



# Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903

(302) 387-6030 FAX: (302) 387-6032

<http://doverkentmpo.org>

---

## DOVER/KENT MPO COUNCIL MEETING

**PURPOSE:** SPECIAL MEETING TO DISCUSS AND ACT ON  
THE FY2015-2018 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

**DATE/TIME:** May 28, 2014

**LOCATION:** Camden Town Council Chambers / 1783 Friend's Way / Camden, DE

**Dover/Kent MPO Council Members and /or Representatives thereof:**

P. Brooks Banta, President, Kent County Levy Court

Scott Koenig, for Mayor David Bonar, City of Dover

Don Tinari, Mayor, Town of Cheswold, for Kent County Municipalities

John Sisson, Executive Director, Delaware Transit Corporation

Terry Pepper, Dep. Dir., Safety & Homeland Security, for Governor Jack Markell, State of Delaware

Drew Boyce for Shailen Bhatt, Secretary, Delaware Dept. of Transportation

Mary Ridgeway, Division Administrator, Federal Highway Admin. (FHWA)

**Members not attending:**

Brigid Hynes-Cherin, Regional Administrator, Region III, Federal Transit Admin. (FTA)

**Non-members attending:**

Marc Dixon, FHWA

Bill Strickland, Greater Kent Committee

Jeff Brown, Dover Post

Earle Timpson, DelDOT

Michael Gumrot, MPO PAC

Rich Vetter, Executive Director MPO

Kate Layton, MPO Staff

Catherine Samardza, MPO Staff

Shelley Cecchett, Greater Kent Committee

Gregg Moore, Becker Morgan Group

Ashton Brown, DE State News

Dave Edgell, Office of State Planning & Coordination

Joe Zilcosky, DEDO

James Galvin, MPO Staff

Chris Kirby, MPO Staff

Mr. Eaby, acting chair, was not present. In the absence of any procedural directives in the bylaws, Mr. Boyce made the motion that President Banta be elected chair for the meeting. Seconded by Mr. Sisson. Motion carried.

**1. Introduction of Members & Guests**

Everyone in the room introduced themselves for the record.

**2. Public Comments**

Mr. Strickland stated that the South Frederica grade-separated intersection project was necessary to support the proposed Kent County Regional Sports Complex. He also said that the KC Regional Sports Complex was the most exciting project in Kent County, and that it was being "held hostage" by DelDOT's decision to move the South Frederica project further down on the priority list. He also stated that many people have said "let's make it happen." However, the supporters are prepared to discontinue their support if the project is not moved back up to its previous position on the TIP list.

President Banta responded noting that it was not right to lay this all on Secretary Bhatt, because the change in priority listing was done by a computer program. He also said that he didn't think Secretary Bhatt was aware of the two and a half years of effort that had gone into this project – by DelDOT as well as the developers and Kent County. However, he was upset because the priority ranking of the South Frederica project was changed. He did not believe that all of the trips in and out of the Kent County facilities management site at the location was taken into consideration. He further stated that there had to be



# Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903

(302) 387-6030 FAX: (302) 387-6032

<http://doverkentmpo.org>

---

trust and loyalty between agencies, and felt that mix had gone awry.

President Banta also wondered that there had been no formal response from DeIDOT to the May 12<sup>th</sup> letter sent by MPO Council regarding this issue. He then said that this project was the subject of the agenda, and more information would be discussed in detail. He asked if there were any other public comments.

Mr. Boyce said he had a question for Mr. Strickland: he asked why the Kent County Sports Complex wouldn't happen without the South Frederica grade-separated intersection. Mr. Strickland said they were told that the intersection was necessary so that events at the Sports Complex would not impact on beach traffic. Mr. Boyce noted that access to Route One would be provided; Mr. Strickland noted that DeIDOT's corridor preservation program specifically prohibits access to Route 1 for commercial use. Mr. Boyce agreed, noting that it was important to protect the infrastructure. He also said the DeIDOT is not saying this project will not move forward, just that the timing is not right for now, it needs to be "in sync" with the State's needs. This project did not rise to the height of other projects. Mr. Strickland said that if the South Frederica project is not completed until 2017, the Sports Complex could not open. Mr. Boyce said that DeIDOT would provide an entrance permit. Mr. Strickland challenged that statement, since it is in conflict with DeIDOT's policy. Mr. Boyce said that they would provide access that would preserve the capacity of the corridor and would not require signalization; right turns in and out, no left turns, and utilize the existing intersection at North Frederica. He also said that putting the Thompsonville grade-separated intersection first is the schedule that will work.

Mr. Moore said that they could not continue another three years, that three years effort has already been put into this project. He also had concerns because any entrance that DeIDOT might approve would have unexpected costs associated with it. The location of the Sports Complex was chosen because of the intersection project. He also noted that there are competing entities in the region. Sports tourism was financially viable in the short and long term, but not if other projects in the area move ahead of this one.

### **3. ACTION ITEM: Approval of Agenda (enclosure)**

MOTION By Mr. Koenig to approve the agenda. Seconded by Mr. Pepper. Motion carried.

### **4. DISCUSSION ITEM: FY2015-2018 Transportation Improvement Program**

Mr. Vetter noted that the materials being distributed represented a lot of information at the last minute, but that MPO staff had just received most of it earlier in the day. Included in the materials was a flow chart from FHWA showing the actions necessary for both approval and no approval of the TIP.

President Banta commented that the MPO's letter to Secretary Bhatt indicated that \$14M has been spent on the South Frederica project and the project is "shovel ready." He asked why DeIDOT would embark on another project instead.

Mr. Boyce first apologized for DeIDOT's non-response to the letter, but said they were still reviewing the letter, because there were inaccuracies. DeIDOT has not spent \$14M on this project, but rather \$5M for plan development and right-of-way acquisition. Mr. Timpson said that not much has been spent in the last five months (since DeIDOT changed the priority of the project). It was noted that the cost estimate for construction of the project is \$23M.

President Banta noted that normally he would not look at materials delivered the day of a meeting, that he needed time to review them. But he asked if the Thompsonville project was "shovel ready." Mr. Boyce said that the project is not ready for advertisement today, but it would be later in the summer.

Mr. Koenig asked if South Frederica was "shovel ready;" Mr. Boyce said that it could be ready in a short time, although it was never advertised, all the permits and right-of entry are in place. Mr. Koenig asked if he could get a simple yes or no; Mr. Boyce said he had no answer better than that. Mr. Boyce was also asked about the status of the Route 24 project, but he said he didn't have that information.



## Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903

(302) 387-6030 FAX: (302) 387-6032

<http://doverkentmpo.org>

---

Mr. Koenig asked a number of questions concerning access permits and whose responsibility it was to pay for that; Mr. Boyce said that cost fell on the developer. Mr. Koenig said that the City of Dover gave up \$6M in funding from the State Legislature for the Sports Complex that had originally been allocated for the proposed Convention Center. It was noted that this funding had never been re-programmed. Mr. Boyce was asked how he could guarantee that there would be funding for the South Frederica project in 2016; Mr. Boyce said that DelDOT had some certainty in the monies generated by the Transportation Trust Fund, and projecting out to 2016 they could reasonably expect that those revenues would be there in 2016. He said that the "wild card" was the federal funding, because the transportation bill runs out September 30<sup>th</sup>. Ms. Ridgeway said that federal monies were guaranteed until September 30<sup>th</sup>, after that she had no idea.

Mr. Koenig asked if the Statewide Transportation Improvement Program authorized in FY2014 included federal and state funds, and where that money was now. Ms. Ridgeway explained the federal procedures, that DelDOT had a year to spend money that was actually obligated. If the money is not spent in that time, FHWA asks Delaware to de-obligate the money and spend it on another project. Mr. Koenig noted that the MPO approved the FY2014-2017 TIP and CTP/STIP; Council members wanted DelDOT to spend the money as agreed upon and approved by everyone.

Ms. Ridgeway expressed disappointment that both the MPO and DelDOT have dug their heels in and can't agree. President Banta said that the MPO has been above-board, it was DelDOT that changed an approved project list without telling anyone. Ms. Ridgeway was asked what would happen if the MPO rejects this TIP again, what would happen to South Frederica? She said that if there is no agreement, the current STIP stays in place and the South Frederica project drops off the list.

President Banta said that someone needs to step up and say, let's go, not pull the rug out. He noted that Secretary Levin of DEDO supported the Sports Complex, which is projected to bring in \$18-20M a year to Delaware hotels and restaurants. He wanted to know why this project should be allowed to die.

Mr. Boyce reported that the Secretary tasked DelDOT to go back and look at the priority process as part of his fiscal review and decision not to borrow money to complete the projects in the STIP. He wanted the process to be less subjective and more objective, making data-driven decisions. Using DecisionLens, they looked at the projects in the STIP that had not yet been advertised. The litmus test was that the projects meet the criteria developed for the DecisionLens program. He indicated the materials that were distributed at the beginning of the meeting, which explained the program and the process in more detail. He also noted it was all online and available to the public.

Economic development is not a large component in the criteria, safety is a driving component. With the higher rate of crashes and congestion at Thompsonville, the South Frederica project fell in the rankings.

President Banta asked about factoring in the effort and money already spent on the project; Mr. Boyce said there is not criteria for level of investment. Mr. Boyce said they tried to take the emotional aspect out of the decision process and make it data-driven. President Banta said he respected what Mr. Boyce was saying, but did not agree. He said that, knowing the time and effort that has gone into this project, there needs to be a personal, human element in the process.

Mr. Koenig asked what the rankings of Thompsonville, South Frederica and Route 24 currently are in DelDOT's priority list; Thompsonville is #3, Route 24 is #18 and South Frederica is #98. It was noted that being identified in DelDOT's Safety Program is 33% of the overall project score.

There was significant discussion concerning the number of accidents and DelDOT's process inputting the information to the DecisionLens program. Mr. Koenig had questions concerning the level of intensity of the crashes at Thompsonville versus South Frederica; he thought that rear end crashes at a traffic signal would be less damaging than a side-collision at 35 MPH at an intersection without a traffic signal. Mr. Boyce did not have that information.

Mr. Boyce was asked about the economic development factor in the criteria. DecisionLens considers whether or not an area



## Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903

(302) 387-6030 FAX: (302) 387-6032

<http://doverkentmpo.org>

---

is in a Traffic Improvement District (TID), whether there is a developer contribution to the project, and whether or not it is on a primary or secondary freight route. He said that South Frederica did not get any points at first, but even when they gave it all the points available (9%) it only moved up one or two spots. The major criteria values are safety and system operations, which are over 50% of the total score. He was asked what would happen to the South Frederica intersection after the Thompsonville intersection is completed; he said they could only evaluate existing problems, not future issues.

Mr. Koenig asked that if DeIDOT drew a line at projects not advertised, were they then all treated equally; Mr. Boyce said they were. Mr. Koenig asked if the MPO TAC had reviewed or endorsed this list. Mr. Boyce said that DeIDOT had some dialog with the MPO when looking at the product (DecisionLens). He also said that, as they moved to refine the criteria they probably did not work with the MPO as much as they should have. It was noted that DeIDOT gave a presentation on the DecisionLens program to the TAC, but the TAC was not part of the process that reprioritized the project list.

Mr. Koenig wanted to know why they didn't move forward with the approved list and apply DecisionLens to unfunded projects rather than changing gears midstream.

Mr. Boyce said they wanted to ensure that investment was going where it should be, that DecisionLens was a good tool to measure with. He also stated that it worked with 98% of the projects, except for this one anomaly, so DeIDOT felt the system had integrity. The Sports Complex was the only driver for the South Frederica project, there were no safety triggers.

President Banta said there was an easy answer – flip the Thompsonville and South Frederica projects. Delaware is working for economic recovery, and this is a step backwards all because of a machine with no feelings or comprehension. Data is missing, and the result is biased. He again noted the projected economic benefits for Dover and Milford.

Mr. Boyce again said that it is a matter of timing and DeIDOT is not saying that the project is not going to happen. He also said that the Sports Complex is not shovel ready – the land use approval process hasn't begun. The time and money in the Sports Complex will not be wasted, the South Frederica project will happen. President Banta reminded him that the Sports Complex developers just said that it will die if it doesn't happen now. He said that Mr. Boyce would have to take responsibility for that. Mr. Boyce said, we're saving lives on the road system, and that President Banta was saying that the Sports Complex could only happen with \$23M investment that DeIDOT says is better spent somewhere else.

Mr. Koenig asked about the cost of the Thompsonville project; it is estimated to cost \$16M. Mr. Boyce said that both intersections provide benefits other than to the Sports Complex.

Ms. Ridgeway asked why DeIDOT did not let (advertise) the South Frederica project in August 2013 as scheduled. Mr. Boyce said that they were trying to bring integrity to the process, and this project was "sticking out like a sore thumb" and was not consistent with their goals. He went on to say they asked the hard questions, that they felt they had to do something different. He added that they held on to \$2M in obligated funds because "we might go forward."

Ms. Ridgeway asked when they applied the DecisionLens program; the answer was summer 2013.

Mr. Koenig asked about the economic component of DecisionLens, specifically the inclusion that a project must be located in a TID; he asked if there were any official TIDs other than one in New Castle County. There was discussion regarding the fact that there are State TIDs and County TIDs, although the TIDs identified in the Kent County Comprehensive Plan are not "official." There was further discussion concerning TIDs. Mr. Boyce said again that the economic component of DecisionLens is only about 8% of the total, and all points were allotted to the South Frederica project.

President Banta stated that he believed DecisionLens was hurting a fragile economy and killing jobs by denying the Sports Complex. He felt that DeIDOT was arbitrarily defending a machine that was fed wrong information or not programmed properly. He asked what could be looked at to get this project done.



## Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903

(302) 387-6030 FAX: (302) 387-6032

<http://doverkentmpo.org>

---

Mr. Koenig said he had 20 years experience with the MPO, and found it frustrating that the MPO had endorsed the FY2014 STIP and the money was still in place, but DeIDOT had subjectively put the project on hold and committed resources to the Thompsonville project without the MPO's input or endorsement. He said that the approved plan should move forward, and DeIDOT should put the funds back into the South Frederica project, and move Thompsonville into FY2016.

Mayor Tinari noted that there are human elements involved – both Secretary Levin and the Governor had supported this project. He also said that small towns rarely get the opportunity to grow economically, and this project would give Frederica the chance to do more than just exist. Once those funds were allocated somewhere else, the chances of seeing that opportunity again were slim. He also said he believed “trash in, trash out” with machines, if biased information is put in, and that a person needed to review this.

There was a side discussion as to whether or not contractors for these projects had to be in-state; due to the federal funds, Delaware cannot specify where contractors are located, although crews are either hired in the state or live here while working on projects.

Mr. Boyce reiterated his comments about the integrity of the process and that all the information is on DeIDOT's website. He said it is all transparent, that is how Secretary Bhatt runs the organization. He also said that there was no bias, it was all done with statistical data. President Banta asked if the program could make a mistake; Mr. Boyce said it just “crunched numbers” and there was no mistake, that they developed the criteria. He said DeIDOT was trying to remove politics and other things that have driven projects prior to this.

Mr. Koenig said he believed there was subjectivity regarding values, that there are social impacts and values associated with these projects. He felt that the benefits of spending \$23M at South Frederica was worth more than spending \$16M on Thompsonville based on just technical merits. He again noted that the intensity of the crashes at the intersections should be considered – that a five mile per hour rear end crash at a traffic signal was less intense than a 35 mile per hour “t-bone.” He said that every local government was under pressure, and that “we (Dover and other MPO Council members) believe that South Frederica was a higher priority than Thompsonville.”

Mr. Boyce and President Banta again discussed the economic component for DecisionLens. President Banta asked if the \$18-20M economic revenue projection meant nothing; Mr. Boyce said the program did not look at those types of things. He said that there is some research in that area, some software was developed to quantify that, but DeIDOT was not in a position to resource data to do that. He said in his presentation to the Council on Transportation that DeIDOT will look to refine the program without losing objectivity.

There was more discussion concerning the fact that DecisionLens only looked at freight as an economic generator, that tourism is not quantifiable in the program. It was noted that freight is not about getting people to the Sports Complex, and that the program does not evaluate economic issues that the South Frederica project touches on.

Mr. Koenig said that political reasons and technical issues are all tied together. Mr. Boyce reiterated that because of the higher accident rate at Thompsonville, DeIDOT would be remiss if they did not mitigate that location. There was discussion concerning other options instead of the intersection and whether or not they were evaluated, including changing traffic patterns (right turn only, travelling to next intersection); Mr. Boyce said that was not evaluated.

At this point, Council agreed to take a short break.

There was further discussion of options at the Thompsonville intersection, including a solution similar to DE Route 30 where the crossover was closed and vehicles made u-turns further from the Route 1/Route 30 intersection; Mr. Boyce said they were not discounting that option. Concerns about DeIDOT's ability to guarantee funding in 2016 were again voiced. Mr. Boyce



## Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903

(302) 387-6030 FAX: (302) 387-6032

<http://doverkentmpo.org>

again said that, given the projects being completed and revenue expected, it was not an issue, possibly a delay of months, not years. He said that Mr. Timpson did a good job of obligating money and keeping things moving.

President Banta and Mr. Moore brought up crash data. Mr. Moore reported that the number of crashes input to DecisionLens included 5 separate locations, from Thompsonville to Milford. Crashes from South Frederica only included two intersections in South Frederica; the actual number of crashes in 2013 for both intersections was the same. Mr. Boyce said that crashes at Thompsonville affected those other intersections "in the queue" and admitted that they did not look at any intersections north of Thompsonville/south of the South Frederica intersection. Mr. Moore pointed out that adding those other intersections goes to the subjectivity of the data used. Mr. Boyce said that projects identified in the Hazard Elimination Program (HEP) were subjected to a regulated process including a formula for critical crash ratio.

Mr. Moore felt that getting access at the Sports Complex other than the intersection will increase crash rates significantly. Mr. Boyce said the model only looks at existing conditions.

Mr. Koenig asked if Thompsonville was approved in the STIP; the answer was yes. Mr. Koenig asked if a motion was made to reject the CTP as presented unless South Frederica was moved back in, what would happen. Ms. Ridgeway said if the TIP doesn't match the STIP, the State will have to revert to the FY2014-2017 STIP. Anything that the MPO actually liked in the FY2015-2018 STIP would have to be moved into the FY2014-2017 STIP by individual amendment process, and South Frederica will drop out, because although there is 2015 construction money, there is no authority to spend that money. That is under DeIDOT's control. She also said that DeIDOT wants the "human" factor out, but that the MPO wants it in; if there were ten Sports Complexes and only money for one, what would the MPO do? Mr. Koenig said, build the highest one on the list. Ms. Ridgeway asked, what list, and Mr. Koenig said "our list" (the MPO list).

President Banta said that DeIDOT just pulled the project out (of an approved list), didn't talk to anyone even though the project was already in the system. Ms. Ridgeway said she thought DeIDOT was going in the right direction, to take out the human factor, but that the MPO should have been involved in developing the criteria. She said that DeIDOT and the MPO have to "play nice." President Banta said there is no longer any trust, how can that trust be re-instated.

Mr. Koenig asked whose responsibility was it to balance a constrained TIP, how could the South Frederica project be moved back into position, or as close as possible to its previous spot. He wanted to know if the onus was on DeIDOT.

Ms. Ridgeway said that DeIDOT doesn't agree with that solution. She said she'd like to see information on how late could this project start without losing the Sports Complex, was there room for negotiation somewhere? May be late 2015, not 2017. She felt that DeIDOT was worried about building an intersection to nowhere, and asked what their guarantee would be. President Banta said it was a year behind now, for it to happen, all the players needed to still be with it. Ms. Ridgeway asked if 2015 was possible; Mr. Koenig asked what happens if the obligated \$2M expires. Ms. Ridgeway said that when money is obligated for a certain project, DeIDOT has a year to spend it or they are asked to remove it off the project and move it somewhere else. Mr. Koenig noted that DeIDOT changed their mind, and has just waited a year to de-obligate the money. Ms. Ridgeway reiterated that DeIDOT and the MPO have to agree. President Banta said there was an agreement. There needs to be trust to work together. "DeIDOT needs to understand this is what we expect because this is what we were promised." He further noted that the crash data was skewed. Mr. Boyce denied that, saying that it was HEP criteria and they were not "cooking the books."

Further discussion concerned the costs and responsibility of utility relocation and that the longer a project was spread out, the more it would cost. There was also discussion concerning funding for the Sports Complex; the funding is contingent upon the intersection being in place. In accordance with their financing plan, the Sports Complex can only open after the intersection is completed. The plan was to time the projects to finish construction at the same time, and open the Complex when the intersection was open. It was clear to the Bank that DeIDOT's Corridor Preservation Program was a problem, which is why the intersection was a condition for funding.



# Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903

(302) 387-6030 FAX: (302) 387-6032

<http://doverkentmpo.org>

---

Mr. Koenig said that after looking at all the projects, including the original \$23M for South Frederica, that the City of Dover believes it is the number one priority in the CTP for Kent County. He would like to see it moved up to reflect that. If the rest of the Kent County projects get moved back, that's okay. He understood it was easier said than done, but was saying that the MPO local government members felt that South Frederica was more important. It bothered him that after taking the \$23M from the South Frederica project and moving \$16M to Thompsonville, that \$8M was moved to Route 24. He felt there was a net loss to Kent County that he was not happy with. South Frederica is the number one priority for the local governments, and wanted to know how to make that happen.

Ms. Ridgeway asked if any other projects were moved out from FY 2014; Mr. Boyce said a couple. There were no repercussions concerning those projects.

There was discussion that there was no notice to the MPO or Kent County when DeIDOT changed the FY2014 priorities and moved the project. It was first formally announced at the Council on Transportation CTP public hearing in September 2013. Ms. Ridgeway said she couldn't do anything to punish DeIDOT for not including others in the decision. She said there must be a compromise or Delaware was stuck with the FY2014-2017 STIP. She also said it would be a lot of work to add in changes separately.

Mr. Boyce said he (DeIDOT) was not the enemy, but a member of the MPO Council. Whatever the desire of the Council is, DeIDOT will have to respond. He also said that it would be very hard just to swap out the projects. Mr. Koenig said the South Frederica project was number one, to let the other Council members know what would have to be moved around to balance that, and they could see if those changes were acceptable.

There was discussion concerning federal funding and the federal fiscal year ending on September 30, 2014. The General Assembly enacts Delaware's budget for a July 1<sup>st</sup> fiscal year; the MPO usually makes amendments to the TIP in September based on changes made in the Bond Bill.

## **5. ACTION ITEM: FY2015-2018 Transportation Improvement Program**

**MOTION** By Mr. Koenig that the South Frederica project be identified as the number one priority project for Kent County and that DeIDOT draft a CTP that identifies the project as the number one construction project, reprioritizes the balance of the Kent County projects so that the MPO Council can review the changes at the next meeting (July 9).

Ms. Ridgeway said she didn't know if DeIDOT would agree. Mr. Boyce asked Mr. Timpson if they had the ability to provide that information; Mr. Timpson said there were already several draft plans, based on \$228M with the proposed gas tax increase and \$128M without any new revenue.

Motion was seconded by Mayor Tinari.

Mr. Pepper noted that at the last Council meeting, the vote on the TIP was 2 Yes/2 No/2 Abstentions. He was one of the abstentions. Due to his unique position as the Governor's representative on the Council and a Kent County Levy Court commissioner, he contacted the Public Integrity Commission to discuss the situation. Based on the advice he received, he would be abstaining on any vote regarding adopting or rejecting the TIP.

Mr. Boyce asked that the motion be read again.

There was discussion concerning the two CTP drafts and the choice between the \$128M and \$228M versions. Mr. Timpson said the final amount available might end up being somewhere in-between the two. He also said that the \$228M TIP was



# Dover/Kent County Metropolitan Planning Organization

P.O. Box 383, Dover, Delaware 19903

(302) 387-6030 FAX: (302) 387-6032

<http://doverkentmpo.org>

---

more than DelDOT could deliver. Mr. Koenig noted that the MPO was not given the \$128M version of the CTP. Ms. Ridgeway said that all the “what ifs” should be explored. Mr. Timpson said that \$128M was the worst case scenario. He said that with the operating budget – salaries, etc., a big chunk was already spoken for. Mayor Tinari remarked that the ten-cent tax has not been approved, and asked if a different tax to providers rather than residents was being considered. It was noted that there has been some discussion by legislators regarding a wholesale tax. President Banta said that this was an opportunity for DelDOT to cooperate.

Mr. Boyce asked to have the motion read again. He asked if this meant that Council was saying that South Frederica was the number one project. Mr. Timpson reported that by July 1 the legislature will have already passed the Bond Bill, which codifies the financial authorization of year one of the CTP. It will be “already set in stone.”

Mr. Koenig said by that statement FY2014 was already codified as well. Mr. Boyce said yes, but it was just authorization. Mr. Timpson explained that authorization was by project and then authorization to spend. Mr. Koenig questioned whether or not DelDOT was in compliance with the spending plan, then; Mr. Timpson said they were, because although the total amount is set, they can deviate within those amounts. Mr. Koenig said he was “completely flabbergasted by this discussion.” He then reviewed the information: That there is a CTP spending plan based on an MPO approved project list but that DelDOT is not following that Plan; that DecisionLens threw out the priority list, but if the MPO doesn’t make a decision by June 30<sup>th</sup>, DelDOT’s revised plan will be set in stone.

Staff noted that another special meeting would have to be held to review anything before the Bond Bill was voted on.

Mr. Boyce asked for a 3<sup>rd</sup> time to have the motion read back to him. He was not comfortable with indicating that the South Frederica project was the MPO’s number one project. After some discussion, Mr. Koenig amended his motion:

**MOTION** The MPO requests that DelDOT prepare a draft CTP using the scenario of the South Frederica grade-separated intersection project as the number one priority project for Kent County, reprioritizes the balance of Kent County projects so Council can review the impact of the repositioning of the projects at the next meeting. Seconded by Mayor Tinari. Motion carried unanimously, with all members voting.

Mr. Koenig stated, for further clarification, that the re-positioning of projects would only apply to those not currently advertised.

**Council agreed to meet again on June 18<sup>th</sup>, at 3 PM. Mr. Timpson agreed that he could have the required materials to MPO staff for distribution by June 11<sup>th</sup>.**

## 6. ADJOURN

**MOTION** By Mr. Sisson to adjourn the meeting. Seconded by Mr. Boyce. Motion carried.

**Next Meeting: Special meeting to discuss the TIP: June 18<sup>th</sup> @ 3 PM in the Camden Town Hall King Meeting Room.**