



**MAY  
2009**

### STATEMENT OF PRINCIPLE

Monitor and selectively evaluate government actions including laws, regulations and policy.

Provide appropriate forums for informing as well as soliciting input from the public.

Establish positions based on responsible studies and consistent with the aims and purpose of the organization.

Advocate these positions.

Founded in 1962, the Civic League is non-profit volunteer organization, which studies and illuminates County and State government actions concerning comprehensive developments and the quality of life and is a vocal advocate of relevant positions.

County Comments is the official publication of the Civic League for New Castle County.

Dan Bockover,  
President

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CivicLeagueforNCC.ORG

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# COUNTY COMMENTS

CIVIC LEAGUE FOR NEW CASTLE COUNTY  
Informed Citizens for Sound County Growth

## MEETING

**Tuesday, May 19, 2009**

7:00 PM at the Paul Sweeney Public Safety Building  
3601 N. duPont Hwy  
(Rte 13 South of DMV, North of Gracelawn Cemetery)

## AGENDA

County Councilman David Tackett  
Council radio broadcast proposal.

William Franey  
Planning Board Presentation - Example

Annual Meeting and Election of Officers and Directors

## Smart Growth - Not in Delaware

That's the conclusion of Keynote Speaker Dr. James A. Kushner, Professor Law, Southwestern Law School, speaking at the May 5, Affordable Housing Conference, sponsored by the Delaware Housing Coalition in Dover.

Dr. Kushner, an internationally recognized expert in land use and community development, cited the basics that need to be present in Smart Growth situations. Begin with adequate infrastructure already in place, he noted, including water, sewer, and transportation surrounded by high density population. For Delaware he further suggested a downzoning to open space of all land not transit-served. Density bonuses should only be given to Developers as an affordable housing incentive when all requisite infrastructure is in place. Even then, caution need be exercised that not more than 20% be low-cost housing, as that is the observed "tipping point" at which a community begins a downward slide into slums.

Also speaking at the conference was Constance Holland, Director, Office of State Planning and Coordination. She did not disagree with any of Dr. Kushner's recommendations, but she also did not mention any need for mass transit, walkability or employment opportunities in support of affordable housing. Not observed in attendance was any representation from New Castle County government, including the Land Use Department.

Smart Growth continues absent in Delaware, as Dr. Kushner observed, primarily because development interests have succeeded in omitting walkability and public transit access as considerations for approval of affordable housing or workforce housing applications.

Chuck Mulholland  
Southern New Castle County Alliance

## PROGRESS ON OUR "BUCK A BARREL" PROPOSAL

**First some background:** Oil lightering in Delaware Bay was a focus during a Civic League meeting two years ago. The Big Stone Anchorage is 7 to 17 miles northwest of Cape Henlopen, part of a trench in the Bay bottom easily reached by 55 foot draft supertankers. The DE/NJ state line is several miles northeast. We marveled that Delaware wasn't using the revenue potential of this unique geographical feature. Big Stone, the sole eastern seaboard inland location accessible to supertankers, long ago became the sheltered harbor for transferring oil from large tankers to smaller ones or barges for shipments up and down the east coast. The volume of oil lightered at Big Stone was 100 million barrels in 2006, when an Air Quality Permit was sought for a 25 million barrel increase.

Governor Minner had proposed a 5 cent per gallon tax increase on retail sales of gasoline in Delaware, projected to produce \$28 million in revenue. We proposed a buck a barrel tax on lightering service, which is performed entirely within Delaware on an inland waterway, rather than on the oil being transferred, to avoid interstate commerce complications. When used to produce gasoline, each barrel of crude produces 26 gallons. Our proposal amounted to 4 cents per barrel for \$100 million in State revenue, reflecting that most of the oil lightered at Big Stone goes to markets elsewhere.

Senator Karen Peterson and Representative Bill Oberle adopted our proposal, getting headline attention and some harsh words from the lightering company's lobbyist, a close friend of Governor Minner's. Then Governor Minner withdrew her proposal, evidently deciding that she needed the revenue only if it didn't burden her friend's client. Our proposal was dropped also.

**Recent Events:** The current economic downturn has produced a state revenue shortfall of about \$770 million. Governor Markell has proposed a combination of expenditure reductions - - including an 8% across the board wage and salary reduction for all State employees (\$92 million reduction) - - along with a variety of revenue enhancements generally in line with his campaign promises. We had sought to enlighten him about the lightering service tax proposal during the campaign, getting a "we'll think about it during the transition" response. During the transition, we furnished a good deal of information. But the Governor's budget proposal didn't include our suggestion.

Senator Peterson arranged for a half-hour March 24 meeting - - attended by the Governor, Stephanie McClellan (policy director), Senator Peterson and Vic Singer. Vic used handouts of PowerPoint slides to summarize the proposal and relevant facts, focusing on 25 cents per barrel to avoid putting too many eggs in one basket. Gov. Markell directed an in-depth two week study by Dr. McClellan. About three weeks later, Dr. McClellan reported to Senator Peterson and to Vic that even though no roadblocks had been identified, the decision was not to adopt our proposal because of fears of the potential for litigation on issues that they can't identify. But the good side of those communications was that the Governor's office would neither endorse nor oppose legislative efforts to proceed with the tax on lightering service. Evidently, Governor Markell dislikes irritating thousands of State employees less than he dislikes irritating one powerful lobbyist, a close friend of former Gov. Minner's.

In his 4/28 "Let's Get To Work" address to the General Assembly, Governor Markell acknowledged that he dislikes "proposing that our state employees take such a significant cut in pay, especially those who can least afford it." Then he offered the Legislators a challenge: "Any cut we restore or any revenue proposal we reject, we must find cuts or revenue proposals to make up the difference. . . the response of 'don't look here, look elsewhere' is no longer an answer we can afford to hear." Among the proposals that followed, a package of enhancements suggested by Representative John Kowalko includes a 5 cent tax per gallon of gasoline sold in Delaware. After being apprised of the merits of a lightering service tax, he is supportive of that instead, if it can be passed.

Many discussions on the proposal have followed, with numerous legislators, a coalition of State employee unions, and interested citizens. We have been advised that very little opposition to the lightering service tax has been encountered in both caucuses in both houses of the General Assembly. Legislation is being drafted, and the campaign is steaming ahead. .

submitted by Vic Singer

## Stoltz Encounters Power of Cooperating Communities

The bold proposal of the Stoltz organization to develop four area sites and add the traffic of 8,000 employees has encountered the power of CRG (Citizens for Responsible Growth) - a quickly formed alliance of concerned civic groups from Greenville, Centerville, Brandywine Hundred, and the Civic League for New Castle County.

Reprinted here (with permission) is an updating article by County Councilman Bob Weiner. But first! You may want to re-read two articles from the December 2008 issue of *County Comments*: The Stoltz 8000 Conundrum, and Take the Stoltz 8000 Preview Tour at [WWW.CivicLeagueForNCC.org](http://WWW.CivicLeagueForNCC.org).

Contrary to the impression created by the Stoltz organization, final approval for neither construction of a "King of Prussia-sized complex at Barley Mill Plaza nor for a 12-story building at Greenville Center is a done deal.

The New Castle County Land Use Department gave conditional approval after a March 3 hearing for the two pending plans. There are further hurdles to clear before final approval.

First, Stoltz has to convince the department that its mixed use plans are consistent with the intent of the county's Unified Development Code (UDC). Mixed use plans are afforded extra density to encourage transit-oriented walkable villages. Citizens for Responsible Growth (CRG), an alliance of civic groups from Greenville, Centerville and Brandywine Hundred, recently filed a 20-page "Request for Interpretation" that highlights with legal citations, numerous ways the Stoltz plans violate the UDC's mixed use requirements.

Second, the Delaware Department of Transportation (DelDOT) has not approved the plans. The regional traffic engineering firm, Orth Rogers Assoc., retained by CRG, has identified major flaws with some Greenville Center traffic data provided to DelDOT by Stoltz, and has encouraged CRG to take new counts, create a simulation showing how the Buck Road entrance is failing and demonstrate how traffic will worsen if expansion is approved. State legislators and I have written to DelDOT demanding that it not approve expanded use of the Buck Road entrance.

CRG has also engaged the land planning and design firm Torti Gallas and Partners for advice on the best use design principals, and are raising funds for legal representation if the battle goes to court.

The Stoltz proposals for Barley Mill, Greenville Center and Concord Pike are mixed use plans in name only. They are auto-dominated commercial shopping centers with inferior design features and are not pedestrian-friendly. The plans will draw regional traffic, and we stand to lose our country roads along the Brandywine River, which draw tourists and are treasured scenic and historic country roadways.

No commitment has been made by Stoltz to promptly commence and complete construction with all its touted economic benefits. Financing for new construction will not be available until leases are signed for the stores, offices and apartments, and this won't happen until economic recovery is under way.

The constructions' touted new jobs would cannibalize older shopping centers by drawing on their worker pool. It would increase vacancies in older centers, causing blight with all its problems and diminished taxes. Recall what the development of Concord Mall did to eviscerate the old Merchandise Mart on Gov. Printz Blvd.

More shopping centers will deplete what little traffic capacity remains, and which could otherwise support high-wage employers. A group of prominent executives, active and retired, has come together to attract desirable employers to these sites.

It has been two months since the public hearing where Stoltz said it would file new scaled back plans that address community concerns. Why won't Stoltz meet with community leaders.? Where are these plans? When will we see them?

Our community leadership continues to offer to negotiate with Stoltz. With your continued support, our prospects of success are maximized so we can attain our goals: Protection of our community character and responsible growth.

Visit [bobweiner.com](http://bobweiner.com) to learn more. To contribute to the CRG litigation fund visit [crginnewcastlecounty.com](http://crginnewcastlecounty.com).



## **CIVIC LEAGUE**

**For New Castle County**

*Informed Citizens for Sound County Growth*

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## **Annual Meeting and Election of Officers and Directors**

Nominations for directors and officers are invited to replace some who have retired, been inactive, died, or are unable to continue active participation in the work and advocacy of the Civic League. Please contact Frances West at (302) 475-8154 or [edfran1@comcast.net](mailto:edfran1@comcast.net). Self-nominations are welcome. Deadline is May 16, 2009.

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### **Letters Needed Now**

Please take a moment to Help protect the Delaware River from unnecessary and damaging deepening and to protect our State from being stepped on by the Army Corps of Engineers.

Visit our website at: [WWW.CivicLeagueforNCC.Org](http://WWW.CivicLeagueforNCC.Org), click on "Members Comments" for full details.