



An in-depth look at the NGIC deal June 23, 2007

By Brian Wheeler, Charlottesville Tomorrow

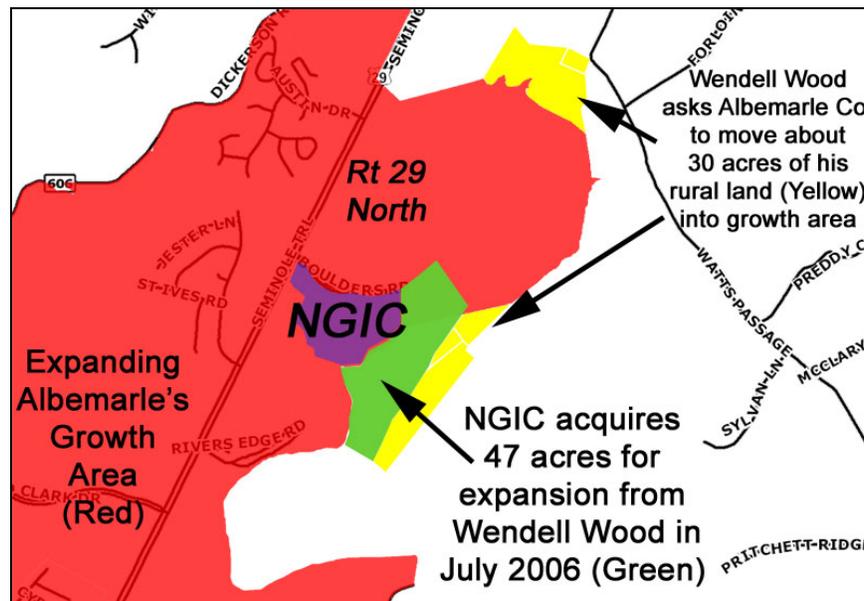
WINA's talk radio programs have drawn some added attention to the National Ground Intelligence Center (NGIC) land deal this week. Unfortunately because of a thunderstorm Tuesday that interrupted power at their studio, much of the recorded audio from these programs has been lost. Since I was one of the guests and took some notes during the interviews, in this post I'll share the information Charlottesville Tomorrow has pulled together on this important public policy issue.

The NGIC land deal has been described by supporters as an effort by Albemarle County to ensure a major employer on Route 29 North remains in Charlottesville and has room to expand to support another 800-1000 jobs being moved here from a defense facility in Maryland. The "deal" involved the sale by Wendell Wood of about forty-seven acres of land to the federal government. It came with support from the Board of Supervisors, via a May 2006 resolution of intent, to have Albemarle County consider a future redrawing of the comprehensive plan boundaries to move thirty other acres of Wood's rural land near NGIC into the growth area with an offsetting adjustment to move seventy-seven acres near Pantops, owned by Clara Belle Wheeler [no relation to this author], into the rural area. The deal has been described by critics as not starting with an open process, as government being bullied into helping increase the investment profits for a private citizen, and as an over reaction to the suggestion that Department of Defense might pick up their facility and leave town if they didn't get Wood's land for \$7 million or less.

The resolution of intent passed by the Board was intended to send Wood the signal that he could proceed with the sale of land to NGIC knowing that five of the six members of the Board of Supervisors had supported his request for a growth area boundary adjustment. The resolution has initiated a sequence of reviews to be incorporated into the development of both the County's Places29 Master Plan and the Pantops Master Plan.

A little over a year ago, Supervisor Ken Boyd took the lead bringing the matter before the Board and he spoke directly to Wendell Wood and Clara Belle Wheeler in advance of the Board's meeting on May 3, 2006. Wood's letter formally requesting the adjustment is dated April 26, 2006. In that letter, Wood asked that portions of five separate parcels of land be incorporated into the growth area adjacent to NGIC and along Watts Passage Road. In an appearance on WINA's Charlottesville Live on June

22, 2007, Boyd described how Wood had “said that he was going to lose a lot of money on this if he sold it to them at [\$7 million], but if we were willing to redraw the boundary lines to put another thirty acres, which was adjacent to it, or surrounding it, into the development area, he could recoup his losses with that.” Boyd also said that no promises were made to Wood about the boundary change beyond the fact that the Board’s recommendation would go through the public process as part of the master plan reviews.



Unlike Wendell Wood, Clara Belle Wheeler never put a request in writing to the Board. When Boyd called her and described the proposed swap of land involving a property owner on Route 29N, she says she told Boyd, “I’ll think about it.” Wheeler’s interest in having her land remain undeveloped was well known by the Board and her parcel was held out as a way to offset the boundary adjustment being proposed for Wood. The County Attorney, Larry Davis, even revised the resolution of intent the day before the vote to insert language related to Wheeler’s parcel as an offsetting adjustment. Boyd told the Daily Progress that Wheeler had told him she was committed to moving her land into the rural area.

After the resolution was passed, Wheeler was shocked to hear via a phone call from Supervisor Sally Thomas that her land had been included as part of the proposed NGIC resolution. In her appearance on Charlottesville Right Now with host Coy Barefoot on June 19, 2007, Wheeler stated, “If you don’t know there is going to be a public meeting, and you don’t know what is going to be discussed, you can’t be there. If you are going to discuss something as major as trading rural and urban development rights, that needs to be done in a pre-announced public forum.” Sally Thomas was the lone vote against the resolution.

Wendell Wood called in to Coy Barefoot’s program shortly after Clara Belle Wheeler’s appearance. When it was suggested he was getting special treatment, Wood responded, “I think I deserve special treatment. I pay millions of dollars in taxes. In

reality, I think I do get special treatment, negative treatment. I truly believe I get negative treatment as a developer in this community.” Wood said before the matter came to the board he had no prior knowledge of the offsetting arrangement with Wheeler’s land.

Thus part of the controversy related to the NGIC land deal relates to the fact that the matter was not published in the Board’s meeting agenda and it was brought up by Boyd under other business at the very end of a meeting. Neither the general public, nor Clara Belle Wheeler, had any advance notice that the Board would be acting on the resolution of intent. Even Wood was not aware of proposed boundary adjustments involving anything but his property. Further, the exact parcels belonging to Wood were not detailed for the public’s review. In addition, the Supervisors had discussions behind closed doors that, while legal, meant the public didn’t have the benefit of knowing the details of their past discussions leading up to the vote on the resolution.

Two months after the resolution of intent was adopted by the Board of Supervisors, Wood sold the 47 acres to the federal government for \$7 million in July 2006. He said on WINA this week that he did not know how much money he was giving up by letting the property go at that price because he did not have it appraised. The federal government’s appraisal has not been shared with the public.

In May 2006, Wood told Charlottesville Tomorrow that federal government was \$4.5 million short of the property’s appraised value. That puts Wood’s understanding of the appraisal at about \$11.5 million in May 2006. In May 2007, C-Ville Weekly concluded after interviewing Wood that he thought the property was “appraised at around \$16 million.” Wood and Boyd have both pointed out on WINA that taking the property by eminent domain was not an option because the government still couldn’t pay fair market value for the property.

While the government now owns the land they need for NGIC’s expansion, the other parcels and the officials that voted for the deal are facing increasing scrutiny, particularly as the Places29 and Pantops Master Plans are coming under review. The Albemarle County Planning Commission had an opportunity to act on Wheeler’s land when they voted to approve the Pantops Master Plan on June 5, 2007. Wheeler says they did what she asked them to do which was to leave her land in the designated growth area.

C-Ville Weekly has quoted Supervisor David Slutzky as saying he did not recall Wheeler’s land was involved in the deal nor was it a factor in his decision to help NGIC. Supervisor Boyd was quoted as saying, “there was never any tradeoff, there was never any association between the two items,” the Wood property and the Wheeler property. When interviewed this week by Charlottesville Tomorrow, Slutzky expanded on his remarks and said that the two pieces of land “were not linked in my mind as justification for my support of the resolution.” “Our decision to do this was not tied to her land, that [77 acres] was just an illustrative example that such things would be possible,” said Slutzky. He acknowledges now that the resolution does reference her land, but he points out that, in the resolution’s action statement, it only refers to Wood’s 30 acres as being identified for a specific boundary adjustment.

What will become of the land Wendell Wood's wants added to the growth area? That will certainly be a topic in future Places29 work sessions and upcoming public hearings. The Daily Progress recently quoted Supervisor Dennis Rooker as saying he felt like the Wheeler parcel was a "material" factor in his vote in favor of the resolution and that he would be "less likely" to support moving the boundary adjustment for Wood without other land as an offset. At the same time, the Daily Progress has reported that Supervisor David Wyant, Slutzky, and Boyd agree that "having the land swap was not crucial to the decision, and that they will continue to support the designation Wood wants."

Reviewing the matter with Charlottesville Tomorrow, Slutzky says, "This isn't about Wendell Wood, this is about NGIC. Because of what I learned in my own investigation, I became convinced that it was what we needed to do. The threat was real, that if we couldn't give them some assurances, that we would likely lose the existing NGIC."

No matter what happens with Wheeler's land, Wood said on WINA this week that he expects the County to follow through on their intentions to move his land into the growth area, particularly since he has already sold his other property to help NGIC. Rooker pointed out in a call to WINA Friday that a change in the comprehensive plan doesn't rezone Wood's property. He noted there would still be public hearings for a rezoning before the Planning Commission and the Board of Supervisors. However, if a revised comprehensive plan and the Places29 Master Plan call for the additional growth on Wood's thirty acres, he would have every reason to also expect their approval of a reasonable rezoning request. Wood is accustomed to lengthy deliberations by Albemarle County and he knows the math—it will take four votes in the future to seal the deal.

Other resources available online:

Wendell Wood's April 26, 2006 letter to the Albemarle County Board of Supervisors
<http://www.cvilletomorrow.org/docs/20060426-Wood-NGIC.pdf>

Watch a 1 minutes video presentation showing Wendell Wood's property involved in the NGIC land deal

<http://www.youtube.com/watch?v=FbzT0qXtOcU>

The NGIC land deal in the news:

October 2005: NGIC's Expansion Announced

10/20/05 * Daily Progress: NGIC plans for expansion with \$85 million facility

<http://www.dailyprogress.com/servlet/Satellite?pagename=Common%2FMGArticle%2FPrintVersion&c=MGArticle&cid=1128767647875&image=80x60cdp.gif&oasDN=dailyprogress.com&oasPN=%21news>

May 2006: The vote on the land deal

5/3/06 * Charlottesville Tomorrow: Albemarle County Board of Supervisors approves resolution of intent. Charlottesville Tomorrow posts audio and a copy of the resolution the following day.

http://cvilletomorrow.typepad.com/charlottesville_tomorrow_/2006/05/board_of_superv_1.html

5/4/06 * Daily Progress: County Adjusts for NGIC

<http://dailyprogress.com/servlet/Satellite?pagename=Common%2FMGArticle%2FPrintVersion&c=MGArticle&cid=1137835792258&image=80x60cdp.gif&oasDN=dailyprogress.com>

C-Ville Weekly's Jayson Whitehead starts a series of articles on the deal

3/20/07 * C-Ville Weekly: Let's Make a Deal

http://www.c-ville.com/index.php?cat=121304064644348&z_Issue_ID=11041503071523125&ShowArchiveArticle_ID=11041903073109281

5/1/07 * C-Ville Weekly: Army keeps Wood's secret: Government refuses to disclose value of NGIC land

http://www.c-ville.com/index.php?cat=121304064644348&z_Issue_ID=11042704073979895&ShowArchiveArticle_ID=11043004074296525&Year=2007

5/7/06 * Daily Progress: Conflict delayed land deal: County vote to aid NGIC, area developer

<http://dailyprogress.com/servlet/Satellite?pagename=Common%2FMGArticle%2FPrintVersion&c=MGArticle&cid=1137835916187&image=80x60cdp.gif&oasDN=dailyprogress.com&oasPN=%21news>

5/15/07 * C-Ville Weekly: Citizen presses for NGIC info: Accuses Supervisor Boyd of lying about land swap

http://www.c-ville.com/index.php?cat=121304064644348&z_Issue_ID=11041105073635966&ShowArchiveArticle_ID=11041405070497352&Year=2007

May 2007: Planning Commission takes Wheeler parcel off the table

5/29/07 * C-Ville Weekly: Pantops land will remain in growth area: Supervisors respond to impact on NGIC resolution

http://www.c-ville.com/index.php?cat=121304064644348&z_Issue_ID=11042405070940264&ShowArchiveArticle_ID=11042505070377846

6/5/07 * Charlottesville Tomorrow (audio of discussion about Wheeler parcel)

http://cvilletomorrow.typepad.com/charlottesville_tomorrow_/2007/06/planning_commis.html

6/6/07 * Daily Progress: Planning Commission eyes Pantops site

<http://www.dailyprogress.com/servlet/Satellite?pagename=Common%2FMGArticle%2FPrintVersion&c=MGArticle&cid=1173351502528&image=80x60cdp.gif&oasDN=dailyprogress.com>

6/19/07 * WINA AM 1070: Clara Belle Wheeler interview

<http://www.cvillepodcast.com/2007/06/20/crn-albemarle-landowner-clara-belle-wheeler-on-zoning-development-rights/>

6/23/07 * Charlottesville Tomorrow's in-depth report (this article)

http://cvillemorrow.typepad.com/charlottesville_tomorrow_/2007/06/ngic_land_swap.html