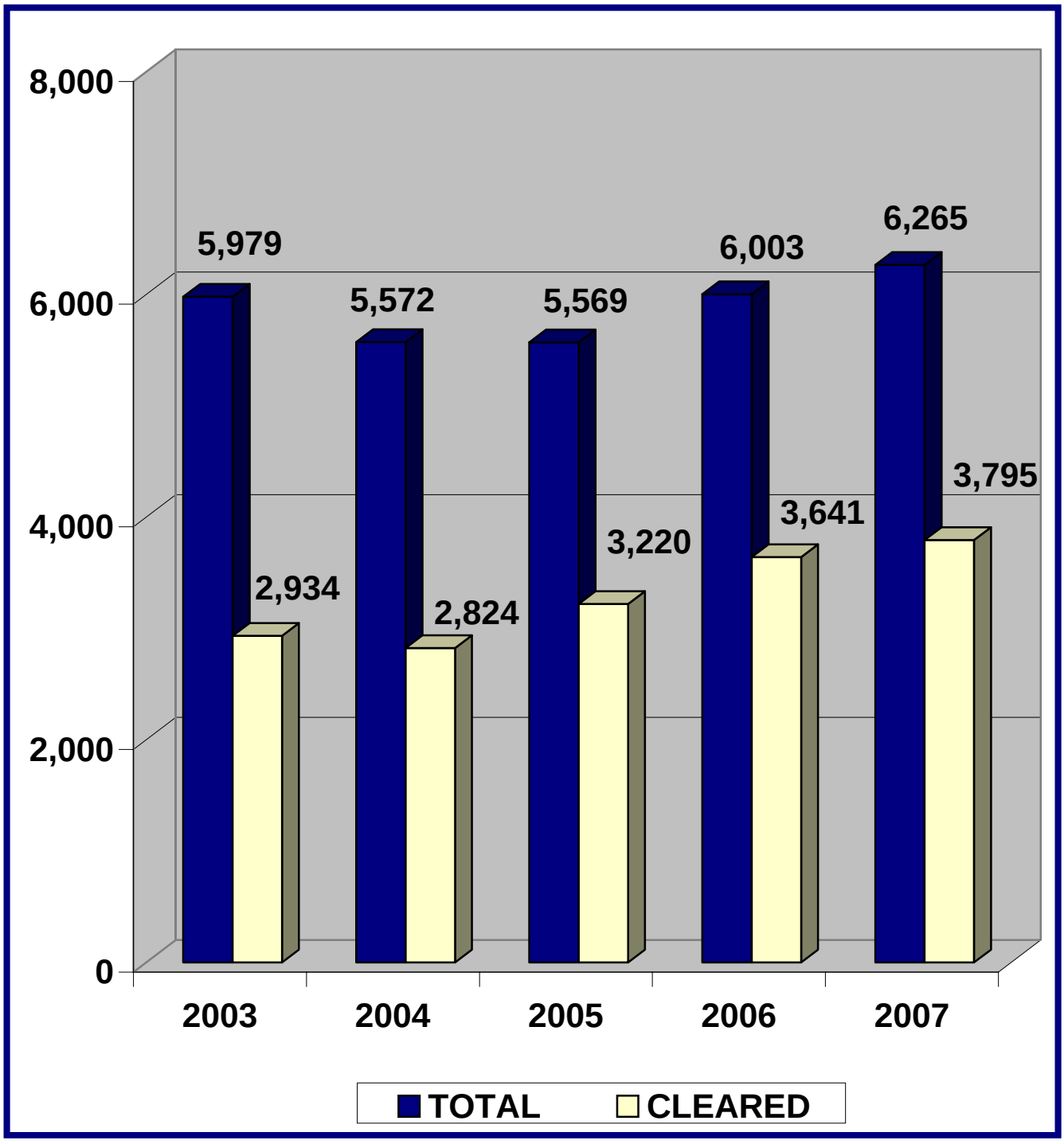
Jeffrey Horvath
Chief of Police

Complaints
Five Year Comparison



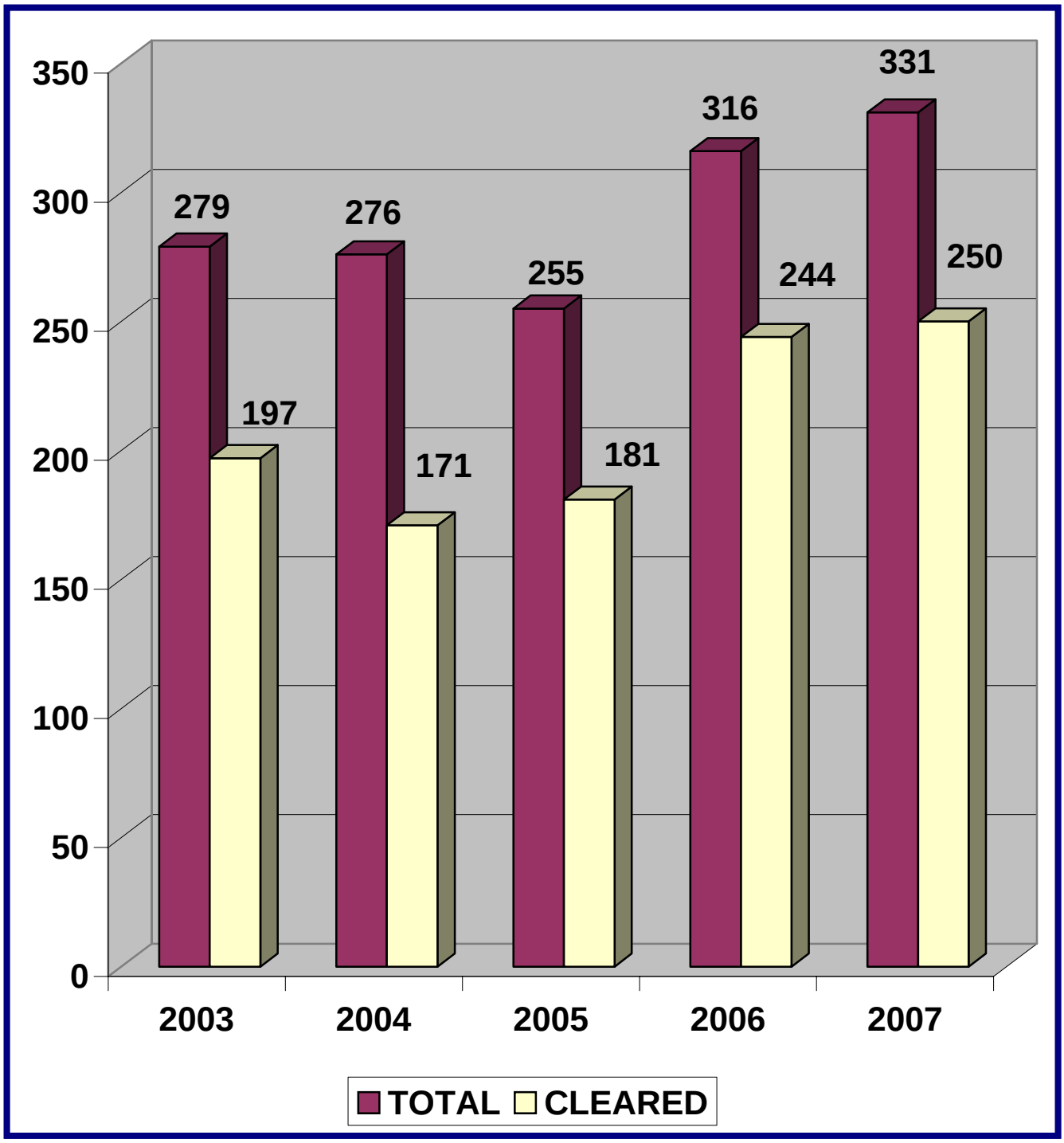
City of Dover Police Department
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Total Group A Crime
Five Year Comparison

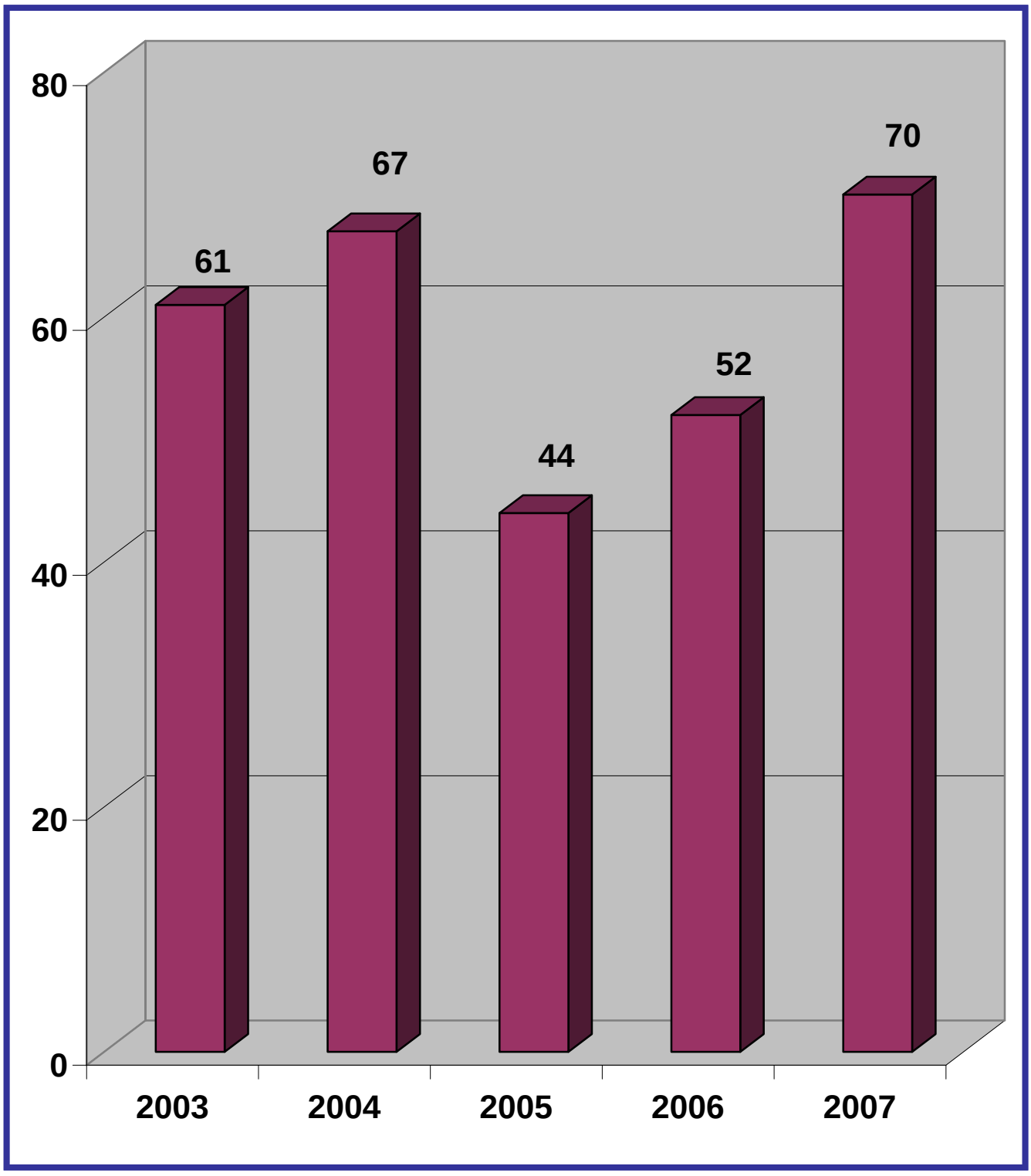


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Violent Crime
Five Year Comparison



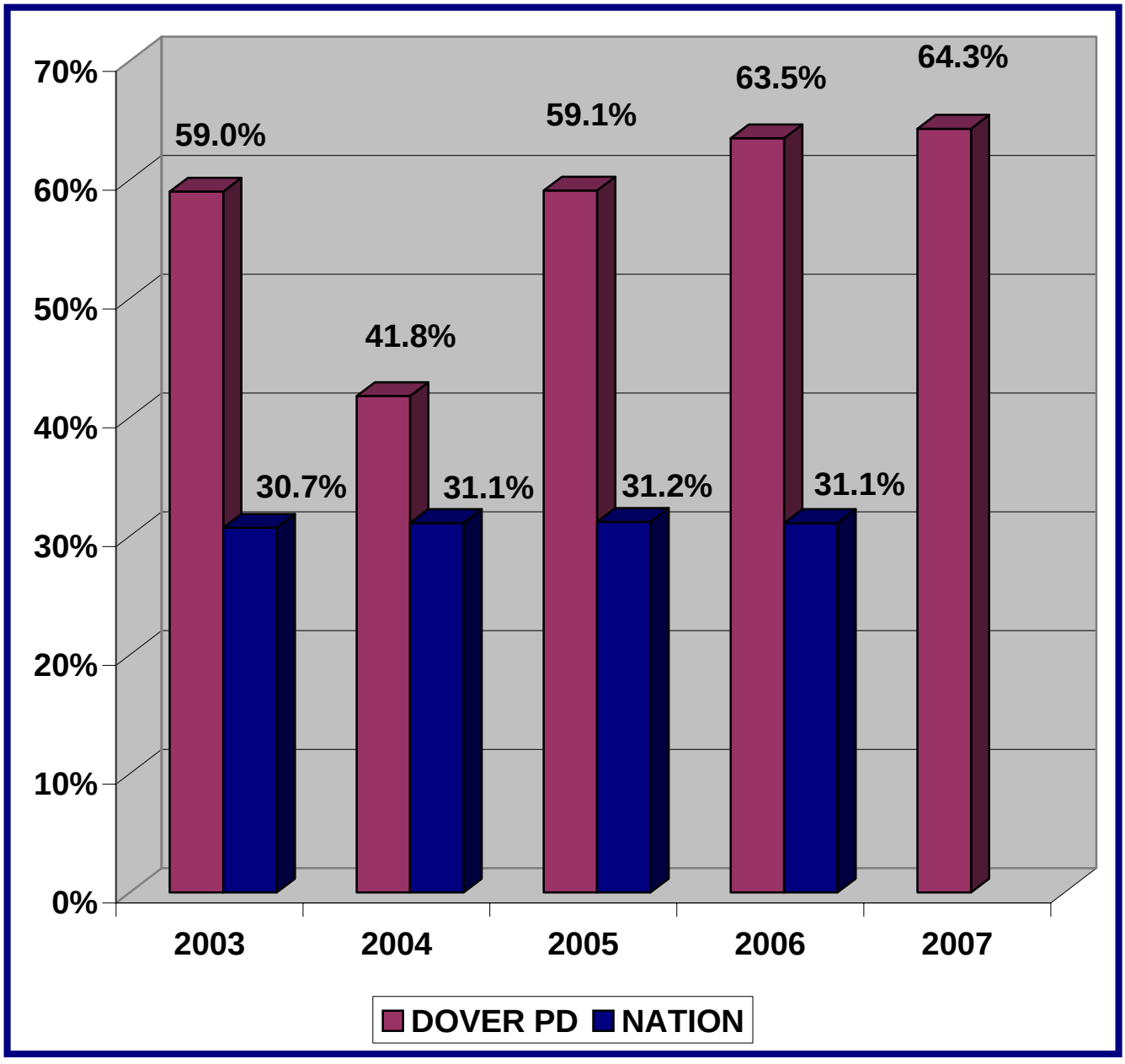
Robberies
Five Year Comparison



City of Dover Police Department
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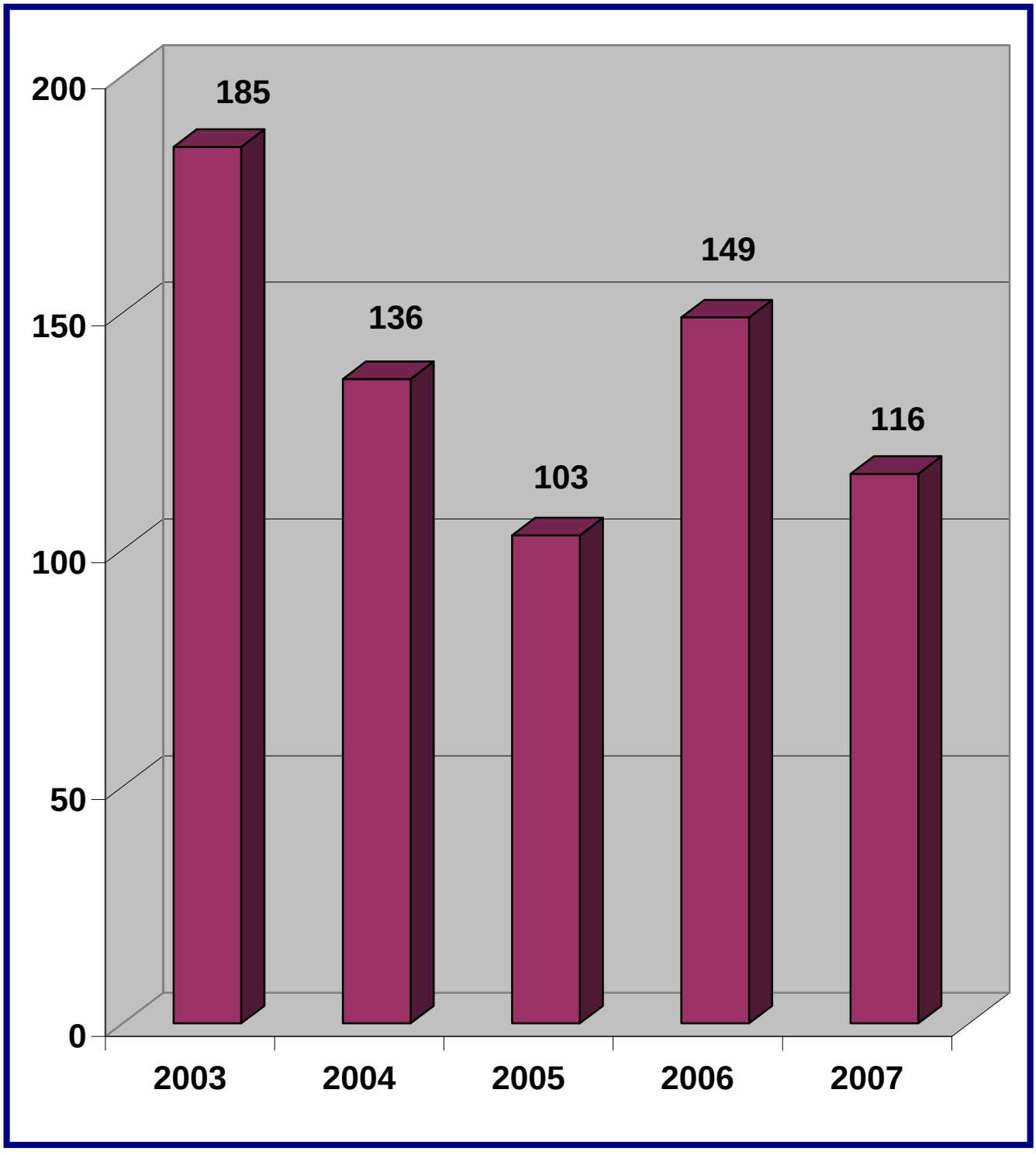
Robbery Clearance Rate

Dover Police Department
-vs-
Nation



NATIONAL FIGURES NOT AVAILABLE FOR 2007

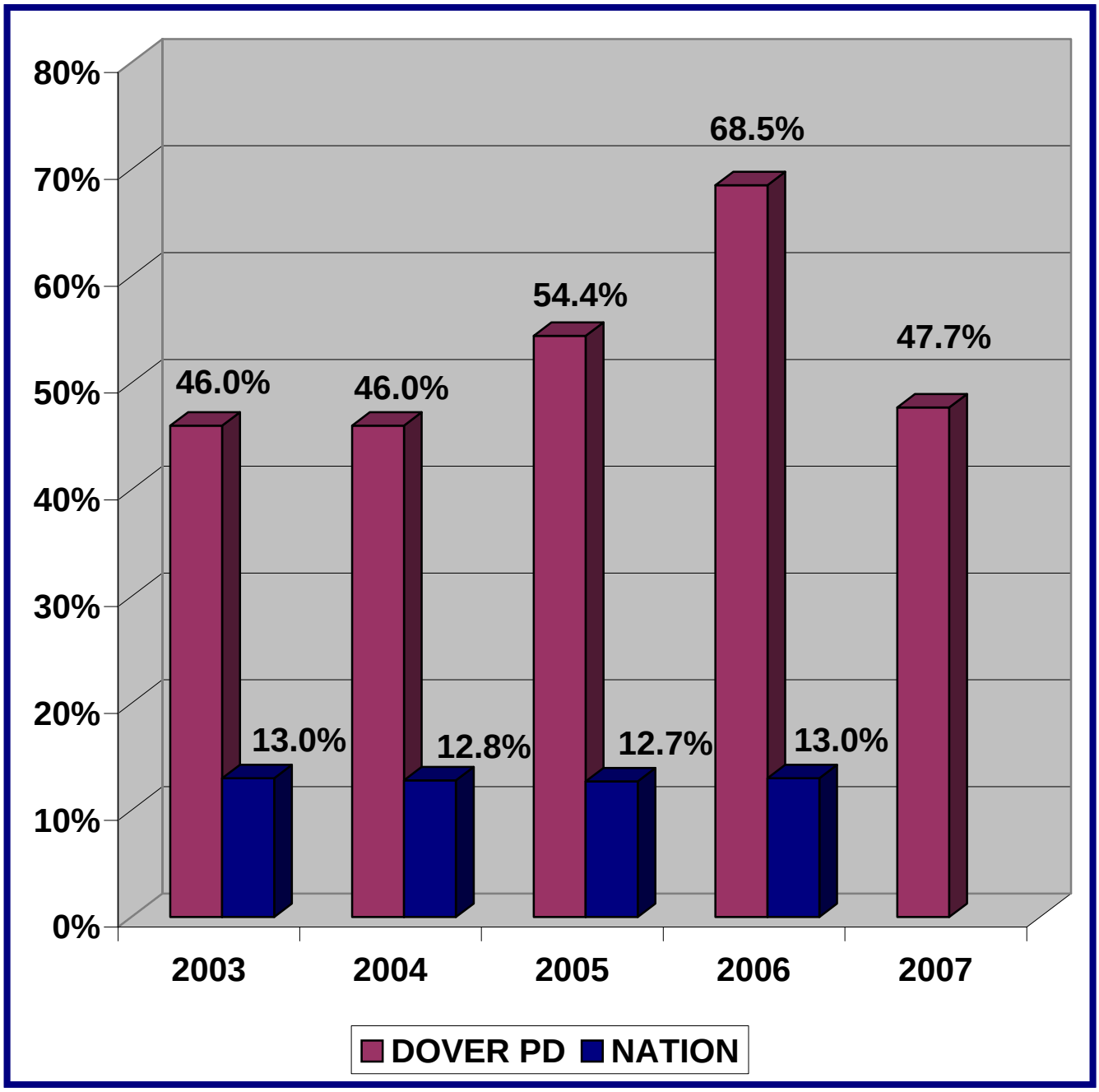
Burglaries
Five Year Comparison



City of Dover Police Department
Annual Report

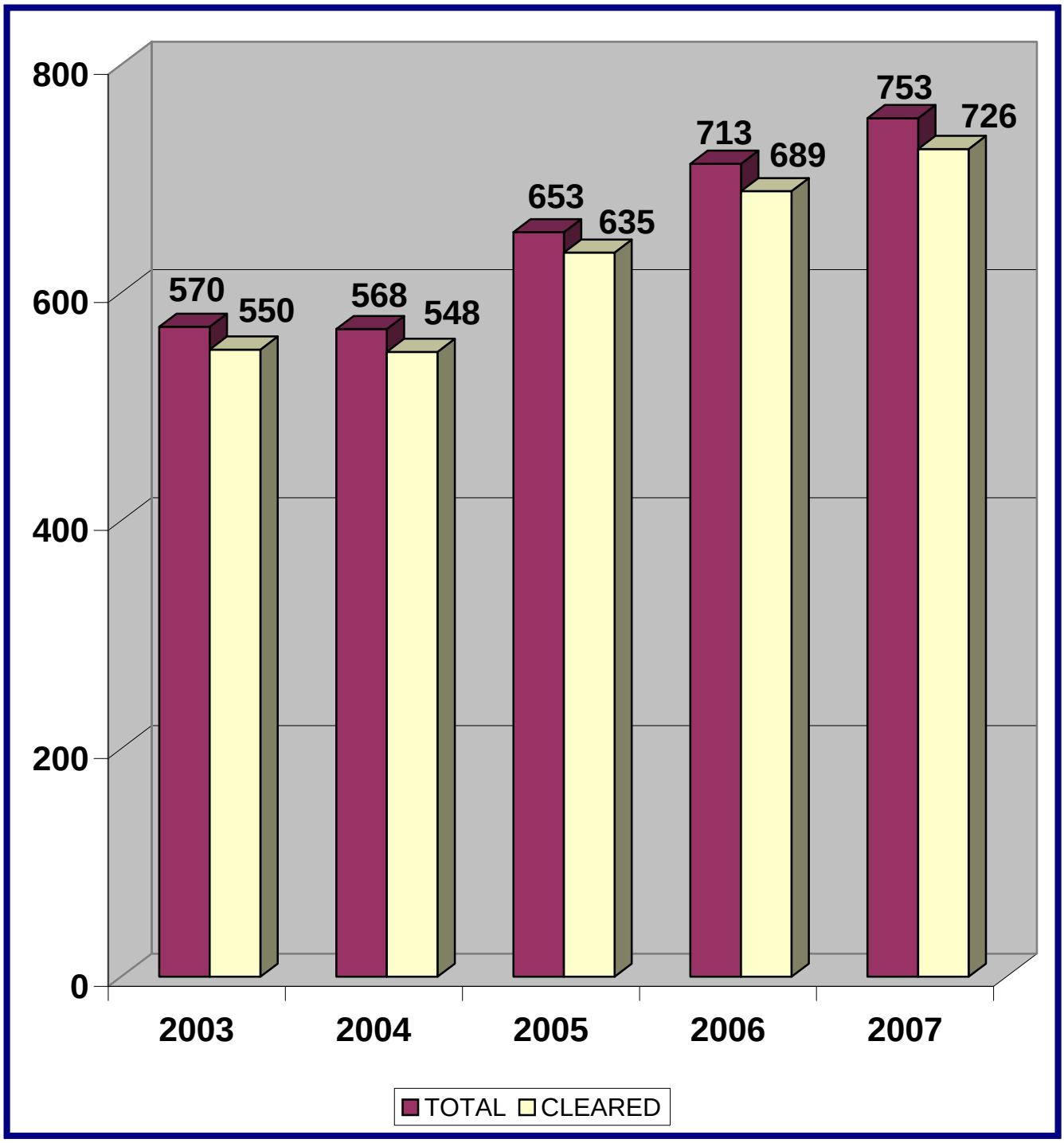
Burglary Clearance Rate

Dover Police Department
-vs-
Nation



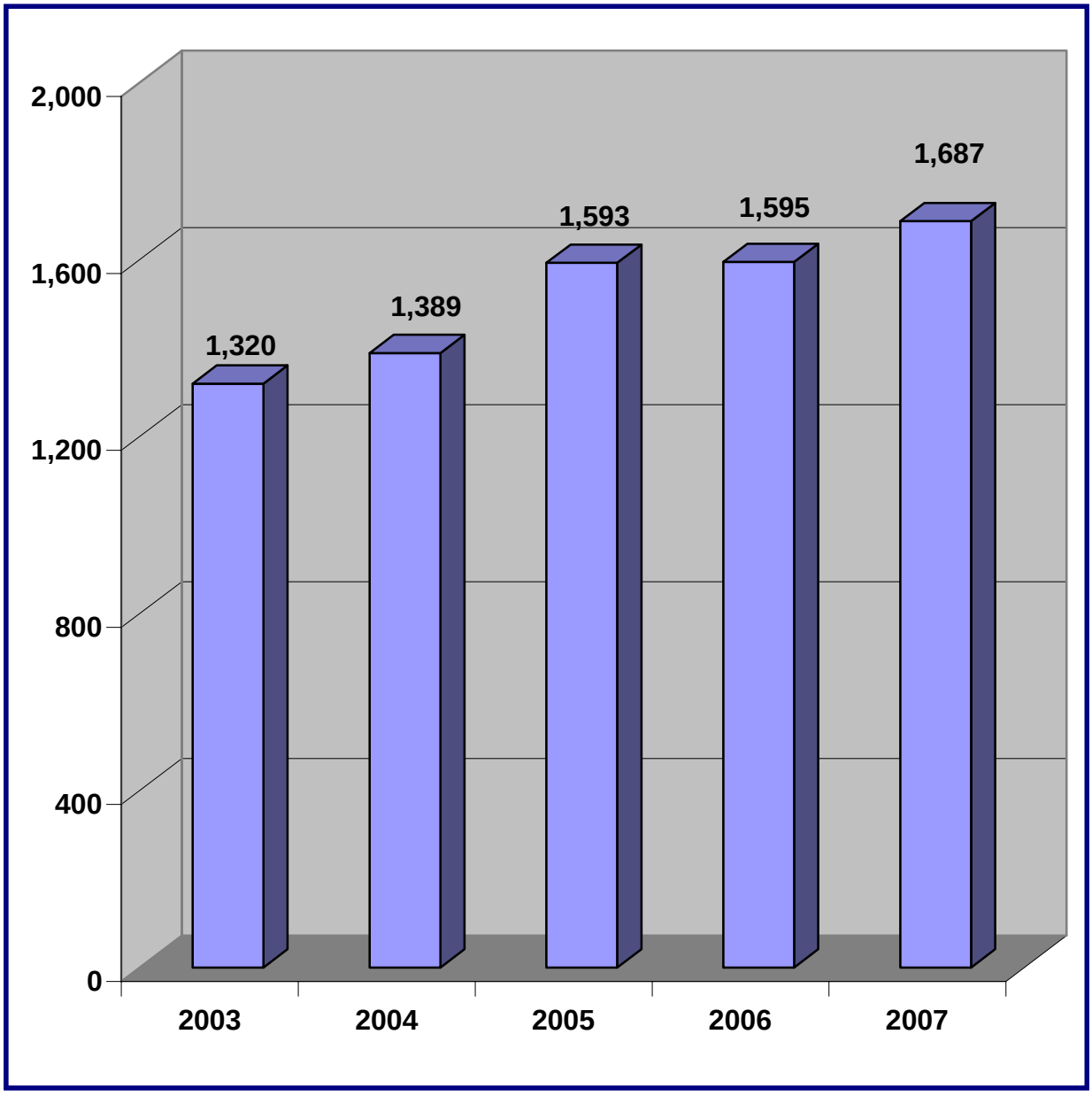
NATIONAL FIGURES NOT AVAILABLE FOR 2007

Drug Offenses
Five Year Comparison



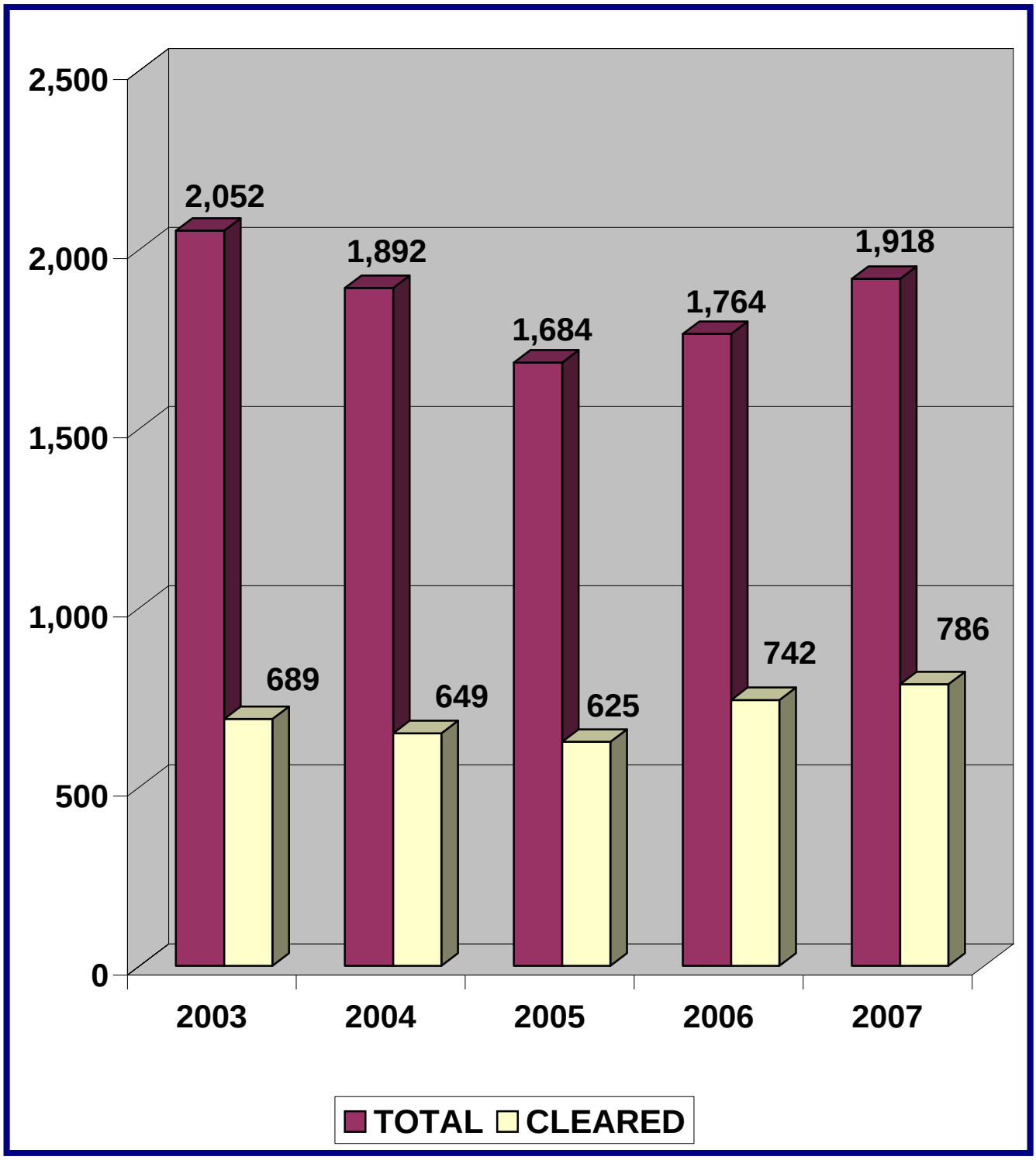
City of Dover Police Department
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Actual Drug Arrests made by the Drugs, Vice, and Organized Crime Section



City of Dover Police Department
Annual Report

Property Crime
Five Year Comparison



CRIME CLEARANCE COMPARISON
NATIONAL AVERAGE VS. DOVER POLICE DEPARTMENT

CITIES WITH POPULATION 25,000 TO 49,999

	NATIONAL 2006	DOVER 2006	DOVER 2007
VIOLENT CRIME (TOTAL)	*49.0%*	*77.2%*	*78.5%*
Murder	*38.8%*	*50.0%*	*100.0%*
Forcible Rape	*37.4%*	*90.9%*	*92.9%*
Robbery	*31.1%*	*63.5%*	*64.3%*
Aggravated Assault	*58.4%*	*78.6%*	*75.7%*
PROPERTY CRIME (TOTAL)	*18.1%*	*42.1%*	*41.0%*
Burglary	*13.0%*	*68.5%*	*47.4%*
Theft	*19.9%*	*41.3%*	*41.4%*
Motor Vehicle Theft	*14.5%*	*21.4%*	*27.2%*
Arson	*19.1%*	*25.0%*	*63.6%*
FORCIBLE RAPE			
Rape by Force	*36.2%*	*88.2%*	*95.0%*
Assault to Rape	*41.2%*	*N/A*	*N/A*
ROBBERY			
Firearm	*25.3%*	*60.0%*	*71.4%*
Knife	*34.7%*	*33.3%*	*0.0%*
Other Dangerous Weapon	*30.0%*	*60.0%*	*33.3%*
Strongarm	*34.4%*	*81.3%*	*60.9%*
AGGRAVATED ASSAULT			
Firearm	*45.8%*	*70.5%*	*75.0%*
Knife	*64.1%*	*88.0%*	*77.5%*
Other Dangerous Weapon	*57.1%*	*80.0%*	*81.4%*
Hands, Feet, Other	*63.7%*	*72.2%*	*57.6%*
BURGLARY			
Forcible Entry	*12.5%*	*69.9%*	*64.2%*
Unlawful Entry, No Force	*13.5%*	*63.6%*	*71.8%*
Attempted Forcible Entry	*10.8%*	*100.0%*	*100.0%*
MOTOR VEHICLE THEFT			
Autos	*14.4%*	*23.1%*	*18.8%*
Trucks and Buses	*14.9%*	*20.0%*	*33.3%*
Other Vehicles	*11.6%*	*18.4%*	*45.5%*
ARSON			
Structural	*25.4%*	*11.1%*	*75.0%*
Mobile	*9.7%*	*N/A*	*33.3%*
Other	*16.9%*	*66.7%*	*75.0%*

CRIMINAL SUMMARY

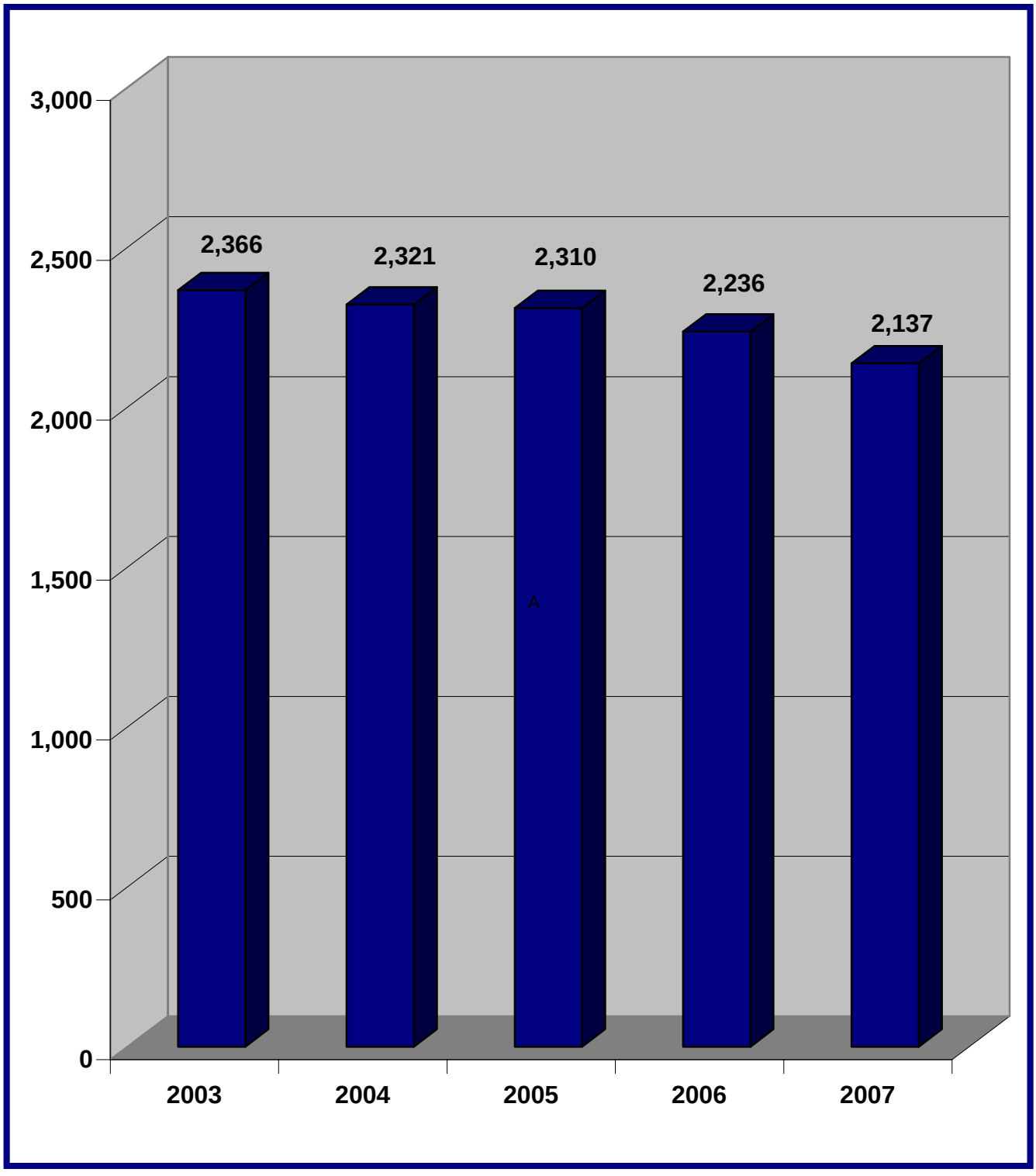
	ACTUAL COMPLAINTS		CASES CLEARED		ADULT ARRESTS		JUVENILE ARRESTS	
CLASSIFICATION OF OFFENSE	**2006**	**2007**	**2006**	**2007**	**2006**	**2007**	**2006**	**2007**
CRIMINAL HOMICIDE TOTAL	**2**	**1**	**1**	**1**	**2**	**3**	**1**	**0**
MURDER NON-NEGLIGENT MANSLAUGHTER	2	1	1	1	2	3	1	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
KIDNAPPING & ABDUCTION	**33**	**29**	**30**	**28**	**30**	**28**	**0**	**2**
SEXUAL OFFENSES, FORCIBLE	**33**	**42**	**30**	**39**	**12**	**13**	**5**	**12**
RAPE BY FORCE	17	20	15	19	7	10	1	5
FORCIBLE FONDLING	16	22	15	20	5	3	4	7
RAPE BY FORCE - ATTEMPTED	0	0	0	0	0	0	0	0
FORCIBLE FONDLING - ATTEMPTED	0	0	0	0	0	0	0	0
ROBBERY TOTAL	**52**	**70**	**33**	**45**	**25**	**38**	**5**	**14**
FIREARM	20	42	12	30	11	17	2	8
KNIFE OR CUTTING INSTRUMENT	6	2	2	0	1	2	2	0
OTHER DANGEROUS WEAPON	10	3	6	1	5	2	0	0
STRONG-ARM	16	23	13	14	8	17	1	6
ASSAULT TOTAL	**1,136**	**1,165**	**934**	**964**	**537**	**638**	**152**	**119**
AGGRAVATED ASSAULT TOTAL	229	218	180	165	107	105	27	11
FIREARM	61	48	43	36	21	17	1	0
KNIFE OR CUTTING INSTRUMENT	50	40	44	31	25	20	10	4
OTHER DANGEROUS WEAPON	100	97	80	79	56	56	8	6
AGGRAVATED - STRONG-ARM	18	33	13	19	5	12	8	1
NON-AGGRAVATED TOTAL	907	947	754	799	430	533	125	108
NON-AGGRAVATED - SIMPLE/HARASSMENT	787	822	662	705	381	480	11	102
NON-AGGRAVATED - INTIMIDATION	120	125	92	94	49	53	14	6
BURGLARY TOTAL	**149**	**116**	**102**	**55**	**46**	**32**	**16**	**8**
FORCIBLE ENTRY	103	76	72	26	32	12	14	6
UNLAWFUL ENTRY NO FORCE	44	39	28	28	14	20	2	2
ATTEMPTED FORCIBLE ENTRY	2	1	2	1	0	0	0	0
LARCENY - THEFT TOTAL	**1,477**	**1,666**	**610**	**690**	**438**	**527**	**167**	**203**
PICK POCKET	5	6	1	0	0	0	0	0
PURSE SNATCH	4	8	2	1	2	0	0	0
SHOPLIFTING	528	599	438	483	354	412	145	181
THEFT FROM BUILDING	443	470	118	142	56	75	21	12
THEFT FROM COIN-OP MACHINE	4	7	1	1	1	0	0	0
THEFT FROM A MOTOR VEHICLE	194	275	19	31	12	19	0	5
THEFT OF VEHICLE PARTS/ACCESSORIES	113	129	6	8	3	2	0	0
OTHER	186	172	25	24	10	19	1	5
MOTOR VEHICLE THEFT TOTAL	**126**	**125**	**27**	**34**	**13**	**8**	**7**	**4**
AUTOS	78	80	18	15	9	4	4	2
TRUCKS & BUSES	10	12	2	4	1	2	1	0
OTHER VEHICLES	38	33	7	15	3	2	2	2
ARSON TOTAL	**12**	**11**	**3**	**7**	**1**	**1**	**1**	**5**
STRUCTURAL	9	4	1	3	1	1	0	0
MOBILE	0	3	0	1	0	0	0	1
OTHER	3	4	2	3	0	0	1	4

CRIMINAL SUMMARY

Page 2 of 2

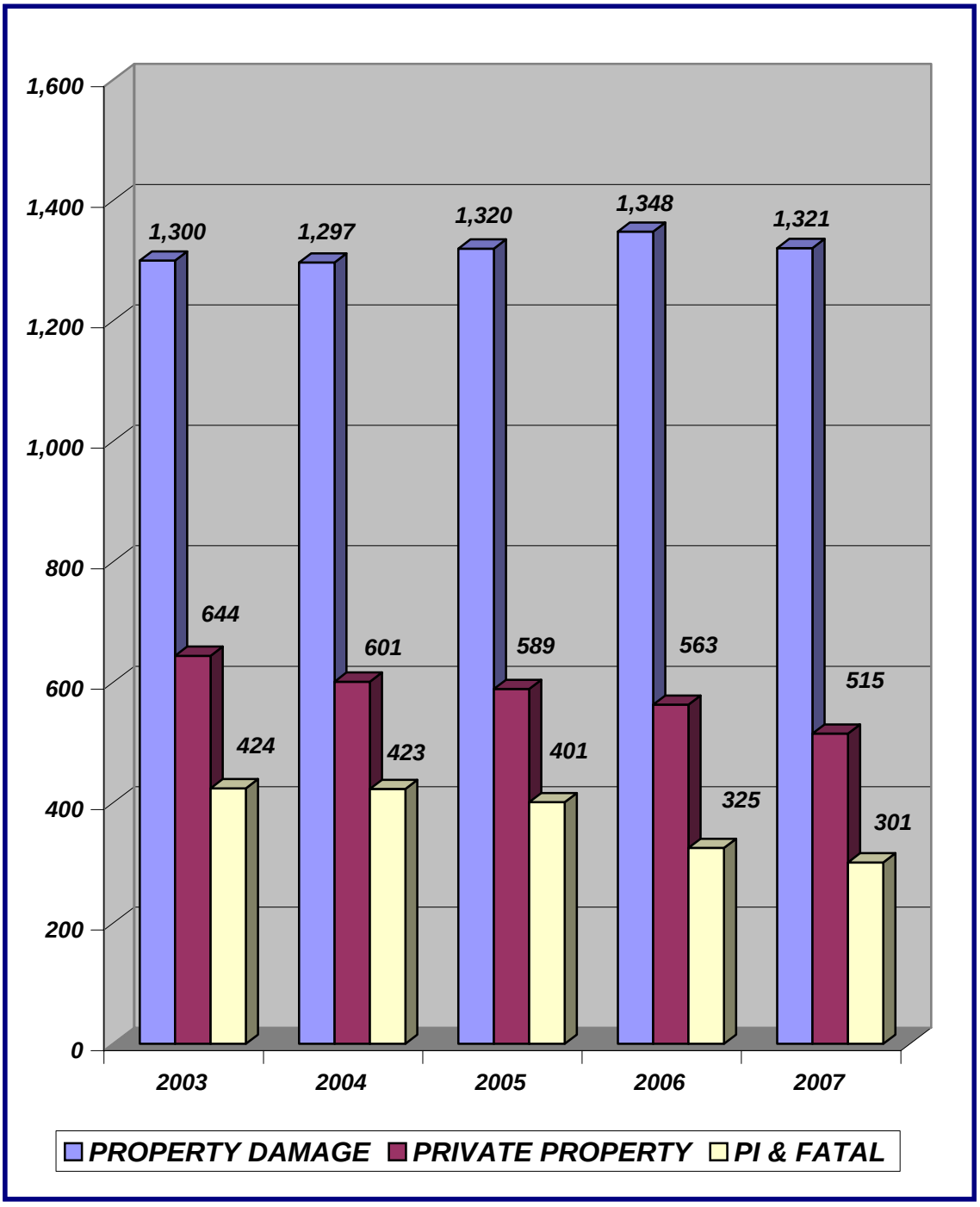
	ACTUAL COMPLAINTS		CASES CLEARED		ADULT ARRESTS		JUVENILE ARRESTS	
CLASSIFICATION OF OFFENSE	**2006**	**2007**	**2006**	**2007**	**2006**	**2007**	**2006**	**2007**
EXTORTION/BLACKMAIL	**0**	**3**	**0**	**2**	**0**	**1**	**0**	**0**
COUNTERFEIT/FORGERY	**146**	**114**	**127**	**99**	**69**	**57**	**1**	**0**
FRAUD TOTAL	**592**	**715**	**489**	**618**	**129**	**155**	**11**	**6**
FALSE PRETENSE/SWINDLE	313	290	252	243	71	79	8	2
CREDIT CARD/ATM	137	198	112	175	1	1	0	0
IMPERSONATION	141	227	124	200	57	75	3	4
WELFARE FRAUD	0	0	0	0	0	0	0	0
WIRE FRAUD	1	0	1	0	0	0	0	0
EMBEZZLEMENT	**59**	**39**	**46**	**30**	**27**	**20**	**2**	**1**
RECEIVING STOLEN PROPERTY	**37**	**26**	**34**	**24**	**16**	**16**	**3**	**3**
DESTRUCTION/DAMAGE PROPERTY	**1,278**	**1,213**	**350**	**285**	**77**	**80**	**42**	**29**
DRUG/NARCOTIC OFFENSES	**713**	**753**	**689**	**726**	**360**	**373**	**57**	**54**
DRUG/NARCOTIC	375	377	360	359	335	338	56	54
DRUG EQUIPMENT	338	376	329	367	25	35	1	0
SEXUAL OFFENSES, NON-FORCIBLE	**1**	**10**	**1**	**3**	**1**	**2**	**0**	**0**
INCEST	0	1	0	1	0	1	0	0
STATUTORY RAPE	1	9	1	2	1	1	0	0
PORNOGRAPHY/OBSCENE MATERIAL	**2**	**0**	**2**	**0**	**2**	**0**	**1**	**0**
GAMBLING OFFENSES	**3**	**1**	**3**	**1**	**2**	**0**	**1**	**0**
PROSTITUTION TOTAL	**12**	**14**	**12**	**14**	**10**	**7**	**0**	**0**
PROSTITUTION	0	10	0	10	0	5	0	0
PROMOTING PROSTITUTION	12	4	12	4	10	2	0	0
BRIBERY	**1**	**0**	**1**	**0**	**1**	**0**	**0**	**0**
WEAPONS LAW VIOLATIONS	**139**	**152**	**117**	**130**	**17**	**21**	**12**	**10**
TOTAL PART A OFFENSES	**6,003**	**6,265**	**3,641**	**3,795**	**1,815**	**2,020**	**484**	**470**

Crashes
Five Year Comparison



City of Dover Police Department
Annual Report

Crashes Breakdown
Five Year Comparison

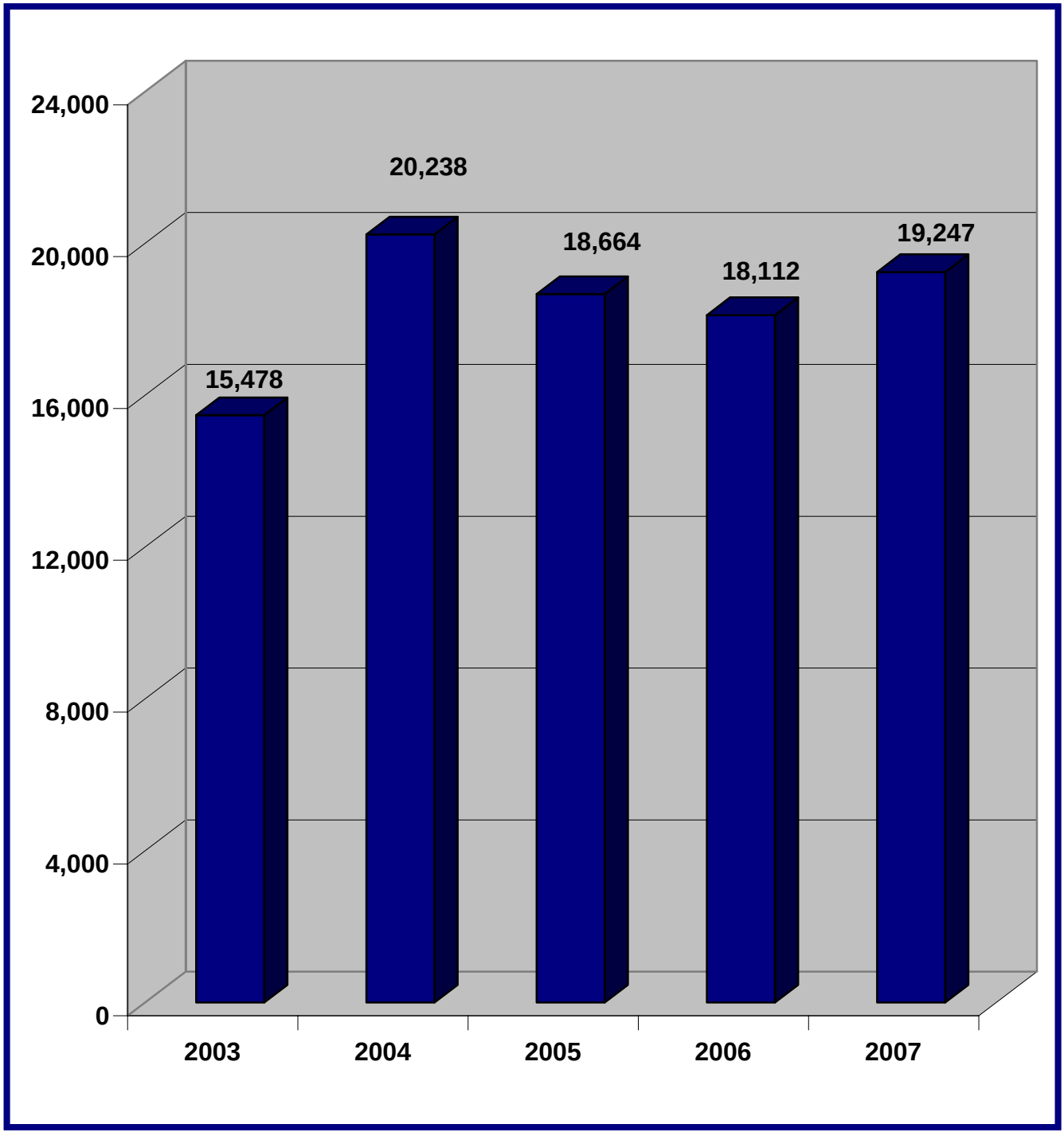


Dover Police Department
Annual Report
Traffic Crash Summary

TRAFFIC CRASH SUMMARY	2006	2007
TOTAL ACCIDENTS*	2,236	2,137
FATAL ACCIDENTS	6	1
PERSONAL INJURY ACCIDENTS	319	300
PROPERTY DAMAGE ACCIDENTS	1,348	1,321
PERSONS KILLED	7	1
PERSONS INJURED	440	402
PRIVATE PROPERTY ACCIDENTS	563	515

**Total does not include 838 non-reportable accidents for 2006, and 868 non-reportable accidents for 2007.*

Traffic Arrests
Five Year Comparison

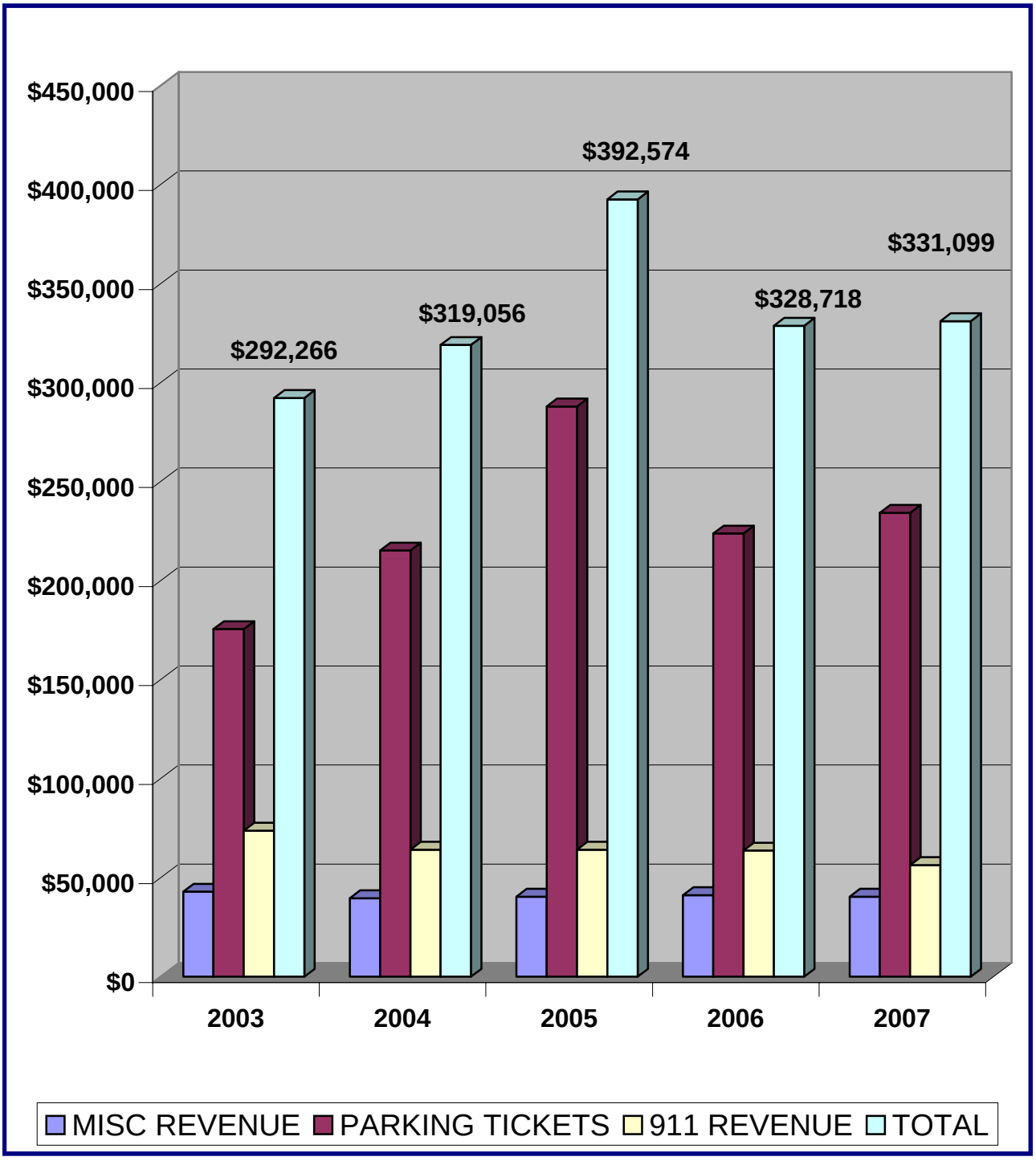


Dover Police Department
Annual Report
Traffic Arrest Summary

CLASSIFICATION OF VIOLATIONS	**NUMBER OF ARRESTS**	
	2006	***2007***
DANGEROUS MOVING VIOLATIONS		
DRIVING UNDER THE INFLUENCE	197	207
SPEEDING	4,889	4,789
RIGHT OF WAY	190	201
FOLLOWING TOO CLOSELY	177	222
STOP SIGN	502	545
TRAFFIC SIGNAL	303	316
CARELESS OR INATTENTIVE DRIVING	854	764
SUBTOTAL	***7,112***	***7,044***
LICENSE & REGISTRATION VIOLATIONS		
LICENSE VIOLATIONS	988	1,090
SUSPENSION & REVOCATION	1,097	1,284
REGISTRATION & TITLE	4,996	6,269
SUBTOTAL	***7,081***	***8,643***
OTHER VIOLATIONS		
SEATBELT VIOLATIONS	2,993	2,969
CHILD RESTRAINT VIOLATIONS	136	118
LEAVING THE SCENE OF AN ACCIDENT	79	88
FAILURE TO REPORT AN ACCIDENT	19	20
EQUIPMENT VIOLATIONS	174	217
ALL OTHER VIOLATIONS	518	148
SUBTOTAL	***3,919***	***3,560***
GRAND TOTAL	**18,112**	**19,247**

City of Dover Police Department
Annual Report

Police Revenue
Parking Fines and Reports



Dover Police Department
Annual Report
City Ordinance Summons and Cash Receipts

CITY ORDINANCE SUMMONS	*ISSUED*		*PAID*		*DISMISSED*	
	2006	**2007**	**2006**	**2007**	**2006**	**2007**
Parking	7,531	7,474	5,449	4,914	308	237
Handicap	316	230	143	57	92	78
Fire Lane	244	220	165	116	9	16
False Alarm	534	588	483	473	11	21
Loud Noise	377	262	221	128	4	4
Underage Consumption	99	159	79	122	1	1
Animals	175	75	125	99	15	19
Inspections/City Hall	413	474	108	152	59	100
Other	363	471	194	152	33	3
TOTALS	10,052	9,953	6,967	6,213	532	479

CASH RECEIPTS	2006	2007
City Ordinance Summons	$223,824.60	$234,306.00
Police Reports	$41,120.00	$40,160.00
Taxi License	$0.00	$0.00
Bicycle License	$2.00	$1.75
Miscellaneous	$58.75	$261.00
TOTALS	$265,005.35	$274,728.75

City of Dover Police Department
Annual Report

Miscellaneous Calls for Service

MISCELLANEOUS CALLS FOR SERVICES

This refers to the category in which the dispatcher classified the call for service.

SERVICE REQUEST TYPE	***2006***	***2007***
ALARMS	2,359	2,271
ANIMAL	1,034	1,052
ASSIST OTHER AGENCY	454	463
CITY ORDINANCE VIOLATION COMPLAINTS	120	82
DRUG OVERDOSE	36	43
ESCORTS, INCLUDES CITY HALL	384	290
LOCK JOCK	1,964	1,735
LOST/FOUND PROPERTY	460	395
LOUD MUSIC	411	243
COMMUNITY SERVICE REQUESTS	213	169
MEGAN'S LAW (SEX OFFENDER REGISTRATION)	401	490
MENTAL PATIENT	221	163
MISSING PERSONS	343	339
NOISE	973	950
PROTECTION FROM ABUSE ORDER VIOLATIONS	60	54
PROPERTY CHECK	128	98
PROPERTY RETRIEVAL	177	224
PUBLIC ASSISTANCE	223	283
SUDDEN DEATH	19	23
SUICIDE (includes attempts)	82	93
TRAFFIC REQUEST	244	251
UNSECURED BUILDING	102	116
TOTAL	**10,408**	**9,827**

STATUS/DISPOSITION OF CALLS RECEIVED

This refers to the category in which the dispatcher or officer classified the result of the call for service

	2006	***2007***
REPORT REQUIRED	7,931	9,958
NO REPORT REQUIRED	10,774	9,317
CANCELED PRIOR TO OFFICER ARRIVAL	562	485
CRIME PREVENTION CHECK PERFORMED	92	139
NO REPORT - AREA CHECKED W/NEGATIVE RESULTS	4,437	5,153
NO REPORT - FALSE ALARM	2,039	1,939
CLEARED - LOCK JOCK SUCCESSFUL	1,395	1,277
CLEARED - LOCK JOCK UNSUCCESSFUL	405	337
TURNED OVER TO ANOTHER AGENCY	74	103

City of Dover Police Department
Annual Report

Time Distribution Hours

TIME DISTRIBUTION, HOURS	2006	2007
Total on Duty	151,193.00	155,790.00
Criminal Investigation	69,969.00	75,057.00
Accident Investigation	5,581.00	5,493.00
Special Duty	25,239.00	24,871.00
Foot Patrol	765.00	799.00
Station Duty	12,175.00	12,667.00
Motor Patrol	16,802.50	16,538.00
Traffic Duty	606.50	621.00
Court	6,022.00	5,488.00
Administrative	14,033.00	14,256.00
Sick*	3,155.00	3,812.00

**sick time not included in total*

PERSONNEL STRENGTH	2006	2007
Authorized Strength	90	91
Actual Strength	89	91

MISCELLANEOUS CONTACTS	2006	2007
Traffic Reprimands	2,580	2,395
Crime Prevention Checks	2,287	2,204
Building/Door Checks	32,940	33,524

DOVER POLICE DEPARTMENT

2007 GRANT FUNDING SUMMARY

Name	Grant #	Description	Source	Total Auth	Remarks
State Aid to Local Law Enforcement (SALLE) Grants	Various	Various Law Enforcement Equipment Items	State - Public Safety	48,001.90	Annual grant
Emergency Illegal Drug Enforcement (EIDE) Grants	Various	Various Drug Enforcement Equipment Items and Informant funds	State - Public Safety	25,626.19	Annual grant
State Law Enforcement Assistance Fund (SLEAF) Grant	05-072	SLEAF - Autocite System Upgrade	State Attorney General's Office	11,000.00	Funds requested from and approved by the SLEAF committee for specific equipment items
SLEAF Grant	05-075	MDCs & Docking Stations	State Attorney General's Office	31,500.00	
SLEAF Grant	06-019	Computer Server & 800 MHz Batteries	State Attorney General's Office	10,400.00	
SLEAF Grant	06-045	MDCs & Docking Stations	State Attorney General's Office	29,000.00	
SLEAF Grant	06-062	39 Tasers	State Attorney General's Office	46,085.00	
SLEAF Grant	07-015	DE Police Chiefs' Council Grant	State Attorney General's Office	48,840.00	
SLEAF Grant	07-026	Tasers	State Attorney General's Office	48,840.00	
SLEAF Grant	07-062	Digital recordng equipment, recruiting course & MERCOM sys upgrade	State Attorney General's Office	38,785.00	
SLEAF Grant	08-111	MCU equip/computer & silent dispatch upgrades	State Attorney General's Office	56,485.00	
Edward G. Byrne Memorial Fund Grant	06DJBX0626	In-car cameras	USDOJ	22,076.00	Provided joint funds for Dover PD and Kent County Law Enforcement. The County waived its share.
Edward G. Byrne Memorial Fund Grant	07DJBX0362	Vehicle key box, laser printer, ICOP in-car cameras, duty weapon holsters & vehicle light bar	USDOJ	37,584.00	Provided joint funds for Dover PD and Kent County Law Enforcement. The County waived its share.
Community Oriented Policing Service (COPS) Grant (2 officers)	04SHWX0172	Funds requested for the School Resource Officer Program (Dover High and Central Middle Schools)	USDOJ	250,000.00	Federal portion of three year grant program - expires on 3/31/08
COPS Grant (4 officers)	02UMWX0138	Funds requested from the Universal Hiring Program for additional law enforcement officers	USDOJ	300,000.00	Federal portion of three year grant program - expired on 2/28/07
Highway Safety Grant		Funds additional enforcement hours in the areas of impaired driving, occupant protection and	State - Public Safety	36,240.00	Annual grant
Total Open Grants				**1,040,463.09**	

Officers of the Quarter

1st Quarter



PFC Robert Barrett

2nd Quarter



Ptlm. Peter Martinek

3rd Quarter



MCpl. Jason Pires

4th Quarter



Cpl. Christian White

Civilians of the Quarter

1st Quarter



Parking Enforcement Officer John Boyer

2nd Quarter



Dispatcher M. Bradley Holloway

3rd Quarter



Police Clerk Karen Hudson

4th Quarter



Dispatcher Chad Davis

Officer and Civilian of the Year 2007

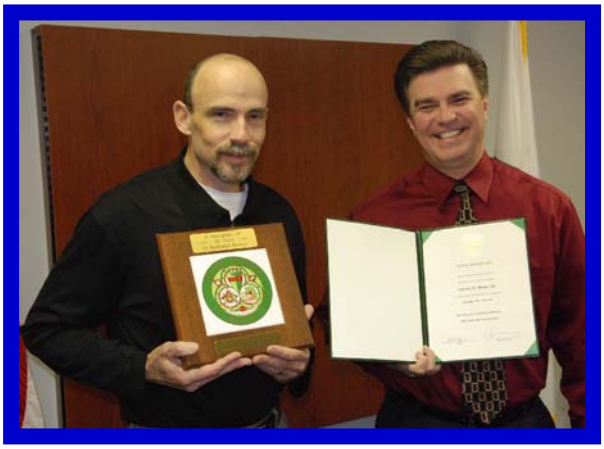


Ptlm. Peter Martinek and Mrs. Karen Hudson

A member of the Dover Police Department since 2005, Ptlm. Martinek was named Officer of the Quarter for the 2nd quarter of 2007, in recognition of his outstanding performance as a patrol officer whereas; his aggressive style of enforcement and dedication has resulted in a high number of drug and weapons arrests. Ptlm. Peter Martinek truly exemplifies the term "Dover's Finest".

A member of the Dover Police Department since 1999, Karen was named Civilian of the Quarter for the 3rd Quarter of 2007. In recognition of her dedication and devotion not only to the police department but specifically to her unit, Karen assumed extra work and volunteered for many assignments to help the Records Unit prepare for a huge undertaking, a LEISS/CAD interface test. Karen clearly has earned the honor of being named Civilian of the Year.

Retirements



Sgt. Mutter retires with 23 years of service

New Officers



Mayor Williams swears in Ptlm. Joseph Bauer

Promotions

Every year officers of the Dover Police Department take part in a highly competitive promotion process. The following officers were promoted during the year 2007:

Glenn Virdin to Sergeant
E. Keith Hester to Master Corporal
Jeffery Welch to Corporal
G. Michael Harmon to Corporal
Matthew Knight to Corporal
Derek Lawson to Corporal
Michael Wisniewski to Corporal
Mark Hoffman to Patrolman First Class
Kevin Streadwick to Patrolman First Class



Congratulations to these fine officers on their promotions.

Awards Ceremonies

The Dover Police Department holds two Award Ceremonies each year. Officers and civilians earned the following awards in 2007:

- *1 Life Saving Commendation*
- *1 Exceptional Performance Commendation*
- *1 Distinguished Unit Commendation*
- *6 DUI Awards*
- *7 Service Achievement Awards*
- *7 Safe Driving Awards*
- *1 Loyal Service Award*
- *22 Perfect Attendance Awards*



Top to Bottom: PFC James Stubbs accepts his Life Saving Commendation, Cpl. White accepts his Exceptional Performance Commendation, SEU's Motorcycle Section receives their Distinguished Unit Commendation, Ptlm. Martinek & PFC Streadwick accept their DUI Award, Sgt. Kent & PFC Barrett accept their Safe Driving Award, Ms. Nancy Frazier accepts her 15 year Loyal Service Award.

Awards Given by Other Agencies

Crime Stoppers' Officer of the Year



MCpl. J. Eric Richardson

ASIS Officer of the Year



Cpl. Lawrence Simpkiss

Delaware State Police Challenge Coin



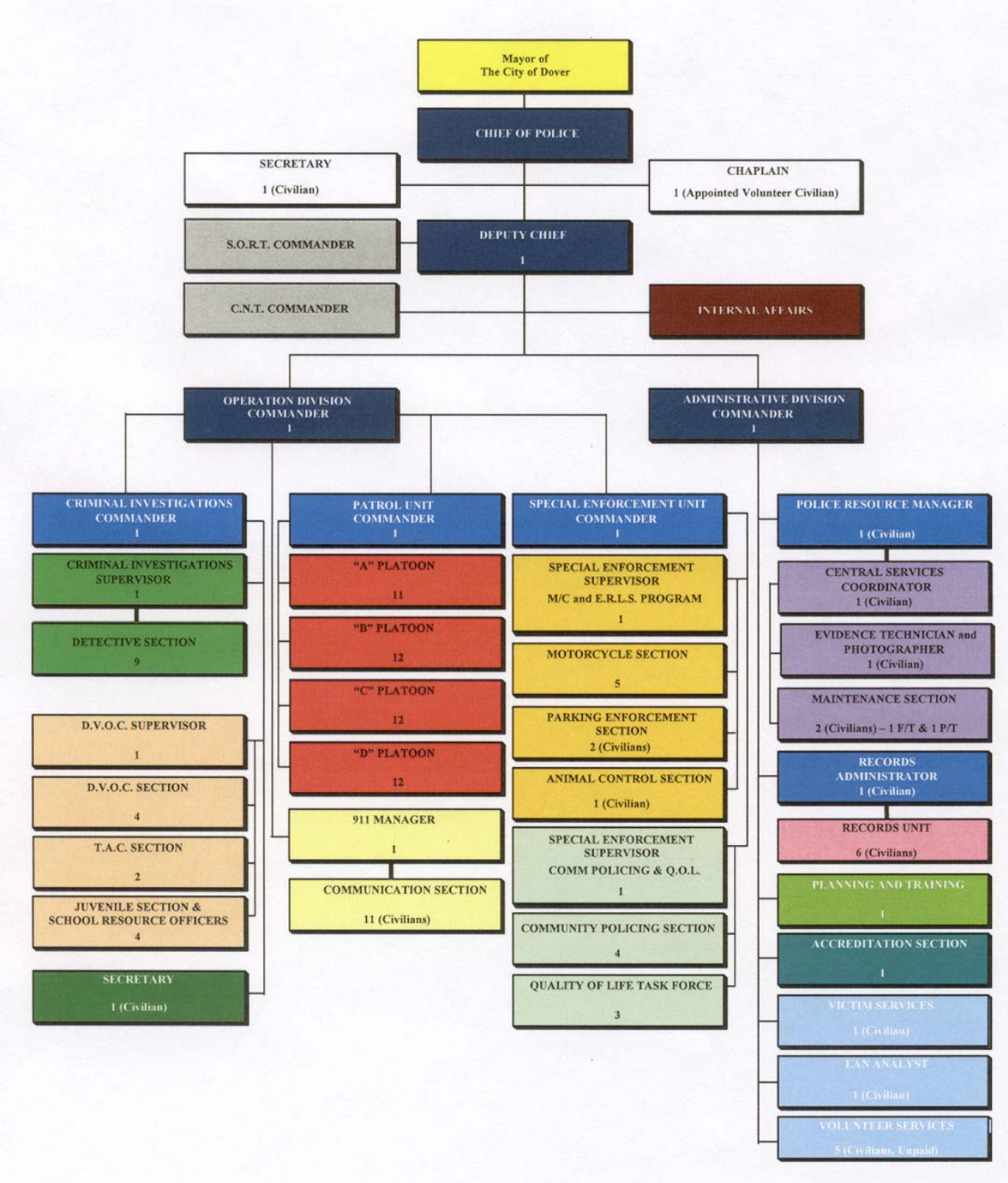
Lt. James Hosfelt

M.A.D.D. Awards



1st Row:
PFC Gott, PFC Guiteras, PFC Streadwick, PFC Stubbs,
2nd Row:
Ptlm. Bumgarner, Ptlm. Martinek, Ptlm. Webster
Not Pictured:
Ptlm. Miller, Ptlm. Musemici

Dover Police Department
2007 Organizational Chart



Staff



1st Row: Capt. Sammons, Chief Jeffrey Horvath, Major Taraila, Capt. Boney
2nd Row: Lt. Hosfelt, Lt. Getek, Robin Adkins, Patricia Virdin, Lt. Counselman, Lt. Bernat

Chief of Police:	*Jeffrey Horvath*
Deputy Chief:	*Raymond Taraila*
Operations Division Commander:	*Lester Boney*
Administration Division Commander:	*Ray Sammons*
Criminal Investigations Unit Commander:	*James Hosfelt*
Patrol Unit Commander:	*Benton Counselman*
Internal Affairs Unit Commander:	*Steven Getek*
Special Enforcement Unit Commander:	*Paul Bernat*
Police Resources Manager:	*Robin Adkins*
Records Unit Administrator:	*Patricia Virdin*

Police Chaplain

The Police Department has one civilian holding the honorary rank of Captain in the position of Police Chaplain. Chaplain Wallace Dixon provides the blessing and benedictions at ceremonial functions. He also offers spiritual guidance and help to both sworn officers and civilian members of the department.



Chaplain Wallace Dixon

Special Operations Response Team (S.O.R.T.)

The Special Operations Response Team is comprised of 14 veteran officers. Officers are only considered for this special assignment upon completion of extensive physical testing as well as firearms proficiency. The Special Operations Response Team is highly trained in the areas of hostage rescue, barricaded subjects, and high risk warrant service. During 2007, this extremely motivated team of veteran officers completed over 140 hours of specialized training. Additionally, the Special Operations Response Team executed numerous high-risk search warrants in support of the Drugs, Vice, and Organized Crime Section.



Crisis Negotiation Team (C.N.T.)



The Crisis Negotiation Team is a part time specialized unit comprised of nine veteran officers of the Dover Police Department, whose mission is to respond to all Barricade and Hostage situations. The senior member of the team is assigned the duties of C.N.T. Commander, while the other members of the team rotate their assignments as dictated by the mission. The C.N.T. Commander reports directly to the Deputy Chief of Police who is also responsible for authorizing their activation. Once activated the Crisis Negotiation Team focuses their resources on establishing personal contact with the individual involved. Once contact is established C.N.T. uses the opportunity to appraise, evaluate and gather intelligence in order to resolve the crisis as quickly as possible. In 2007, the Crisis Negotiation Team was activated on one occasion for a subject that had fired shots within a residence after threatening to kill himself. The Crisis Negotiation Team negotiated with the barricaded subject, and he later surrendered to members of S.O.R.T. In June of 2007, C.N.T. participated in an all day exercise with the Milford Police Department's Special Operations Group. The Crisis Negotiation Team also maintains their proficiency through bi-monthly training exercises, two of which include joint training with SORT. Throughout 2007 members of the Crisis Negotiation Team attended continuing education courses designed to enhance the teams' capabilities.

Internal Affairs

The Internal Affairs Unit is staffed with one sworn officer who holds the rank of Lieutenant. The mission of the Internal Affairs Unit is to ensure the integrity of the Police Department by maintaining an internal system that is objective, fair, and equitable in its methods of internal investigation. The Internal Affairs Office is responsible for investigating allegations of misconduct by employees both sworn and civilian. The Internal Affairs Unit also investigates all complaints or allegations of corruption, use of excessive force, breach of civil rights, criminal misconduct, and violations of department policy. This office is tasked with working directly with the City Solicitor in responding to civil actions.



Lt. Steven Getek

In addition to its primary duties, the Internal Affairs Office retains an active role in training new recruits along with local citizens who attend the Citizens Police Academy.
New employees are acquainted with the function of the Internal Affairs Office, including an overview of rules, regulations and job performance standards. Internal Affairs is also tasked with several other responsibilities including the inspection of departmental equipment, vehicles, and evidence storage facilities.

Public Information Officer

The Public Information Officer (P.I.O.) is responsible for disseminating information to the media and the public. This is primarily accomplished by publishing information and photos on the department web page, which can be accessed at www.doverpolice.org. The P.I.O. also has regular contact with journalists from newspaper, radio, and television and gives both telephone and in- person interviews. Additionally, the Public Information Officer is often called upon to serve as emcee during functions such as promotion & award ceremonies, and retirement dinners.



Capt. Lester Boney

Criminal Investigation Unit
Detective Section



Detective Knight processes a crime scene.

The Dover Police Department's Detective Section is tasked with the responsibility to investigate the most serious crimes that occur within the City of Dover. This section also conducts financial and identity theft investigations. In addition to these duties they are called upon to perform background investigations of all civilian and police applicants who are being considered for employment. In 2007, the seven detectives assigned to the section investigated a total of 3,275 complaints. As a result of their investigations, they cleared 96% of those complaints. A review of the complaints investigated revealed an increase of robberies reported. As a result of the investigations conducted by this section, 48% of burglaries and 64% of robberies reported were cleared. Additionally, the Criminal Investigations Unit cleared 98% of the rape complaints they investigated. These clearance rates are significantly higher than the national average and it speaks volumes for the officer's investigative abilities.

Drugs, Vice, & Organized Crime Section D.V.O.C.

The Drugs, Vice, and Organized Crime Section is comprised of five Dover Police officers who work in an undercover or plain clothes capacity. All five officers working in concert are committed to eliminating the use and sale of illegal drugs, counterfeit merchandise, and prostitution from the City of Dover. Because of their dedication and commitment, the D.V.O.C. Section experienced a 6% increase over the previous year's record totals in drug and vice arrests. As a result of this increase in arrests, the unit seized a large number of illegal drugs and money. These seizure totals include 30,512 grams of cocaine, 27,325 grams of marijuana, and $75,648.00. The Drugs, Vice, and Organized Crime Section takes great pride in the working relationships it has established and maintained with the Drug Enforcement Administration (DEA) and the Delaware Department of Probation and Parole.



D.E.A. Task Force

The Dover Police Department continued its ongoing relationship with the Drug Enforcement Administration (DEA) during 2007. The local DEA Task Force is comprised of detectives from local and state police agencies who work in conjunction with federal agents from the Drug Enforcement Administration. The Dover Police Department continues to provide two officers to work with this federal task force.



Operation Safe Streets

In addition to the Drug Unit and the DEA Task Force, the Dover Police Department continues to support the Governors statewide initiative "Operation Safe Streets". Two Dover Police Officers work along side officers from Delaware Probation and Parole. Together they concentrate their efforts on street level sales of illegal narcotics, as well as, current probationers who reside within the city limits of Dover.

Operation Disarm Task Force

In 2007, the Dover Police Department continued it's commitment to Operation Disarm Task Force. During the past year, the task force has performed numerous seizures of guns, drugs, and currency. The task force also assists the department's detective section in recovering ballistic evidence and processing seized weapons. In addition to their investigative duties, the Operation Disarm Task Force made periodic stops at local schools to educate youth. Through McGruff the Crime Dog, they educated the students about handgun violence and proper gun safety.

Juvenile Section



Left to right: Officer Todd and Officer Woody take part in Wm. Henry Middle School's Positive Behavior Activity

The juvenile section consists of four officers, two certified D.A.R.E. Officers and two School Resource Officers. The D.A.R.E. Officers, MCpl. Todd Case (Officer Todd) and Cpl. Charles Woodard (Officer Woody), instruct students attending both the Capital School and Caesar Rodney School Districts in the D.A.R.E. Program. In addition to the classroom instruction, Officer Todd and Officer Woody maintain a highly visible presence in the 17 schools that are within the city limits of Dover. The School Resource Officer (S.R.O.) program is in its fourth year of existence because of a partnership entered into by the Dover Police Department and the Capital School District. MCpl. Keith Hester is assigned to Central Middle School and Cpl. Danny Ranger is assigned to Dover High School as the S.R.O.'s. Both officers regularly teach various classes in regards to health and safety issues, as well as, patrol the school grounds and attend after school functions, such as sporting event and proms.

The youth section also handles criminal complaints throughout the year involving crimes against juveniles and crimes committed by juveniles.



S.R.O. Keith Hester teaches gun safety



S.R.O. Danny Ranger greets the students

911 Center



Dispatcher Brad Holloway answers the 911 telephone line

The Dover Police Department's 911 Center is the first point of contact for emergency services provided to the residents and visitors of Dover. The 911 Center operates 24 hours a day 7 days a week providing police, fire and emergency medical services. Eleven full-time dispatchers staff the 911 Center. Once a call is received by a dispatcher, he/she will obtain the pertinent information necessary, prioritize the complaint, and then dispatch the necessary officers. They ensure that the appropriate emergency services are promptly dispatched. Dispatchers constantly monitor an officer's status, such as when on a vehicle stop, or on a complaint. Dispatchers are tasked with staying in constant communication with officers via the 800 MHz radio system and in car computers. When not busy on the telephone or radio, dispatcher's duties include criminal history checks, data entry of wanted persons, missing persons, stolen guns, property, and vehicles in the local system (DELJIS) and National Crime Information Center (NCIC). Dispatchers are responsible dedicated employees who work very hard to help keep the citizens and officers safe. In 2007, the 911 center received 131,244 telephone calls. Of those calls, 26,443 were received on the 911 emergency telephone lines. The 911 center averaged 360 calls daily.



Dispatcher Knowles checks the status of an officer.

Patrol Unit



Pictures left to right: Cpl. Kuntzi provides traffic enforcement, PFC Hoffman exits vehicle for a traffic stop

The primary responsibility of the Patrol Unit is responding to calls for service to the community twenty-four hours a day, seven days a week. These calls for service include criminal complaints, motor vehicle accidents, medical emergencies and other various requests for assistance.

Patrol officers are the first responders to a variety of incidents thus protecting the life and property of the citizens of the City of Dover while at the same time proactively enforcing all aspects of the law.

The Patrol Unit consists of four Platoons, who staff the department. To provide the very best service to the public, a typical Platoon consists of officers with the following specialized training:

- *Accident investigation and reconstruction*
- *Special Operations Response Team*
- *Crisis negotiators*
- *Shift investigators*
- *K-9 Officers*
- *Field Training Officers*
- *Firearms instructors*

Crash Investigation & Reconstruction Team

The City of Dover Police Department investigated 2,137 traffic crashes in 2007. This was an overall reduction of 4% less crashes in 2007 than 2006. Patrol Officers investigate property damage and personal injury crashes. The Dover Police Department experienced a 6% reduction in personal injury crashes and a 9% reduction in persons injured from crashes. More significantly, the Dover Police Department investigated only one fatal injury crash in 2007, compared to seven fatal injury crashes in 2006. In the event of fatal crashes, serious injury crashes, hazardous material crashes, and crashes involving police officers, the Dover Police Department relies on the highly trained Accident Investigation and Reconstruction Team. The Reconstruction Team is made up of five officers. Each platoon is assigned a team member. The Reconstruction Officers have received training and practical application in the following areas:

- *Traffic Crash Reconstruction from the Institute of Police Training and Management*
- *Advance Traffic Crash Investigation from the Institute of Police Training and Management.*
- *CAD Zone /crash zone computer aided drafting*
- *Sokkia Total Station for surveying*
- *Advance Accident Investigation*
- *Crash data retrieval programming*



Photos clockwise: MCpl. Sherwood, MCpl. Hermance, and Cpl. Simpkiss investigate accidents within the City of Dover.

K-9 Officers & Their Partners



Cpl. Chandler, Cpl. Welch, & Kit perform a K-9 Demonstration at the Little School.

The Dover Police Department has a total of four police canines. All Dover Police canines undergo extensive training in order to perform their duties. Each Patrol Platoon is assigned a K-9 Officer along with his partner. Police canines are cross-trained for explosive detection, drug detection and terrain & building searches. Police canines often assist officers in the apprehension of dangerous felons, suspects resisting arrest and suspects fleeing crime scenes.

Collision, Awareness, Responsibility & Safety Program (C.A.R.S.)

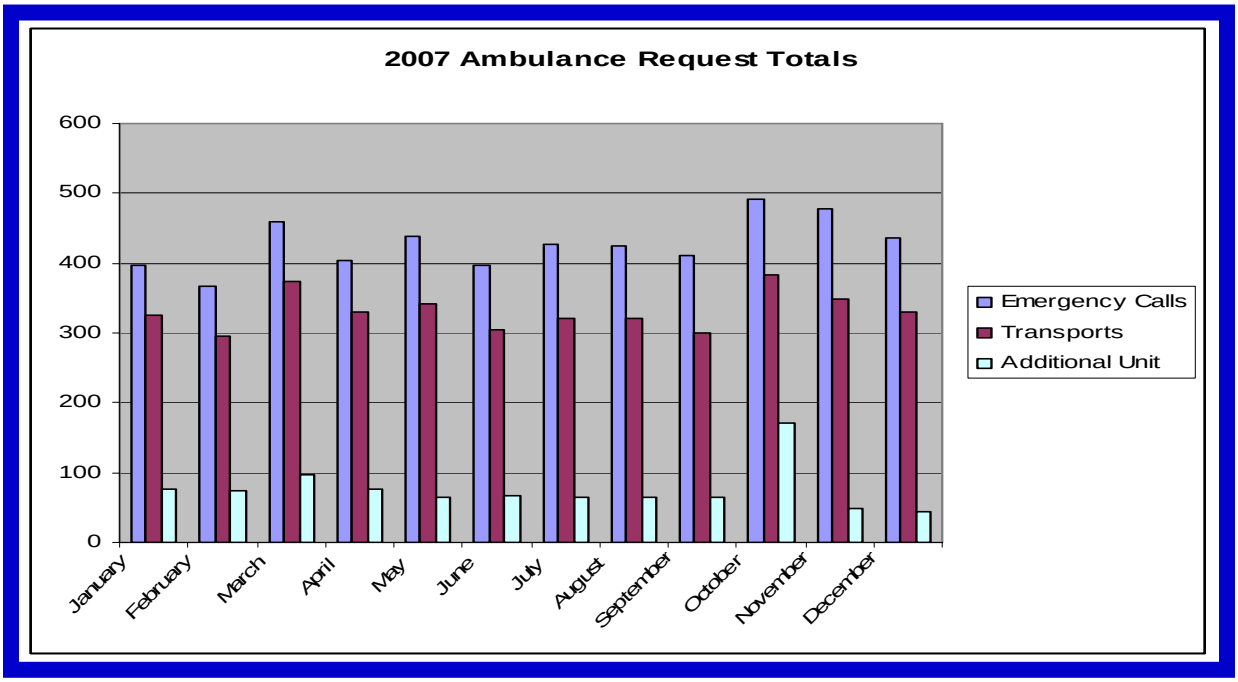
The Dover Police Department's C.A.R.S. program was developed for high school students enrolled in Driver's Education. The Department teamed up with Dover High School & Campus Community School and started teaching this program in the fall of 2004. The 90-minute block of instruction was created and is taught by officers specially trained in Accident Reconstruction. The core topics are: common violations that result in accidents, occupant protection (seat belts/airbags), decision-making, and what to do if involved in an accident.

The purpose of the course is to teach our new motorists the harsh reality of motor vehicle accidents from the grim point of view of the officer who investigates them. The ultimate goal is to take a proactive measure in an attempt to keep our youth safe. The course will be taught throughout the school year. On average, this program is taught to 425 students per school year.

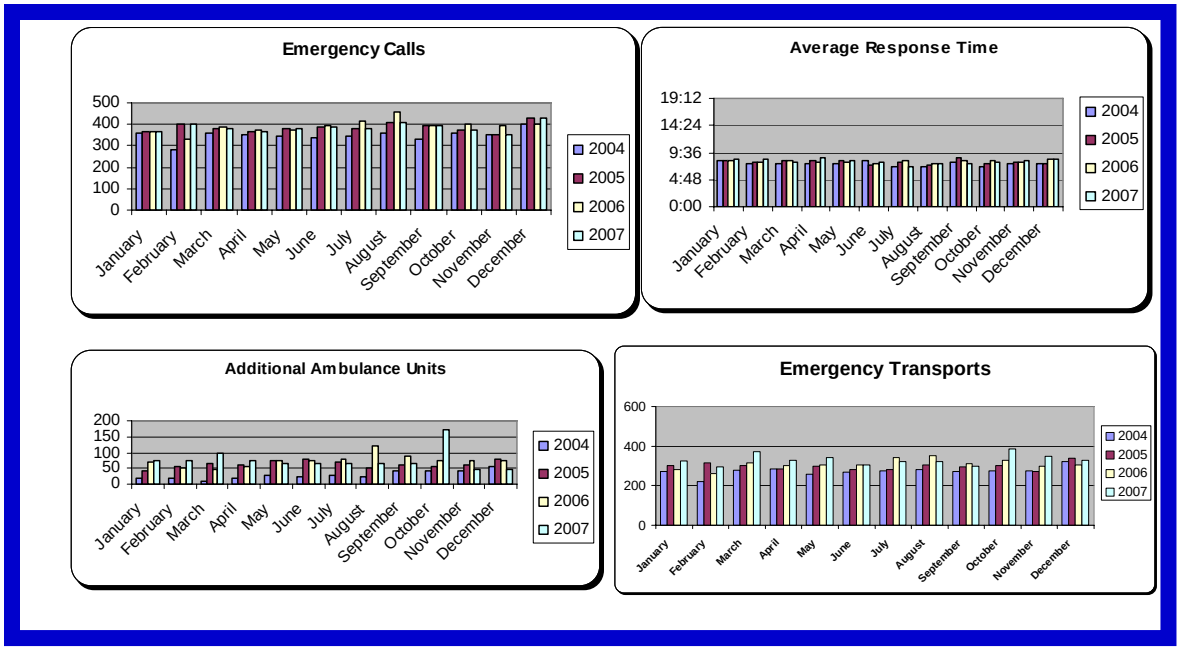


PFC Hermance instructs class

Emergency Preparedness

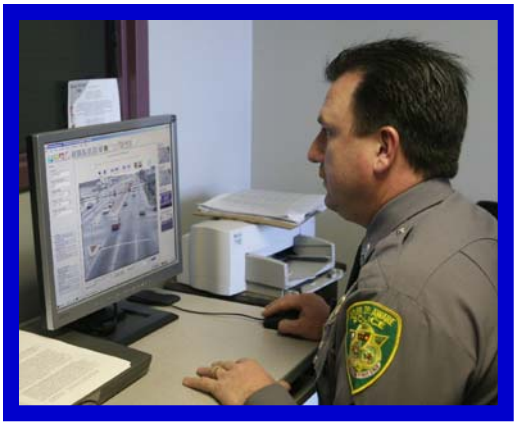


As part of the Dover Police Department's responsibility for Emergency Preparedness, Lt. Paul M. Bernat attends bimonthly meetings of the Local Emergency Planning Commission and serves as a liaison between the ambulance service provider and the City of Dover. Lt. Bernat also attends monthly meetings of the Delaware Homeland Security Terrorism Preparedness Working Group. This group addresses Delaware's domestic preparedness issues and policies on such matters as equipment, training, exercise, and planning.



Electronic Red Light Safety Program

In 2004, the City of Dover & the Dover Police Department entered into an agreement with the State of Delaware, Department of Transportation to support six intersections, which would be monitored by video cameras in an effort to deter motorists from running red lights at these specific intersections. The City currently has cameras on line monitoring 6 intersections. In 2007, the Electronic Red Light Safety Program issued a total of 16,670 citations. The majority of these violations occurred at major intersections on the highway. These intersections were selected to be monitored based on a study of side impact crashes.



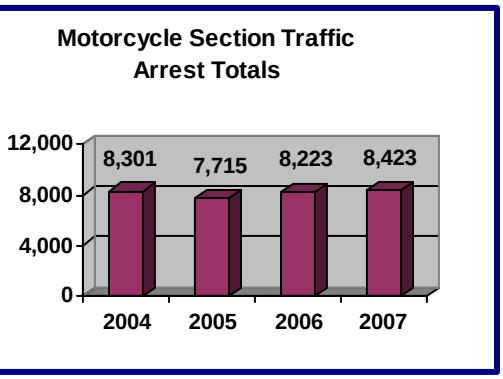
Sgt. McKeown reviews red light violations

Dover Police Department Red Light Video Camera Statistics 2007

Red Light Video (Seven Cameras)

Intersection	***Citations Issued for 2006***	***Citations Issued for 2007***
Governor's Avenue S/B @ North Street	*983*	*561*
US Route 13 S/B @ Division Street	*4,733*	*3,885*
US Route 13 N/B @ White Oak Road	*6,192*	*5,123*
US Route 13 N/B @ Loockerman Street Left Turn	*2,714*	*2,409*
US Route 13 N/B @ Roosevelt Avenue	*336*	*300*
US Route 13 N/B @ Webb's Lane	*2,118*	*1,927*
US Route 13 S/B @ Webb's Lane	*2,773*	*2,465*
Total Citations Issued	***19,849***	***16,670***

Motorcycle Section





Lt. Paul Bernat, Cpl. Gist, Cpl. Minor, PFC Allen, Cpl. White, MCpl. Fortney & Sgt McKeown

The Motorcycle Section had an exceptional year for 2007. In 2007, the Motorcycle Section issued the most traffic arrests by the section since its inception. This industrious proactive traffic enforcement is the direct result of teamwork.







The Motorcycle Section has become known as a model motorcycle section within the State of Delaware. This became evident when the Dover Police Department hosted the 7th Annual State of Delaware Motor Officer Championship in October 2007. Once again, Dover Police Department was well represented. Dover Officers competed in the Advanced Category. PFC Brian Allen took second place, (He lost to the first place competitor from New Castle County Police Department by .16 seconds.) Cpl. David Minor placed third, Cpl. David Gist placed fourth, MCpl. Jack Fortney placed fifth and Cpl. Christian White placed seventh overall.

The Team Category was dominated by the Dover team. The championship team was Cpl. Christian White and PFC Brian Allen. Second Place was captured by Cpl. David Minor and Cpl. David Gist. The Delaware State Police Team took third place. (10 seconds behind the second place DPD Team.)





2007 Motor Officer Challenge
Top to Bottom: Cpl. White, PFC Allen, Cpl. Gist,
Left to Right: MCpl. Fortney, & Cpl. Minor

Parking Enforcement

The Dover Police Department currently employs two parking enforcement officers; John Boyer and Frank Hutchins. These civilian officers are tasked with ensuring public compliance with parking regulations such as handicap zones, fire lanes, two hour parking, metered and permit parking throughout various city parking lots, and residential parking. The primary focus of this enforcement is directed towards the downtown area of the city. Together, these officers issued over 4,150 summonses in 2007.



C. Frank Hutchins



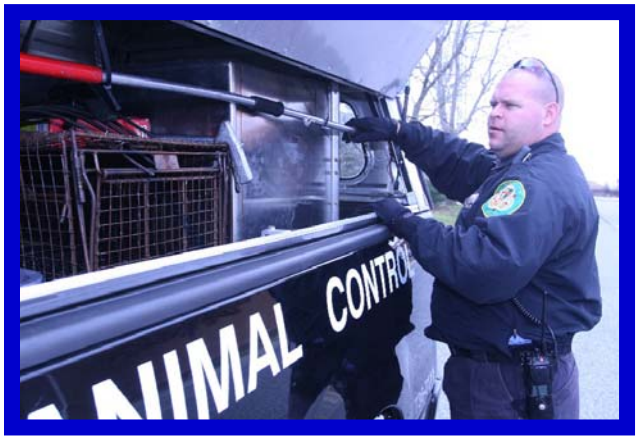
John Boyer

Animal Control Officer

The Animal Control Section is a civilian position filled by Animal Control Officer (ACO) Mark Moore. Animal Control provides an invaluable service to the community. The Department's Animal Control Officer's primary responsibility is to ensure that neighborhoods are free of stray or potentially vicious animals, both domesticated and wild.

In 2007, Animal Control Officer Mark Moore apprehended and transported 227 such animals to the Kent County S.P.C.A. In addition, he also investigates cruelty to animal complaints to ensure that domesticated animals are treated humanely as set forth by law.

The Animal Control officer also serves the public by assisting motorists who lock themselves out of their vehicles. Officer Moore handled 292 such requests in 2007.



Animal Control Officer Mark Moore

Community Policing Section

There are two units in this section; Quality of Life Neighborhood Enforcement Team (QOLNET) and Community Policing Section .These Units are lead by Sergeant Alan Rachko and Master Corporal Chad Bernat. Each unit consists of four officers with Sergeant Rachko working directly with QOLNET and Master Corporal Bernat with the Community Policing Section. QOLNET focuses on quality of life violations and through strict enforcement they continue to make a positive impact with compliance.



QOLNET: PFC Fioravaniti, PFC Davis, Sgt. Rachko, PFC Barrett

In 2007, the Quality of Life Neighborhood Enforcement Team made 466 Criminal Arrests, and 232 drug related arrests. They also apprehended 148 fugitives. In addition, QOLNET issued over 800 Dover City Ordinances, which include noise, alcohol, parking and City Park violations.

QOLNET and the Community Policing Section continue to be a leader in the state with an innovative and stringent sex offender management system. Under this new plan the Dover Police Department has been able to keep all registered offenders in Dover accounted for. The City of Dover currently has 153 registered sex offenders. The Community Policing Section issued twenty-six warrants for failing to comply with the guidelines during this year. Due to the relentless effort of QOLNET and Community Policing, twenty-five of the twenty-six were apprehended in 2007.

The Community Policing Section continues to work with the Crime Free Multi Housing Program, TRIAD, Community Associations, Neighborhood Watch groups, and extensively with the Special Olympics. The CPU is truly the bridge between the Dover Police Department and the community.



Left to Right: Cpl. Harmon carries the Torch for Special Olympics. PFC Barrett drives the train during National Night Out. PFC Price coordinates the tricycle races during National Night Out.

Police Resources Manager

This civilian position is responsible for the management of all the resource functions in the department. The Resources Manager performs all financial functions associated with grants and grant management as well as the department's budget. In addition, Ms. Adkins supervises four subordinates who are responsible for fleet management, purchasing, building maintenance, evidence and photography duties.



Mrs. Robin Adkins

Central Services Coordinator



Mr. Tim Mutter

This position is also designated as a civilian position. The Central Services Coordinator takes care of a wide range of duties including the maintenance/repair of our vehicle fleet, office equipment and specialized police equipment. Mr. Timothy Mutter purchases all departmental supplies and equipment, issues all department uniforms, and officer equipment, and supervises building maintenance and evidence/photography personnel.

Evidence Technician / Photographer

Evidence accountability is a critical function in the department. Mr. Neylan performs all functions associated with controlling over 10,000 articles of department evidence. In addition, he is responsible for photographing crime scenes and other police functions. Mr. Neylan is often requested to photograph other city department events.



Mr. Robert Neylan takes photos during a K-9 demostration

Building Maintenance



Mr. Ronald Short



Mr. Tom Stubbs

Keeping the building clean and safe is an important, but difficult function in the department. To do this, the department has one full time (Mr. Short) and one part time (Mr. Stubbs) civilians. In addition, these gentlemen schedule and coordinate inspections, services and maintenance for all of the many building facilities and systems.

Records Unit

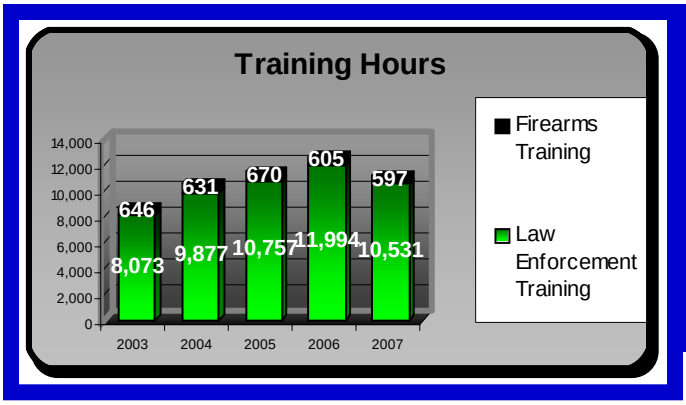
The Records Unit consists of six civilian employees who are supervised by a civilian manager; Mrs. Patricia Virdin. The unit is responsible for all documents generated by the Police Department. These documents include all criminal reports, arrest reports, traffic collision reports, traffic citations, and city ordinance summons which are submitted to the Records Unit for review, data input, storage, and archiving. The Dover Police Records Unit is one of only three municipal police agencies in the state who are authorized to directly input data into the State of Delaware's Justice Information System (DELJIS).

In addition, the Records Unit is tasked with processing and verifying the department's payroll prior to submitting it to City Finance Office.



Standing left to right: Karen Hudson, Nancy Frazier, Elizabeth Parsons, Sharon Walker, Patricia Virdin, Lauren Taylor
Sitting: Lisa Hoffer

Planning & Training Section





Lt. Hosfelt and Chief Horvath attend DEMA Training

The Planning and Training Section is responsible for all aspects of training, recruitment, and applicant testing. Planning and Training ensures that the all sworn and civilian members of the department receive training in compliance with the standards established by the Delaware Council on Police Training (C.O.P.T.), Departmental Policies, C.A.L.E.A. standards, and Federal mandates. The Planning and Training section also provides training to outside agencies that request assistance with training their needs. The unit coordinates the Citizen's Police Academy and is responsible for all newly hired police officers through their completion of the Field Training Program. Throughout the year Planning and Training participates in various job fairs in the local region in an effort to recruit qualified and diverse applicants.

In 2007 the Planning and Training Section coordinated a total of 10,930 hours of training for the department's certified officers and 198 hours of training for the civilian employees.

Major training accomplishments in 2007 were:

- *In January of 2007 Dover Police Department and Wilmington Police Department hosted a 40 hour Certified Instructor course for twenty-two police officers.*
- *During the month of March all police officers participated in "Active Shooter Response" training.*
- *The D.V.O.C. Section attended four gang awareness training conferences that were instructed by regionally and nationally recognized experts.*
- *Both School Resource Officers obtained Basic SRO Certification and participated in the National SRO Conference.*
- *One officer was trained as a Reality Based Firearms Instructor.*
- *One officer attended Advanced Collision Investigations, an 80 hour course.*
- *Two Detectives received extensive training in Forensic Interviewing of Children.*
- *One detective received training as a Fire and Arson Investigator.*
- *During 2007, all civilian and sworn members of the department completed mandatory N.I.M.S. training and moved to 100% compliance.*
- *One member of the Crisis Negotiation team received extensive training in S.A.F.E. Negotiations*
- *The department provided 7 weeks of extensive Reciprocity Training for a newly hired officer.*
- *In February, three police officers completed the DSP Academy and successfully completed the Field Training Program in April.*
- *One canine officer and his partner were certified in Narcotics detection.*
- *All officers were certified in the use of the TASER.*

Citizen's Police Academy



19th Graduating Class *20th Graduating Class*

The Citizens' Police Academy is a 12 week program designed to expose the student to the various functions of the Dover Police Department. The goal of the program is to cultivate lasting relationships between law enforcement and the community. The curriculum is presented in a classroom setting that also offers many hands on opportunities. A ride along with a patrol officer for a full shift is also offered to the student. The blocks of instruction are arranged in a manner that allows each week to build upon the previous block of instruction. On the final night of class the Dover Police Department hosts a formal graduation ceremony in the same manner and tradition that a sworn member of the force would be given. On November 20, 2007, the 20th Session of the Citizen's Police Academy graduated 16 students, bringing the total number of alumni to 275 since the first session was held in 1994.

Accreditation Section

The Accreditation Unit is responsible for organizing and maintaining the departments' General Orders, Procedural Notices, Directive Memoranda, and Rules and Regulations. This unit is tasked with the duties of making sure that all the policies issued and updated by the staff of the department are in compliance with the standards set forth by the Commission on Accreditation for Law Enforcement Agencies (C.A.L.E.A.). This office is responsible for obtaining actual proof through documentation that the department is performing up to the 459 C.A.L.E.A. standards. By making sure that the policies and practices of the department meet the C.A.L.E.A. standards, the Police Department will be able to retain the prestigious award of being nationally accredited.



MCpl. Burns inspects the accreditation files

Victim Services Unit

Ms. Diane Glenn serves as the Department's Victim Services Coordinator and provides crime victims with professional assistance and support. Each crime victim and their family are provided with a supportive environment to assist them through some very difficult times and decisions in their lives. Our goal is to help lessen the trauma suffered and provide support throughout the criminal justice process.

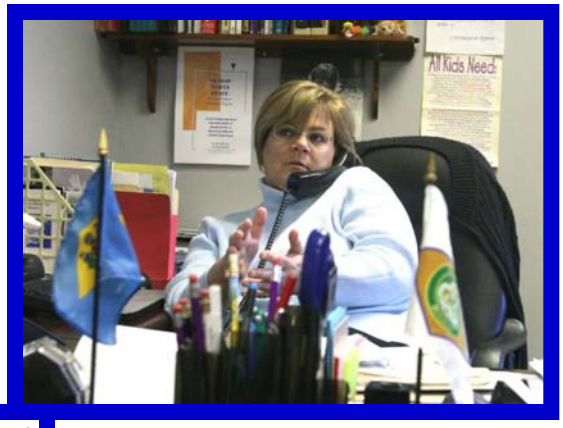
Services provided to crime victims and their families vary in each case depending upon the needs of the individual. Services include: death notifications, crisis intervention, referrals to community based services, criminal justice updates, court accompaniments, assistance with filing for violent crime compensation through the state, as well as a host of other services as needed in each particular case.

The Dover Police Department is committed to the fair, compassionate, and dignified treatment of all crime victims. We continue to strive to improve and enhance all services related to helping victims and survivors through such traumatic events.

Below is a statistical breakdown for services provided in 2007:

New Clients Served	*131**
Existing Clients Served	*76*
Total Number of Victims Served	*207*

**92 Female and 39 male clients*



Ms. Diane Glenn

Home Visits	*6*
Call Outs	*7*
Crisis Intervention	*70*
Telephone Contacts	*265*
In Person Contacts	*68*
Referrals to Community Services	*117*
Criminal Justice Information Updates	*255*
Court Accompaniments	*0*
Transportation	*0*
Violent Crime Claims filed on behalf of Victims	*29*

Local Area Network Analyst (LAN Analyst)

Mr. Paul Cookson serves as the Department's LAN Analyst. He is responsible for all of the department's computers, software and hardware. The LAN Analyst is responsible for 80 desktop computers, 35 mobile data computers, and 17 server based systems. The computer systems within the department continue to present unique challenges due to the enhanced security requirements imposed by state and federal mandates governing the criminal justice community. This position is also responsible for assisting with the design, implementation and purchase of all items within the department directly and indirectly associated with computerized technology.



LAN Analyst Paul Cookson

Volunteers

The Department currently has two volunteers. These volunteers are Mrs. Irene Denham who has been with us for 10 years, Mr. Thomas Kelley who has been with us for 12 years. Our volunteers assist the Records Unit in many different areas and we truly appreciate all the help that they give us.



Mrs. Irene Denham



Mr. Tom Kelley

Honor Guard

Dover Police Department's Honor Guard is comprised of 12 volunteer officers from various units within the department. The honor guard is called upon for formal police functions and ceremonies.



Left to Right: Cpl. Harvey Jaksch, Cpl. G. Michael Harmon, Ptlm. Matthew Harmon, MCpl. Kelli Burns

Bagpipers

MCpl. Chad Bernat and MCpl. Christopher Hermance perform at Departmental functions, parades, ceremonies, and various local events. MCpl. Bernat & MCpl. Hermance became interested in playing the bagpipes and volunteered their time to train. They occasionally perform with the Delaware State Police Pipe and Drum Corp.



MCpl. Chad Bernat and MCpl. Christopher Hermance perform at the Old Dover Day's Parade

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:** 02/25/2008
DEPARTMENT OF ORIGIN: City Manager	**DATE SUBMITTED**: 02/19/2008
PREPARED BY: City Manager	
SUBJECT: Contract with Tyler\Technology for Assessing Services As Needed	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager	
EXHIBITS: A) Tyler\Technology Time and Material Rates	
EXPENDITURE REQUIRED: SEE BELOW	**AMOUNT BUDGETED**: SEE BELOW
FUNDING SOURCE (Dept./Page in CIP & Budget): SEE BELOW	
TIMETABLE: Immediate as needed	
RECOMMENDED ACTION: Move that the City Manager sign a contract with Tyler\Technology at the attached rates for assessment services as needed in support of the Tax Assessment Office, waiving the purchasing policy requirement for Request for Proposals.	

BACKGROUND AND ANALYSIS

There is a temporary but immediate need for a variety of tax assessing services due to Mr. Capuano's departure from City employment. These will include, but are not limited to, commercial appraisals, reviewing commercial tax appeals, and advising the tax appeal committee. Tyler\Technology is currently under contract for the City's CAMA software. Tyler\Technology also provided assessing services during the last interim period between City Assessors. Tyler\Technology has advised the City that they have staff available for on call services. Much of the work can be done "off site" with support from the Assistant Assessor Cheryl Russell. They are currently providing similar services to the Town of Smyrna.

Due to the immediate need for these services and due to the familiarity with the City and its CAMA systems, a Request for Proposals as called for in the purchasing policy is not recommended at this time. If a more permanent need for these services are determined to be needed a Request for Proposal will be sought.

The amount of expenditure depends on the length of time it takes to fill the City Assessors position. I expect expenses to vary from $10,000 – $25,000. The funding for this position will come from the money budgeted for the City Assessors Salary. In addition to these funds, a "commercial appraiser" position was budgeted for this year. This position will not be filled until Assessor position is filled.

Exhibit A

TIME AND MATERIALS RATES

The Tyler\Technology hourly Time and Materials Rates for calendar year 2008 are as follows:

	Off-Site	On-Site
Senior Company Officer / Director	$240.00	$300.00
Company Officer / Manager	$205.00	$255.00
Technology Division		
Project Manager	$160.00	$200.00
Oracle DBA – Senior	$140.00	$175.00
Software Developer / Analyst – Senior	$140.00	$175.00
Software Developer / Analyst	$130.00	$165.00
Business Analyst – Lead	$140.00	$175.00
Business Analyst – Senior	$115.00	$140.00
Software Developer	$105.00	$130.00
Business Analyst	$95.00	$120.00
Technical Writer	$85.00	$105.00
Administrative Assistant	$65.00	$80.00
Client Manager	$65.00	$80.00
Appraisal Division		
Appraiser – Senior	$140.00	$175.00
Appraiser – Commercial	$95.00	$120.00
Appraiser – Residential	$95.00	$120.00
Data Collector – Commercial	$65.00	$80.00
Data Collector – Residential	$50.00	$60.00
Data Entry	$40.00	$50.00
Clerical	$40.00	$50.00

Travel and other out-of-pocket expenses will be billed at direct cost. The above rates are subject to change periodically, reflecting changes in labor costs, taxes, etc. The Company will notify the Client of said changes in writing.

If Tyler staffing requirements are such that services must be provided using contract labor, whose cost basis is significantly above what is built into Tyler's Time and Materials rates, the T&M hourly rates for off-site work performed at Tyler offices on behalf of the Client for said contractor will be computed to reflect the Company's cost plus 25%; the on-site rates for work performed at the Client site will be this cost plus a 50% premium. The Company will notify the Client in advance when responding to a request using contract labor whose cost will exceed the above fee schedule.

ACTION FORM

PROCEEDING: City Council	**AGENDA ITEM NO.:** 02/25/2008
DEPARTMENT OF ORIGIN: Public Utilities – Electric Eng.	**DATE SUBMITTED**: 02/13/2008
PREPARED BY: Ronald H. Lunt, Public Utilities Director	
SUBJECT: Evaluation of Bids – 69 KV Construction Bids for Phase 1 Feeders 3 & 4	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Finance Director	
EXHIBITS: Tracking Report	
EXPENDITURE REQUIRED: **$2,119,569.39**	**AMOUNT BUDGETED**: $9,457,788
FUNDING SOURCE (Dept./Page in CIP & Budget): Public Utilities – Electric Engineering, 69 Kv Feeders 3 and 4, CIP page 227 R, Account 487-8300-563-90-26, Project EE0601	
TIMETABLE: Contract to be awarded upon Council approval.	
RECOMMENDED ACTION: Staff recommends awarding the bid to the low bidder, C.W. Wright Construction Company for $2,119,569.39 which is comprised of a $2,046,341 base bid, $7,670 for de-watering, $41,300 for a well point, and $24,258.39 for attenuators.	

BACKGROUND AND ANALYSIS

This is the construction contract for Phase 1 of the 69 Kv Feeders 3 & 4. A mandatory pre bid was advertised according to the City purchasing policy by the City's Purchasing Agent under Bid #08-0055DPU. Nine (9) potential bidders attended this meeting. Specifications and drawings were distributed to the bidders, their questions were answered, and they were instructed to submit their proposal by January 30, 2008.

We received four (4) proposal responses. The proposals were evaluated using the following criteria: cost, experience, references, resources, safety records and exceptions to bid documents. Upon review it was decided that all four bidders were qualified. The two lowest bidders were interviewed to discuss their experience and ensure understanding of the project. Both bidders understood the project scope, had experience with this type of construction, had good references and safety records and both were deemed to be qualified. After a thorough review both Shaw EDS and Dover staff determined that a contract offer should be extended to the low bidder, C.W. Wright.

During the interview with C.W. Wright, it was discovered that they were not aware of the new DelDOT Manual on Uniform Traffic Control Devices publication (which was released after bid opening) and had not included an attenuator vehicle in their bid price. As allowed by our purchasing policy we negotiated a price and accepted a final and best offer from them. Including the adders for the Attenuator, dewatering pump and well point system, should they be required, C.W. Wright was still low bidder. Also included in the proposals each Contractor submitted unit pricing if in the event change orders become necessary or required beyond the original scope of the project or if their services are needed to assist the Utility with restoration of the electric system should we experience severe storm damage.

Below is the summary of the four (4) bid submittals:

C.W. Wright Construction	$2,119,569.39
Richardson- Wayland Electrical Co.	$2,390,000.00
Dillard Smith	$2,736,231.84
Utility Lines	$2,817,326.61

TRACKING REPORT

PROJECT: 69 FEEDERS 3 & 4
Account Number - 487-8300-563.90-26
Project Number - EE0601

Budgeted Amount for FY 07/08 $9,457,788
2008-2012 Capital Investment Plan Page 227R

Date Approved	Council/Committee	Name of Action Form/ Vendor	Expenditure Amount
06/11/07	Approved by Council	**Authorization to Purchase Cartanza Right-of-Way -** Includes $17,649.28 for the easement and $32,350.72 for the woodland clearance and all future spraying. Remainder of $32,350.72 will be when the woodland area is cleared.	$17,649
08/13/07	Approved by Council	**Eval.of Bid - 69KV Underground Cable -** Purchased 3,732' of 69KV underground cable and 2,940' of 5KV underground cable. Awarded to HD Supply.	$240,950
		Engineering Service Fees Incurred To Date	$245,040
10/22/07	Approved by Council	**Eval. of Bid - Tapered Steel Structures** - To purchase poles and caisson bases in order to construct the transmission lines for Feeders 3 & 4. Staffs estimated cost for this item was $1,051,000. Bid awared to low bidder, Pelco Structual.	$1,078,747
10/22/07	Approved by Council	**Eval. of Bid - Cartanza Relay Panels** - To purchase (2) relay panels, misc. connecting materials, and freight expense. Relay cables have not yet been purchased which are estmated to be less than $10,000. Staffs estimated cost for these items was $65,000. Bid awarded to low bidder, Schweitzer Engineering Laboratories, Inc.	$33,654
11/13/07	Approved by Council	**Eval. Of Bid - 795 ACSR** - The purchase of 207,396' of aerial conductors for Phase I (Cartanza Sub. To St. Jones Sub.) Staff estimated the total cost of wire to be $607,000. An additional $12,358 was incurred via a purchase order. Recommendation is to award to low bidder, American Wire Group.	$310,679
11/13/07	Approved by Council	**Eval. Of Bid - Laminated Wood Poles** - Puchase thirty-three (33) wooden poles (N. Little Creek Rd. to St. Jones Substation) for Phase I. Staff estimated this cost at $272,000. Recommendation is to award to low bidder, Laminated Wood Systems.	$260,297
11/13/07	Approved by Council	**Eval. Of Bid - Insulators** - 126 Suspension Insulators and 528 Horizontal Post Insulators for Phase I. Recommendation is to award to low bidder, Paresuorces, Inc.	$98,880
12/10/07	Approved by Council	**Eval. Of Bid - Substation Structures -** Materials needed to modify the substation; structural steel, switches, breaker, buswork, and related ground materials.	$99,957
12/10/07	Approved by Council	**Eval. Of Bid - Line Hardware** - These are non-stock materials for Phase I and will be installed on the overhead & underground line from Cartanza Sub. to St. Jones Sub.	$289,305
02/25/07	Pending Council Approval	**Eval. Of Bid - Construction for Phase I -** This contract will provide the construction and remaining materials for the completion of the project.	$2,119,570
AMOUNT APPROVED FOR EXPENDITURE FOR 07/08			**$4,794,729**

FIRST READING

CITY OF DOVER
ORDINANCE # 2008-09

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 442 KINGS HIGHWAY

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from RG-5 (General Residence Zone for Mid-Rise Apartments) to C-4 (Highway Commercial Zone).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

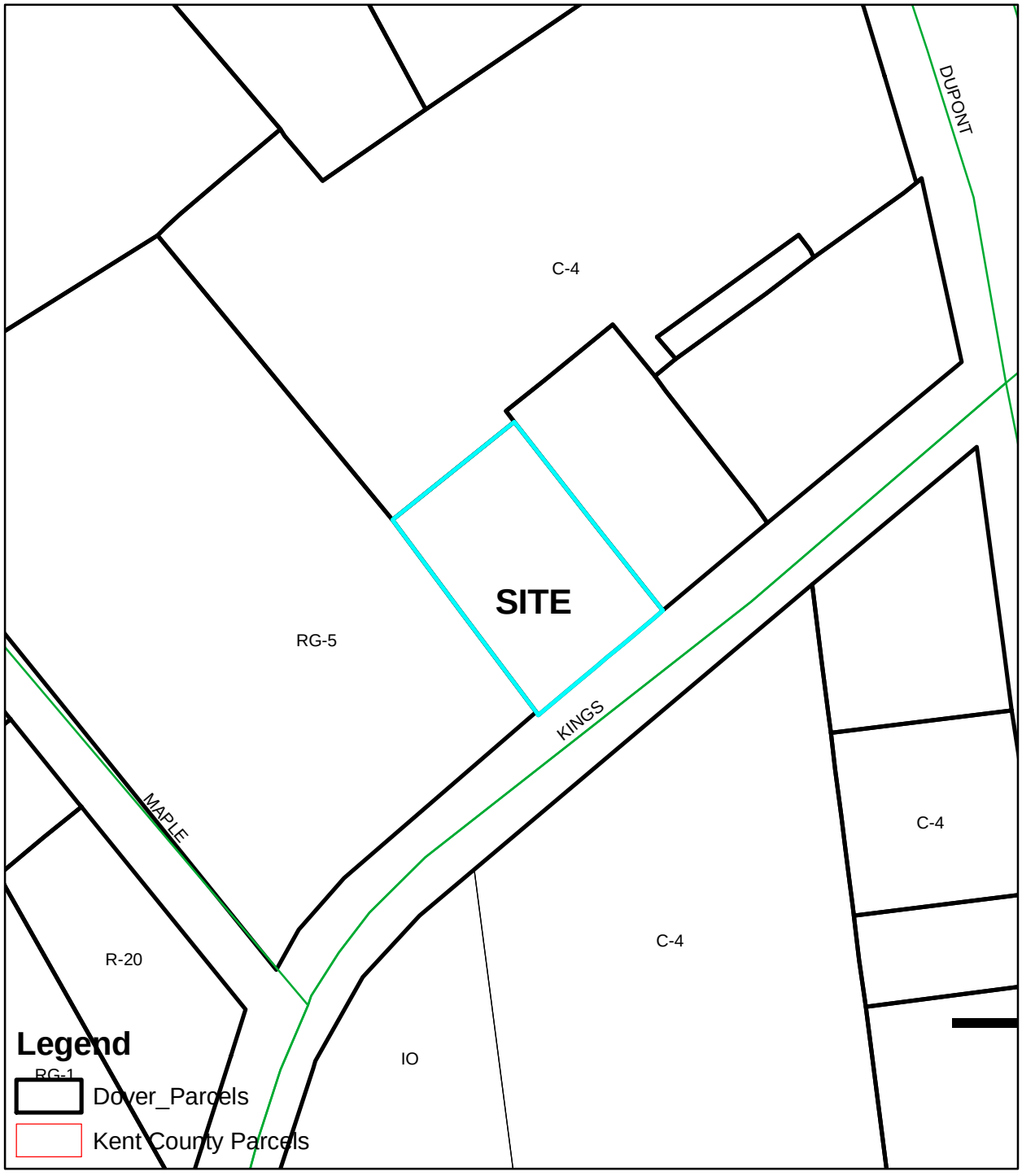
1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from RG-5 (General Residence Zone for Mid-Rise Apartments) to C-4 (Highway Commercial Zone) on that property located at 442 Kings Highway, owned by Luther Senior Services of Dover.

ADOPTED: *

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Z-08-05
The Lands of Luther Seinor Services
442 Kings Highway



City of Dover
Department of Planning
Z-08-05 The Lands of Luther Seinor Services
Parcel ID: ED-05-068.18-01-09.00-000
Acres: 0.37 +/- Total
Council District 3
Current Zoning: RG-5 (General Residence)
Proposed Zoning: C-4 (Highway Commercial)

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FIRST READING

CITY OF DOVER
ORDINANCE #2008-08

AN ORDINANCE AMENDING THE CITY OF DOVER COMPREHENSIVE PLAN UPDATE, 2003, AS AMENDED IN MAY 2005 AND SEPTEMBER 2006, AND MARCH 2007 BY AMENDING LAND DEVELOPMENT MAP 11-1 AND AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE NORTH SIDE OF COMMERCE WAY

WHEREAS, the City of Dover has adopted a Comprehensive Plan laying out land use policies within the City of Dover and has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the land use classification of property described below from Industrial to Residential High Density and to change the zoning designation from IPM (Industrial Park Manufacturing) to RG-2 (General Residence).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

1. That from and after the passage and approval of this ordinance the Comprehensive Plan Update, 2003, as Amended in May 2005, September 2006, and March 2007 and the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the land use classification from Industrial to Residential High Density and the zoning designation from IPM to RG-2 on a $13.967^{+/-}$ acre portion of the Lands of H & M Properties, LLC, located on the north side of Commerce Way, with the total parcel consisting of $22.967^{+/-}$ acres.

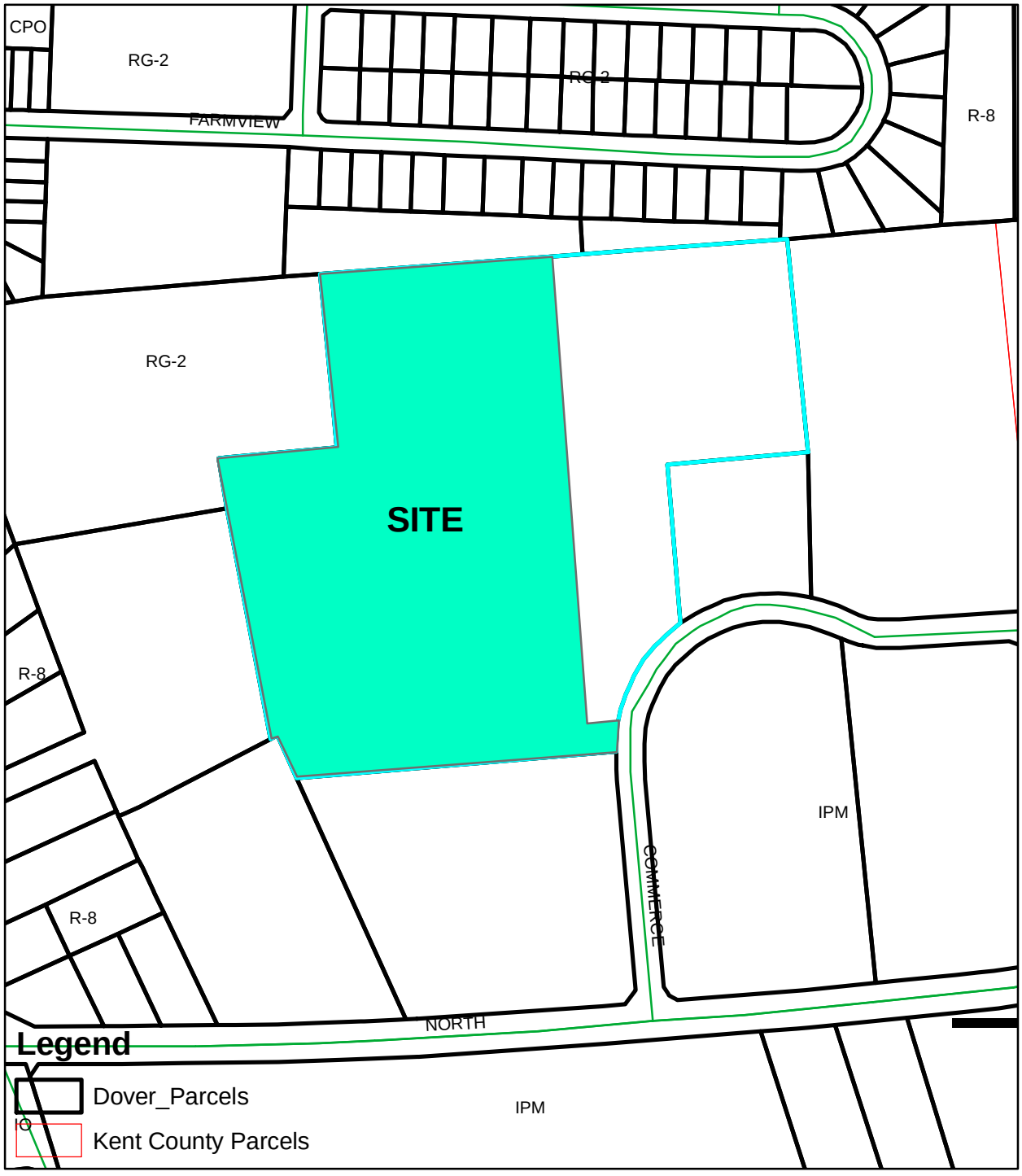
ADOPTED: *

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Actions History: Feb 25, 2008 - First Reading at Council

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Z-08-03
The Lands of H & M Properties, LLC
Enterprise Business Park



<und><bol>City of Dover</bol></und>
<bol>Department of Planning</bol>
Z-08-03 The Lands of H & M Properties, LLC
Parcel ID: ED-05-076.10-02-07.03-000
Acres: 13.967 of the 22.967 +/- Total
Council District 1
Current Zoning: IPM (Industrial Park/Manufacturing)
Proposed Zoning: RG-2 (General Residence) and
IPM (Industrial Park/Manufacturing)

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FINAL READING

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Chapter 110 – Utilities, Article II – Electric Service, Section 110-32 – Pole Attachment Fee

Use of Dover Electric Department Facilities

1. Purpose

The purpose of this Section is to establish uniform policies for usage of Facilities of the City of Dover's Electric Department ("DED") to enable the City to:

(a) Permit fair, reasonable and non-discriminatory access to the available capacity on DED Facilities;

(b) Safeguard the reliability and integrity of the DED's Facilities and systems;

(c) Obtain fair compensation for the cost to use of DED Facilities through collection of usage and other charges;

(d) Comply with all applicable federal, state and local laws, rules, regulations, Sections, standards and policies, including the National Electrical Code, the National Electrical Safety Code and any applicable standards of the City of Dover and the DED;

(e) Avoid the congestion, inconvenience, cost, visual impacts, and other adverse effects on the City's street, highways and rights-of-ways that could result from the construction, operation and maintenance of redundant infrastructure.

2. Application

It shall be unlawful for any person, Company, City of Dover employee, or an employee of a contractor engaged by the City of Dover, to make an Attachment to or within DED Facilities without a valid, existing Pole, Duct, or Conduit License Agreement. This License Agreement will be codified by the execution of Appendix D of this ordinance, which shall be executed within the time frame outlined in Section 5, (i) and herein may be referred to as License Agreement or Agreement. All new or renewed Pole, Duct or Conduit License Agreements with the DED shall be adopted pursuant to this Chapter. The provisions of this Chapter shall be deemed incorporated in each such Agreement and shall be limited in scope or application only to the extent agreed by the parties or required by applicable federal or Delaware law. Notwithstanding the foregoing, DED may at its option enter into a Joint Use Agreement with another utility that owns or controls poles that are utilized by DED; in such instance the terms of such Joint Use Agreement may vary from the specifications of this Section to the extent reasonable to reflect the reciprocal nature of the Joint Use Agreement.

3. Definitions

For the purpose of this Section and any Pole, Duct, or Conduit License Agreement adopted pursuant to it, the following terms, phrases, words, and their derivations, shall have the meaning given below, unless more specifically defined within a specific paragraph of this Section or the Agreement. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

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(a) Affiliate: when used in relation to Licensee, means another entity that owns or controls, is owned or controlled by, or is under common ownership or control with Licensee.

(b) Applicable Standards: means all applicable engineering and safety standards governing the installation, maintenance and operation of facilities and the performance of all work in or around electric facilities and includes the most current versions of National Electric Safety Code ("NESC"), the National Electrical Code ("NEC"), and the regulations of the Occupational Safety and Health Administration ("OSHA"), each of which is incorporated by reference in this Section and in each Agreement, and/or other reasonable safety and engineering requirements of the DED or other federal, state or local authority with jurisdiction over DED Facilities.

(c) Assigned Space: means space on DED's Poles or within DED's' Conduit System that is being or can be used, as defined by the Applicable Standards, for the attachment or placement of wires, cables and associated equipment for the provision of Communications Service.

(d) Attaching Entity: means any public or private entity, including Licensee, that places an Attachment on DED's Poles or within its Conduit System, in accordance with a License Agreement.

(e) Attachment: means a Communications Facility that is affixed directly to a DED Pole or is placed within DED Conduit, but does not include a service drop attached to a single Pole on which the Licensee has an existing Attachment. Overlashing is a permitted attachment; however, no additional attachment fees will be assessed for a Licensee overlashing their own facilities for their own service. Make ready fees apply should pole loading dictate pole upgrades.

(f) Capacity: means the ability of a Pole or portion of Conduit to accommodate an Attachment in accordance with Applicable Standards, including space and loading considerations.

(g) Climbing Space: means that portion of a Pole's surface and surrounding space that is free of obstructions to the ability of DED employees and contractors to safely and conveniently climb, gain access to, and work on, DED Facilities.

(h) Common Space: means space on DED's Poles that is not used for the placement of wires or cables but which jointly benefits all users of the Poles by supporting the underlying structure.

(i) Communications Facility: means any wire or cable that is being used, or can be used, to provide Communications Service, and any and all associated equipment.

(j) Communications Service: means the transmission or receipt of voice, video, data, Internet or other forms of digital or analog signals over a Communications Facility, but does not include any such transmission or receipt by DED when utilized to provide internal, non-commercial communications related to the operation of the DED or non-commercial governmental communications.

(k) Conduit System or Conduit: means DED's Conduit, Innerduct, manholes, vaults, risers, pull-boxes and trenches.

(l) Electric Facility: means a transformer or electric wire utilized to provide Electric Service, together with all associated equipment necessary to physically attach such facilities to a Pole or within a Conduit.

(m) Electric Service: means the distribution or transmission of electricity over Electric Facilities.

(n) Licensee: means a duly authorized Attaching Entity, its Affiliates, successors and assignees.

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(o) Licensee Facilities: any wire, cable, facility, or apparatus for the transmission writing, signs, signals, pictures, sounds, voice, or other forms of intelligence.

(p) Make-Ready Work: means all work, as reasonably determined by DED, required to accommodate a Licensee's Communications Facilities to ensure compliance with Applicable Standards. Such work includes, but is not limited to, replacement or construction of Poles or Conduits; rearrangement and/or transfer of DED Facilities or existing Attachments; and associated inspections, engineering work, permitting work, tree trimming (other than tree trimming performed for normal maintenance purposes).

(q) Overlash: means to place an additional wire or cable onto an existing wire or cable.

(r) Permit: means written or electronic authorization of DED for a Licensee to make or maintain Attachments to specific DED Poles or portions of Conduit pursuant to the requirements of this Section and any applicable Agreement.

(s) Pole: means a pole owned by DED that is used for the distribution of electricity or Communications Service and is capable of supporting Attachments for Communications Facilities.

(t) Post-Construction Inspection: means an examination by DED or its contractor(s) to verify that Attachments have been made in accordance with Applicable Standards and a Licensee's Permit(s).

(u) Pre-Construction Survey: means all work or operations required by Applicable Standards and/or DED to determine the potential Make-Ready Work necessary to accommodate a Licensee's Communications Facilities on a Pole or within a portion of Conduit. Such work includes, but is not limited to, field inspection and administrative processing.

(v) DED Facilities: means all personal property and real property owned or controlled by DED, including Poles and Conduits.

(w) Reserved Capacity: means capacity or space on a Pole or within a portion of Conduit System that DED has identified and reserved for its own utility requirements, including internal communications capabilities, pursuant to a reasonable projected need.

(x) Substantial Construction or Modification: means construction activity on a Pole that will have an appreciable impact on loading and/or tension and does not include routine maintenance activities.

(y) Tag: means to place distinct markers on wires and cables, coded by color or other means specified by DED and/or applicable federal, state or local regulations that will readily identify its owner.

4. Scope of Authority

(a) Grant of License. Subject to terms and conditions required or authorized by this Section, DED shall grant any qualified applicant a revocable, nonexclusive license to attach Communications Facilities to DED's Poles or to place Communications Facilities within DED's Conduits.

(b) Incorporation into License Agreements. Except as DED and a Licensee may otherwise agree, the provisions of this Section shall be deemed incorporated into DED's future License Agreements.

(c) Right to use DED Facilities not granted by franchise. The rights of a person to apply for or use DED Facilities shall be governed by this Section and its applicable License Agreement. The grant of a cable franchise shall not be construed as a grant of attachment rights or authority to use DED Facilities without additional compliance by the franchisee with the provisions of this Section and any applicable License Agreement(s).

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(d) Permit Issuance Conditions. DED will issue a Permit to a Licensee only when DED determines, in its sole judgment, exercised reasonably, that (i) it has sufficient Capacity to accommodate the requested Attachment(s); (ii) the Licensee meets all requirements set forth in this Section and any applicable License Agreement, and (iii) such Permit complies with all Applicable Standards.

(e) Reserved Capacity. DED will grant access to Assigned Space on its Poles to Licensee with the understanding that certain Poles may be subject to reserve Capacity for future electric service use. At the time of permit issuance DED may notify the Licensee that capacity on particular poles is being reserved for future electric use within the next five years pursuant to a bona fide development plan. For Attachments made with notice of such a bona fide plan, on giving Licensee at least one hundred and twenty (120) calendar days prior notice, DED may reclaim such reserved Capacity at anytime during the five year period following the installation of Licensee's Attachment if required for DED's future electric service use, including the attachment of communications lines for internal DED operational or governmental communications requirements. DED shall give a Licensee the option to remove its Attachment(s) from the affected Pole(s) or to pay for the cost of any Make-Ready Work needed to expand Capacity so that Licensee can maintain its Attachment on the affected Pole(s). The allocation of the cost of any such Make-Ready Work (including the transfer, rearrangement, or relocation of third-party Attachments) shall be determined in accordance with Section 5, f.

(f) No Interest in Property. No use, however lengthy, of any DED Facilities, and no payment of any fees or charges required under this Section or an applicable License Agreement, shall create or vest in a Licensee any easement or other ownership or property right of any nature in any portion of such DED Facilities. Neither a License Agreement nor any Permit granted to a Licensee shall constitute an assignment of any of DED's rights to the DED Facilities. Notwithstanding anything in an Agreement to the contrary, a Licensee shall, at all times, be and remain a licensee only.

(g) Licensee's Right to Attach. Nothing in this Section or any associated License Agreement, other than a Permit issued pursuant to Section 8, shall be construed as granting a Licensee a right to attach its Communications Facilities or Electric Facilities to any specific Pole or any portion of Conduit. DED shall not be required to grant a Permit to a Licensee unless and until the Licensee meets all applicable terms and conditions for the receipt of the Permit.

(h) DED's Rights over Poles. This Section does not in any way limit DED's right to locate, operate and maintain its Poles and Conduits in the manner that will best enable it to fulfill its service requirements.

(i) Expansion of Capacity. DED will take reasonable steps to expand Pole or Conduit Capacity when necessary to accommodate a Licensee's request for Attachment. Notwithstanding the foregoing, nothing in this Section shall be construed to require DED to install, retain, extend, or maintain any Pole or portion of Conduit for Licensee's use when DED does not need such Pole or Conduit for its own service requirements.

(j) Prior Agreements. Except as provided in this Chapter, nothing herein shall limit, restrict, or prohibit DED from fulfilling any agreement or arrangement regarding Poles or Conduit into which DED has previously entered.

(k) Permitted Uses. Any Agreement adopted pursuant to this Section shall be limited to the uses specifically stated in the Agreement and no other use shall be allowed without DED's express written consent to such use. Nothing in Section shall be construed to require DED to allow a Licensee to use DED's Facilities after the termination of the applicable Agreement.

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(l) Overlashing. The following provisions will apply to Overlashing:

i. Overlashing is subject to the permitting requirements of Section 8. Absent such authorization, Overlashing constitutes an unauthorized Attachment and is subject to the Unauthorized Attachment fee specified in Appendix A, Item 3.

ii. Overlashing performed by or behalf of the Licensee or its Affiliate shall not increase the Annual Attachment Fee paid by the Licensee pursuant to Appendix A, Item 1. Licensee or its Affiliate, however, shall be responsible for all Make-Ready Work and other charges associated with the Overlashing but shall not be required to pay a separate Annual Attachment Fee for such Overlashed Attachment.

iii. If Overlashing is required to accommodate facilities of a third party that is not affiliated with Attaching Utility, such third party must enter into a License Agreement with DED and obtain Permits and must pay a separate Attachment Fee (Appendix A, Item 1), as well as the costs of all necessary Make-Ready Work required to accommodate the Overlashing. No such Permits to third parties shall be granted by DED allowing Overlashing of Licensee's Attachments unless Licensee has consented in writing to such Overlashing. Overlashing shall not increase the fees and charges paid by Licensee pursuant to Appendix A, Item 1. Nothing in this Section or applicable Agreement shall prevent a Licensee from seeking a contribution from an Overlashing third party to defray fees and charges paid by the Licensee.

iv. Make-Ready Work procedures set forth in Section 5, f shall apply, as necessary, to all Overlashing.

5. Fees and Charges

(a) Payment of Fees and Charges. Each Licensee shall pay to DED the fees and charges specified in Appendix A and shall comply with the terms and conditions specified therein.

(b) Payment Period. Fees shall be calculated and payable on a pro rata basis for the potion of the year during which an Attaching Entity holds a Permit for such Attachment.

(c) Billing. DED shall invoice Licensee for the payments annually. DED will submit to the Licensee an invoice for the annual rental period no later than July 1, of each year. The initial annual rental period shall commence upon the execution of an Agreement and conclude on June 30 of the next year, and each subsequent annual rental period shall commence on the following July 1 and conclude on June 30 of the subsequent year. The invoice shall set forth the total number of DED's Poles and/or linear feet of Conduit for which the Licensee was issued and/or holds a Permit(s) for Attachments during such annual rental period, including any previously authorized and valid Permits. Each Licensee shall pay each such invoice within thirty (30) calendar days after DED's issuance thereof.

(d) Refunds. No fees and charges specified in Appendix A shall be refunded on account of any surrender of a Permit granted pursuant to a License Agreement.

(e) Late Charge. If the DED does not receive payment for any fee or other amount owed within thirty (30) calendar days after it becomes due, the Licensee shall pay interest to DED, at the rate of one and one-half percent (1 1/2%) per month, on the amount due.

(f) Payment for Make-Ready Work. Each Licensee will be responsible for payment to DED for all Make-Ready Work required to accommodate Attachments (including Overlashes) by Licensee or an Affiliate. Each third party shall be responsible for payment to DED for all Make-Ready Work required to accommodate its Overlashes.

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(g) Advance Payment. At the discretion of DED, a Licensee may be required to pay in advance all reasonable costs, including but not limited to administrative, construction, inspections and Make-Ready Work expenses, in connection with the initial installation or rearrangement of Licensee's Attachments pursuant to the procedures set forth below.

(h) Determination of Charges. Wherever this Chapter or an associated License Agreement requires a Licensee to pay for work done or contracted by DED, the charge for such work shall include all reasonable material, labor, engineering, administrative and overhead costs that are not otherwise recovered in the annual attachment fee. DED's invoices shall be based upon actual costs, and such costs will be determined in accordance with DED's cost accounting systems used for recording capital and expense activities. All such invoices shall include an itemization of dates of work, location of work, labor costs per hour, persons employed and materials used and cost of materials.

(i) Inventory. Upon enactment of this ordinance, the DED shall provide an inventory of the poles to each Licensee. DED will proved this inventory list within fifteen (15) calendar days to the Licensee, the Licensee shall respond with any discrepancies to DED within sixty (60) calendar days and these will be mutually resolved within fifteen (15) days. A failure of the Licensee to respond within the sixty (60) days or resolve the discrepancy within fifteen days shall constitute acceptance of the DED inventory. For any disputed attachments, the Licensee shall provide definitive proof that they are not attaching to the DED facilities, for example pictures or other video media.

A joint inventory of all Attachments shall be made no less than once every five (5) years nor earlier than every four (4) years by DED and all Licensees, unless all parties agree to a new inventory schedule. The cost of the inventory shall be shared pro rata between DED and the Licensees based on the number of attachments (not including overlash) subject to the inventory and to the terms of any agreement with said Licensees. The cost of the inventory shall be shared by all attaching parties, based upon the gross number of pole attachments as discovered at the end of the inventory. DED is assumed to have one attachment per pole. For example, the Electric Utility has 100 poles, Cable Company has 50 attachments, Telephone Company has 25 attachments – this is a total of 175 attachments – the cost of the inventory would be divided by 175 then multiplied by 100 for the Electric Utility, 50 for the Cable Company and 25 for the Telephone Company. At the expiration of five (5) years from the completion of any inventory, Licensee or DED may request an inventory of attachments, in writing, at least six months prior to the end of the calendar year preceding the year the inventory is to commence. Licensee will be required to provide documentation indicating the year of attachment for any of Licensee's Attachments on DED's Poles not recorded at the time of the previous inventory.

(j) Work Performed by DED. Wherever this Section or an associated License Agreement requires DED to perform any work, Licensee acknowledges and agrees that DED, at its sole discretion, may utilize its own qualified employees, contractors approved by a Licensee, or any combination of the two to perform such work.

(k) "True Up". Wherever the actual cost of DED's activity exceeds the advance payment of estimated expenses, Licensee agrees to pay DED for the difference in cost when that amount exceeds fifty dollars ($50.00). To the extent that the actual cost of the activity is less than the estimated cost, DED shall refund to Licensee the difference in cost where that amount exceeds fifty dollars ($50.00).

(l) Default for Nonpayment. Nonpayment of any undisputed amount due under this Section or an associated License Agreement beyond ninety (90) days shall constitute a default of this Section or the License Agreement.

6. Specifications

(a) Installation/Maintenance of Facilities. When a Permit is issued pursuant to an Agreement, the Licensee's Facilities shall be installed and maintained in accordance with DED's requirements and specifications.

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All of a Licensee's Attachments must comply with all Applicable Standards. Each Licensee shall be responsible for the installation and maintenance of its Attachments. Each Licensee shall, at its own expense, make and maintain its Attachments in safe condition and good repair, in accordance with all Applicable Standards.

(b) Tagging. Licensee shall Tag all of its Communications Facilities as specified in by DED and/or applicable federal, state and local regulations upon installation of such Facilities. Previously authorized Attachments of a Licensee shall be tagged within one year of the execution of a new Agreement, unless written permission is granted by the Public Utilities Director to extend this deadline. Failure to provide proper tagging will be considered a violation of the Specifications of this Section.

(c) Interference. No Licensee shall allow its Communications Facilities to impair the ability of DED or any third party to use DED's Facilities, nor shall Licensee allow its Attachments to interfere with the operation of any DED Facilities.

(d) Protective Equipment. Each Licensee and its employees and contractors shall utilize and install adequate protective equipment to ensure the safety of people and facilities. Licensee shall at its own expense install protective devices designed to handle the voltage and current impressed on its Attachments in the event of a contact with Electric Facilities.

(e) Violation of Specifications. If a Licensee's Communications Facilities or Electric Facilities, or any part of them, are installed, used, or maintained in violation of this Section or an associated License Agreement, and said Licensee has not corrected the violation(s) within thirty (30) calendar days from receipt of written notice of the violation(s) from DED, DED at its option, may correct said conditions. Where the violation is not reasonably capable of being cured within 30 days, the parties shall in good faith negotiate for a longer period as needed, provided that Licensee has commenced repairs within 30 days DED will attempt to notify Licensee in writing prior to performing such work whenever practicable. When DED believes, however, that such violation(s) pose an immediate threat to the safety of any person or property, will interfere with the performance of DED's service obligations, or will pose an immediate threat to the physical integrity of DED Facilities, DED may perform such work and/or take such action as it deems necessary without first giving written notice to the Licensee. As soon as practicable thereafter, DED will advise the Licensee of the work performed or the action taken. The Licensee shall be responsible for all actual and reasonable costs incurred by the DED in taking action pursuant to this subsection.

(f) Restoration of DED Service. DED's service restoration requirements shall take precedence over any and all work operations of a Licensee on DED's Poles or within its Conduits.

(g) Effect of Failure to Exercise Access Rights. If a Licensee does not exercise any access right granted pursuant to this Agreement and/or applicable Permit(s) within ninety (90) calendar days of the effective date of such right and any extension thereof, which shall not be unreasonably denied, DED may use the space scheduled for the Licensee's Attachment(s), for its own needs and/or other Attaching Entities. In such instances, DED shall endeavor to make other space available to Licensee, upon written application, as soon as reasonably possible and subject to all requirements of this Section or applicable Agreement, including the Make-Ready Work provisions. For purposes of this paragraph, any right shall not be deemed effective until any necessary make ready work is performed.

7. Private and Regulatory Compliance

(a) Necessary Authorizations. DED grants Licensees a nondiscriminatory access to Poles, Conduits and associated public and private rights of way where BVU has the right to authorize the occupancy of Licensee's facilities. Before making any Attachments to DED's Poles or Conduits, a Licensee must obtain all necessary authorizations from federal, state, and local authorities and all required easements or other permissions from owners of affected private property. DED retains the right to require evidence that Licensee has obtained all such consents. A Licensee shall defend, indemnify and reimburse DED for all

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loss and expense, including reasonable attorneys' fees, that DED may incur as a result of claims by governmental bodies, owners of private property, or other persons, that Licensee does not have sufficient rights or authority to place its Attachments on or within DED's Facilities.

(b) Lawful Purpose and Use. A Licensee's Attachments must at all times serve a lawful purpose, and the use of such Facilities must comply with all applicable federal, state and local laws.

(c) DED's Rights. No License Agreement or Permit granted pursuant to this Section shall extend to any DED Facilities on which the Attachment of Licensee's Communications Facilities would result in impairment or forfeiture of DED's rights. Any License or Permit that would result in impairment or forfeiture of DED's rights is void. If any of a Licensee's Attachments, whether or not installed pursuant to a valid License Agreement or Permit, would cause such impairment or forfeiture, Licensee shall promptly remove its Facilities upon receipt of written notice from DED. Notwithstanding the forgoing, a Licensee shall have the right to contest any such forfeiture before any of its rights are terminated under the Agreement provided that the Licensee shall indemnify DED for any actual damages that may result during Licensee's challenge. Should Licensee fail to remove its Attachments within thirty (30) calendar days of receiving written notice from DED, DED shall have the right to perform such removal at the Licensee's expense.

(d) Effect of Consent to Construction/Maintenance. DED's consent to a Licensee's construction or maintenance of specified Attachments shall not be deemed consent to the Licensee's construction or maintenance of any other Attachments. It is a Licensee's responsibility to obtain all necessary approvals for each Attachment from all appropriate parties or agencies.

8. Permitting

(a) Permit Required. A Licensee shall not install any new Attachments, Overlash existing Attachments or perform Substantial Construction or Modification on any Pole without first applying for and obtaining a Permit pursuant to the applicable requirements of Appendix B. No Permit shall be required for prior existing authorized Attachments, Overlashing or Service Drops. No Permit shall be required for routine maintenance or installing Service Drops from existing Poles. Attachments to or rights to occupy DED Facilities not covered by this Section and an associated License Agreement must be separately negotiated.

(b) Permits for Overlashing. As prescribed in Section 4, Permits are required for any Overlashing allowed under this Section and an associated License Agreement and the Licensee or third party, as applicable, shall pay any necessary Make-Ready Work costs to accommodate such Overlashing.

(i) The requirements of this ordinance not withstanding, a license may overlash without a permit when an emergency or urgent business matter exists. In such situations, the license shall submit an application for a permit within ten business days of the initial start date of such overlashing.

(c) DED Review of Permit Application. Upon receipt of a properly executed Application for Permit (Appendix C), including the Pre-Permit Survey, DED will review the Permit Application and discuss any issues with Licensee, including engineering or Make-Ready Work requirements associated with the Permit Application. DED's acceptance of the submitted design documents does not relieve the Licensee of full responsibility for any errors and/or omissions in the engineering analysis.

(i) Review Period. DED shall review and respond to "Minor" Permit Applications – less then ten (10) Attachments/Poles – within thirty (30) days of receipt. DED shall review and respond to "Major" Permit Applications – ten (10) or more Attachments/Poles – within forty-five (45) days of receipt.

(ii) Expedited Review. In instances where a Licensee notifies DED of an immediate need to make new Attachments, Overlash existing Attachments or perform Substantial Construction or Modification on a Pole, and provides information as to the need for an expedited review process, DED shall make its best reasonable efforts to review and respond to Permit Applications within

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fifteen (15) days of receipt. DED reserves the rights to charge a Licensee for any overtime or other applicable costs that it incurs in meeting a request for an expedited review.

(d) Performance of Make-Ready Work. If Make-Ready Work is required to accommodate a Licensee's Attachments, DED or its contractors shall perform such work pursuant to Section 9.

(e) Permit as Authorization to Attach. After receipt of payment for any necessary Make-Ready Work, DED will sign and return the Permit application, which shall serve as authorization for the Licensee to make its Attachment(s).

9. Make-Ready Work

(a) Estimate for Make-Ready Work. In the event DED determines that it can not accommodate a request for Attachment(s), including Overlashing of an existing Attachment, it will, upon request, advise the applicant of any estimated Make-Ready Work charges necessary to accommodate the Attachment.

(b) Payment of Make-Ready Work. Unless otherwise agreed, DED may require payment in advance for all Make-Ready Work based upon the estimated cost of such work if the estimate exceeds $1,000.00. Upon completion, Licensee shall pay DED's actual cost of Make-Ready Work. The costs of which shall be itemized.

(c) Who May Perform Make-Ready Work. Make-Ready Work shall be performed only by DED and/or a contractor authorized by DED to perform such work. If DED cannot perform the Make-Ready Work to accommodate Licensee's Communications Facilities within seventy-five (75) calendar days of Licensee's request for Attachments, Licensee may notify DED in writing of its intent to employ a qualified contractor to perform such work, and shall specify when such work shall be performed. In all instances all "qualified contractors" must be pre-approved by DED for such work on an annual basis.

(d) Scheduling Make-Ready Work. In performing all Make-Ready Work, DED will endeavor to include such work in its normal work schedule. If an applicant requests that the Make-Ready Work be performed on a priority basis or outside of DED's normal work hours, the applicant shall pay any resulting increased costs. Nothing herein shall be construed to require DED to perform such Make-Ready Work before other scheduled or emergency work.

(e) Written Approval of Installation Plans Required. Before commencing any installation of its Communications Facilities on DED's Poles, including Overlashing of existing Attachments, Licensee shall provide a copy of Licensee's plans for installation, which shall accompany the Permit application, including the name of the party (Licensee and/or contractor) performing such work and the approximate date(s) and time(s) during which such work will be completed. All such work is subject to the insurance requirements of this Section.

(f) Licensee's Installation/Removal/Maintenance Work.

1. Licensee shall perform all installation, removal, and maintenance work at Licensee's sole cost and expense, in a good and workmanlike manner, and must not adversely affect the structural integrity of DED's Poles or Facilities or any other Attaching Entity's facilities or equipment attached thereto.

2. All of Licensee's installation, removal, and maintenance work performed on DED's Poles or near or in other DED Facilities, either by its employees or contractors, shall comply with all applicable regulations specified in this Section and applicable Agreement. Each Licensee shall assure that any person installing, maintaining, or removing its Communications Facilities is fully qualified and familiar with all Applicable Standards.

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10. Transfers

(a) Required Transfers of Licensee's Communications Facilities. If DED reasonably determines that a transfer of Licensee's Communications Facilities is necessary, Licensee agrees to make such transfer. License shall transfer its facilities within thirty (30) days of notice from DED. If Licensee fails to transfer its Facilities within thirty (30) calendar days after receiving such notice from DED, DED shall have the right to transfer Licensee's Facilities using its personnel and/or contractors at Licensee's expense. DED shall not be liable for damage to Licensee's Facilities except to the extent provided in Section 18, Paragraph A.

(b) Billing for Transfers Performed by DED. If DED performs the transfer(s), DED will bill Licensee for actual costs per Section 5. Licensee shall reimburse DED within thirty (30) calendar days of the receipt of the invoice.

11. Modifications or Replacements

(a) Licensee's Action Requiring Modification/Replacement. If any Pole or Conduit to which a Licensee desires to make Attachment(s) is unable to support or accommodate the requested Attachment(s) in accordance with Applicable Specifications, DED will notify the Licensee whether, and if so, at what cost, DED's Poles or Conduits can be modified or replaced to accommodate the additional Attachment(s). If Licensee elects to go forward with such modifications or replacements, it shall pay to DED the actual cost of the Make-Ready Work performed by DED. DED may, at its discretion, require advance payment. Licensee shall also be responsible for obtaining and furnishing to DED before the commencement of any Make-Ready Work, agreements between the Licensee and the other Attaching Entities (including Overlashers) concerning the relocation or rearrangement of their Attachments and the costs involved.

(b) Treatment of Multiple Requests. If DED receives Permit applications for the same Pole or Conduit from two or more prospective licensees within sixty (60) calendar days of the initial request, and accommodating their respective requests would require modification or replacement of the Pole or Conduit, DED will allocate among such persons or entities the applicable costs associated with such modification or replacement.

(c) Guying. The use of guying to accommodate a Licensee's Attachments shall be provided by and at the expense of the Licensee and to the satisfaction of DED as specified in the License Agreement or associated appendices. A Licensee shall not attach its guy wires to DED's anchors without prior written permission of the DED. If permission is granted, charges may apply.

(d) Allocation of Costs. The costs for any rearrangement or transfer of a Licensee's Attachments or the modification or replacement of a Pole (including any related costs for tree cutting or trimming required to clear the new location of DED's cables or wires) or Conduit shall be allocated to DED and/or the Licensee and/or other Attaching Entities on the following basis:

(1) If DED intends to modify or replace a Pole or Conduit solely for its own requirements, it shall be responsible for the costs related to the modification/replacement of the Pole or Conduit. The Licensee(s), however, shall be responsible for all costs associated with the rearrangement or transfer of Licensee's Attachments. Prior to making any such modification or replacement DED shall provide the Licensee(s) written notification of its intent in order to allow the Licensee(s) a reasonable opportunity to elect to modify or add to its existing Attachment(s). Should the Licensee so elect, it must seek DED's written permission. The notification requirement of this subparagraph d. shall not apply to routine maintenance or emergency situations. If a Licensee elects to add to or modify its Attachments, the Licensee shall bear the total incremental costs incurred by DED in making the space on the Poles or Conduits accessible to the Licensee.

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(2) If the modification or the replacement of a Pole is the result of an additional Attachment or the modification of an existing Attachment sought by an Attaching Entity other than DED or Licensee, the Attaching Entity requesting the additional or modified Attachment shall bear the entire cost of the modification or Pole replacement, as well as the costs for rearranging or transferring the Licensee's Attachments. Each Licensee shall cooperate with such third party Attaching Entity to determine the costs of moving the Licensee's facilities.

(3) If a Pole or Conduit must be modified or replaced for other reasons unrelated to the use of the Pole or Conduit by any Attaching Entities (e.g., storm, accident, deterioration), DED shall pay the costs of such modification or replacement; provided however, that every Licensee shall be responsible for the costs of rearranging or transferring its own Attachments.

(e) Nondiscrimination. No provision of this Agreement shall be construed to require DED to relocate its Attachments or modify/replace its Poles or Conduits for the benefit of a particular Licensee; *provided, however*, any denial by DED shall be based on nondiscriminatory standards of general applicability.

12. Abandonment or Removal of DED Facilities

(a) Notice of Abandonment or Removal of DED Facilities. If DED desires at any time to abandon or remove any of its Poles or other Facilities to which a Licensee's Facilities are attached, it shall give the Licensee notice in writing to that effect at least sixty (60) calendar days prior to the date on which it intends to abandon or remove such Facilities. Notice may be limited to thirty (30) calendar days if DED is required to remove or abandon its Facilities as the result of the action of a third party and a greater notice period is not practical. Such notice shall indicate whether DED is offering the Licensee Utility an option to purchase the Pole(s). If, following the expiration of said period, Licensee has not yet removed and/or transferred all of its Facilities and has not entered into an agreement to purchase DED's Poles or other Facilities pursuant to Paragraph B of this Section 12, DED shall have the right, subject to any applicable laws and regulations, to have the Licensee's Facilities removed and/or transferred from the Pole at the Licensee's expense. DED shall give a Licensee sixty (60) days prior written notice of any such removal or transfer of Licensee's Facilities.

(b) Option to Purchase Abandoned Poles. Should DED desire to abandon any Pole, DED, in its sole discretion, may grant a Licensee the option of purchasing such Pole at a rate equal to the depreciated value of said pole. The depreciation life of a Pole is 30 years. If a Pole that is to be purchased is older than 30 years, then the rate to be charged is set at $50 per pole. A Licensee must notify DED in writing within thirty (30) calendar days of the date of DED's notice of abandonment that Licensee desires to purchase the abandoned Pole. Thereafter, Licensee must also secure and deliver proof of all necessary governmental approvals and easements allowing Licensee to independently own and access the Pole within sixty (60) calendar days. Should Licensee fail to secure the necessary governmental approvals, or should DED and Licensee fail to enter into an agreement for Licensee to purchase the Pole prior to the end of the sixty (60) calendar days, Licensee must remove its Attachments as required under Paragraph A of this Section.

13. Removal of Licensee's Attachments

Removal on Termination. At the termination of an Agreement, Licensee shall remove its Attachments from the affected DED Facilities at its own expense. If a Licensee fails to remove such Attachments within one hundred and eighty (180) calendar days of termination or some greater period approved by DED, DED shall have the right to remove or cause such facilities to be removed at the Licensee's expense.

14. Termination of Permit

(a) Automatic Termination of Permit. Any Permit issued pursuant to a License Agreement shall automatically terminate when Licensee ceases to have authority to construct and operate its Communications Facilities on public or private property at the location of the particular Poles or Conduits

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covered by the Permit. Notwithstanding the forgoing, a Licensee shall have the right to contest any such expiration or denial of authority before any of its rights are terminated under the Agreement provided that the Licensee shall indemnify DED for any actual damages that may result during Licensee's challenge.

(b) Surrender of Permit. A Licensee may at any time surrender a Permit and remove its Attachments. Before commencing any such removal, the Licensee must provide DED with written notice of Licensee's plans for removal; including the name of the party performing such work and the date(s) and time(s) during which such work will be completed. All such work is subject to the insurance requirements of this Section. No refund of any fees or costs will be made upon removal. If a Licensee surrenders a Permit but fails to remove its Attachments from DED's Facilities within thirty (30) calendar days after the surrender, DED shall have the right to cause removal of Licensee's Attachments at Licensee's expense.

15. Inspection of Licensee's Facilities

(a) Inspection. DED shall have the right at any time to make periodic inspections of a Licensee's Facilities, utilizing its employees and/or contractors at the sole expense of DED, unless prior agreement has been reached between DED, and Licensee(s).

(b) Notice. DED shall give a Licensee reasonable advance written notice of such inspections, except in those instances where safety considerations justify the need for such inspection without the delay of waiting until written notice has been received.

(c) Duty of Full Compliance. Each Licensee shall to bring its Attachments into full compliance with this Section and any applicable Agreement within thirty (30) calendar days of receipt of written notice in the event that any inspection results in a finding by DED that the Licensee is not in compliance with this Section or applicable Agreement. Licensees shall be responsible for the costs of bringing Attachments into compliance unless it can demonstrate that the non-compliance is the result of DED or a third-party attaching entity and not the result of the Licensee's actions.

(d) No Liability. The making of any inspections under this Section 15, or the failure to do so, shall not operate to impose upon DED any liability of any kind whatsoever or relieve Licensee of any responsibility, obligations or liability whether assumed under this Agreement or otherwise existing.

16. Unauthorized Occupancy or Access

(a) Penalty Fee. If any Attachments are found occupying DED Facilities for which no Permit has been issued (unless specifically exempted under Section 8) and such unauthorized attachment occurred after the effective date of this ordinance, DED, without prejudice to any other rights it may have, may assess an Unauthorized Access Penalty Fee as specified in Appendix A. In the event a Licensee fails to pay such Fee within thirty (30) calendar days of receiving notification thereof, DED has the right to remove such Attachments at Licensee's expense, unless such fee is disputed in good faith.

(b) Service Drop Exclusion. Service Drops on DED's poles will not be considered Unauthorized Attachments when discovered.

(c) No Ratification of Unlicensed Use. No act or failure to act by DED with regard to any unlicensed use shall be deemed to be a ratification of the unlicensed use. If a Permit should subsequently be issued, such Permit shall not, unless it expressly states otherwise, operate retroactively or constitute a waiver of any of DED's rights or privileges.

17. Advance Payment

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At its sole discretion, DED shall have the right to demand that a Licensee make an Advance Payment for each Attachment in the amount of the Annual Attachment Fee as specified in Appendix A, plus any estimated Make-Ready Work expenses.

18. Liability and Indemnification

(a) Liability. DED reserves to itself the right to maintain and operate its Facilities in such manner as will best enable it to fulfill its service requirements. A Licensee's use of DED's Facilities is at the Licensee's sole risk. Notwithstanding the foregoing, DED shall exercise reasonable precaution to avoid damaging the Communications Facilities or Electric Facilities of Licensees and shall report to Licensee any such damage caused by DED's employees, agents or contractors. DED shall reimburse a Licensee for all reasonable costs incurred by Licensee for the physical repair of facilities damaged by the gross negligence or willful misconduct of DED; *provided, however*, that the aggregate liability of DED to a Licensee in any fiscal year, for any fines, penalties, claims or damages (including special, indirect, punitive, or consequential damages) stemming from interruption of Licensee's service or from DED's interference with the operation of Licensee's Communications Facilities or Electric Facilities, shall not exceed the total Annual Attachment Fee paid by the Licensee to DED for that year, as calculated based on the number of Attachments under Permit at the time of the damage.

(b) Indemnification. Every Licensee (including but not limited to its agents, contractors and subcontractors) shall defend, indemnify and hold DED (including but not limited to its officials, officers, board members, council members, commissioners, representatives, employees, agents, contractors and subcontractors) harmless from any and all liability, costs, damages, fines, taxes, special charges by others, penalties, payments (including payments made by DED under any Workers' Compensation Laws or under any plan for employees' disability and death benefits), and expenses (including DED's reasonable attorney fees and other expenses of litigation) ("Covered Claims") arising in any way, including any act, omission, failure, negligence or misconduct, in connection with the construction, maintenance, repair, presence, use, relocation, transfer, removal or operation by the Licensee, or by Licensee's officers, directors, employees, agents, and contractors, of Licensee's Communications Facilities or Electric Facilities, except to the extent that DED's gross negligence or willful misconduct gave rise to such Covered Claims. Such Covered Claims include, but are not limited to, the following:

(1) Infringement of intellectual property, libel and slander, trespass, and unauthorized use of television or radio broadcast programs and other program material;

(2) Cost of work performed by DED that was necessitated by Licensee's failure, or the failure of Licensee's officers, directors, employees, agents, or contractors, to install, maintain, present, use, transfer or remove Licensee's Attachments in accordance with the requirements and specifications of this Section or an associated License Agreement, or from any other work this Section or an associate License Agreement authorizes DED to perform on Licensee's behalf;

(3) Damage to property, injury, or death of any person arising out of the performance or nonperformance of any work or obligation undertaken by Licensee, or Licensee's officers, directors, employees, agents, and contractors, pursuant to this Section or associated Agreement;

(4) Liabilities incurred as a result of a violation by a Licensee or its officers, directors, employees, agents, contractors and subcontractors, of any law, rule, or regulation of the United States, State of Dover or any other governmental entity or administrative agency.

(c) Procedure for Indemnification.

(1) DED shall promptly give a Licensee notice of any claim or threatened claim, specifying the factual basis for such claim and the amount of the claim. If the claim relates to an action, suit or proceeding filed by a third party against DED, DED shall endeavor to give notice to Licensee no

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later than ten (10) calendar days after DED receives written notice of the action, suit or proceeding.

(2) DED's failure to give the required notice within ten (10) calendar days shall not relieve the Licensee of its obligation to indemnify DED unless the Licensee is materially prejudiced by such failure.

(3) A Licensee shall have the right at any time, by notice to DED, to participate in or assume control of the defense of the claim. The Licensee may utilize counsel of its choice subject to DED's approval, which DED shall not unreasonably withhold. DED shall cooperate fully with the Licensee. If the Licensee assumes control of the defense of any third-party claim, DED shall have the right to participate in the defense at its own expense. If the Licensee does not assume control or otherwise participate in the defense of a third-party claim, it shall be bound by the results obtained by DED.

(4) If a Licensee assumes the defense of a third-party claim as described above, DED shall not assume liability for or settle, compromise or discharge any third-party claim without the Licensee's prior written consent, and DED will agree to any settlement, compromise or discharge of any third-party claim recommended by the Licensee that releases the DED completely from such claim and does not establish a precedent that may adversely affect DED in the future.

(d) Environmental Hazards. As a condition to a Licensee's use of DED's Facilities, the Licensee shall represent or warrant, or be deemed to have represented and warranted, that it will comply with all federal, state and local environmental laws in its use of DED's Facilities and that it will not generate, store, dispose of, or transport hazardous substances on or about DED's Facilities. The term "hazardous substance" shall be interpreted broadly to mean any substance or material designated or defined as hazardous or toxic by any federal, state, or local law, regulation or rule now or hereafter in effect including any amendments. Each Licensee further shall represent and warrant, or be deemed to have represented or warranted, that in the event of breakage, leakage, incineration or other release, its Communications Facilities or Electric Facilities will not contribute to the dissemination or hazardous or toxic materials. Every Licensee (including but not limited to its agents, contractors and subcontractors) shall defend, indemnify and hold DED (including but not limited to its officials, officers, board members, council members, commissioners, representatives, employees, agents, contractors and subcontractors) harmless from any and all liability, costs, damages, fines, taxes, special charges by others, penalties, payments (including payments made by DED under any Workers' Compensation Laws or under any plan for employees' disability and death benefits), and expenses (including DED's reasonable attorney fees and other expenses of litigation) arising from or due to the release, storage or discovery of any such hazardous or toxic materials on, under or adjacent to DED's Facilities attributable to the Licensee's Facilities.

(e) Hazardous Poles or Conduits. Should DED's Poles or Conduits be declared hazardous, then DED, Licensee and all Attaching Entities shall share in the cost of disposal of said Poles based on their proportionate use of the Poles or Conduits. For Attaching Entities such percentage shall be derived from the sum of Assigned Space occupied by each Attaching Entity plus its share of the Common Space. For DED, such percentage shall be equal to the space above the NESC 40 inch safety space plus its share of the Common Space. However, if the Joint Use Agreement with the local Telephone Company does not include this clause this paragraph shall be null and void.

If a hazardous condition is caused by particular parties, all resulting costs shall be borne solely by such parties.

(f) Municipal Liability Limits. No provision of this Chapter or any associated License Agreement is intended, nor shall it be construed, to waive applicable State immunity or limits on the City of Dover's or DED's liability. No indemnification provision contained in an Agreement under which a Licensee

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indemnifies DED shall be construed in any way to limit any other indemnification provision contained in this Chapter or in any associated License Agreement.

19. Duties, Responsibilities and Exculpation

(a) Duty to Inspect. Prior to making Attachment to any DED Facilities, every Licensee shall agree, or be deemed to have agreed, that DED does not warrant the condition or safety of DED's Facilities, or the premises or property surrounding the Facilities. Each Licensee shall further agree, or be deemed to have agreed, that it has an obligation to inspect DED's Facilities and the premises surrounding the Facilities prior to commencing any work on DED's Facilities or entering the premises surrounding the Facilities.

(b) Knowledge of Work Conditions. Every Licensee executing a License Agreement shall warrant that it has acquainted, or will fully acquaint, itself and its employees, agents, contractors and subcontractors, with the conditions relating to the work that Licensee or they will undertake under this Section and the associated License Agreement and that it and they fully understand, or will acquaint themselves, with the facilities, difficulties, and restrictions attending the execution of such work.

(c) DISCLAIMER. BY MAKING ITS FACILITIES AVAILABLE FOR ATTACHMENTS, DED MAKES NO EXPRESS OR IMPLIED WARRANTIES WITH REGARD TO DED'S POLES OR CONDUITS, AND DED MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES, EXCEPT TO THE EXTENT EXPRESSLY AND UNAMBIGUOUSLY SET FORTH IN THE INDIVIDUAL LICENSE AGREEMENTS. DED FURTHER EXPRESSLY DISCLAIMS ANY AND ALL IMPLIED WARRANTIES, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE.

(d) Duty to Conduct Competent Supervision and Performance. By executing a License Agreement, every Licensee acknowledges, or is deemed to have acknowledged, that in performing its work, the Licensee and its agents, servants, employees, contractors and subcontractors will work near electrically energized lines, transformers, or other DED Facilities, and that the parties intend that energy therein will not be interrupted during such work, except in an emergency endangering life, grave personal injury, or property. Every Licensee shall ensure that its employees, servants, agents, contractors and subcontractors have the necessary qualifications, skill, knowledge, training, and experience to protect themselves, their fellow employees, employees of DED, and the general public, from harm or injury while performing work permitted pursuant to this Section and associated Agreements. Each Licensee shall furnish its employees, servants, agents, contractors and subcontractors competent supervision and sufficient and adequate tools and equipment for their work to be performed in a safe manner. Each Licensee shall agree that in emergency situations in which it may be necessary to de-energize any part of DED's equipment, the Licensee shall ensure that work is suspended until the equipment has been de-energized and that no such work will be conducted unless and until the equipment is made safe.

(e) Requests to De-energize. In the event that DED de-energizes any equipment or line at a Licensee's request or for its benefit and convenience, the Licensee shall reimburse DED for all its resulting costs and expenses. Before DED de-energizes any equipment or line, it shall provide, upon a Licensee's request, an estimate of all costs and expenses to be incurred in accommodating the Licensee's request.

(f) Interruption of Service. In the event that a Licensee causes an interruption of service by damaging or interfering with any equipment of DED, the Licensee at its expense shall immediately do all things reasonable to avoid any resulting injury or damages, direct and incidental, and shall immediately notify DED.

(g) Duty to Inform. As a condition to obtaining a License Agreement, every Licensee shall warrant that it understands the imminent dangers (INCLUDING SERIOUS BODILY INJURY OR DEATH FROM

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ELECTROCUTION) inherent in the work necessary to make installations on and around DED's Facilities by the Licensee's employees, servants, agents, contractors or subcontractors, and that Licensee accepts as the duty and sole responsibility to inform its employees, servants, agents, contractors or subcontractors of such dangers and to keep them informed regarding same.

20. Insurance and Bonding

Each Licensee shall maintain reasonable bonds and insurance throughout the term of its License Agreement in amounts sufficient to ensure Licensee's obligations under the License Agreement and in a manner as set forth in its License Agreement.

21. Assignment

(a) Limitations on Assignment. A Licensee may not assign its rights or obligations under a License Agreement adopted pursuant to this Section without the prior written consent of DED, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, a Licensee may assign or transfer its interest in a License Agreement to an Affiliate of the Licensee without DED's consent, provided that the Licensee furnishes to DED a guarantee that DED, in its sole discretion, finds acceptable.

(b) Obligations of Assignee/Transferee and Licensee. No assignment or transfer of a License Agreement shall be allowed until the assignee or transferee becomes a signatory to the License Agreement and assumes all obligations of the Licensee arising under the License Agreement.

(c) Sub-licensing. Without DED's prior written consent, a Licensee shall not sub-license space on DED's Facilities or allow a third party to make direct attachments to DED's Facilities or Overlash the Licensee's Facilities. The use of Licensee's Facilities by third parties (including but not limited to leases of fiber within Licensee's sheaths or Conduits) that involves no additional Attachment or Overlashing is not subject to the prohibitions of this paragraph (c).

22. Termination

(a) DED shall have the right, pursuant to the procedure set forth in paragraph 22(b) below, to terminate a License Agreement adopted pursuant to this Section, or any Permit issued thereunder, whenever a Licensee is in default of any material term or condition of this Section or of an associated License Agreement, including but not limited to the following circumstances:

(1) Construction, operation or maintenance of Licensee's Communications Facilities or Electric Facilities in violation of law or in aid of any unlawful act or undertaking; or

(2) Construction, operation or maintenance of Licensee's Communications Facilities in violation of any other agreement with DED; or

(3) Construction, operation or maintenance of Licensee's Communications Facilities after any authorization required of Licensee has been lawfully denied or revoked by any governmental authority or private person; or

(4) Construction, operation or maintenance of Licensee's Communications Facilities without the insurance coverage required under the Agreement.

(b) Upon receiving a written notice of default, a Licensee shall correct the default within thirty (30) calendar days or such longer period as DED in its sole discretion may grant in writing. When the default is corrected, the Licensee shall confirm this in writing to DED. If the Licensee fails to discontinue or correct a default within the prescribed period or fails to give the required confirmation, DED may immediately terminate the License Agreement, any Permit(s) issued under it, or both.

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23. Notification of Parties Prior to Change in Ordinance

(a) Parties subject to this ordinance will be provided written notice 15 days prior to a City Committee, or City Council, consideration of modifications of the ordnance.

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APPENDIX A

ATTACHMENT FEES AND CHARGES

Effective Date _____/_____/2008

1. Annual Pole Attachment Fee: $8.17 per attachment

2. Periodic Review:
   At least every five years DED will review the cost inputs that formed the basis of the pole attachment rate and adjust the rate accordingly.

3. Unauthorized Attachment Penalty Fee
   (3 x annual attachment fee, per occurrence)

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APPENDIX B

POLE ATTACHMENT PERMIT APPLICATION PROCESS

The following procedure is to be followed by each Licensee seeking to make or remove Attachments on or from DED's Poles. Note that no entity may make any Attachments to DED's Poles without having first entered into a binding Pole Attachment Agreement.

1. Licensee shall submit a properly executed Application for Permit (Appendix C), including the Pre-Permit Survey.

   A) DED will charge the applicant for expenses related to the Pre-Permit survey application based on the following methodology:
   - I. Less than 11 poles: $50 application fee plus $2.00/pole
   - II. Eleven poles up to and including 25 poles: $90 application fee plus $2.00/pole
   - III. Twenty-six poles or greater shall include a $4.00/pole application fee.

   B) DED will charge the applicant for expenses related to the leasing of conduit based on the following methodology:
   - I. Less than 100 feet: $50 application fee plus $0.50 foot
   - II. One-hundred feet to two-hundred and fifty one feet: $90 application fee plus $0.50 foot
   - III. Greater than two hundred and fifty feet shall include a $0.75 per foot application fee.

2. Following the Pre-Permit Survey, DED will review the Permit Application and discuss any issues with Licensee, including engineering or Make-Ready Work requirements associated with the Permit Application.

3. Upon receipt of written authorization, DED will proceed with Make-Ready Work according to the specific agreed upon installation plans and the terms of the Agreement, including if necessary, payment for the Make Ready Work charges as set out by DED and agreed to by the Licensee.

4. DED will sign and return the Application for Permit authorizing the Licensee to make its Attachment(s) in accordance with agreed upon installation plans.

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APPENDIX C*
APPLICATION FOR PERMIT

Application Date: ___/___/20___

To: **City of Dover, Public Utilities, Electric Engineering Department, 860 Buttner Place, Dover, DE 19904**

Desire to: □ Attach to Utility Pole(s) □ Remove Attachment from Utility Pole(s)

Permit No. _____ Superseded Permit No. _____

No. of Poles this permit _____ Sheet 1 of _____

Application Permit Fee $_____

Desire to: □ Lease conduit space □ Remove cable from conduit space

Permit No. _____ Superseded Permit No. _____

Footage desired under this permit _____ Sheet 1 of _____

Application Permit Fee $_____

Licensee Name:_____

Address: _____

Contact Person: _____ Title: _____ Phone No. _____

Utility Contact Person: _____ Title: _____ Phone No. _____

Narrative Description of proposed activity:

_____

_____

_____

As a condition to obtaining a License Agreement, every Licensee shall warrant that it understands the imminent dangers (INCLUDING SERIOUS BODILY INJURY OR DEATH FROM ELECTROCUTION) inherent in the work necessary to make installations on and around DED's Facilities by the Licensee's employees, servants, agents, contractors or subcontractors, and that Licensee accepts as the duty and sole responsibility to inform its employees, servants, agents, contractors or subcontractors of such dangers and to keep them informed regarding same.

In accordance with the terms and conditions of the Pole Agreement dated ____/____/20___, application is hereby made for a Permit to attach to and/or vacate Pole(s) in the locations detailed on the attached Route Map(s).

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Permission is hereby granted to Licensee to attach and/or vacate poles listed on the attached Field Data Summary Sheets, subject to payment of the necessary Make-Ready Work charges as set out by Utility and agreed to by the Licensee.

SUBMITTED:	APPROVED:
Attaching Utility_____	City of Dover, Public Utilities, Electric Dept.
By _____	By _____
Title _____	Title _____
Date_____	Date _____

* The parties may substitute a different, mutually agreeable, permit form.

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APPENDIX D
LICENSE AGREEMENT
EXECUTION PAGE

Furthermore, the City of Dover Electric Division has completed a pole attachment inventory and determined that _____ has attached to poles or leased conduit within the Electric Division service territory and agree that the Licensee has _____ utility poles attachments and_____ feet of conduit.

Licensee understands that they will be subject to the provisions of the applicable ordinance.

As a condition to obtaining a License Agreement, every Licensee shall warrant that it understands the imminent dangers (INCLUDING SERIOUS BODILY INJURY OR DEATH FROM ELECTROCUTION) inherent in the work necessary to make installations on and around DED's Facilities by the Licensee's employees, servants, agents, contractors or subcontractors, and that Licensee accepts as the duty and sole responsibility to inform its employees, servants, agents, contractors or subcontractors of such dangers and to keep them informed regarding same.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate on the _____ day of _____, 20__ __.

(UTILITY)	(LICENSEE)
BY: _____	BY: _____
Title: _____	Title: _____

[Note: The following Notary section shall be used by both the Utility and Licensee.]

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U T I L I T Y

STATE OF [INSERT STATE])

: ss

County of _____)

I, the undersigned, a Notary Public in and for the State of [Insert State], hereby certify that on the _____ day of _____, 20___, personally appeared before me [NAME] _____ _____, [TITLE] _____ to me known to be the individual described in and who executed the foregoing instrument and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year above written.

_____

Notary Public in and for the
State of [Insert State], residing at
_____, [Insert State]

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L I C E N S E E

STATE OF _____)

: ss

County of _____)

I, the undersigned, a Notary Public in and for the State of _____, hereby certify that on the _____ day of _____, 20____, personally appeared before me [NAME] _____ _____, [TITLE] _____ to me known to be the individual described in and who executed the foregoing instrument and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year above written.

_____

Notary Public in and for the

State of _____, residing at

_____, _____.

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APPENDIX E*
APPLICATION FOR
OVERLASHING PERMIT

Application Date: _____/_____/_____

To: **City of Dover, Public Utilities, Electric Engineering Department, 860 Buttner Place, Dover, DE 19904**

No Application Permit Fee Required

Permit No. _____

No. of Spans for this permit _____

Licensee Name:_____

Address: _____

Contact Person: _____ Title: _____ Phone No. _____

Utility Contact Person: _____ Title: _____ Phone No. _____

Narrative Description of proposed activity:

_____

_____

_____

As a condition to obtaining a License Agreement, every Licensee shall warrant that it understands the imminent dangers **(INCLUDING SERIOUS BODILY INJURY OR DEATH FROM ELECTROCUTION)** inherent in the work necessary to make installations on and around DED's Facilities by the Licensee's employees, servants, agents, contractors or subcontractors, and that Licensee accepts the duty and sole responsibility to inform its employees, servants, agents, contractors or subcontractors of such dangers and to keep them informed regarding same.

In accordance with the terms and conditions of the Pole Attachment Ordinance, application is hereby made for a Permit to overlash in the locations detailed above or on the attached Route Map(s).

- ☐ APPROVED – Permission is hereby granted to Licensee to overlash the spans listed on the attached Field Data Summary Sheets,

- ☐ DENIED – Make Ready Work Required – subject to payment of the necessary Make-Ready Work charges as set out by Utility and agreed to by the Licensee. Once payment has been received, the City of Dover has completed Make-Ready Work, and Licensee has been notified by the Utility that the Make-Ready Work has been completed, the Licensee may complete the overlash installation.

Submitted by:	Response by:
Attaching Utility_____	City of Dover, Public Utilities, Electric Dept.
Signature: _____	Signature: _____
Title _____	Title _____
	Date _____

* The parties may substitute a different, mutually agreeable, permit form.

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Pole Attachment Fee Study

City of Dover Electric Division

Dover, Delaware

DRAFT

Prepared by:



Ten Terrace Court
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Phone: 800.362.7301
Fax: 608.249.8532

www.virchowkrause.com

June 30, 2005

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EXECUTIVE SUMMARY

We were engaged to conduct an analysis of Dover's electric operations to compute pole attachment rates. Pole attachment rates are essentially a rental fee charged to attachers of Dover's electric system. These attachers are typically telecommunications and cable companies and may include other non-traditional attachers such as the city's telecommunications attachments.

Our analysis was based on actual operational and financial information provided to us by utility management. In cases where data was unavailable for rate determination, assumptions were supplied by utility management.

While the telecommunications industry uses methodologies mandated by the Federal Communications Commission (FCC), municipal utilities are exempt from being required to follow FCC guidance. However, the general guidelines used as a basis for developing FCC based pole attachment rates have been incorporated into this analysis.

At times, it was not possible for our analysis to use actual financial and operational information due to Dover's existing methods to account for electric activities. In these cases, we used other methods to estimate data inputs into the model calculation. Having actual financial and operational information available for our calculations may have a significant impact upon the rates calculated as part of this project. Please refer to Observations in Section 3.0.

Our analysis computed pole attachment rates using the FCC-based model. Based on the information provided to us by utility management, the following is the annual attachment rates:

FCC-based: $8.17 per attachment

As discussed earlier, these numbers include several assumptions due to limited data availability. We strongly urge Dover to continue analyzing its operations with a goal to enhance the accuracy and completeness of financial and operational data to support these calculations. By continuing to enhance your systems accuracy, it will reduce the likelihood of increased scrutiny by attaching entities when evaluating the integrity of your rate calculation bases.

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RATE METHODOLOGY

Assumptions underlying this methodology are described below:

FCC-based: The FCC-based methodology is aimed at emulating the formulas mandated by the FCC. This method is meant to provide you a perspective of your attaching entities. This method is followed by Local Exchange Carriers to determine their attachment rates when falling under the regulation of the FCC. These are the assumptions:

- All costs associated to support space are reduced by 33% before allocations are made to the attachment rate formula.
- All indirect costs of supervision and engineering have been removed from the formula.
- No costs of safety space are allocated to attaching entities.

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OBSERVATIONS

Based on the information we have gathered from several key employees of both the City of Dover and Dover Electric, we have made a number of observations which will help to better understand our pole attachment fee calculations and methodologies.

Fee and Agreement Definitions

One area of confusion during our fieldwork appeared to be the difference between various types of fees and agreements being used in and around the City of Dover. Specifically, franchise fees, rights of way charges and pole attachment fees. Generally, industry practices would indicate that franchise agreements and pole attachment fees are designed to accomplish different objectives and should therefore be distinct contracts. Below is a brief description of each agreement for your reference.

Franchise Agreements:	Franchise fee agreements are used to establish a regulatory framework for the local cable providers and typically involve developing a business relationship whereby the city grants right-of-way to the provider in exchange for a franchise fee payment. There generally is no intent for the city to collect carrying costs of utility poles in this agreement since the franchise payment is purely based on revenue-sharing and not cost apportionment.
Rights of Way Fees:	It appears that some attaching entities are required to pay for right-of-way access within the city. These payments do not relate to pole attachment fees since pole attachment fees do not include any costs associated with land or land rights.
Pole Attachment Fees:	Pole attachment fees are fees charged to entities which attach to municipality-owned electric distribution and transmission poles. They compensate the city for the carrying costs associated with constructing, operating and maintain these poles and can be considered the cost of "renting" a portion of the pole. Generally, these rates are meant to recover pole-related costs incurred by the utility and are not based on a revenue-sharing formula by the attaching entities.

Accounting Practices

The calculation of a pole attachment fee is sometime a challenge for municipality-owned electric companies due to a lack of activity based financial and operational information. Since the basis for developing pole attachment fees are cost-based, it is important that the City's accounting practices promote an accurate representation of income, expense and financial position. These differences have made it necessary for the utility to use assumptions to estimate components of the pole attachment rate.

These accounting practices all tend to reduce the computed pole attachment rate which may result in lost revenue to the utility.

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The following is a brief list of accounting practices that have provided us a basis for our comments:

FERC USOA (Federal Energy Regulatory Commission Uniform System of Accounts):
While using the FERC system of accounts is not a required practice in the State of Delaware, it is an industry best-practice that allows the utility to measure and monitor their activities based on the key aspects of their operation. Since FERC was not being used in Dover, we were required to use benchmark data, estimates and prorating techniques to arrive at pole maintenance costs.

Inaccurate Plant Accumulation:
Expensing vs. Capitalizing
The existing plant accounting system inaccurately captures costs of construction due to existing policies and procedures in place. For example, the utility does not capitalize any overhead line construction project with a project budget under $25,000. Since many capital projects exist annually with projects under that threshold, these capital costs are expensed and not capitalized, which overstates operating expenses and understates plant investment. As an example, during FY2004, no construction was capitalized to Overhead construction even though utility management identified many instances of construction projects.

Expensing of Labor
The city's historical practice to record labor and benefit costs does not accurately reflect costs of construction in the utility. Upon determination of a capital project, only materials and supplies are capitalized to a project while all labor and labor-related costs continue to be recognized as an operating expense. This practice is not an industry standard and also has the long term effect of materially misstating the utility's financial statements.

Expenses are Generally Captured
Since the FERC USOA is not being used, the utility relies on a chart of accounts to record activities similar to city operations. There is little to no activity-based recognition of operating costs. This reporting method made it difficult to identify pole related costs within the accounting system. As a result, we relied on utility management assumptions to arrive at pole operation and maintenance costs.

Pole Inventory Count

We were unable to obtain an accurate inventory of poles for the Dover Electric utility. We understand that several projects are in progress to identify all city-owned poles. However, nothing has been completed to date. An actual pole count is one of the most critical data inputs needed to arrive at a defendable pole attachment rate. Not having this data brings into question the accuracy of the computation used in the analysis. We were able to locate a data sheet identifying total system poles which we used as a basis for our computations. However, no utility personnel could attest as to the accuracy and basis for the report. Before the utility proposes changes to existing attachment rates, an accurate count of poles owned by the city should be attained and used to adjust the computed rates in this analysis.

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Summary of Significant Assumptions

Based on conversations with several key employees and accounting information provided to us by the City of Dover and Dover Electric, we have made the following significant assumptions in our calculations of pole attachment fees.

Pole Count:	Pole count was computed to be approximately 10,500 poles. This is based on Dover Electric management's estimation that 75% of their detailed pole count has been completed and 8,000 poles have been counted to date.
Pole Height:	Poles are assumed to be an average of 37.5 feet high, consistent with industry practices. Each attacher is assumed to occupy one foot of the pole.
Attachers:	The average number of attachers on poles where attachments exist is assumed to be three.

Depreciation: Depreciation on poles is assumed to be 3.33%.

Plant in Service Accounts: Plant in Service Costs are based on estimated actual year-end cost for FYE June 30, 2005.

Income Statement Accounts: All income statement information as of 11 months ended 05/31/2005 was provided by the City of Dover Finance Department. These amounts were increased by a factor of 12/11 in order to estimate total expenses for FY 2005.

Administrative and General Expenses: Administrative and general expenses include all Dover Electric administrative expenses and an Interfund Transfer paid to the City of Dover which represents indirect administrative costs, including human resources, IT, joint purchasing, central maintenance and others.

Supervisor/Engineering Expense: Supervision and engineering labor attributable to poles is assumed to include two employees (one supervisor, one engineer). Each is assumed to have a salary of $50,000. The time dedicated to actual supervision or engineering is assumed to be 50% of their total time. Of this, 25% of their time is dedicated to the supervision of overhead equipment, for a total base salary attributable to overhead distribution of approximately $12,500. This amount was increased by 47% to account for benefits and taxes. This is based on the ratio of benefits to salaries for Dover Electric as of 05/31/05.

Cost of Poles, Towers and Fixtures: The cost of poles, towers and fixtures was computed based on benchmark data from other municipally-owned electric utilities that had readily available property record data.

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City of Dover Electric
Pole Attachment Fee Study

FCC-Based Method

Computation of Carrying Charge Rate
Prepared on June 29, 2005

Administrative and General Expense Percentage			
Total administrative and general expenses		$ 4,147,745	
Divide by: Plant in Service Plant @ 5/31/2005			
Plant in service	$ 129,261,520		
Plant in Service		$ 129,261,520	
Administrative and General Expense Percentage			3.21%
Operating and Maintenance Expense Percentage			
Supervision/Engineering expense		$ -	
Add: Poles and overhead line expense		$ 2,723,753	
Add: Other directly attributable expenses		$ -	
Subtotal		$ 2,723,753	
Divide by: Overhead-related items	$		
Street Lights	1,035,892		
Transmission Overhead	5,209,472		
Transmission Under Ground	2,731,250		
Distribution Lines Overhead	5,569,057		
Distribution Lines Under Ground	8,739,441		
		$ 23,285,112	
Operating and Maintenance Expense Percentage			11.70%
Depreciation Rate for Utility Poles			3.33%
Return on Investment for Utility			4.00%
TOTAL ANNUAL CARRYING CHARGE RATE			**22.24%**

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City of Dover Electric
Pole Attachment Fee Study

Computation of Estimated Cost of a Bare Pole

Gross Investment in Poles	
Total cost of poles, towers and fixtures	**$ 2,686,761**
Multiply by: Percent of costs allocable to bare poles	**85%**
Net Investment in Poles	**$ 2,283,747**
Divide by: Number of Poles Owned	**10,500**
ESTIMATED COST OF A BARE POLE	**$217.50**

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City of Dover Electric

Pole Attachment Fee Study

Support Space Factor				
Cost of the bare pole		$ 217.50		Computed
Multiply by: Percentage of unusable space on the pole				
Support space	24.00			Given
Divide by: Average pole height	37.50			Given
Support space percentage		64.00%		
FCC Adjustment for Support Space		66.67%		
Multiply by: Carrying charge rate		22.24%		Computed
Total Support Carrying Charge per pole		20.64		Computed
Divide by: Average number of attachers		3.00		Entered
Total Support Space Factor			$ 6.88	
Safety Space Factor				
Cost of the bare pole		$ 217.50		Computed
Multiply by: Percentage of unusable space on the pole				
Safety space	-			Given
Divide by: Average pole height	37.50			Given
Support space percentage		0.00%		
Multiply by: Carrying charge rate		22.24%		Computed
Total Safety Carrying Charge per pole		-		
Divide by: Average Number of Attachers		3.00		Entered
Total Safety Space Factor			$ -	
Usable Space Factor				
Cost of a bare pole		$ 217.50		Computed
Multiply by: Percentage of usable space on the pole				
Total feet assigned to an attacher	1.00			Computed
Divide by: Total presumed pole height	37.50			Computed
Usable space percentage		2.67%		
Multiply by: Carrying charge rate		22.24%		Computed
Total Usable Carrying Charge per pole		1.29		
Total Usable Space Factor			$ 1.29	
POLE ATTACHMENT FEE - FCC-BASED METHOD			$ 8.17	

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City of Dover Electric

Pole Attachment Fee Study
Assumptions and Input Calculations

Administrative and General Expense Inputs

			Amounts Cross referencing
Total electric plant in service FY 2004	$	128,522,854	Doc. B; p. 1
Total FY 2005 projects		2,238,666	Doc. C; last page
Total electric plant in service FY 2005	$	130,761,520	
Retirements	$	1,500,000	Estimated based on 2004 retirements
Plant in service	**$**	**129,261,520**	
Administration Expenses	$	666,076	Doc. A; p 74
Interfund Transfer		3,136,024	Doc. A; p 78
A & G Expenses 11 mo. Ended 5/31/05	$	3,802,100	
Total administrative and general expenses	**$**	**4,147,745**	Multiplied by 12/11

Operating and Maintenance Expense Inputs

Supervisor/Engineer Salaries	$	100,000	Assumption
Time dedicated to supervision/engineering		50%	Assumption
Time dedicated to distribution (vs. transmission)		50%	Assumption
Time dedicated to overhead (vs. under ground)		50%	Assumption
	$	12,500	
FICA	$	93,718	Doc. A; p. 69
Health Insurance		170,957	Doc. A; p. 69
Long-term Disability Insurance		3,892	Doc. A; p. 69
Worker's Compensation		47,420	Doc. A; p. 69
Pension		194,867	Doc. A; p. 69
	$	510,854	
Salaries	$	1,082,358	Doc. A; p. 69
Overhead as a percent of salaries		47%	
Supervision/Engineering Expense	**$**	**18,400**	
Transmission/Distribution Expenses 11 mo. Ended 5/31/05	$	2,515,173	Doc. A; p. 70
T/D Expense less Supervision/Engineering Expense	$	2,496,773	
Poles and overhead line expense	**$**	**2,723,753**	Multiplied by 12/11
Street Lights FY 2004	$	1,023,040	Doc. B
Street Lights FY 2005 Projects		12,852	Doc. C; last page
Street Lights	**$**	**1,035,892**	
Transmission Overhead FY 2004	$	5,209,472	Doc. B
Transmission Overhead FY 2005 Projects		-	Doc. C; last page
Transmission Overhead	**$**	**5,209,472**	
Transmission Under Ground FY 2004	$	2,731,250	Doc. B
Transmission Under Ground FY 2005 Projects		-	Doc. C; last page
Transmission Under Ground	**$**	**2,731,250**	
Distribution Lines Overhead FY 2004	$	4,995,894	Doc. B
Distribution Lines Overhead FY 2005 Projects		573,163	Doc. C; last page
Distribution Lines Overhead	**$**	**5,569,057**	
Distribution Lines Under Ground FY 2004	$	8,535,800	Doc. B
Distribution Line Under Ground FY 2005 Projects		203,641	Doc. C; last page
Distribution Lines Underground	**$**	**8,739,441**	

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