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CR27-2017 Courthouse Location Discussion Needed

JH joel hurewitz <joelhurewitz@gmail.com>
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Dear Councilmembers,

Attached please find testimony regarding the need for a courthouse site committee to consider other locations for the new courthouse, a discussion of the benefits of swapping the Bendix Road site for the HCPSS Marriottsville Road land bank site, and an excerpt regarding courthouse site selection from the *Virginia Courthouse Facility Guidelines*.

Joel Hurewitz

A Courthouse Site Committee is Needed to Consider Other Locations for the New Courthouse

**Joel Hurewitz
CR27-2017
March 2017**

The County Executive has proposed that the new courthouse be located on county-owned Dorsey Building property on Bendix Road. The proposal combines the need for a new building, cost, public-private partnership, and location into one discussion. These are four separate issues and must be considered as such by the Council. Having reviewed the reports of consultants received pursuant to a public information act request and presentations to the Council, it is evident that the County has made no attempt to study where a courthouse should be located as perhaps the most important civic building in Howard County.

The "Draft Final Report, February 16, 2015 Capital Project C-0290" only analyzes two sites in addition to the current courthouse location: Martha Bush and Dorsey (or Bendix Road). In regard to Dorsey the study states "The Dorsey Building site is a recent addition to the study and has not received the level of investigation of the other two sites." The only other site considered was the Normandy Shopping Center site as the result of unsolicited proposal to the County. Thus, it is evident that the County failed to give any thought to where the courthouse could best be located to not only serve the legal needs of the County but could also be a catalyst for economic development or as a multi-use destination.

The Bendix location is a poor location for a courthouse. For a County that prides itself on multi-use developments and walkability, the Bendix site is sorely lacking in such vision. Other states have published guidelines regarding the construction of new courthouses. The *Virginia Courthouse Facility Guidelines* state:

"The effects of elements such as location, circulation, and security are hard to quantify. Yet the successful integration of these elements into the building will be apparent to, and appreciated by, all users of the facility, while failure to do so will quickly be apparent."

The Bendix site was picked because it is owned by the County, not because it is a good location. It is not in Ellicott City. It is not near other government buildings. It is not near the Detention Center.

While the County Executive is concerned with cost, the proposal fails to consider the costs in transportation and security in moving the prisoners to and from the courthouse. No consideration was made to building a courthouse closer to the Detention Center. This is first factor discussed in the *Virginia Courthouse Facility Guidelines*:

"It is desirable that it be in proximity to the main business district and any cluster of professional offices, particularly attorneys, and near other government offices with which the court intersects. While it is not essential that the courts be located near the jail, it is often desirable. Those courts that have direct access from the jail to the court experience fewer problems and reduced expense for transportation of prisoners."

Besides cost, the *Virginia Guidelines* list the other criteria that usually need to be considered:

- Ease of public access
- Availability of public transportation and parking
- Proximity to other government buildings and programs
- Relationship to other services such as restaurants, office supplies, libraries, copy centers and attorney offices
- Relationship to civic center
- Impact on surrounding residential neighborhoods
- Prominence of site
- Expansion potential
- Site amenities
- Physical constraints of the site
- Site use restrictions

In 2016, in considering 27 sites in 7 municipalities, the York County, Maine Courthouse Site Selection Commission had similar selection criteria including:

- Accessibility to major roads
- Proximity to geographic center of County
- Proximity to population center of the County
- Clear access to courthouse from public roads and parking
- Impression of site for courthouse
- Security risks (The site should be open and free of places for intruders to hide.)

The P3 proposal has failed to consider the benefits of locating the courthouse close to the jail. Sites that should be considered include the undeveloped parcel along Route 175 in Columbia Gateway. Development in Gateway would have the available office space for attorneys and other court support companies and would yield synergies with the County Executive's recently announced plans for Gateway redevelopment.

Placing the courthouse along Route 1 could be a catalyst for redevelopment of that area. The P3 partners could choose to build additional office buildings. TIF financing might also be appropriate. Building it on the State owned parcels next to the Detention Center would minimize costs of prisoner transport.

The Bendix Road site makes a better location for middle school than for a courthouse. It is located in the area which the HCPSS Feasibility Study says is needed to accommodate growth in Columbia. The County should consider swapping the Bendix Road site for the School District's Marriottsville Road land bank site along Route 40.

The *Michigan Planning and Design Guide* states that a courthouse should reflect the separate and constitutionally independent status of the judiciary as a separate and equal branch of government. Furthermore, "the temptation to cheapen the significance of the courthouse by treating the courts as just another "county department" needs to be avoided." *The Michigan Courthouse, A Planning and Design Guide for Trial Court Facilities*, page 2-9. It is unclear if the price in the P3 resolution accounts for these designs. The State of Michigan has recognized that the architecture of the courthouse should recognize that the building is both a "temple of justice" and a "legal emporium."

As Robert A. Peck Commissioner of Public Building Service, GSA testified to Congress on the design excellence program for federal courthouses that the designs have "lasting quality and dignity" and that "court facilities that we are building are appropriate to the seriousness of judicial proceedings that take place therein." Quoting Justice Steven Breyer, Peck said "'Both in function and design, these buildings will embody and will reflect principles that tell the public who uses, or sees, them something about themselves, their government, and their nation.'"

These principles were also recently reached by members of the Moore County, North Carolina Courthouse Facilities Advisory Committee. They commented that it was important "how the building will look" and "that people should still know that is a courthouse." ("Courthouse Committee Begins Work," *thepilot.com*, David Sinclair, Managing Editor, Jan. 31, 2017). Similarly, a judge on the York County Site Selection Commission also stated that "a courthouse needs to highly accessible and visible to the community." Judge Moskowitz, York County Courthouse Site Selection Commission, Meeting Minutes for Nov. 4, 2016.

For a County that prides itself on public input and temporary advisory committees from the Ellicott City recovery to the HCPSS Budget Review, the lack of discussion about the location for the new courthouse is profoundly disappointing. The Spending Affordability Committee stated at the Council's February monthly meeting that they did not consider location and that this was not their charge. In fact, the chair admitted that he is unaware of who selected the sites consider by the Committee and P3 consultant. In fact, it appears that there was actually little thought of alternative sites by Public Works.

The *Virginia Guidelines* state:

"Public hearings on site selection, with publication of advance notice of the hearings, is advisable in order to obtain the views of various interest groups and to obviate subsequent opposition on the ground that conflicting interests were not taken into consideration in the site selection process" (page 6-2).

In addition the guidelines state that:

"deliberations should involve considerations for the public, business and professional communities and other government activities. Careful study of the past and projected growth of the locality and its demographics could prove useful in designating the best available site" (page 6-2).

Howard County has failed to follow the Virginia's suggestions and involve the community in the site selection process. Other communities including Moore County, North Carolina and York County, Maine have recognized the need and established courthouse site committees. Therefore, I urge the County Council to establish a courthouse site review committee to consider the costs and benefits of other appropriate sites for the new courthouse throughout the County.

New Courthouse Alternative: Swap HoCo Bendix Road Site for HCPSS Marriottsville Road Site

**Joel Hurewitz
CR27-2017
March 2017**

The Howard County Executive has submitted a proposal to the Council to construct a new courthouse on the site of the Dorsey Building on Bendix Road. This site is a very poor choice of the location for a civic institution as important as a courthouse. However, the factors that make it a poor location for a courthouse, make it a good location for a middle school.

There are a number of benefits to be achieved by swapping the Bendix Road site owned by Howard County with the Marriottsville Road Land Bank site being held by the HCPSS for a new middle school. The Marriottsville Road could be used to construct the new courthouse. However, because this location is not ideal for a courthouse, the property could be sold to finance the purchase of other properties--perhaps closer to the County Detention Center.

Maryland does not appear to have suggested criteria for selecting a location for a courthouse; however other states and federal agencies do have elements to be considered in site selection. The *Virginia Courthouse Facility Guidelines* states:

"A major consideration should be the impact that a move will have on the public and client populations. How accessible is the new location? Is public transportation available? Is there sufficient parking? Another factor to be considered is the affect that a move will have on the movement of in-custody defendants and how transportation costs will be affected."

The Virginia Guidelines list other criteria that should be considered. Among these are prominence of the site, proximity to other public buildings, and ease of public access.

Prominence of site. A courthouse on Bendix Road will have no prominence. The building will NOT be visible from Route 108. It is tucked away behind other buildings and treed lots. It is this lack of prominence that helps make the site well-suited for a middle school.

Proximity of other public buildings. There are no other public buildings currently near the Dorsey Building. The long-term plans for the Bendix Road site other than the courthouse, have not been announced. On the other hand, a middle school does not need any other buildings to function.

Ease of public access. The primary access to the Bendix site is from Route 108. The secondary access is an indirect route past homes in the Columbia Hills Meadowbrook Farms neighborhood. The residents would probably not welcome traffic cutting through the neighborhood from the Meadowbrook Park along 100 to get to the courthouse. Yet, such traffic from their own neighborhood would be welcome to go to a nearby middle school.

At nearly 29 acres, the Bendix site meets the requirements of an 800-900 seat school. Located in the southeast corner of the Northern Region it meets the need expressed in the Feasibility Study to "ultimately relieve crowding in the Northern and Columbia West Regions." The location along the Route 108 Corridor, is well-suited to serve neighborhoods currently attending Harpers Choice and Wilde Lake Middle Schools. This will free up seats to accommodate the growth in Downtown Columbia.

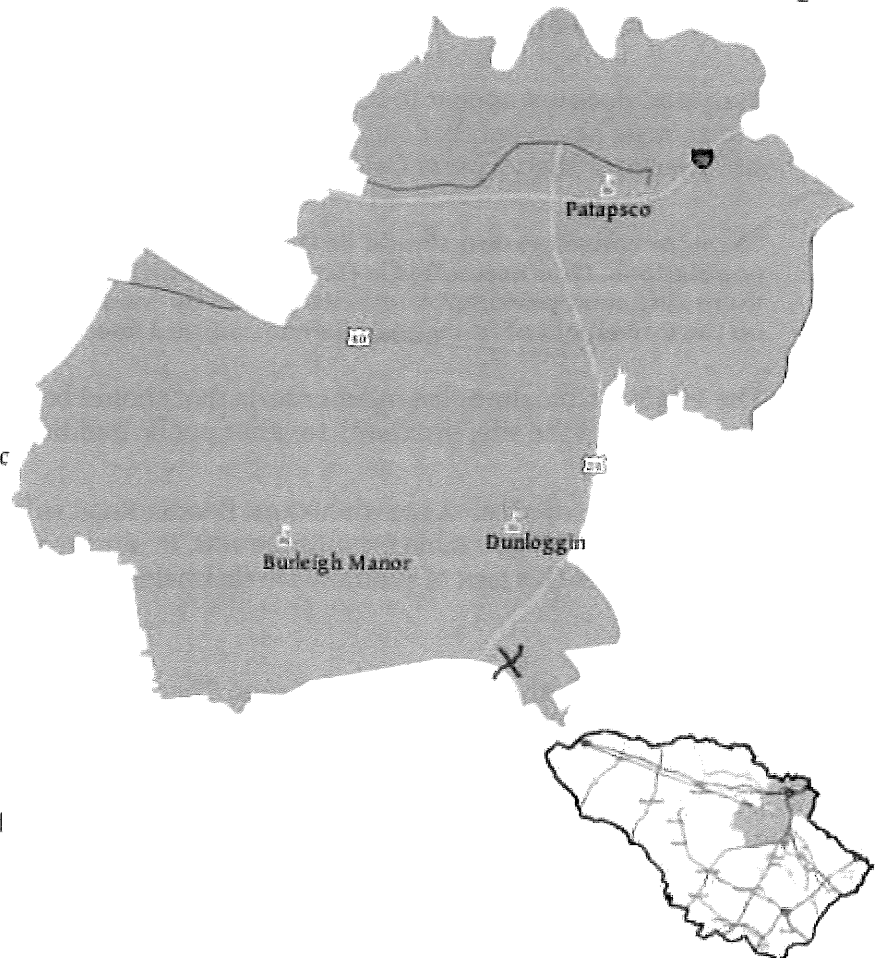
Middle Schools **Northern Region**

Need:
Enrollment exceeds 110 percent of regional capacity after 2018.

Strategy:
Monitor long-term needs.

In 2019 and beyond, the Northern Region is projected to be above the 110 percent capacity utilization guideline. Dunloggin MS and Patapsco MS are scheduled for systemic renovations in the next few years. Additional capacity should be considered as part of these renovations or the use of temporary capacity may be needed. When continued growth in the adjacent Northeast Region is factored in with the needs of this region, the land bank site on Marriottsville Road will probably be needed to serve as a future middle school.

Figure 4.10
Middle schools of the Northern Region



Middle Schools

Columbia West Region

Need:

Enrollment exceeds 110 percent of regional capacity.

Strategy:

Utilize temporary capacity until the replacement school is built at Wilde Lake MS in 2017.

The Columbia West Region capacity utilization is now above 110 percent. This supports the decision to replace Wilde Lake MS, a project that is scheduled to open in 2017. The new school is planned to be 293 seats larger than the existing one, and will stay within target utilization until 2024, based on the current projection. The pre- and post-measure charts in Section 6 of this report show intermittent crowding at Harpers Choice MS. This will be monitored for relocatable classroom consideration.

Figure 4.8

Middle schools of the Columbia West Region

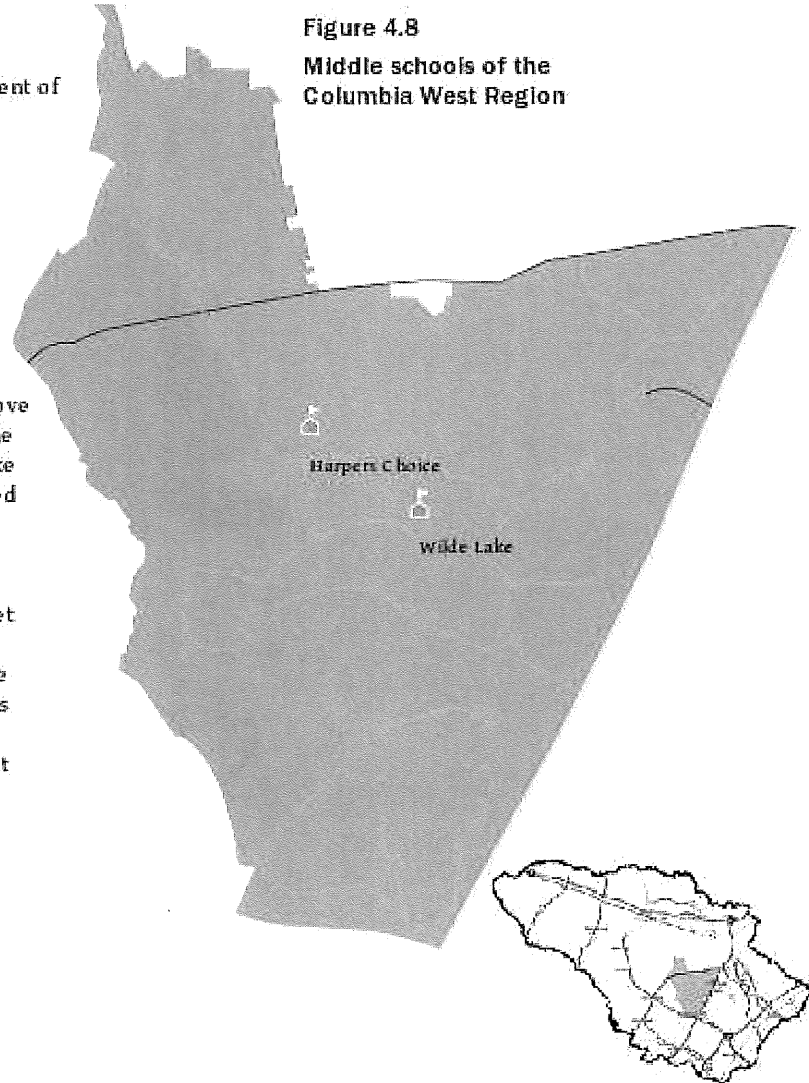
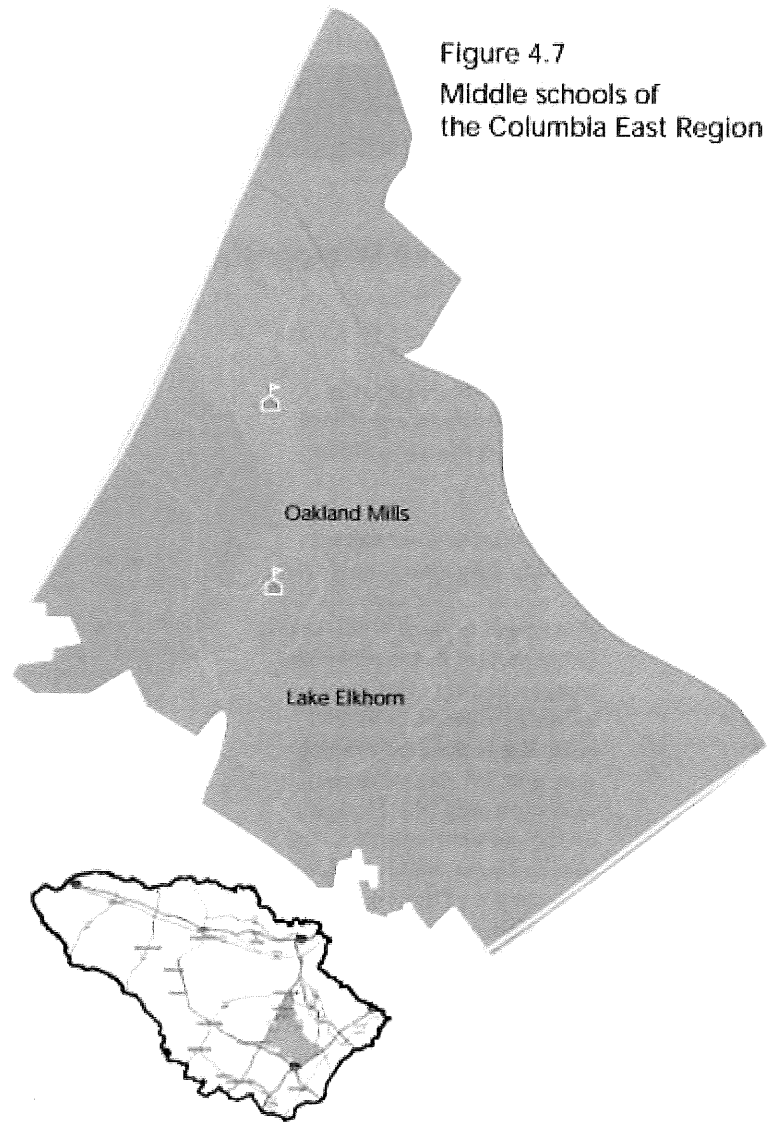


Figure 4.7
Middle schools of
the Columbia East Region



On the other hand, the Marriottsville Road land bank site held by the HCPSS in the northeastern end of the Western Region is not adjacent to the confluence of the Northern, Northeast, Columbia West and Columbia East Regions where the major growth is occurring. The Marriottsville Road site also does not meet the requirements of Policy 6000 with its elongated and extreme shape with an approximately 100 foot wide choke point in the middle of the parcel. While the parcel is listed in the Feasibility Study as 41 acres, it is really two parcels of approximately 13 and 28 acres divided by the choke point. The site also has a hilly topography and wetland and drainage issues especially along the Marriottsville Road side.



Land Use:	Undeveloped Government and Institutional
Property Public	
ID	0.3465448530783005
ADCTID	1403287068
PLAT	16056
MAP	16
PARCEL	203
LOT	
GRID	16
OWNNAME1	BOARD OF EDUCATION OF MD CD
	MD
OWNNAME2	
SOAT_Link	Click for Property Info

Marriottsville Road Land Bank - Frontage on Route 40

Swapping the Bendix site is not a new idea. In 2004, County Executive Robey considered a proposal to sell the Dorsey Building to help finance the construction of a new courthouse. "Robey revives plan for complex," *Baltimore Sun*, Dec. 8, 2004.

Constructing a middle school on Bendix Road and selling the Marriottsville Road property could be the best verdict for the HCPSS and Howard County and a new courthouse.

CHAPTER 6 - GENERAL BUILDING CONCEPTS

While many elements of a courthouse can be described as discrete units that combine to create individual areas of the building, other elements are pervasive and affect the ultimate utility of the facility. These guidelines address the pervasive elements first to emphasize their importance. The effects of elements such as location, circulation, and security are hard to quantify. Yet the successful integration of these elements into the building will be apparent to, and appreciated by, all users of the facility, while failure to do so will quickly be apparent.

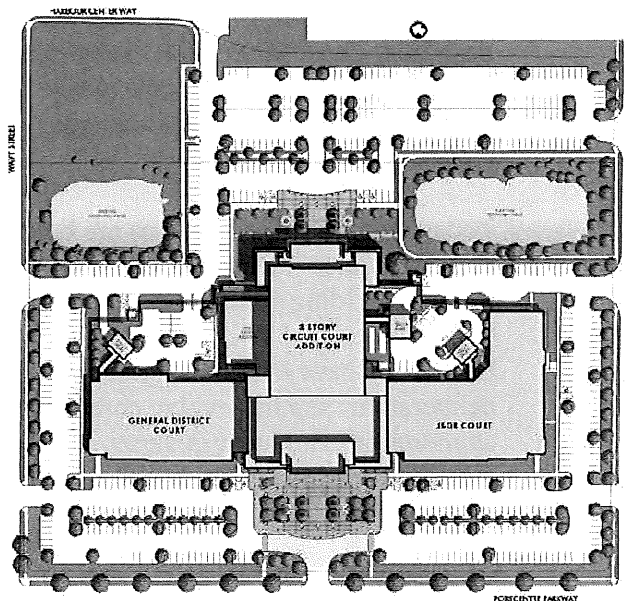
I. SITE PLANNING AND ACQUISITION

If new construction is the option chosen, information about the availability, suitability, and cost of alternative sites is necessary. A major consideration should be the impact that a move will have on the public and client populations. How accessible is the new location? Is public transportation available? Is there sufficient parking?

Another factor to be considered is the affect that a move will have on the movement of in-custody defendants and how transportation costs will be affected.

Among the criteria that usually need to be considered are,

- Ease of public access.
- Availability of public transportation and parking.
- Proximity to other government buildings and programs.
- Relationship to other services such as restaurants, office supplies, libraries, copy centers and attorney offices.
- Relationship to civic center.
- Impact on surrounding residential neighborhoods.
- Prominence of site.
- Availability and cost of site.



City of Portsmouth Courthouse, Site Plan

- Expansion potential.
- Site amenities.
- Physical constraints of the site.
- Site use restrictions.
- Prisoner accessibility.

Initial consideration of site acquisition should be kept “in house” to prevent land cost escalation. Public hearings on site selection, with publication of advance notice of the hearings, is advisable in order to obtain the views of various interest groups and to obviate subsequent opposition on the ground that conflicting interests were not taken into consideration in the site selection process.

A. Location

When planning a new courthouse, the site should be one that is easily reached by the general public, either by car or public transportation. It is desirable that it be in proximity to the main business district and any cluster of professional offices, particularly attorneys, and near other government offices with which the court interacts. While it is not essential that the courts be located near the jail, it is often desirable. Those courts that have direct access from the jail to the court experience fewer problems and reduced expense for transportation of prisoners. Where this is not possible, a special entry, or vehicular sally port, for prisoner transport vehicles is required.

Today many new courthouses are built on the perimeter of the community in which they were once located because of congested downtown locations and the scarcity of suitable building sites large enough to accommodate the new building’s requirements.

It is rare to have everyone agree on an ideal location for the new court facility but deliberations should involve considerations for the public, business and professional communities and other government activities. Careful study of the past and projected growth of the locality and its demographics could prove useful in designating the best available site.

Whenever possible, all three courts (Circuit Court, General District Court, and Juvenile and Domestic Relations District Court) should be located in the same facility, or in facilities in close proximity to one another, as in a judicial or government complex or campus. The public perceives the courts as a whole, and looks to the courthouse as the logical place to go for matters relating to “court.” When the Circuit, General District, and Juvenile and Domestic Relations District Courts are located in different parts of the community, it can be confusing to members of the public. It can also detract from the notion of a unified court system, particularly when there is a noticeable difference in the quality of the facilities housing the three courts.

FILE COPY**RE: [HOWARD-CITIZEN] A Better Location is Needed for the New Courthouse**

Stu Kohn <stukohn@verizon.net>

Reply all |

Yesterday, 4:17 PM

HOWARD-CITIZEN@yahoogroups.com; Kittleman, Allan; Wilson, B Dia

To help protect your privacy, some content in this message has been blocked. To re-enable the blocked features, click here.

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FYI,

Last Monday, I posted the email below on our HCCA Listserve regarding “A Better Location is Needed for the New Courthouse.” We did in fact receive suggested locations for the proposed “New Courthouse.” The following were suggestions – Columbia Gateway, Downtown Columbia, Ellicott City, Long Reach Village Center, Merriweather Post Pavilion, and Normandy. Obviously a wide-range of possibilities, but whether it is practical and/or feasible is another story. I am sure our elected officials are aware of these potential sites. If the suggestions help in anyway then at least they are food for thought.

Thank you for participating in this survey.

Sincerely,

Stu Kohn
HCCA, President

From: HOWARD-CITIZEN@yahoogroups.com [mailto:HOWARD-CITIZEN@yahoogroups.com]

Sent: Monday, February 27, 2017 2:19 PM

To: HOWARD-CITIZEN@yahoogroups.com

Subject: RE: [HOWARD-CITIZEN] A Better Location is Needed for the New Courthouse

All,

I am very pleased that the conversations on the HCCA Listserve has been very civil and a testament in informational sharing for our members.

I have a suggestion relating to the subject, “A Better Location is Needed for the New Courthouse” based on the number of individuals who are looking at the best possible location for the new Courthouse. There is no doubt this is desperately required after hearing testimony at the

Council's Public Hearing held on 21 Feb when 25 people testified. My suggestion is for any of you to provide on the Listserve any potential locations where you think it would be advantageous for the all concerned parties. I will compile your suggested locations and send your ideas to both the County Executive and the Council. This way those who will be making the final decision will have a list of possible locations. I know this might be a difficult task, but your concerns need to be heard and if a suitable location can be found it could lead to a better location and facility that we all could be proud.

I ask for you to send me any of your suggestions by Sunday, March 5. Any of your suggested locations will then be sent to our elected officials for their review.

Sincerely,

Stu Kohn
HCCA, President

Posted by: "Stu Kohn" <stukohn@verizon.net>

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To send to one member, enter that address in the TO window.

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