

February 11, 2015, at 7:00 p.m.

CONSENT AGENDA (cont'd)

Vote was as follows: Yeas: Pattie, Shull, Wills, Moore, Bragg, Karaffa and Pyles

Nays: None

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Wills: Courthouse Relocation – He and Chairman Shull met with Staunton this morning. Mr. Coffield had produced some costs prior to that meeting. He felt that it was a good meeting from the standpoint that Staunton expressed a desire to participate financially if the Circuit Court would remain in Staunton. No numbers were provided at the meeting. They needed to have a consultant determine what would be available through tax credits and other grants that may be available because of the historic nature and the preservation of jobs in the City. As a summary of the meeting:

1. Staunton will need to spend money to get the information needed before providing Augusta County a firm number.
2. Staunton committed that, if tax credits were not enough for its contribution, they would be willing to add to it. They kept referring to 25%. The Chairman and he said they were unsure of that being in agreement with the Board. Regardless, it would have to make "economic sense for us". They did not want to spend money unless "we were willing to give it a fair and open hearing".

In looking at Mr. Coffield's report, the question, as a Board, needs to be "Are we willing to spend money in Staunton and not have the modern up-to-date facility that we would have if we built new?" The other item to be considered, if we remain in Staunton, is there a possibility to consolidate the court system, which could result a savings to both committees. He told Staunton that what had to come off of the table was removing the Courts Complex from the County's Comprehensive Plan. He did not want to commit to a future Board because he did not know what would happen in the future. That was not an item for discussion.

In order for Staunton to proceed, discussion tonight needs to be whether the Board is willing to let Staunton look into tax credits to offset their financial commitment to keep the courthouse in Staunton or if the Board chooses to move forward with the relocation to Verona.

Chairman Shull added, that in talking with Staunton regarding consolidation of the courts, they understood that two courtrooms per level would be needed, with an additional court room for further growth. A question was asked if there was enough space downtown for this. The parking situation would have to be considered. They noted that consolidation was not a new issue.

Mr. Coffield explained that backup information was provided for his handout. There were three different studies – Moseley Master Plan Reports (1998, 2000, and 2008); Dewberry Report (2007 – City of Staunton paid for); Frazier Report (2012 – Augusta County Board of Supervisors paid for). He added that, from his review, comparing Staunton and Verona, it is roughly \$24 million versus \$25.2 million when looking at 70,000 to 80,000 sf. If built for the future (Master Plan long-term), 100,000 sf should be

February 11, 2015, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
Courthouse Relocation (cont'd)

considered. Mr. Coffield noted that the Dewberry Report had issues. The reason it was never finalized is they proposed that the 1953 Court Office Building and the 1983 Jail addition be torn down and to rebuilt on the same site. The difficulty and cost of demolishing a structure over a live stream was discussed in 2007 and not reflected in the cost estimate. Conversely, Mr. Coffield noted that the \$25.2 million for building at the Government Center does not include the road and parking lot costs.

Information was distributed to the Board regarding the following:

AUGUSTA COUNTY COURTS

Staunton		Augusta County	
Circuit @ 23,991 sf per Frazier Report		Circuit @ 34,000 sf	
Const.	\$8,120,778	Const.	\$ 9,384,000
A&E	568,454	A&E	568,456
Soft/Misc.	<u>812,078</u>	Soft/Misc.	<u>812,078</u>
	\$9,501,310		\$10,764,534
Gen.Dist./J&D/Com. Atty. @ 45,196 sf per Dewberry Report		Const.	\$12,476,096
Const.	\$12,476,096	A&E	873,326
A&E	873,326	Soft/Misc.	<u>1,122,849</u>
Soft/Misc.	<u>1,122,849</u>		\$14,472,271
	\$14,472,271		
	<u>\$23,973,581</u>		<u>\$25,235,805</u>

@69,187 sf (cost per sf \$347)	@79,196 sf (cost per sf \$319)
Circuit Court/G.D./J&D/Com.Atty. @ 100,000 sf per Moseley Report	
Const.	\$32,360,000
A&E	2,265,000
Soft/Misc.	<u>4,236,000</u>
	\$38,861,000

Notes:

1. Difficult to compare three separate reports, i.e., Moseley, Dewberry and Frazier.
2. A&E @ 7%
3. Estimate for rebuilding G.D., J&D & Commonwealth Attorney offices/courts in Staunton does not include demolition costs or costs to rebuild over an active stream.
4. Estimate for Courts Complex @ Government Center includes additional cost for road access and parking.
5. Estimate for Courts Complex @ Government Center includes 100,000 sf (Moseley Master Plan) vs. the 69,187 sf estimated by Dewberry and Frazier reports. The additional 30,813 sf would be for future growth, full security, ADA and Energy Code compliance.

Estimates are based on 2012 projections (w/o escalation).

Mr. Karaffa made the following comment:

The conversation we keep coming back to is about the future, not about the present, and not about a bandaid. I spent a weekend at the VACo conference in Richmond and one of the things that was very much highlighted was how much the State is pulling back on local funding and how much the localities are going to need to be dependent upon themselves to offer services that our citizens expect. It is encouraging to me to hear that Staunton is willing to look at regionalizing our court system. When I was first put on the Property Committee years ago and grabbed onto the third rail as to this courthouse, with Dave looking at the Frazier Report, I don't think we even realized the scope of where this could bring us. If we are looking to the future, I think we need to seriously talk about regionalizing the court system and where would that best be done. Downtown Staunton is landlocked all the way around. I don't think anybody wants to see our historic court building torn down. I think the community would like to see good use be put to that building that we all could be proud of; however, it would just no longer be where

February 11, 2015, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
Courthouse Relocation (cont'd)

we would hold our court. Here, at Verona, we have our infrastructure and ability to provide services at an efficient cost. The Jail is here; the Bail Bondsman is here; our Sheriff's Deputies are here. We could explore other combined efforts with Staunton as a region and save on efficiencies as we continue to face hard times ahead that are being proposed by our State government. I don't think it unreasonable for us to continue forward with looking at a referendum and with looking at a courthouse in Verona; however, we may need to start changing the scope of what we're thinking about and look to the very real possibility that this may be a regional courthouse.

Mr. Pyles made the following comment:

I look at these numbers and see we really need this. Did we get the Judge's okay to go forward with a referendum?

Mr. Coffield said the Judge has asked some questions of Mr. Morgan. There is a legal question regarding moving the circuit court and leaving the other courts in Staunton. Would the General District and Juvenile Court have jurisdiction if they remained in Staunton? This question needs to be resolved before the Judge makes a decision.

Mr. Pyles' continued comments:

We need his support for this referendum. When you look at this, you say the 79,000 sf, where we're adding no space to Circuit Court, to add another courtroom in there, doesn't seem a practical approach. When the Judge wanted two, and when we did the study, we said that we could not do two. You would have to rip up our plans and start over and try to make something work—maybe, put a third level on the courthouse. I don't think you can make it work. I think it sounds good, but I don't think you can make it work. In adding another courtroom, it is not practical; space is not available. The whole problem is when you get into these other things, you don't know what you're going to run into, whether it be the river below or if we ran into something here, or this collapses, or this doesn't work; it's a difficult thing. There is a challenge there. We just went through this with our schools. We heard over and over again, 'Doing the old stuff, you know, it's going to be about the same price.' But at the end, you're not going to have something that is as good or as big to go with the new versus the other. Then I look at what the difference will be. I believe when it is all said and done, maybe, there is \$10 million difference, but you are getting 20% more space. I think you can get the prices down. I'm sure our schools are not going to be \$18.6 million for those schools out there. There's a lot of fluff in these kind of numbers. I have every belief that it will be less than this; but when you get done with it, you look at what the difference is and how much more you have and what you're going to have to worry about in the future, and then you throw in the value that you have for having the courts here and making this the center of government, the efficiencies and the simplicity for our citizens in how they can park close and go up, I think there is a lot of value there. One of the main things I come back to, people are making commitments, 'Oh, we have to watch out for Staunton; they're good folks.' Verona are good people, too. When this jail came here, the Juvenile Detention Center came here, the people are saying, 'We would like to get some of the gravy, too. We would like to have the courts to bring in business, not just the few folks that come to visit their incarcerated family members and have a few meals, but the courts and judges and all that here, too.' When we look at all of it, I still believe our best choice is to go forward with the referendum and get input from the people. Now, as far as Staunton goes, what they need to do is we said, as a Board, there might be some other things going on, 50%. I think they should, you know, they could say, 'tomorrow, we'll do 50% and we'll either get it from tax credits and all that sort of stuff we get, or we'll make it up'. But is it 50% for just the \$10 million, or is it 50% for the \$25 million? To me, it is the same question on both of them. They can do that and tell us and we can put that into our considerations and, when it comes to the referendum, they could make a great presentation to the people and say, 'We're willing to give half this money. We'll do that'. That will make it harder for us if they're willing to say that and stick to it. They still can be at the table, but my belief is we need to go forward and we need to get a design built, or whatever for this thing, and get a price tag on it because I think that's where we will know what we're doing then. I think we can make the

February 11, 2015, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
Courthouse Relocation (cont'd)

case to the public that says, 'This is what you're going to have. This is what it is going to cost' versus this cost where we're tied into a very small area without parking, without convenience, without any room for growth.

Mr. Wills added:

I neglected to say in the conversation this morning. They did say that if we were coming to Staunton, they would immediately begin work on the J&D themselves. It was their responsibility to come up with the J&D. We should not have to do anything, I think, in talking, having to do anything in the General District. If we moved the J&D and stuff out of their offices, I think that is going to take care of what we need in that building. I don't see having to do anything there. The question that I have, in looking at in fairness, is back to your question. If the difference of spending \$10 million or spending \$25 million, and having everything here, is that something our citizens will accept? We go into it with a risk. We go into it, as if we lose the referendum, then we have to spend the \$10 million in Staunton and don't get any help out of it.

Mr. Pyles added:

That's why I'm saying that if they want to defeat the referendum, they will need to come forward and say, 'We will do this'. If they say they're not going to do anything if we lose, they got us. I think that just gives us more votes. Are you saying we won't have to spend the \$14 million?

Mr. Coffield's response:

Since 1990, and more recently after the Jail, Juvenile Detention Home, and the Sheriff moved here, we put \$1.2 million in the second round of renovation at the old County office building. In the 2003 study, we said that was a 10-15 year fix. If J&D moved out, the judges' offices and conference room could be given that to the Commonwealth Attorney so that all of his people would be together. That would be functional space for him to use. He would like to be on the same floor. He also said if you came to Verona, he would like to be with the courts. If you're going to leave J&D and General District down there, and the Circuit here, then you are going to have to travel wherever you are. The Juvenile Probation and Parole is separate from the J&D Clerk's Office. They are on the third floor of that building. They could take the whole third floor and have room for expansion. The third floor is a nice office. That's better than the other two floors. I think, what we did with the Sheriff's part, where the Commonwealth's Attorney is, is functional space and it could last another 10-15 years. The point was I could see the Commonwealth's Attorney and Juvenile Probation staying there and, if Juvenile moves out, that leaves all of second floor and first floor for General District, so we have space for two medium-sized courtrooms and one small courtroom for General District and that should be adequate for the next 10-15 years.

Mr. Pyles' response:

Pat, you have me very confused. We have \$14 million down here. Are we going to have to spend it, or not?

Mr. Coffield's response:

I think in the next 15 years, you will. The point, Mr. Wills said, we don't have to do it today.

Mr. Karaffa's comments:

You know, we don't even plan schools for 10-15 years. It makes no sense to plan them in such a short period of time because it is such a large outpouring of capital. Somebody tell me if I'm wrong; do we build schools to only last 10-15 years?

February 11, 2015, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
Courthouse Relocation (cont'd)

Mr. Pyles' response:

We try to keep something going that long after they're built. What I'm getting at is trying to understand if it is just 10-15 years, it's not real numbers. When is Staunton going to let us know what they're going to do? Are they going to charge us if we use their facility?

Mr. Coffield's response:

Prior to 1990, the J&D Court was up on New Street in a city-owned property. When the courts moved into the old County offices, we renovated that space to courts. Part of the basement, all of the first floor, and part of the third floor was earmarked for J&D. We own the building and renovated the space and rent it back to us and Staunton.

Mr. Pyles' response:

Whenever they do whatever they're proposing to do, does that mean we start losing rent and start paying rent?

Mr. Coffield's response:

If my scenario holds true with Juvenile Probation and Parole staying in our building, then Staunton would pay half of that rent. If they built or leased J&D Court space, we would pay half of that rent.

Dr. Pattie's comments:

I love the aspects of the regional. On this Board, I proposed merging our governments, merging our schools, merging our school bus and creating a formula for future negotiations. My general preference has always been to keep the courthouse in Staunton, but, based on the last offer, I just saw no decision but just to move forward on the referendum. One of the ideas that has been floated in the past, and I think should be considered, is there are two buildings next door to the court that could be purchased. We have that one bank building that has a lot of parking outside of it and, maybe, that would alleviate some of the problems. Kind of following up on Mr. Pyles' comments, we need a concrete offer. We need to know all these ambiguities; they need to be written down. Whatever percent, whatever contribution that is going to be made, needs to be made. It needs to be written down. I think, for the taxpayers, let's say if we want to do all of this, and it is \$24 million, and Staunton is going to pay 50%, it is much easier case to go out to the taxpayers and say we're paying half and going to renew it for another 25-30 years or so and that will take care of it versus if they're not going to pay anything, I think, the decision is easy to bring it out to Verona.

Mr. Wills' response:

I would say, basically, what we're talking about is their percentage is on the Circuit Court building and they would provide adequate facilities for J&D that the courts have been pushing for. But they would not be participating in this \$14 million that you see here other than the facility of the courtroom for the J&D. I guess the question, tonight, is this Board willing to look at an offer if they put something in writing? Are we willing to look at the offer? Is it something, no matter what the offer, we think we should come down here to get better use of the facilities and better accommodations for our citizens? That's the kind of questions that are on the table.

Mr. Karaffa's response:

We still haven't addressed the other reasons we talked about coming down. That was with full security measures and ADA. That still weighs very heavily. When I speak to voters, that are in my district, security means a lot to them.

February 11, 2015, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
Courthouse Relocation (cont'd)

Mr. Wills' response:

We did talk about those very things and that really is what brought up this discussion is to come back tonight for an answer as to whether it is worth them investing dollars or whether we feel like, that because of security issues and parking issues that we need to go to Verona. As I told them this morning, basically, anybody that has any type of mobility problems, whatsoever, the courthouse in Staunton, where it is, is a nightmare. You can drive through the alley and drop somebody off, but if somebody comes in and don't have somebody to drop them off, they have to walk a block and a half to get there. Even with the upgrade, you are still dealing with it. Security—I want to know what we're giving up in the security things because, to me, that is an issue. I still haven't gotten a good answer as to what we are going to give up in security and what we're giving up in ADA. If we're giving up energy efficiencies in the building, what are we giving up in operating costs? These are all something that I want to see numbers on before I make a final decision. Again, I am willing to listen to what Staunton might put on the table, but, beyond that, I am not willing to commit to anything at this point.

Mr. Pyles' response:

We waited over 10 years for a response. We got zero. Now, when there is a gun to their heads, they are saying 25%. They are still trying to negotiate and penny-pinch. Our request, at the beginning, was 50%. It would be my suggestion to them that they make a commitment, without spending money to get a study of what they can get in tax credits, to come back and say, 'We will do the 50%. We'll make it work'. Then we'll have that to work with as we go forward and decide these other things. But if they ask us, 'Well, will you let us work on 25%?' If we said, yes, we're waiting to hear that, it gets kind of like we're waiting to take that. My sense of the Board is that we aren't ready to do 25%. We hadn't had that from the beginning; we were 50%, and we were firm on that. If they want to bring that to us; if we have that to compare; I think that's the right thing to do and then do the evaluation. As Dr. Pattie said, when it was zero, it was a lot easier to do. If it is 50%, it is a little harder. Let's see, in the long run, what's the best thing. They don't need to do a study; don't have to put any money out, saying, 'We will commit to 50%. We'll make it work'. They don't have to do anything but have the will to do that.

Mr. Wills' response:

Part of the 50%, obviously, would be tax credits. Ms. Whetzel and Mr. Fitzgerald went to a meeting last week in terms of how the tax credits work and the LLC that would be required. I would like for them to explain to the Board a little bit of what they heard. Would our Board be willing to work with Staunton tax credits if we have to go through this procedure? The question is going to be if we can put the building into an LLC owned by our Economic Development Authority, are we willing to do that? This Board has always been opposed to tax credits in any form, but if this is the way it would work, is this something that Staunton can utilize to come up with the dollars that they would be willing to commit to us?

Dr. Pattie's response:

Your initial question was are we open to an offer? I think echoing to Mr. Pyles' and some of your comments, yes, we are. I am as long as it is a concrete offer, not something fuzzy. We need to know financial decisions so that we can make a decision based off of that.

Mr. Wills' response:

Can they use tax credits as part of that?

Dr. Pattie's response:

I don't have any problem with that. If they can cover 50%, they can cover it.

February 11, 2015, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
Courthouse Relocation (cont'd)

Ms. Bragg asked if Dr. Pattie was in favor of an LLC. Dr. Pattie said it was not ideal, but if is a concrete offer, it will work. Chairman Shull said the LLC would be in Augusta County. Ms. Bragg asked how long it would remain an LLC. Mr. Fitzgerald said it would be a minimum of 5 years.

Mr. Moore felt it to be the County's best interest to move to Verona and he supported continuing with a referendum.

Mr. Karaffa agreed.

Mr. Pyles felt that they needed to continue with the Judge to get approval. "It will be harder convincing our folks if we haven't listened a little bit to a solid offer. We need to proceed with the referendum. The train is moving. If they want to run and catch up and give us an offer, we can't turn it down."

Mr. Wills asked at what point could the referendum be stopped.

Dr. Pattie said that they should pursue both paths until a decision is made.

Mr. Moore questioned that if the voters said they wanted us to move to Verona, why wouldn't we move to Verona? "It's their courthouse, not ours."

Chairman Shull felt that the consensus of the Board was to continue on with the referendum and is also willing to listen to a solid offer. Guarantees and details are needed. Dr. Pattie added that it has to address all the courts, not just one. Mr. Pyles added that the Board needed a quick response. It should be considered at the next Council meeting.

* * * * *

MATTERS TO BE PRESENTED BY BOARD (cont'd)

Ms. Bragg: Mike Fitzgerald, ACSA employee, lost his house to a fire – Eagles and Augusta County Service Authority are having a benefit on Mr. Fitzgerald's behalf this Sunday at Expo from 12:00 noon to 7:00 p.m.

Chm. Shull: VACo meeting – "Crazy laws in Richmond! It's no wonder that we have to spend so much money locally." Otherwise, a good trip to Richmond!

Mr. Moore: Route 636 Grand Opening and Bridge Naming Dedication – February 20th @ 10:00 a.m.

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. ECC Grant (PSAP) – awarded \$18,000 for radio consoles replacement project
2. Government/Hospital/Board Social at Augusta Health – April 8th – 5:00 p.m. to 6:30 p.m.

* * * * *

February 11, 2015, at 7:00 p.m.

CLOSED SESSION

On motion of Mr. Karaffa, seconded by Mr. Wills, the Board went into closed session pursuant to:

- (1) **the personnel exemption under Virginia Code § 2.2-3711(A)(1)**
 [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

A) Personnel

* * * * *

On motion of Mr. Wills, seconded by Ms. Bragg, the Board came out of Closed Session and adjourned subject to the call of the Chairman.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Bragg and Pyles

Nays: None

Motion carried.

* * * * *

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

- 1. Public business matters lawfully exempted from statutory open meeting requirements, and
- 2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

AYE: Pattie, Karaffa, Wills, Moore, Bragg, Shull and Pyles
NAY: None

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

* * * * *