

**MINUTES  
SPECIAL MEETING**

The Lexington City Council held a special meeting in the Regional Court Facility on February 9, 2006.

**PRESIDING:** J. W. Knapp

**OFFICERS:** T. Jon Ellestad, City  
Manager  
L. A. Mann, City Attorney  
S. Edwards, Clerk

**MEMBERS:** J. H. Page  
J. E. Gianniny  
T. P. Golden  
R. W. Smith  
M. M. Elrod

**ABSENT:** L. W. Broomall

There were 72 people present.

Mayor Knapp called the meeting to order at 7:05 pm.

This meeting was conducted with the Lexington City Council and the Rockbridge County Board of Supervisors. The City Attorney, Laurence A. Mann began the meeting by reading a prepared statement as shown below:

Court House Options:

It is clear that the City Council and the Board of Supervisors have serious concerns about the current plans for the Court House. Vickie Huffman and I are prepared to request a delay in the construction process if that is what you decide to pursue. We are confident that if you articulate a reasonable basis for your request you will receive a full and fair hearing. As I have previously indicated both the Council and the Board have demonstrated their unwavering determination to bring this project to timely completion. Thus, you have a reservoir of good will that will provide assurance to Judge Martin and Ford Stephens for the Commonwealth that any requested delay comes as the result of careful deliberation and a good faith belief that it is in the best interests of the citizens of the City and County. The task before you is to decide on a course of action and to articulate the basis for your decision so that we can represent you effectively before the Court.

The press has done a very good job of reviewing the history of this project. I thought it might help to review the reason for the current dilemma. The issue arises largely because of the size of

the project which perversely is the result of your attempts to make it as cost effective as possible. Given the investment in a project that will be serving the public for at least the next 50 years consideration of future needs was important. Perhaps this brief review will help frame your deliberations.

BCWH developed a model for the Randolph/Nelson Street site that attempted to take advantage of what otherwise might be considered a handicap, the topography. One significant constraint on their work was the charge to make this building efficient and to maintain the parking garage as a separate structure which would allow the cost allocations between the two projects to be clear. The program for the Court House was directed largely by the Court House Guidelines promulgated by the Supreme Court of Virginia. To some the emphasis on security may seem unnecessary but we must adopt appropriate security measures to ensure the safety of our Judges and staff. There is no question that the security provisions of the Court House and the separate access corridors create a Court House unlike anything that we have experienced in this area. This is likely to be true for every community in Virginia as each one faces the necessity of upgrading its Courts.

BCWH has addressed the concerns of the Commonwealth for a program that reasonably addresses the requirements of the guidelines. The two jurisdictions entered into a consent order to build the Court House as designed. Having done so it is now clear that the sheer size of the project creates both a cost issue and a compatibility issue reflected by the unanimous decision of the ARB. Construction costs have increased across the United States and in most developed countries. The exponential increase was not something anyone was predicting. It does not serve any useful purpose to compare the projected costs of the Court House in the referendum with the cost projections of today. The challenge before you is to resolve the question of adjusting the cost of the project and the compatibility of the project with downtown Lexington, the County Seat.

The notion of reviving the prior Court House plan for the Main Street site would likely be an uphill struggle with the Court. Unfortunately we did a very good job of selling the advantages of the Randolph/Nelson Street site to the Court and to now argue otherwise would hurt our credibility. There appear to be two approaches that have merit:

1. Seek the services of an architect with a demonstrated sensitivity for Lexington's architectural heritage and explore the possibility of a collaboration between such an architect and BCWH. The scope of this exploration would be limited to a change of architectural style with only minimal latitude in amending any portion of the building's program. This option would not likely slow the whole project down more than a couple months. It may be that the review might find some cost savings but they are not likely to be substantial and there is the cost of the review/rework process that will be an additional expense.
2. Ask BCWH to reassess the plan without the constraints on the use of parking deck area and with the express direction to explore using some of the lower level spaces for program. This

Lexington's architectural heritage. This option might include a reassessment of space needs and an examination of possible location of some functions outside the Court House. This option would necessitate a considerable allocation of time and money.

From our perspective as your advocates in Court, Option 1 is an easier sell than Option 2 but we are prepared to argue either one or any other that you deem appropriate provided you can articulate the rationale behind it.

Lastly let me say one word about the role of the Commonwealth in this process. Some time ago the issue of maintaining and upgrading court houses and building consensus for the same obviously got the attention of the our legislators. Why do we have this legislation that may at times appear onerous? The answer is that without this process no court house has a political voice. You hear from many people who support educational programs, new school facilities, recreational activities and facilities but there is virtually no one to speak for the court house. That is the function of the representative of Commonwealth. We have had a review by a committee of qualified individuals from our community and their report details the deficiencies that the Judges, Clerks and staff have dealt with for a considerable period of time. We have agreed in the consent order that an upgraded facility is necessary. Now it is the role of counsel for the Commonwealth to advocate for the new facility and its construction in a timely manner.

Following this statement the two groups discussed the pros and cons of the options as described in this document.

Upon motion of Councilman Gianniny, seconded by Councilman Page, it was unanimously approved to ask the Judge for a six-month extension to explore Option 1 with the express possibility that if in the process of exploring Option 1 opportunities for cost savings associated with reconfiguring the design occur the City wanted to reserve the right to request permission to pursue those. The following vote was recorded.

L. W. Broomall	Absent	T. P. Golden	Aye
J. H. Page	Aye	R. W. Smith	Aye
J. E. Gianniny	Aye	M. M. Elrod	Aye

Following this action by City Council, the Rockbridge County Board of Supervisors unanimously approved the same motion.

There being no further business, the meeting was adjourned at 8:05 pm.

