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Bill eliminating cash proffers opposed by board

By Elizabeth Farina

Feb. 5, 2008

Chesterfield County isn't ready to be an example for the Commonwealth with a proposed state senate bill that alters the current course of proffers with development and introduces limited impact fees.

"A lot of people are interested in the topic because it will have a tremendous impact on the way we do business since the early 1990s," said board chair and Clover Hill district supervisor Art Warren at a called board meeting on Friday, Feb. 1. "It has worked well, and could work better. In the eyes of many different special interest groups, it's been a flexible system."

Virginia Senator [John Watkins](#), patron of [SB768](#), spoke to the county's [Board of Supervisors](#) during the locality's special meeting. "This came about as a result of continuing pressure of this jurisdiction and many others to find a system to work better to who actually pays for the infrastructure needed across the Commonwealth of Virginia," he said.

Mary Ann Curtin, the county's legislative liaison, presented to the board that the proposed bill would eliminate all existing cash proffers and curtail the ability to accept offsite dedications and limit impact fee. "With the cap, localities would have to go through a complicated and unnecessary process," she said. "It seems unnecessary to go through these hoops if we're going to be capped at \$5,000."

Chesterfield County Budget and Management director Allan Carmody explained the cash proffer program as a funding source, noting the average household has a \$32,000 gross cost and credit for taxes. "With the flexibility in cash proffer, it looks at the circumstances with the case. Branner Station is a good example of this," Carmody said. "This bill eliminates cash proffer authority."

Cash proffers have been a split of 80 percent between the roads and the schools in the county, according to Carmody. The financial burden would then fall elsewhere with a possibility of increasing the real estate tax, which is already the largest revenue in the county.

Watkins, who has represented all or part of the county during in his political career, noted that previous county boards and city councils have asked for alternative systems while the building industry preferred the current system. However, the current economic climate changed the outlook from all stakeholders. "We cannot continue using a cash proffer system that I consider nothing more than legalized extortion," Watkins said.

Bermuda district supervisor Dorothy Jaeckle marked a main concern of the bill's lack of flexibility with infrastructure needs. "This bill, I think, is taking that away from us. When I look at the Bermuda district, we did have to differentiate cash proffers to encourage development," she said. "We don't have the infrastructure." Watkins added that the proposal would allow impact fee zones to establish a way to fund the infrastructure



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needs.

Midlothian district supervisor Dan Gecker countered that the proposal would be building arrears. "We are looking to develop larger tracts instead of smaller ones," Gecker said. "If Branner Station was brought in 50-acre chunks it would have been a disaster ... you had it [proffers] in advance instead of in arrears.

"You don't have that benefit with this. There is a plain cost savings overall to having the private sector build," he said. "I would rather have the ability to have and take offsite improvements."

Gecker added that the bill, in its current state, made it nearly impossible and proposed to Watkins, "Take out the prohibition for offsite improvements to allow us to build in advance."

Watkins replied that the bill is being revised. "Frankly, it's being negotiated with latitude in terms of the impact fee according to the size of the locality," he said.

Matoaca district supervisor Marleen Durfee pointed out that the interest in impact fees now begs the question why now is it considered an advantage. "The fiscal impact we have to address hasn't even been looked at ... there are a lot of concerns with this," she said. "I commend Mr. Warren and the administration to come to grips with the proffer system that needs work."

"I would say not just this draft," Gecker said. "It is appropriate thing with a systemic thing like this, to take a year to work given the nature of the bill. The last minute introduction of the bill, and no contact with the county at all, I'd say not only passage in its current form, but this year."

Durfee concurred. "We need to look at the bill in its entirety," she said. "I'm going to speak for myself to send a message to local legislators: We need long-term solutions, not fixes, for transportation and adequate facilities."

In a unanimous vote, the five Chesterfield County board members voiced opposition to Senate Bill 768 and encouraged Chesterfield County School Board and other partners to oppose passage of the legislation before the General Assembly.

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