

A special meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 24, 2016, at 6:00 p.m., Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia. The meeting was called by the Chair, Ms. Palmer, for the purpose of allowing a quorum of Board members to convene, to act on a motion to go into a closed meeting as authorized under Virginia Code § 2.2-3711 to discuss the negotiation of an agreement for, and the possible relocation of court facilities, and to reconvene in a public meeting.

PRESENT: Mr. Norman G. Dill (arrived at 5:10 p.m.), Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph, and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Greg Kamptner, Clerk, Claudette K. Borgersen and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 5:01 p.m., by the Chair, Ms. Palmer.

Agenda Item No. 2. Closed Meeting.

Mr. Sheffield **moved** that the Board conduct a closed meeting pursuant to Section 2.2-3711A of the Code of Virginia under Subsection 7 to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for and the possible relocation of court facilities, and the role of the Planning Commission in citing public facilities. Ms. McKeel **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Ms. Mallek and Ms. McKeel.

NAYS: None.

ABSENT: Mr. Dill.

(Note: Mr. Dill arrived at 5:10 p.m., during the Closed Meeting.)

Agenda Item No. 3. Certify Closed Meeting.

At 6:04 p.m., Mr. Dill **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

Agenda Item No. 3. Call to Order. At 6:05 p.m., the Chair, Ms. Palmer called the meeting back to order.

Ms. Palmer introduced the presiding security officer, Corporal Tim Carrico, County Attorney, Mr. Greg Kamptner, County Executive, Mr. Tom Foley, Deputy County Executive, Mr. Bill Letteri, and Director of Facilities and Environmental Services, Mr. Trevor Henry.

Agenda Item No. 4. Development Options for County Court Project and Public Comment.

The executive summary presented to the Board states that Albemarle County has been engaged for some time in a thorough analysis and assessment of the County's future court needs and the best way to meet those needs. In 2011, the Board of Supervisors authorized issuance of Request for Proposals to conduct a needs assessment and develop renovation and/or new building options for the provision of court facilities, to include the Circuit, General District and Juvenile and Domestic Relations Courts. The results of that study initiated the very focused effort underway since then, involving significant conversation with court stakeholders and representatives from the City of Charlottesville as various options have been identified and evaluated.

Given the status of discussions with the City and the results of various studies and analyses since 2011 regarding potential expansion options, the Board of Supervisors feels it is now appropriate to schedule a public review and discussion of potential options with an opportunity for public comment. Court stakeholders have had various opportunities to provide feedback on the Court expansion project. The Board is particularly interested in giving County taxpayers an opportunity to review the identified options and provide comment as the court expansion project reflects a very major investment of County funds and is in fact the most expensive project in the County's Capital Improvement Program budget.

The Board of Supervisors directed staff to present information on available expansion options at a special meeting scheduled for October 24, 2016. This meeting will provide an overview of major milestones in the evaluation of options since 2011 and a review of information for each expansion option. Complete background materials related to the court project are posted on the County website at www.albemarle.org/courts. Members of the public will have an opportunity to provide comments to the Board as part of this meeting.

PLEASE NOTE: Court Development Options (attachment B) and Comparison Matrix (attachment C) have been updated as of October 21, 2016 to reflect more precise cost comparison related to phasing between options one and four.

The purpose of this meeting is to share information on the five identified court expansion options with the public and provide an opportunity for feedback as the Board determines its preferred direction. Staff will provide background on the key characteristics, opportunities and challenges associated with each alternative.

Project Justification: A Courts Master Plan Study completed by Dewberry Architects in 2012 (available at www.albemarle.org/courts) demonstrated that the County's court facilities are inadequate in size and quality to meet present and projected future court needs. Security and space concerns include insufficient courtroom space, multiple unsecured access points, poor circulation/separation of activities, lack of public waiting space and inadequate ADA compliance. Other issues include inadequate storage and growing maintenance requirements. The study findings were presented to the Board in February, 2013, which initiated the series of major actions listed below.

Project Background (full milestone timeline is provided as Attachment A): The Board of Supervisors and County staff have been engaged in an extensive process of study and analysis of potential development options for the Court expansion project for a number of years, with the most active phase beginning in early 2013 with the presentation of results of the Dewberry study. That study identified expansion options for the existing downtown location and for possible relocation of the Courts into the County. After receiving feedback from the most impacted court stakeholders, including the Judges, Commonwealth Attorney, Sheriff, Public Defender and Clerks, the Board directed staff to focus on the downtown option and to work with the City on resolving issues including the need for additional parking. These County/City discussions continued through 2013.

Following the election of new Supervisors in November, 2013, the reconstituted Board held a work session to consider all the options that had been identified in the 2011 Dewberry study and again discussed those options directly with Court stakeholders. The Board directed staff to pursue both the downtown and the potential County site options to determine how best to meet community needs and to maximize the value to County taxpayers. A County/City subteam was formed and met a number of times to talk about the possibility of co-locating the General District Courts and potential parking solutions, and a joint feasibility study was conducted. This study led to the concept of co-locating the General District Courts as outlined in Option 1, however Court parking issues remained unresolved. These efforts continued through early 2016.

In early 2016, with two new members on the Board of Supervisors as a result of the 2015 election, the identified options for Court expansion were again discussed. For the next six months, representatives from the County and City met to develop various options that were considered by the Board and City Council. Also during this time, the Board identified urban redevelopment/revitalization and related economic development as the top priorities of the County's FY17 – 19 Strategic Plan. These priorities emerged as very important factors in how options were developed and considered by the County, as the Courts expansion project became an obvious opportunity for major strategic investment in furthering economic development possibilities in the County's urban areas. Finally, on October 12, the Board asked staff to bring the five developed options to a public meeting on October 24 to allow for a full review and discussion of the opportunities and challenges presented by each option, with time for public comment provided.

Expansion Options:

Based on extensive review of court needs and reasonable options for location/relocation, staff has identified and developed five Court development alternatives for consideration as listed below. A full review of each option is provided as Attachment B.

- *Option 1 – Downtown/Levy* – renovate Levy Opera House, demolish an existing building and construct a new three story Court facility on Levy site to accommodate General District court needs for the County and City, and renovate existing County Circuit Court building at current Historic Courthouse location.
- *Option 2 – City and County General District Courts Co-location at COB McIntire* – construct addition at COB McIntire to accommodate General District Court needs for the County and City, and renovate existing County Circuit Court building at current Historic Courthouse location.
- *Option 3 – County General District Court at COB McIntire* – construct addition at COB McIntire to accommodate general district court needs for the County; County Circuit Court renovation at current Historic Courthouse location.
- *Option 4 – County General District and Circuit Courts at COB McIntire* – renovate existing COB facility and construct larger addition at COB McIntire to accommodate County General District and Circuit Courts.
- *Option 5 – County General District and Circuit Courts to new location in Albemarle* –

construct new court complex at a site to be determined in Albemarle County

Evaluation Criteria:

Staff has undertaken significant assessment and analysis to understand and quantify potential challenges and opportunities associated with each of the identified expansion options. The list below reflects major criteria for comparing the merits of each alternative. A full evaluation matrix is provided as Attachment C.

- project costs
- parking availability
- convenience for court stakeholders and county residents
- operational efficiency for courts and county administration
- economic development potential for county taxpayers
- support of county strategic and policy priorities
- historic courthouse preservation
- future expansion possibilities

In addition to these criteria, the matrix outlines critical implementation factors that must be considered for each alternative.

The total CIP request for the Courts Project is approximately \$47 million over a seven year period based on the original downtown Levy renovation/expansion option, budget impacts of other alternatives are included in the matrix in Attachment C and will be presented as part of this discussion.

Staff recommends that the Board discuss and consider the information presented on expansion options and provide direction regarding the preferred location and next steps.

Mr. Foley addressed the Board. He stated that after five years of study by staff and architects, Board review and consideration, discussion with City of Charlottesville and downtown stakeholders, he will now provide a comprehensive review of the five distinct options under consideration for the future needs of County courts. He said that while most of the review has focused on the downtown option and issues, such as parking challenges, recently they have taken a more comprehensive and strategic look at options to meet court needs, which has led to broader options. He said it is important to review why the County is looking at multiple options outside of downtown instead of just solving the parking issue with the City of Charlottesville. Mr. Foley noted that expansion of County courts represents the single largest investment of taxpayer dollars in over 20 years and that a project of this cost has not been considered since the 1970s. He stated the cost range will be from \$27-\$40 million, and cost is a main factor in considering broader options. He said a second factor is the County's urban development and redevelopment and revitalization as strategic priorities, and commented that by spending tax dollars in urban areas of the County, there is an opportunity to meet this goal as well as to meet the needs of the courts. He added that the County has spent 10 years working on the Comprehensive Plan and envisioning new, urban places to address needs of the future.

Mr. Foley stated that a third factor includes the creation of denser development and economic development with a focus on building the commercial and industrial tax base, which are essential for the future economic health of the County. He said this could be an opportunity to serve as a catalyst to spur economic development and growth in the County tax base through a public-private partnership, noting that strategic thinking and taking advantage of opportunities to leverage investment with economic development will be critical to growing the tax base so the County will not have to raise taxes year after year. Mr. Foley emphasized that the consideration of options outside of downtown is not due to a disagreement about parking, and the City has been a good partner over the past 6-10 months in trying to negotiate a parking solution, offering 100 parking spaces under various terms. He said that staff has conducted a comprehensive assessment of cost and opportunities for five distinct options, and noted that Trevor Henry, Director of Facilities and Environmental Services, will review the five options under consideration.

Mr. Trevor Henry introduced himself and said he will review the reasons for consideration of various options, the timeline, and the five options. He explained that in 2011, the Board instructed staff to submit a request for proposal (RFP) to evaluate the courts, and the firm of PSA Dewberry was selected. Mr. Henry reported that the evaluation was to review physical conditions of facilities and to consider caseload and growth trends, as well as evaluate costs. He said the study demonstrated a need for court expansion to two courtrooms for the General District and Circuit Courts, with potential need for a third General District Court in 15-20 years. Mr. Henry said the last major renovation of the Court Square facility was in 1986, although some minor upgrades have been done since then, and some systems are approaching the end of life, with accumulating maintenance needs. He used the elevator shaft as an example, as it will cost \$500K to replace, and said that timing is important in terms of funding allocation. He noted that the study also found that facility security should be modernized and improved to better separate judges from defendants and the public. Mr. Henry displayed a slide showing a list of areas for improvement, including circulation/separation of activities, multiple access points, insufficient courtroom space, insufficient public waiting space, Americans with Disabilities Act compliance, parking, storage, and maintenance.

Mr. Henry discussed the concept of a "court set," which represents the courtroom as well as related facilities, such as waiting areas, jury room, judges' chamber, holding area, etc. He reminded the Board of a court study conducted in 2001, which led to the County and City's acquisition of the Levy property, including the building, parking lot, Jessup House, and parking on Seventh and Market Streets.

He stated that this acquisition led to a later Juvenile and Domestic Relations court construction project co-funded by the County and City. Mr. Henry reported that in 2010, the City and County hired Moseley Architects to conduct a small study on the Levy facilities and considered whether they could accommodate future growth, particularly that of the General District Court. He noted that at the time the study projected City court caseloads were to remain stable, so the City decided not to pursue a joint court expansion project with the County.

Mr. Henry showed a timeline of the study. He reported that in 2013, staff reviewed findings with the Board which directed staff to meet with stakeholders, including judges, the Commonwealth Attorney, clerks, the Sheriff's office, and representatives of the bar association. He said at this point it was determined that the focus would be on a downtown option, and staff was directed by the Board to solicit appraisals. He said that in March 2014, the Board was provided a progress update as there had been a significant change in membership, and he noted that this Board requested a joint meeting with the City of Charlottesville to include stakeholders. He described a joint City/County Board meeting in July 2014 as the "game changer," as they each assigned two members to form a steering committee to review options and hired Moseley to provide options that could satisfy both City and County needs at the Levy facilities. He said in July 2015, they presented an option that utilized Court Square, Levy and downtown facilities that was accepted by the steering committee and is the current basis of the CIP. Mr. Henry added that in May 2016, the Board directed staff to reconsider the County Office Building as an option.

Mr. Henry listed the five options as follows: 1) Downtown/Levy: renovate Levy Opera House and construct a three-story General District Court. Renovate and modernize the Albemarle Circuit Court complex. 2) Relocate portion of General District Court at the County Office Building: construct a three-story addition and partially renovate McIntire County Office Building, renovate and modernize the existing Albemarle Circuit Court complex, and partial relocation of government operations. 3) Albemarle General District Court at County Office Building: construct a three-story addition to County Office Building, renovate and modernize existing Albemarle Circuit Court complex. 4) Albemarle General District and Circuit Courts at County Office Building: construct a three-story addition and partially renovate the McIntire County Office Building, substantial relocation of government functions, 5) Construct a new Albemarle General District and Circuit Court in the County.

Mr. Henry said that Option 1 is the current basis of the CIP and the favorite of stakeholders. He said that Options 1 and 2 involve the City of Charlottesville participation and Options 2-4 utilize the County Office Building. He stated that Option 5 assumes there will not be a need for land acquisition. He displayed a slide that listed the key characteristics of Option 1 as follows: maintains courts in central, historic downtown location; final parking accommodation is not yet negotiated; no economic development; most convenient option for downtown stakeholders; improves operational efficiency; minimal opportunity for future phasing; does not support County strategic redevelopment/place-making priorities; requires legislative approval. Mr. Henry noted that the total net project cost of Option 1 is \$39.7 million, and one cost driver is that costs of construction are higher in urban locations. He stated the General District Court in the Levy Building would have a lower level with 10 parking spaces and holding cells for the Sheriff; the ground floor will provide office space for County and City Clerks; the second level would have a mirror image court set, with one for the City and one for the County; the third floor would mirror the second floor, with additional space for future expansion that could be used as office space until it is needed. Mr. Henry summarized that this project would house four courts, two clerks, and the Commonwealth Attorney's office, and the modernized Circuit Court at Court Square would have two court sets.

Mr. Henry next provided highlights for Option 2: the General District County would have two court sets for the County and one for the City; Circuit Court at Court Square would have two sets; and a new office building for the County would house displaced functions. He said it would include space for both County and City clerks and the Commonwealth Attorney's office. Mr. Henry cited a list of characteristics that included the following: maintains courts in downtown location, no parking challenges, high economic development value to the County, relatively convenient option for downtown stakeholders, operational efficiency for joint courts with the City, opportunity for future phasing, opportunity to support County strategic redevelopment/place-making priorities, and requires legislative approval. He reported that the total net project cost for Option 2 is \$37.7 million. He stated that approximately 35,000 square feet of County office space would be lost, and another location would have to be found for displaced staff. He said that Option 2 was discussed with the City of Charlottesville, but the City prefers Option 1.

Mr. Henry reviewed Option 3 and the main highlights, including two court sets for Albemarle General District Court and two court sets for the Circuit Court at Court Square. He pointed out the key characteristics as follows: maintains court in downtown location, no parking challenges, economic development value to the County based on Board direction/use of savings, relatively convenient option for downtown stakeholders, does not provide operational efficiency for joint GD courts, opportunity for future phasing, opportunity to support County strategic redevelopment/place-making priorities, and requires legislative approval. He reported the total net project cost for Option 3 is \$27 million, noting that this is the least costly of the five options, as it is one of the smaller in terms of square footage and uses a lot of the existing structure.

Mr. Henry reviewed Option 4, stating that it uses the same amount of square footage as Option 2, but only uses it for County functions. He presented a slide listing the highlights as: three court sets for the General District Court, two court sets for the Circuit Court, and a new County office building for displaced functions. Mr. Henry mentioned key characteristics as: maintains courts in downtown location, no parking challenges, high economic development value to the County, a relatively convenient option for downtown stakeholders, does not provide operational efficiency for joint General District courts, opportunity for future phasing, opportunity to support County strategic redevelopment/place-making priorities, and

requires a voter referendum. He said the Sheriff and Commonwealth Attorney's offices would be housed within, and 40,000 square feet of County office space would be displaced. He reported the total net project cost for Option 4 is \$32.85 million.

Mr. Henry reviewed Option 5 and presented a slide showing highlights that include two General District Court sets, two Circuit Court sets, and the Sheriff and Commonwealth Attorney's offices. He described the key characteristics as: move courts to a site in the County, no parking challenges, highest economic development value to the County, least convenient option for downtown stakeholders, lack of operational efficiency for joint General District Courts, opportunity for future phasing, supports County strategic redevelopment/place-making priorities, and requires a voter referendum. Mr. Henry reported the total net project cost for Option 5 is \$30.9 million, noting that staff recently adjusted the cost estimate based upon cost data from a nearly completed court complex construction in Hanover County, which was approximately \$350 per square foot. He stated the estimate for the Albemarle County court complex is around \$400 per square foot with adjustments for timing, and a smaller footprint and does not include costs of land acquisition.

Mr. Foley addressed the Board. He pointed out that Option 5 is less expensive than the other options, and there would be additional savings as they would save on interest payments with less debt service. Mr. Foley stated that most of the options call for public-private partnerships to accommodate the court system or County offices and explained the concept. He said the cost savings of building a new court complex in the County, when compared with the cost of renovating downtown facilities, are proposed to be reinvested in the County to serve as a catalyst for mixed-use development through a partnership with a private developer. He said that construction of a court complex in the County, in itself, does not spur economic development, but would if the County entered into a partnership with a developer that could include a mixed-use project of offices, retail, commercial, and other uses within a town center concept. Mr. Foley noted that they can create an attractive, urban center in the County that moves towards the vision called for in the Comprehensive Plan of a walkable, mixed-use development. He described a potential to attract technology and start-up firms that require additional office space.

Mr. Foley said that though the idea may seem far-fetched, the establishment of urban environments that create a sense of place and expand the tax base has been done in other localities. He stated that staff has received positive feedback from local and outside developers about such a concept. He said that once an option has been selected the next phase will be to invite developers to propose ideas. Mr. Foley displayed a slide of photos of mixed-use redevelopment projects in Sewanee, GA, Burlington, VT and Greenville, SC. He next showed slides with photos of Albemarle Square Shopping Center and Berkmar Drive and artistic renderings of how they could look in the future as mixed-use, walkable, urban communities. He said that a public-private partnership with the court project could be a catalyst for redevelopment of these areas. He concluded his remarks and invited questions.

Mr. Randolph commended staff for their excellent work.

Mr. Dill described the issue as being multi-faceted with many things to consider. He said that some public-private partnerships are successful and some are not, stating that the idea of a court complex to spur economic development is not an intuitive one. Mr. Dill emphasized that it cannot be assumed that people going to court will want to go shopping or see a movie, and this should be carefully explored, though he does not wish to be seen as "picking on" this idea. He stated there is plenty of office space in the County, in areas such as Pantops, but many businesses prefer to be downtown, and he believes it will be difficult to create a downtown mall type of environment in the County. He described the long history of Court Square and the respect and ambience it creates, questioning whether that sense can be created with a court located in a shopping center.

Ms. Mallek asked Mr. Foley if he has any detail about the Hanover County court complex, as cited by Mr. Henry, that he could share with the Board. Mr. Foley responded that the Hanover County facility was not constructed as a mixed-use development, though it was used as an example to create a cost estimate for a new court complex. He cited a court and mixed-use development in James City County outside of Williamsburg that he has visited as a good example of what they may wish to achieve in Albemarle, stating that he would share this information with the Board. He said the same developer has visited Albemarle County and researched the local market and would be interested in having discussions if the Board decides to go with this option.

Ms. Palmer asked Mr. Henry to confirm that Option 5 does not include the Juvenile and Domestic Relations Court in the 85,000-square-foot estimate, and that it will remain downtown at its present location. Mr. Henry confirmed this.

Ms. Palmer commented that there is a level of inefficiency with this, expressing concern that it would take a considerable amount of time to decide what to do with this situation and expects the County will have to spend resources for interim shoring up. She asked Mr. Henry to comment on this. Mr. Henry replied that recent work has been completed to expand the Commonwealth Attorney's office. He said if Option 5 is selected, the County would determine how long it would take, and his office would push for a referendum to be held in 2017 so that they would not have to do interim work. Mr. Henry stated that staff had looked at the Levy Building as an option for swing or interim space, although this facility has been mothballed from a systems perspective and it would be an investment to make it usable, even for just a couple of years.

Ms. Palmer commented that Option 5, the public/private partnership, does not include costs for land acquisition, as it assumes land will be obtained through the partnership. She said the County may

have to pay rent or lease to own or, if the land were purchased, give up tax revenue from valuable land in the development area.

Mr. Foley said that Options 2, 4, and 5 all rely on the partnership bringing land to the table, and that land costs are not included in the cost estimates. He mentioned County-owned land in Mill Creek in the southern portion of the development area as a potential site.

Ms. Palmer stated that there is an opportunity cost to giving up the Mill Creek property for a County office building.

Mr. Foley said the ideal option from the perspective of the Comprehensive Plan would be to have it in the population center, which is the Rio area where there are some larger landowners. He stated that it fits within the redevelopment scenario, though all options are on the table and the Board would have to give direction.

Ms. Palmer referenced a statement in the presentation under Option 1, that keeping the court downtown, does not provide economic value to the County. She emphasized the historic nature of the downtown courts adds value to the tourism aspect of the area. Mr. Foley responded that this is a fair comment, adding that even if they build a court in the County, the historic courthouse downtown would still remain as an attraction, although it would not have day-to-day business.

Ms. Palmer commented that it is a bigger attraction if it is in use, even though there is a cost in keeping the building.

Ms. Mallek said there are possibilities for court use by others.

Ms. McKeel stated that there are possibilities that could make it even more attractive for tourism, noting that she has received emails from constituents about the lack of public transportation options to get to the courts. She added that she envisions that a new court could provide an opportunity to consider it as a second transit hub.

Mr. Foley responded that the Comprehensive Plan envisions that any new urban place be served by public transit, and this would be essential to making it successful.

Ms. Palmer said there is a possibility that the Board will make a decision tonight on an option, or narrow the list of options.

At 7:15 p.m., the Chair opened public comment.

Mr. Michael Signer, Mayor of Charlottesville, addressed the Board. He mentioned that the last time he attended a joint meeting with the Board of Supervisors, they reached agreement on four MOUs pertaining to the environment, education, transportation, and housing redevelopment. Mayor Signer stated that the City is excited about these steps towards true regionalism and the inarguable fact that the communities depend on one another, adding that the negotiations that led to the court co-location vision were based on this set of shared values. He stated that the City has taken the County's concerns about parking very seriously, and City Council and staff have spent time addressing County concerns about parking near the co-located courts. Mayor Signer emphasized that the City has firmly committed to the creation of 100 new spaces and has allocated \$7 million in the capital budget for its share of a co-located court. He said there was some confusion when Council members read materials released by the County in advance of this session and the description of factors that might lead the County to abandon a co-location option. He quoted the following statement from the materials: "Limited, uncertain parking conditions and ultimate costs to meet long-term needs." Mayor Signer noted that Mr. Foley had somewhat clarified this in his earlier remarks, but said that Council wants it to be clear that the City has met the County's requests for parking and has done so out of the belief that they are one community. He said just as the City is committed to doing what it takes to keep the historic court system unified, they are with the County as partners and colleagues.

Ms. Kathy Galvin of Charlottesville City Council addressed the Board. She said that as one of the City Council's two appointed negotiators, she wishes to state for the public record that the City has done its part to ensure the courts stay unified in historic Court Square. She thanked Mr. Foley for acknowledging this fact. Ms. Galvin stated that if the Board chooses another path, which is their prerogative, it will be departing from a proposed co-location plan that has been the product of years of negotiation, mutual planning, community engagement, and investment, taking place since 2013. She said that since 2013, the City has put forth considerable effort and offered almost \$10 million of capital investment to keep the County's General District Court in Court Square. She stated that this effort includes a \$1.5-\$2.5 million commitment to create 100 parking spaces for County usage within walking distance of Court Square; secondly, the City has created a parking division, parking manager, and enterprise fund, to build and manage citywide parking resources to bolster that commitment; thirdly, the City has committed to spending \$7 million on a co-located court set the City will not need for the foreseeable future; fourthly, the City has expressed willingness to jointly invest in the services of a professional mediator to help finalize the terms of agreement on parking, as was done successfully for the regional Rivanna Water and Sewer Authority capital projects. Ms. Galvin stated that the City stands ready and willing to resume negotiations with the County at any time that a mutually beneficial agreement can be finalized to keep all City and County courts co-located within historic Court Square.

Mr. Bruce Williamson, attorney and resident of Charlottesville, addressed the Board. He said that while the Board has obtained input from downtown stakeholders, it seems to imply City stakeholders. He said that many institutional stakeholders will speak tonight in favor of maintaining Court Square as the sole location for co-located courts, with a primary reason being its convenient location. Mr. Williamson stated the Board has not heard from the people. He said that all bus routes meet in Charlottesville within walking distance of existing courts and Court Square. He stated the creation of an urban center is speculative and gets away from the notion of one community, as both jurisdictions have exercised great leadership in working towards one community, and he urged them to reach an agreement on parking, which is the only remaining obstacle to an agreement.

Mr. David Thomas, attorney and resident of Samuel Miller District, addressed the Board. He said the Board will hear many compelling reasons as to why the court should not move from downtown. Mr. Thomas said that examples could be lawyers who do not want to drive further, the least fortunate who go to the wrong court and cannot walk to the new court, the fact that the cost estimates do not represent true costs going forward, and the time and costs involved in establishing a referendum for Option 5, which he pointed out would have organized opposition. He stated that as a lawyer and officer of the court, he wants to emphasize the intangible quality of respect for Court Square as a continuously operating, historic court since 1766, visited by Presidents Jefferson, Madison and Monroe. He commented that the court represents what a courthouse ought to look like and what justice ought to be. Mr. Thomas said he is aware that County Executive Foley and staff have been pushing for Option 5 and noted the irony that he, as a Republican, is pleading with six Democrats to not place economic development over the interests of the public at large, the community, and the institutions dependent upon for the consent of the governed.

Mr. Page Williams, attorney and resident of Jack Jouett District, addressed the Board. He noted his representative is Ms. McKeel and they have disagreed on this issue. He said he was the bar representative on the 2014-2015 joint committee that recommended co-location as the best idea, and believes it to still be the best idea. Mr. Williams stated that he thought the issue had been settled, with the only remaining issue being parking, which took longer to resolve than anybody thought. He said that co-location would allow all courts to be in a central area, and any other option would adversely affect many areas of court service, such as the Commonwealth's Attorney, Public Defender, court-appointed counsel, Offender Aid and Restoration, Legal Aid, Region Ten, court interpreters, Sheriff's offices, etc. He said this would likely increase the cost of legal services to the public.

Ms. Diane Easley, resident of the Samuel Miller District, addressed the Board. She said she has come to address the Board as an ordinary citizen and has learned about the issue from watching television and understands a main concern is parking, and suggested that they put a garage on the south section next to the ballfield to solve the problem. Ms. Easley said she agrees that the population growth of the County has led to a need for more court space, but believes with Option 5, by creating a development at Albemarle Square, they would be hurting the economy of Charlottesville as people who would go to restaurants on the downtown mall would now go to restaurants at the new location. She said the City brings much to the County, and they should not throw out the baby with the bathwater.

Ms. Cheryl Higgins, Resident Judge of Albemarle Circuit Court and resident of Albemarle County, addressed the Board. Judge Higgins stated that she strives to hear cases in an efficient, thorough, and timely manner, and said the proximity of the Circuit Court to the other City and County courts, including the Juvenile Court, makes this possible. She said that numerous court-related personnel move among the courts, including OAR caseworkers, probation officers, public defender attorneys, and interpreters. She described the tight schedules of the courts and how proximity is essential to providing service to the residents of Albemarle County. Judge Higgins emphasized that there is no perfect site, but urges them to remain in Court Square.

Mr. Robert Downer, Judge of the General District Court of Charlottesville and Albemarle County, addressed the Board. Judge Downer said he has two remarks to make and that, as a judge, he is limited with what he can say. He disclosed a financial interest in a downtown office building, stating that his only interest is in the running of the courts and access to justice. Judge Downer said he has fought for a long time to have the General District Courts co-located, as this is important since they have such busy caseloads. He said that some citizens do not know which court they are supposed to be in when they come to have cases filed or heard, and separation of the courts would affect service.

Mr. Marc Peritz, attorney and resident of Samuel Miller District, addressed the Board and said that Option 1 for co-location is the overwhelming choice of stakeholders. Mr. Peritz pointed out that Options 4 and 5 require legislative approval or a referendum. He said he understands the budgetary challenges facing the County, but the judicial system is not simply a catalyst for economic development, it is the height of who we are as a people as the way that citizens resolve disputes in a fair, orderly, and equal way. Mr. Peritz contrasted the solemn, historic setting of Court Square to that of a shopping mall, noting that the choice the Board makes will say who we are, as a people.

Mr. Ed Lowry, attorney and resident of Charlottesville, addressed the Board. He referenced the historic nature of Court Square and how it was frequented by three U.S. Presidents, and commented that people feel they are a part of living history when they enter the court. Mr. Lowry also referenced how many law offices are located downtown, noting that the location is convenient for moving among the courts.

Mr. Lewis Martin III, resident of Charlottesville, addressed the Board. He expressed his opinion that citizens benefit the most when the City and County cooperate, collaborate, and combine on projects. He used the City and County Juvenile Domestic Relations Courts as an example, as they are in the same

building and use one clerk and four interchangeable judges, which is very efficient. Mr. Martin stated that if the Board selects Option 5, they will be losing this efficiency.

Mr. Jon Zug, Clerk of the Circuit Court and resident of Rio District, addressed the Board. He expressed both his personal support and that of the Clerk's Office for Option 1, which was the conclusion of a study done in 2012. He stated that the City and County spent a good deal of time and effort to formulate this plan, and it was remarkable that they were able to reach agreement on so much. Mr. Zug stated that a move away from Court Square would be an abandonment of history, which is so important to the County and the judicial system. He said it is one of only a handful of courts in the country that was established in the mid-18th century and still operating. He pointed to the Circuit Court in Fluvanna County as a location where they thought a lot would happen, but said that it has withered on the vine. Mr. Zug said that while the downtown location presents challenges to offering the best judicial services to the community, Option 1 addresses those challenges and provides a more efficient and unified approach.

Ms. Elizabeth Murtaugh, Public Defender for Albemarle and Charlottesville, addressed the Board. She said the attorneys in her office have a busy caseload and move seamlessly from one court to another and could not cover all their cases without the ability to have them in close proximity. Ms. Murtaugh expressed her support for Option 1.

Mr. James Barkley, attorney and resident of the County, addressed the Board. He urged the Board to consider the concept of justice and how the courts serve citizens. Mr. Barkley mentioned all of the prior stakeholders who have come before the Board in support of Option 1. He said the court is worth more than an economic development opportunity, and that one cannot put a price tag on justice.

Mr. Scott Goodman, attorney and resident of the Jack Jouett District, addressed the Board. He said he does not believe any of the options save money but instead waste money. Mr. Goodman stated that they do not have a crisis of space in the courts, noting that there is a spare courtroom in the Albemarle District Court that he has never seen used. He said even if a second courtroom were added, there is only one judge, and the bar has not asked for a second judge. Mr. Goodman said if there were to be a space crisis, it could be taken care of by adding 30 minutes of time to the court docket. He stated that if more space is required in the future, he hopes the County will use the Levy Opera House, which they have just spent \$5 million renovating. Mr. Goodman suggested they go with Option 6 and not do anything, and let another Board decide what to do in 10 or 15 years.

Mr. Timothy Hulbert of the Charlottesville Regional Chamber of Commerce, addressed the Board. He commended Mr. Letteri and Mr. Henry for their analysis of the options. He said a rough estimate of the annual economic impact of the current court location is \$34 million. He said the Chamber supports a collaborative co-location of the courts with investment from both the City and County, noting that this board will meet with the County Executive the following day and will consider all the options. Mr. Hulbert stated the economic development component could be valuable as a municipal development without the courts.

Mr. Vaden Warren, attorney and resident of Albemarle, addressed the Board. He said that his work takes him to courts across Virginia and the Court Square court is unique in its history. He stated that if they move the court to a location in a shopping area, it will look sterile and like every other court, and urged the Board to keep the Court Square location.

Ms. Lisa Jones, resident of Charlottesville, addressed the Board and said she is a developer of Peter Jefferson Place. She thanked staff for all their work in preparing the options. She urged the Board to consider taxpayers as the most important stakeholders and encouraged them to find the most economical solution that meets the needs of the County, and not necessarily the City. She suggested an Option 6 which would be to move the courts to the County Office Building and lease office space in the County as needed. Ms. Jones stated that there is plenty of office space available now at a cost that is much less than it would cost to build new space. Ms. Jones said there is also the option of buying existing office buildings, and said this could be a win-win scenario as the courts would remain downtown and County offices would be in the County. She noted that they have bus service to Peter Jefferson Place. She expressed her opinion that spending taxpayer funds on a new project is not the best way to spur economic development, and not taxing residents and letting them spend their money how they choose is a better way.

Mr. Madison Spencer, a resident of the County and former resident of the City, addressed the Board. He expressed his interest in the history of courthouses and how they serve as an anchor for a community and from a societal standpoint. He said that all town squares in Virginia were developed with the court as a central part of the community. Mr. Spencer said the Board should not base a decision of this level of importance on an incomplete data set, by which development interests possibly collaborating with governmental obligations to solve a particular problem is patently false. He stated that courts deserve to be independent and at the core of the community and not beholden to private interests that want to rescue a development project gone awry. He said it would be a grave mistake and fly in the face of everything the founding fathers put before us in terms of the courts serving as our guiding light. Mr. Spencer stated that the space needs can be resolved in a way that benefits all constituents.

Mr. Thatcher Stone, attorney and resident of the County, addressed the Board and said he spent 35 years on Wall Street helping people plan, finance and build all kinds of projects. He said he does not want to drive on 29 North to the same place to buy a hamburger and attend court. He stated that though he is not yet admitted in Virginia, his law practice is nationwide and focuses on aviation industry claims. Mr. Stone stated that his office is in the Lewis and Clark Building in Charlottesville and if this project were

subject to an environmental impact or economic impact statement, it would be missing critical facts. He said that Option 5 is underestimating costs by \$14 million and the options involving public/private partnerships do not include land acquisition costs, which can be substantial. Mr. Stone said they have also not considered the increased traffic on Route 29 if the court were to be relocated there. He emphasized that the County has failed to consider the detrimental economic impact on Charlottesville that would result from court relocation, as many law offices would move. Mr. Stone said that comparing this with the new courthouse in Hanover County is an error, as they retained the old courthouse next door and still utilize it, and said that a better example is the Marsh courthouse in Richmond.

Mr. Seth Ragosta of the Rivanna District addressed the Board and said he is an attorney. He noted that he sent an email to Board members about this issue and would like to add his voice to what has already been said with an anecdote. Mr. Ragosta stated that people go to the wrong court on a daily basis, and a woman he ran into outside of court earlier this year had a bewildered look on her face as she was not able to find the City court, having gone to the County court instead. He said he was able to assist her by pointing out the City court down the street, and hopes the Board will remember this when making their choice.

Ms. Palma Pustilnik, legal aid lawyer and former President of the bar, addressed the Board. She said they only have two legal aid attorneys that service several counties, and many of her clients are survivors of family and domestic violence and in desperate situations, including tenants facing eviction. Ms. Pustilnik stated that a move would place strains on their ability to provide service which, while not impacting local taxes, could impact taxpayers' state or federal tax bills. She said the court system was designed so that judges could move back and forth among courts. She used the Juvenile and Domestic Relations Court as an example of one in which she can represent people at four hearings in four courts at the same time by walking downstairs or across the street. Ms. Pustilnik said if the court moves, there will be people who will not get help. She expressed her opinion that Option 1 is the only reasonable and appropriate option, but the materials depict Option 1 as being the least convenient for County residents, which she says is not true. She described it as a central location accessible by public transportation, and pointed out that County residents often have cases in City court and vice versa.

Mr. Lee Livingston, resident of Rio District, addressed the Board. He stated that he has a statewide practice in professional liability law and is a member of the Virginia State Bar Council. He expressed his support to leave the courts in their current locations. He stated that justice delayed is justice denied and if the courts move there will be more delays and additional costs to County residents. He said if the primary goals, as stated in the report, are economic development, then Option 5 is the only option. He expressed his view that the main goal, instead of being economic development, should be to provide the most clear and efficient administration of justice in the courts for citizens. He concluded, saying that comparisons with new courts in other places needs to be studied very carefully.

Mr. Donald Moran, former President of Charlottesville-Albemarle Bar Association and resident of Charlottesville, addressed the Board. He emphasized that all stakeholders have the view that the courts should be co-located on Court Square and have expressed their views to the Board tonight. He said the clients and customers of the court are those who are not likely to appear at a Board meeting. He said many of them are poor and emphasized the importance of providing them with a place to have justice delivered in a way that is efficient and most effective. He quoted former U.S. Supreme Court Justice Lewis Powell: "Public buildings often accurately reflect the beliefs, priorities and aspirations of a people. For much of our history the courthouse has served, not just as a local center of the law and government, but as a meeting ground, cultural hub and social gathering place." He stated that Court Square provides this, is not for economic development, but for the delivery of justice. He said he strongly supports Option 1 as the only true option.

Ms. Patricia Cook addressed the Board. She said the community is served best when the City and County work together. She expressed her opinion that stakeholders, such as judges, attorneys, clerks and sheriff's officers know what is best in terms of efficiency in the courts. She said that a three-mile drive to a new court is neither efficient nor cost-effective. Ms. Cook stated that time is money, and citizens will be forced to absorb additional transportation costs. She said elected officials should be sensitive to the impact of this relocation on citizens, many of whom are indigent. She said she is hard-pressed to find a real need to relocate the Circuit Court, and said it smacks of an unjustified want list. Ms. Cook said it is unbelievable that the Board would spend valuable time on an unnecessary project when there are so many needs to be addressed. She also expressed her concern about remodeling the County Office Building, formerly Lane High School, where she attended school, just for the sake of change. She cited a resolution put forth by the Charlottesville Bar Association on May 19, which she described as reasonable and practical, accommodating many needs of the court including expansion for the next 50 years. Ms. Cook said the present system is not broken and pleaded with the Board to not try to fix something that is not broken.

Ms. Andre Hakes, attorney and resident of Samuel Miller District, addressed the Board. She said that when she hears words like "public/private partnership," she hears that a real estate developer will make a lot of money, and the public will have their teeth kicked down their throat again. She said the County wraps around the City, and if they hurt the City and take away the things that make it a thriving and vibrant place, it will hurt the County. Ms. Hakes said she thinks this will happen if the courts are taken away from downtown, and in terms of Mr. Foley's comments about attractive, urban environments that create a sense of place, she said they already have this in downtown Charlottesville.

Ms. Denise Lunsford, resident of Rio District, addressed the Board. She said she is a former Albemarle County Commonwealth's Attorney and currently an attorney in private practice. She expressed

her view that the Commonwealth Attorney's office would be impacted negatively by a relocation of the court, as the attorneys walk back and forth between their offices and the County and City courts. She expressed her agreement with the earlier comments made by Palma Pustilnik about legal aid service being impacted. Ms. Lunsford stated that the courts deserve a sense of awe and respect, and when she hears "public/private partnership," she understands it to mean the County is going to sell to the highest bidder.

Mr. Richard Brewer, resident of Rio District, addressed the Board and said that when he lived in Charlottesville, he volunteered as a member of the Charlottesville Capital Improvement Committee. Mr. Brewer said the projects he reviewed as a member of the committee included a joint courts complex and the Meadow Creek Parkway. He stated that he is familiar with dealing with issues that affect the community and appreciates the work the Board does as public servants. Mr. Brewer commented that this is not a difficult decision, and said it would be silly to move one of five courts, and said they have one of the most historic court buildings in the nation. He stated that he is familiar with the politics of the community, and a referendum to move the court would never pass. He expressed his support to keep the court where it is.

Ms. Mildred Hoy, resident of Waynesboro, addressed the Board. She said she works as a Spanish interpreter in the courts and that Augusta County is also deciding on a location for its court. She discussed how it can be intimidating to attend court when one speaks a foreign language and is not familiar with the culture, and how she has often had to walk Hispanic people to the correct court. Ms. Hoy stated that a separation of the courts will affect her ability to do her work, as well as affecting the court attendees, some of whom have transportation issues. She added that she is proud to show friends who visit that she works in Court Square.

Mr. Harvey Wilcox of the Samuel Miller District addressed the Board and stated that he is a retired attorney. Mr. Wilcox said he agrees with previous speakers about the importance of the historical nature of the court. He stated that the underlying factors referenced in the report by Dewberry and Moseley are out of date, and they relied on court filings to base their estimate of demand. Mr. Wilcox pointed out that most cases never go to trial, stating that there is plenty of room at the Levy Opera House to make changes and the need for parking can be worked out with the City. He said they need more office, conference room, and filing space, which are not glamorous but have the wherewithal to address. He described Option 5 as a frantic move of economic development and urged the County to stay with Court Square.

Ms. Jean Hyatt, President of Preservation Piedmont and a resident of Charlottesville, addressed the Board. She said her 501(c) 3 organization is committed to promoting and supporting historic preservation in central Virginia, stating that they not only support preservation of structures but also the preservation of the fabric of our communities. Ms. Hyatt said her organization supports keeping the General District Court and Clerk's Office in Court Square. She described its unique history of being used by three presidents and expressed support for continued use of the Levy Opera House. Ms. Hyatt stated that her group is in agreement with the Charlottesville-Albemarle Bar Association, Commonwealth's Attorney, Clerk of the Court, Sheriff Harding, and the Public Defender that the court should remain downtown for practical reasons. She emphasized the walkability of the Court Square area for court personnel and residents and its access to public transportation. Ms. Hyatt stated that her organization believes that parking and other court needs can be accommodated in this area, as there are a variety of surface parking lots and parcels where redevelopment and structured parking could occur without significant effects to historic resources.

Mr. Lloyd Snook, resident of Albemarle County, addressed the Board. Mr. Snook stated that 30 years ago, he served on the Charlottesville Planning Commission and they frequently met with County representatives to discuss joint planning efforts. He said that City and County representatives would often discuss the virtues of working together, but there was always something that got in the way and made it difficult to say "yes." He commented that the latest obstacle seems to be the desire to create an urban center someplace else, adding that the purpose of renovating the courts has to be to improve the courts. He said if the solution is less efficient, less convenient, and more expensive to operate it should be rejected. Mr. Snook stated that a relocation to Route 29 or McIntire Road would be a step back for everyone who uses the courts, and would be less efficient, less convenient and more expensive than Court Square. He stated that there will always be a money reason one can give as to why something should be done and said that in the short term, the upfront construction costs of a new facility will always be less than the cost of renovation. He pointed to the debt service costs for the County and how relocation would not provide cost savings. Mr. Snook said the next speaker, Pat Smith, had to leave before she had a chance to speak, and he presented a letter from Ms. Smith. Ms. McKeel asked him to hand the letter to the Clerk.

Mr. Tom Olivier of the Samuel Miller District addressed the Board. He stated that he, like many residents, sees Charlottesville and Albemarle as one community and that they are stronger due to this symbiosis. Mr. Olivier said that relocation of the court would upset the sense of place they have downtown and would be detrimental to both the City and County. He expressed his view that population growth is driving additional costs and proposed an Option 7, which would be to support policies that reduce the rate of population growth.

Mr. Edward R. Slaughter, Jr., resident of Charlottesville, addressed the Board and said he was a member of the bar for many years. Mr. Slaughter said that he purposely waited until the end to speak so that he could bring up issues that were not addressed by other speakers, and would mention two items. He stated that the area around Court Square is not just the focal point of the City, but of the whole area,

and to denude Court Square of the court would take away as much from the County as from the City. He said that if downtown Charlottesville were to decline, the County would lose more than it would gain by relocating the court, and urged adoption of Option 1.

Mr. Roger Shickedantz, resident of Scottsville District, addressed the Board and stated that he works one block from Court Square. He expressed his support for Option 1 and agreed with those who have mentioned the symbolic, historic and civic value of Court Square. He said a new design for the Levy site shows a gracious lawn and entrance from the courthouse to the new complex, which would enhance and reinforce the fabric of the Court Square area. Mr. Shickedantz stated that the plan would take an underutilized site and increase the density. He said that in their aim of place-making, the County should not degrade places in the City, and mentioned how public buses converge in Charlottesville. He addressed a proposal to build space at Mill Creek, noting that area residents are still getting used to the idea of the 5th Street Station shopping center and accompanying parking lot. Mr. Shickedantz said the County may have missed an opportunity for neighborhood development as called for in the Comprehensive Plan, and suggested they look at dense sites they already have rather than redevelop a greenfield site.

Mr. David Schmidt, resident of Rio District, addressed the Board and stated he is Chief Deputy Clerk of Charlottesville Circuit Court. He said the City is finally allocating funds to renovate the Circuit Court, including a secure sally port and separate hearing space for other hearings, and referenced the convenience of having the courts together for both staff and users. Mr. Schmidt highlighted several points: he does not believe the cost estimates have taken everything into account; adding a new court does not mean the General Assembly would allocate funding for an additional judge and staffing; they should infill and redevelop the 400 block of East High Street, which would be a joint City/County venture; they could sell the Levy Opera House; and new construction could be a lot cheaper. Mr. Schmidt said to address the parking issue is to have users of the court park at the County Office Building and walk to Court Square.

Mr. Steven Meeks of the Scottsville District addressed the Board. He introduced himself as President of the Albemarle-Charlottesville Historical Society, which he described as the leading steward of County history since 1940. He agreed with Mr. Goodman and Mr. Schmidt that it may be time to consider other options, stating that the proposed renovations of the 1803 courthouse would essentially destroy its historic nature with two additions and potentially lead to delisting as a historic landmark. He suggested they look at what Mr. Schmidt has just suggested or put a new Circuit Court room at the Levy Opera House.

Ms. Palmer closed the public comment portion of the meeting as there were no additional persons who wished to speak.

Recess. The Board recessed at 8:48 p.m., and reconvened at 9:02 p.m.

Ms. Mallek said there is more work that needs to be done before she is ready to make a decision, and she hopes they can discuss what items they can give to staff to research.

Mr. Randolph said the presentation provided by Mr. Henry did not include square footage and it would be valuable to add this to the comparison grid provided.

Ms. McKeel said they should determine which of the options they wish to have staff investigate further, particularly with Option 5. She asked Mr. Foley what type of additional information he could provide.

Mr. Foley responded that they can clearly start a process to determine whether a public/private option would be viable and whether they could obtain a partner; in terms of other, basic information he would need more specifics.

Ms. Palmer stated that tonight she has heard some of the most incredible and eloquent statements in her three years on the Board and in her prior years in the audience. She said the idea of the court system being part of an economic development project is wrong, in her opinion. Ms. Palmer stated that their decision will be incredibly important and understands comments made by speakers as to "justice delayed is justice denied" and what the courts mean to society. She expressed her support for economic development, but said the courts should not be used for this. Ms. Palmer said tonight's speakers are very representative of the community and the Board should listen to what they said. She listed some other options they have discussed to spur economic development, adding that if they locate the court on some of the most valuable commercial land, they will not be collecting revenue, or they will be paying rent, and nothing is for free. She said she hopes the Board will strongly consider the everyday people this decision will affect, and in talking with the new public defender, she learned that delays in court hearings could lead to individuals spending more time in jail.

Mr. Foley emphasized that only Option 5 uses the courts for economic development, although much of the discussion has focused on this option.

Mr. Dill suggested they look at Option 6 suggested by Mr. Goodman and research increasing the hours of operation and better utilization of space. Mr. Dill said the stakeholders who have addressed the Board seem to be willing to hustle a bit more and work odder hours and find ways to make things work,

and the Board should respect that. He mentioned that the second floor of the McIntire Library used to be a Federal Court and is largely unused, citing this as an example of how the County can look at ways to find additional space. He said if they can put off spending \$42 million for 10 to 15 years, he will be dead and will not have to deal with it. Mr. Foley responded that the study and analysis of the courts has involved five to six boards over the years, and the needs of the courts have been identified.

Mr. Dill pointed out how advances in technology create less need for court space. He used an example of defendants appearing before a judge via videoconference from the jail. He referenced another example that was mentioned by a speaker tonight of how technology has led to more litigation but fewer trials, and suggested that staff study this aspect. Mr. Foley said he thinks they have studied the use of technology before, and asked his staff if they have information about this.

Mr. Henry said that in 2013, Dewberry Architects hired an organization that does statistical analysis on court cases and population growth, and they came up with a prediction as to what the courts would need. He said this was revisited in 2015 with the Moseley update, and said that staff has analyzed the option of buying time for 10 to 15 years by restoring the Levy Opera facility to generate short-term capacity, which they could look at further. Mr. Henry added that an issue that has arisen in all the reports is security.

Mr. Foley said an advantage of some options is they create a phased construction opportunity, and as technology advances there could be the potential to eliminate the need for additional expansion. He said this is not possible with Option 1, as they have tight space to work with. Mr. Foley stated that a question could be put to stakeholders about a phased approach, although he is not sure a majority would feel this way. He reminded the Board that they have been working on addressing the long-term needs of the court for six years.

Ms. Palmer stated that there is a tremendous number of costs in efficiencies and requirements for additional personnel that are not taken into consideration with the other options, which the County will not have if they select Option 1.

Mr. Foley stated that Option 2 is what staff thought still had some of those efficiencies.

Ms. Palmer said she is not sure that Option 2 provides anything over Option 1. She said the City has said they do not want to move to the County Office Building and there would have to be improvements to the McIntire-Preston intersection.

Ms. McKeel said it seems like the use of the County Office Building is a great compromise. She pointed out that the Board is responsible for the financial health of the County, and they have had to raise taxes for the past three years. She said she appreciates the comments about how this should not be about money; however, the reality is that there are options that are viable to the courts that will allow the County to save money. Ms. McKeel stated that she knows that some will interpret this to mean she is trading justice for money, but she does not believe that justice depends on the building and whether it is two or three blocks away. She said she wishes they had a magic bullet that could figure out a compromise among the attorneys, legal community, judges and citizens. Ms. McKeel added that the historic building will not go away if the County were to leave, and they could use the historic court house for other things.

Ms. Palmer stated that Option 1 is a compromise because the City brought \$7 million.

Mr. Randolph said he agrees with some of Ms. McKeel's points. Regarding the argument about judicial efficiency, he said the County offered to work together with the City through Option 2 and to provide additional court space because of concern that the parking issue would not be resolved in a timely manner, but the offer was rejected. He said he would like to attack, vigorously, the argument that justice delayed is justice denied, adding that this phrase does not refer to time but issues such as postponement of hearing dates, testimony not being accepted, and steps taken to interfere with the judicial process. Mr. Randolph pointed out that in 1761, the Circuit Court was relocated from Scottsville to Charlottesville, and residents faced a huge challenge to come to court. He agreed that there will be some inconvenience, but there are many cases where town and county courts are separated, but to say that justice delayed is justice denied is an exaggeration. Mr. Randolph said the historic courthouse will remain, and they can do it a long-term favor by not altering it in any way. He said it would remain a historic draw and would provide a creative opportunity should the City not wish to purchase it. He said if the City buys it, then it will be a creative opportunity for them. Mr. Randolph commented that change is always a challenge, and it is difficult to always see what change will result in and its implications. He said the Board has an opportunity to make a change that is in the best long-term interests of residents in terms of accessing the courts, and if the Board does not face this challenge, they are missing an historic opportunity to ensure the courts meet the needs of the community.

Mr. Dill said a way to look at Option 1 is that it provides for continued negotiations with the City, and suggested they try to find a compromise that would work for everybody.

Ms. McKeel acknowledged Mr. Dill's comments and agreed that the County should pursue this. However, she suggested that they direct staff to further study Options 3 or 5 and report to the Board. She said she is not ready to give up on a compromise, nor is she ready to say she is not willing to try her best to save the County taxpayers money while preserving justice for all. Ms. McKeel suggested they narrow the list to two or three options for staff to investigate.

Mr. Dill suggested that staff find something that can save money that could work for 10 years, and then revisit the issue 5 years in the future. He said he understands how people would like to think long-term, but this is not how society is going today, and it is not reasonable to plan for the number of court cases 40 years in the future as things may be very different in the future.

Ms. McKeel stated that in spending so much time on this project, she has realized that there are opportunities they can take advantage of. She said that with urbanization of the County, they need to provide more than just bedrooms or the County will not make it. Ms. McKeel stated that they have to find a way to produce revenue through economic development, and said she does not want to give up on Option 5 as it can be exciting and transformative.

Mr. Randolph recommended the Board vote on each option to winnow the options, as the public is looking to the Board to give some definition this evening.

Ms. Palmer said she would not want a vote to take Option 1 off the table and believes there is a lot they can do. She said if money is the issue, they can have discussions with Charlottesville.

Ms. Mallek pointed out that Options 4 and 5 require a referendum and will require additional information from the County Attorney and staff, and thus should be looked at together from a research point of view. She said a letter from the City indicates they are not interested in Option 2, and she referenced Option 1 in terms of making renovations to Court Square and how this could lead the court to be taken off the historic preservation list, which will not be preserving history. Ms. Mallek said she would like additional information about proposed renovations, and said she is also interested in learning about the lots on East High Street, as she did not know anything about this. Addressing speakers who commented that additional personnel would be required if the court were to move, she asked them to share this information with the Board so that they can better understand.

Ms. Palmer suggested they first see if there is anything the Board wishes to take off the table.

Ms. McKeel noted that the City has taken Option 2 off the table, and the Board should do the same.

Ms. Mallek said she is not sure that Option 3 is as good as Option 2, and suggested they continue parallel discussions for Option 1 and obtain additional information for Options 4 and 5.

Mr. Randolph said the problem with taking Option 3 off the table is that it could serve as a back-up plan in case a referendum for Options 4 or 5 were to fail, in which case they would be all the way back to square zero.

Ms. Mallek clarified that she is not suggesting the elimination of Option 3, but that they should obtain additional information for Options 4 and 5.

Ms. Palmer stated that if they are going to continue negotiating with the City for Option 1, they should define what they want.

Mr. Sheffield stated that this process has evolved over the last 6 to 10 months and early in the year they were working with the City for a solution to parking downtown, but the County's offer was rejected. As a result, he said, they started looking at other options and learned that there are issues besides parking. Mr. Sheffield said that staff started looking at reaching a compromise where they could keep courts downtown, but stimulate economic development by moving County offices, though this does not seem to be getting any traction. He said it feels as if they have come full circle and are down to Options 1 and 5. Mr. Sheffield said he welcomes additional conversations with the City, but does not know where those conversations can go as they have offered everything they can offer. He added that they are balancing the virtues of planning and being good stewards of taxpayer dollars, and exploration of Option 5 would be conducting due diligence.

Ms. McKeel said she would like to concentrate on Options 1 and 5, but would be happy to keep three or four of the options open.

Ms. Mallek stated that they do not have to eliminate any of the options, but should direct staff as to where to focus.

Ms. Palmer summarized the consensus of the Board that they should direct staff to obtain additional information for Options 4 and 5.

Mr. Sheffield commented that the Board should give clearer direction to staff and wonders how much more information they will need before they can reach a decision.

Mr. Foley interjected and said that the architects have reviewed all the options and have done all they can regarding cost estimates. He said that Option 5 relies on a partnership that they do not yet have in place. Mr. Foley indicated that staff would need direction to pursue this option before they can move forward, which would also apply to Option 4. He said that Option 1 has been played out and if they wish to resume discussion with the City, they should decide if they would use a mediator for an option, given that they are not sure they will pursue that option. Mr. Foley stated that he thinks staff can move forward with Option 5 and address legal issues and questions.

Mr. Dill suggested they also take steps to find a mediator for Option 1, as it would not cost anything.

Mr. Foley suggested that if the Board wishes to direct staff to investigate the utilization of a mediator, they should discuss this in a closed session.

Mr. Kamptner commented that any mediation would have to be structured in a way that is in compliance with the Freedom of Information Act.

Mr. Foley requested clarification from the Board as to whether he should investigate Options 1 and 5 concurrently, or investigate Option 5 first and then decide whether to pursue Option 1.

Ms. Mallek stated they probably cannot answer the question about Option 1 until they have information about Option 5. She said she is concerned about the County retaining control over the design process in a public/private partnership development and staying in the driver's seat. Ms. Mallek noted that some constituents have expressed concern about handing an asset over to a developer. She said it is a valid point to consider having services close to the population center of the County, and many residents live far away from the County Office Building. She referenced the effects of the recession from 2009–2014 had on the capital program and is reminded of Mr. Foley's comment that "you cannot keep doing the same thing and get a different result." Ms. Mallek commented that some of her constituents are hanging on by their fingernails, and they need to find a way to broaden the economy and expand the business base to reduce some of the residential tax burden. She noted that there are counties in Virginia with no middle class, and she hopes this does not happen in Albemarle. Ms. Mallek added that she wants to learn more about Option 5 before making a choice.

Mr. Dill stated that staff can investigate private/public partnerships without it involving the courts, and he is hesitant to do such a big one when they have not done one at all. He said they could potentially have a partnership to renovate Albemarle Square, as the Police Department has expressed a desire for a substation in that part of town.

Mr. Foley offered to come back on Option 5 in a few months and provide examples of where that has been done in other communities and how it would be done, the nature of the partnership, and the process. He suggested that they have a closed discussion in November about Option 1.

Ms. McKeel said they cannot address Option 1 without participation by the City.

Mr. Dill pointed out that Mayor Signer expressed interest in working together, and the County have MOUs as an example of things they are working together on.

Mr. Sheffield asked Mr. Dill if he would still like to pursue having court efficiencies assessed, which is what Mr. Goodman had described earlier as Option 6.

Mr. Dill stated that if there is a 10-year time horizon, that saves a lot of money.

Mr. Foley said if the Board wishes to find a short-term solution instead of a long-term one, the Board should talk about this, and it could lead to spending more money overall. He said staff will need direction as it will change the analysis and noted that both architects met with all the stakeholders.

Ms. Mallek stated that the difficulty with a short-term solution is that it will take the whole short term to get it done. She said she is reluctant to spend more money on analysis when the County already has three different analyses over the past 20 years that all say the same thing.

Mr. Dill pointed out that there are sometimes cases where things are overbuilt, such as chains of stores or battleships, and it is difficult to plan for things in the distant future.

Mr. Foley, referencing the downtown option, said the County went through extensive discussions and realize that it cannot be a phased construction, and at one point had planned for four General District Court courtrooms, which people scoffed at. He said it would be a significant risk to only build two courtrooms downtown, given population growth, but acknowledged that they cannot predict the future.

Mr. Letteri concurred that it is difficult to predict for a long-term time horizon, as things depend on caseloads and whether another judge is assigned. He said he thinks it would be valuable to speak with the judges as to what they see, in terms of needs, for the next 10 years and beyond.

Ms. McKeel agreed with Ms. Mallek that any changes to the downtown court will change its historic nature, and stated that construction on the downtown court will likely be more expensive than they think.

Mr. Foley summarized four actions that he thinks the Board has authorized for his office to take. He said they will schedule a closed session to discuss Option 1; staff will explore Option 5 and report to the Board in a couple of months with an outline of steps to be taken; they will engage with stakeholders about space needs, as suggested by Mr. Dill; they will engage with architects and report back as to what effect renovations to the Circuit Court will have on its historical designation; they can take a quick look at other potential sites as had been suggested by one of the speakers. He said there is no additional information that they can bring regarding Option 3.

Ms. Palmer thanked everyone for attending the meeting.

Agenda Item No. 24. From the Board: Committee Reports and Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 25. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 26. Adjourn to November 2, 2016, 1:00 p.m.

At 10:01 p.m., Ms. Palmer adjourned the meeting until November 2, 2016.

Chairman

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| Approved by Board |
| Date 07/12/2017 |
| Initials CKB |