



MEETING SPACE NEEDS OF BROWN COUNTY GOVERNMENT AND PRESERVING THE BROWN COUNTY COURTHOUSE

A White Paper

Prepared for

The League of Women Voters of Brown County
and the Brown County Community Foundation

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I. Executive Summary

On July 14, 2014, the League of Women Voters of Brown County and the Brown County Community Foundation hired Historic Preservation and Heritage Consulting LLC to review the history and significance of the historic Brown County Courthouse and the rest of the Brown County Courthouse Historic District; to review and summarize three options currently before Brown County government and the residents of Brown County with respect to meeting present and future space needs of County offices; to evaluate the advantages and disadvantages of each option; to interview County officials currently housed in the County Annex concerning their space needs; investigate re-use possibilities for the Courthouse should current County offices move to a new location; and make suggestions for the long-term preservation of the Courthouse.

The results of the study over the past three weeks have been brought together in this white paper, which will be made public for review by residents in early August. A Community Conversation will be sponsored by the League of Women Voters and the Community Foundation on Thursday, August 14 at 6:30 P.M., at which the consultant will present the highlights of this paper, and members of the public may ask questions and make comments about the three options for addressing county space needs and preservation of the Courthouse.

The options before the County include

- (1) Rehabilitating the current Courthouse and building a substantial addition to its north side to accommodate the Brown County Circuit Court, Prosecutor's Office, County Clerk's Office, and Probation Department.
- (2) Building a new Court building on the same property as the Law Enforcement Center on State Road 46, with the same county offices provided comparable space.
- (3) Retain the current Courthouse as now configured, with the same offices, and make emergency modifications to meet the requirements of the Americans with Disability Act, concerns about security and privacy, and possibly energy conservation.

Option 1 was approved by the Brown County Board of Commissioners in April, 2013, but was defeated by public remonstrance in September, 2013, based on concerns about total cost, additional bonded indebtedness, and need for more public consultation and comment. Its advantages would include bringing together efficiencies of having all Court-related offices together in one building, retaining the Court function in the Courthouse, and providing long-term financial support by the County for the building. Disadvantages would include potentially increasing traffic congestion and parking shortages at the center of town, negatively impacting businesses downtown for an appreciable period, removing the current north lawn, and modifying several historic features in

the interior. Option 2's advantages would include possibly a lower total cost than Option 1, removing the Court functions from the center of town and potentially reduce congestion, bringing together the Court functions and law enforcement agencies at one location, and affording adequate parking. Disadvantages would include a requirement for similar bonded indebtedness, and a need to re-use the Courthouse in a way that assures its long-term preservation. Option 3's advantages would include allowing the County and residents time to consider county space needs more carefully, addressing the most immediate needs in the building, allowing the County time to pay off some of its bonded indebtedness, and permitting it to set aside funds in its annual budget for possible future expansion projects. Disadvantages would include deferring potential new bonds to a time when borrowing may be more expensive and not being able to address current space issues that may need to be addressed. It is possible that some bonded indebtedness may be necessary, regardless of the option selected. For all three options, the County and residents may wish to investigate possible alternative sources for funds to pay for Courthouse-related projects, such as the Cumulative Capital Fund, Riverboat Wagering Tax Revenue Sharing funds, or County Economic Development Income Tax (CEDIT) income.

Another charge of the white paper was to interview county officials whose offices are currently located in the 1994 County Annex. The officials interviewed were asked for assessments of their current and future space needs and whether they would consider moving to the Courthouse should Option 2 be selected in the future. Based on those interviews and a meeting with the executive director of the Brown County Convention and Visitors Bureau, the consultant looked at two scenarios for re-using the historic Courthouse, if the Court-related functions were removed.

The first possibility may be more desirable, because it would entail the County continuing to own the Courthouse and maintain it. Under this scenario, three county offices with special inter-connections and with spatial requirements closely matching the amount of space available in the Courthouse would move there. The three offices examined in the paper are those of the Recorder, Auditor, and Assessor.

The second possibility would envision a major non-profit from the community with ties to tourism and history, the Brown County Convention and Visitors Bureau, occupying most of the Courthouse, together with small non-profits or small businesses. Two ways of structuring ownership were examined: (a) the County would continue to own and maintain and potentially would renovate the structure for tenants. The Bureau would be the primary tenant and possibly serve as building manager for the County. (b) the Bureau would become owner of the building, raise funds for renovations, possibly in conjunction with the County, and recruit other tenants. The Bureau would use the building as part of its tourism programming and emphasize the local history symbolized by the structure.

II. Introduction

Historic courthouses are found in nearly every county seat community of Indiana. They were constructed as symbols of civic pride and to give dignity to the administration of justice and the functions of local government. They represent nearly every architectural style popular for public buildings in the United States between 1820 and 1940. Many are monumental, some palatial, and others simple or vernacular, but all help to define the identity of their home city or town.

The Brown County Courthouse is one such community landmark. It has stood at the center of Nashville and witnessed most of the history of its town and county, as the area changed from a remote, rural enclave little touched by modernity to one sought as a locale for landscape painting to a popular destination for tourism. The Courthouse has also been a familiar visual anchor for the townscape, and its bell tower can be seen from most parts of town. Architecturally, its Greek Revival design is austere, but dignified, and offers contrast to much newer buildings along both Van Buren and Main Streets.

The Courthouse is now at a crossroads in its history. Originally housing all of county government, it now contains the Brown County Circuit Court, County Clerk's office, and the Probation Department. All three offices have identified pressing needs for additional or re-configured space, re-designs for adequate security and privacy, improved access for disabled persons, and energy conservation. To address them, the Brown County Board of Commissioners voted in 2013 to rehabilitate the existing Courthouse and build a substantial addition to it. All Court-related County offices would be brought into the expanded structure. That proposal was defeated by a public remonstrance vote in September, 2013. Since then, the community debate over how to deal with county space needs has expanded to consider an alternative expansion proposal: to build a new Court building on the Law Enforcement Center property outside the old town of Nashville. Both proposals would carry with them substantial costs and require the County to increase its bonded indebtedness. A third proposal that has been under discussion would be to maintain the existing building with its current configuration, but make emergency modifications and repairs to address disabled access, security, and energy concerns.

All three of the options before the County would have an impact on the historic Courthouse and its setting. To assess those impacts and to summarize each of the three options, the League of Women Voters of Brown County and the Brown County Community Foundation have hired Historic Preservation & Heritage Consulting LLC to review the options, present the advantages and disadvantages of each, evaluate the significance of the historic Courthouse and the impacts of each option on it, and examine ways to strengthen the historic identity of the center of town. This white paper is the result of that study.

On August 14, 2014, the League and Community Foundation will sponsor a Community Conversation at which a presentation summarizing the findings of the white paper will be made, and the public can comment on the options before the County.

III. The Brown County Courthouse and Brown County Courthouse Historic District

A. History

In 1837, not long after Brown County was established and Nashville was founded, County Agent Banner Brummet let a contract for constructing both a log courthouse at Van Buren and Main Streets and a log jail a short distance to the east. The log courthouse served the county until 1853. By then the county residents were desiring a more permanent and substantial structure, and a two-story brick building was erected between 1853 and 1855. The present Brown County Courthouse took shape after fire destroyed the 1853 structure in 1873. Builders McCormack and Sweeney of Columbus, Indiana obtained the contract in 1874 to construct a two story brick building “on the old ruins or foundation, and a portion of the old walls.”¹ The finished courthouse was of a simple design, probably not designed by an architect. It may have been based by the contractors on a design from a builder’s guide. It is also possible that the Greek Revival design, with its gable styled as a pediment at the south end, projecting brick pilasters and frieze along the façade and sides was adapted from the style of the previous 1850s building. The Greek Revival was long out-of-style in Indiana and elsewhere by the 1870s, so it would have been unusual to design a new building in that style. Above the south entrance was a two-stage belfry of wood frame construction, also of simple design. One feature undeniably fashionable in the 1870s was the two flights of stairways, made from cast and wrought iron, which provided outside access on the façade to the second floor. The scrolled caps for the newel posts and elaborate stamped designs on the steps bespoke of more extravagant tastes in the post-Civil War era. The brick walls, consisting of bricks probably fired not far away, were thick and load-bearing. The original interior structure was probably wooden, with beams and columns supporting the second floor and roof.

¹ Charles Blanchard (ed.), *Counties of Morgan, Monroe, and Brown, Indiana. Historical and Biographical* (Chicago: F.A. Battery & Co., 1884), pp. 686-687.



Figure 1: Brown County Courthouse, c. 1910. *Source: Brown County Historical Society*

Inside, the Brown County Circuit Court met in a spacious courtroom occupying the northern two-thirds of the second floor. Jury rooms were at the south end of the second floor. The elected county officials occupied rooms on either side of a central corridor on the first floor.²

The original 1837 log jail was replaced in 1879 by the County with a similar structure about a block east of the courthouse. The new jail was constructed of squared and hewn logs, with three walls within each other for extra security. The jail was used for

² Blanchard, p. 687.

incarcerating occasional prisoners until 1922, at which time the county constructed a new jail, and a series of private individuals operated the Old Jail as a museum.³ The county retained ownership, and eventually the Brown County Historical Society took over custody of the Old Jail Museum. The iron grates across the square window holes, the cast-iron doors to the front entrance and upstairs cell, and possibly even the iron shackles chained to the upstairs wall appear to date to the building's days as a jail.



Figure 2: Old Log Jail, c. 1915. *Source: Brown County Historical Society*

³ Hazel Davis and Amelia DeWees, National Register nomination for Brown County Courthouse Historic District, 1976, Indiana Division of Historic Preservation and Archaeology; Blanchard, p. 687; Buddie Thompson, *A Guide Book to Brown County* (Nashville?, 1946), pp. [2-3].

In 1937, the Community Club of Nashville, a women's civic organization, acquired a log barn with a vernacular dog trot design from a farm in Jackson County, dismantled it, and enlisted the New Deal Works Progress Administration (WPA) to provide workers to reconstruct it on a site facing a north-south alley immediately northeast of the courthouse. The new location was also just northwest of the Old Log Jail. The Community Club opened the log structure as community center for the public meetings and recreation by children. In 1960, the club deeded the Community Building to the county.⁴ Eventually, the Brown County Historical Society took over the building as part of its Pioneer Village.



Figure 3: Community Building, 2014. Source: James Glass

⁴ Davis and DeWees, Brown County Courthouse Historic District nomination.

The Pioneer Village was created by the Brown County Historical Society after the latter was founded in 1968. Besides the Community Building, the village consists of three other buildings, including Dr. Ralphie's Office. The office is a remarkable frame structure in which all of an early 20th century Brown County doctor's office furnishings, books, and medical equipment are conserved just as he left them. Also notable is a 19th century log house from Brown County. The village buildings are grouped to the north of the Community Building, which forms the south edge of the cluster.⁵

The Brown County Courthouse was expanded through an addition in 1939 designed by Indianapolis architects McGuire and Shook. The addition provided restrooms and a steel vault for county records on the first floor and office space for the Circuit Court on the second level. In 1992, the courthouse was renovated and modernized and a stair hall section was added to the north end of the building. The architects for the addition and renovation, Miller Associates of Nashville, re-designed the office space on the first floor to accommodate the County Clerk's office and the Probation Department.⁶ The other county offices that had occupied the first floor moved to the new County Annex Building. On the second floor, a hearing room and law library were created at the south end, and the judge's suit was re-designed to conform to current needs. Space for records was created in the basement. Throughout, the public areas, offices, and courtroom were modernized with new wood trim and doors having designs suggesting the original character. An elevator was installed in the original courthouse to provide disabled access to the second floor and basement.

B. Significance

In 1983, the Brown County Courthouse Historic District was listed in the National Register of Historic Places. The district boundary includes the Brown County Courthouse and its surrounding setting, the Community Building at the east edge of the Pioneer Village, and the Old Log Jail. The authors of the nomination for listing, Hazel Davis and Amelia DeWees of the Brown County Historical Society, cited the importance of the three buildings to "the governmental and social structure of Nashville and Brown County." In addition, the authors stated that the buildings "by nature of their scale and method of construction, convey the rural aspect of this small Indiana farming community."⁷ Today, the three buildings continue to be historically and architecturally significant to the town and county in which they are situated. The Courthouse retains its architectural significance among Indiana courthouses as a simple Greek Revival design and its historical significance as the center of county government for 140 years. It also is one of the chief landmarks in Nashville and one of the key focal points of identity for the community of Nashville. The Old Log Jail is said to be the only log jail

⁵ Information from Barbara Livesey, Curator, Pioneer Village, Brown County Historical Society, July 25, 2014.

⁶ Architectural Design Studio, Inc., "Brown County Indiana Courthouse Study, Recommendations and Conceptual Design." (Nashville, November, 2012), p. 5.

⁷ Davis and DeWees, Courthouse Historic District National Register nomination.

in Indiana to survive on its original site. It is also remarkable for the survival of its original iron doors, window grilles, and other features from its time as a jail.⁸ The Community Building illustrates the vernacular tradition of log building in Southern Indiana and also has been a center of town activities for over 75 years.

The rest of the Pioneer Village, although not part of the historic district, complements the Community Building and Old Log Jail well. The buildings recall the rural, settlement period of Brown County history, and the Historical Society continues to interpret the specifics of traditional county traditions through the history of each building and its furnishings, as well as through traditional crafts demonstrations.

There are other buildings that date to the late 19th and early 20th century along the streets and blocks near the Courthouse Historic District. The Frank Taggart Drug Store (now the Hob Nob Restaurant), located on the other side of the Van Buren and Main Street intersection from the courthouse, is listed individually in the National Register. The Nashville House, a tradition in traditional Brown County dining for over a hundred years, continues in a building across Main Street from the courthouse, constructed in the 1940s. On West Main Street stands the former Masonic and Knights of Pythias Building, dating from the early 20th century. Just east of the courthouse on the north side of Main stand two concrete block retail buildings from about a hundred years ago, which continue to be used for shops. And along most of the streets within two or three blocks from the courthouse, there are wood frame houses from the post-Civil War period and early 20th century, recalling residential life in the days of Kin Hubbard, Frank Hohenberger, and T.C. Steele.

On the other hand, the history of Nashville since World War II has been one of profound change. Tourism has been a powerful boost to the local economy, and a wide mix of new structures with varying architectural characters has replaced many of the simple vernacular buildings in the center of town. The Courthouse Historic District and Pioneer Village, together with the other buildings surviving from the pre-World War II period, help conserve some of the small town rural character of Nashville. Retaining and conserving the courthouse and nearby historic structures provides needed elements of authenticity and identity to the center of town.

⁸ Information from Barbara Livesey, July 25, 2014.

IV. County Space Needs

In 2012 interviews were conducted by the architectural firm Architectural Design Studio (ADS) of Nashville with all of the county offices and agencies that were related to the Circuit Court on their expected space needs.⁹ The interviews were conducted as part of a study commissioned by the Board of County Commissioners that eventually led to a proposal for an addition to the existing Courthouse. In July, 2014, the consultant for this white paper interviewed county officials who currently occupy space in the 1991 County Annex, most of whose offices are related to real estate and permitting. He asked them to describe their anticipated space needs for the next 10-15 years. The following summarizes the space needs described in both series of interviews. Only the 2012 interviews with current occupants of the Courthouse are summarized.

A. Court-Related Offices (currently housed in Courthouse)

1. *Circuit Court*

Through a March 15, 2012 interview, Circuit Judge Judith Stewart and Magistrate Doug VanWinkle provided the Architectural Design Studio with information on the Court's space needs at the Courthouse and other changes required for improved efficiency of the Court functions and compliance with legal and judicial mandates. The needs cited included the following:

- (1) Separation between inmates coming and leaving the courtroom and the public. A sallyport with separate elevator for inmates is needed, as well as a holding cell.
- (2) Separate entry to the building is also needed to protect the identity of juvenile defenders.
- (3) A larger jury room is needed seated 14 people around a table, and a separate restroom for jurors is needed to avoid contact with court officials during jury deliberations.
- (4) A break room with sink is needed for the court offices.
- (5) Security is needed for the east entrance into the court offices.
- (6) A separate conference room is needed for attorneys and their clients.

⁹ The summaries from the ADS interviews are available at the Brown County Government website: www.browncounty-in.gov.

- (7) A separate office area is needed for public defenders.
- (8) An office is needed for the Guardian Ad Litem
- (9) A larger hearing room is needed.
- (10) Disabled access needed to jury room from courtroom.
- (11) Video conferencing is needed in the courtroom and hearing room.
- (12) Ideally, the county clerk and court should be on the same level to share court documents and files.

2. County Clerk

In a February 23, 2012 interview, County Clerk Beth Mulrey and Deputy Clerk Benita Fox provided information on the County Clerk's space needs at the Courthouse and other changes required for improved efficiency. The needs cited included:

- (1) A large number of the court records that the Clerk is required to maintain are stored off-site at the Law Enforcement Center on State Road 46. The Clerk's staff and Court employees must spend 2-2 ½ hours per week traveling from the courthouse and Law Enforcement Center. It would be much more efficient to have the records in the same office or building as the Clerk.
- (2) Space is needed for absentee voting, voting records, and voting machine storage.
- (3) A conference room is needed for 12 people.
- (4) More counter space is needed in the Clerk's office for serving the public. A portion of the counter space needs to be semi-private.
- (5) The Clerk's personal office is too small; a small conference table is needed.
- (6) Larger cubicles are needed for Clerk employees.
- (7) Enforcement of parking restrictions next to the Courthouse is needed, so employee parking spots are available.
- (8) More parking spaces are needed when a jury is called for duty.

3. Probation Department

In a February 24, 2012 interview, Jennifer Acton of the Probation Department provided information on her department's space needs at the Courthouse and other changes required for improved efficiency. The needs cited included:

- (1) Another probation officer is needed, but there is not space currently for another office.
- (2) A small conference room is needed in which the juvenile officer can meet with families.

- (3) Security is needed in the office and at the front counter to avoid people wandering in and through the office.
- (4) A conference room for 12 people is needed.
- (5) It is advantageous to be close to the Clerk's office; all Probation payments are handled in that office.
- (6) The director's office needs to be a little larger.
- (7) Space for two interns is needed at the counter.
- (8) A sink is needed in the break room.
- (9) It would be helpful to be closer to the Community Corrections Office.

B. County Offices Related to Real Estate or Permitting (currently housed at County Annex)

1. County Recorder

In a July 23, 2014 interview with the consultant, Recorder Sandy Cain provided information on her office's needs and future space requirements. Currently, the Recorder's office occupies a rectangular space containing approximately 395 square feet, located in the northeast corner of the ground floor of the annex.

- (1) Anticipates needing more space in about 3 years to accommodate additional plat cabinets, as additional subdivision plats are recorded. Possibly an additional 200 square feet would be needed.
- (2) The Recorder's office also contains a number of over-sized books and ledgers that contain indexes to real estate-related instruments recorded at this office and copies of the instruments, going back to 1873.
- (3) All of the information in the books has been digitized.
- (4) The books and ledgers are used regularly (about 125 patrons per year) by people who are doing genealogical or historical research.
- (5) The Recorder believes that providing access to the original books on site is an important function of her office. Many of the patrons prefer using and obtaining copies from the original books of particular documents.

2. Assessor

In a July 27, 2014 interview, Assessor Mari Miller provided information on her office's needs and future space requirements. Currently, the Assessor's office occupies an ell-shaped space containing approximately 230 square feet, plus a storage room, located in the middle of the east side of the ground floor of the annex.

- (1) In the original plans for the County Annex, the space occupied by the Assessor was intended to be a storage area. It was really not designed for an Assessor's office. For example, the Assessor doesn't have an office, but occupies a cubicle that hides her from the public.
- (2) The office contains four types of records: a) property record cards, b) sale disclosure cards, c) business property returns, d) inheritance tax documents, and e) appeals of assessments.
- (3) More space is needed to contain the paper records after each re-assessment. For example, the office maintains property record cards with notes by inspectors on 16,000 parcels in the county.
- (4) The Assessor does not see her office going paperless. The Assessor and her staff refer daily to the property record cards with the individualized notes by inspectors. The records are digitized, but when the computer goes down, the paper records are valuable back-ups.
- (5) After each re-assessment, they dispose of their property records and file new assessment records in the same space.

3. Treasurer

In a July 23, 2014 interview, Treasurer Mary Smith provided information on her office's needs and future space requirements. Currently, the Treasurer's office occupies an ell-shaped space containing approximately 308 square feet, plus a small office, located in the southeast corner of the ground floor of the annex.

- (1) The Treasurer believes that her office's current space should be adequate for the next 10-15 years.
- (2) Other than re-configuring the counter space for computers, the space seems adequate for their needs.
- (3) In 2007, tax software (web-based) was adopted by the office that updates tax information automatically. Taxpayers can look up tax information from the Treasurer's office on the website.
- (4) In 2007, the Treasurer transferred the pre-1970s tax record books to the Brown County Historical Society archives. State law requires the books to be kept permanently. The Treasurer has a legal agreement with the society to retain the books permanently.

- (5) Soon, the books from the 1970s to 2007 period will be also transferred to the society.
- (6) None of the pre-2007 books have been digitized.
- (7) All of the real estate-related offices have some historical records stored in the County Annex vault, located on the ground floor.

4. Brown County Health Department

In a July 23, 2014 interview, Health Department Director Dr. Norman Oestrike and Office Manager Judy Swift provided information on their office's needs and future space requirements. Currently, the Health Department occupies an ell-shaped space containing approximately 665 square feet, located in the southwest corner of the second floor of the annex.

- (1) The Health Department has two main functions: a) Environmental Health and b) Public Nursing Program.
- (2) The Health Department originally was supposed to have the space now occupied by the County Commissioners' Office and the Technology office, on either side of the department's current space.
- (3) Therefore, they have been short of needed space for some time.
- (4) The department needs an additional lab for the public nursing program
- (5) The Emergency Preparedness office is now off-site, but needs to be in the same suite as the rest of the Health Department
- (6) The department needs a conference room for staff
- (7) Dr. Oestrike needs a private office; he currently is occupying the storage room.
- (8) More storage space is needed
- (9) There needs to be a separate entrance to the department for public health patients, under the federal Health Insurance Portability Act (HIPA).
- (10) Environmental Health records (most paper) must be kept permanently. Some are computerized. Septic sites are mapped using Geographic Information System (GIS); this is critical information to be retained
- (11) Birth and vital records are computerized, but retain originals in department safe.
- (12) The department's immediate space needs could be taken care of if they had additional space equivalent to what is currently occupied by the Commissioners' office and Technology office.

5. Planning Department/Building Commissioner

In interviews on July 23 and July 25, 2014, Planning Department Director David Woods and Building Commissioner Daniel Harden provided information on their office's needs and future space requirements. Currently, the Planning Department occupies a rectangular space containing approximately 485 square feet, located in the southeast corner of the second floor of the annex.

- (1) Department Director Wood said that he didn't anticipate his department's space needs increasing in the near future.
- (2) They have digitized a lot of their files on the Lifesaver server; 13 file cabinets have been digitized.
- (3) He anticipates little change in number of staff needed for the office for the next 5-10 years.
- (4) Building Commissioner Harden occupies a cubicle, which seems adequate for his needs in the foreseeable future.
- (5) He believes there would be merit to creating an Office of Records in the building to digitize records of all the county offices occupying the annex.
- (6) They have already discarded the paper building permits after digitizing them.

6. Surveyor

In a July 23, 2014 interview, County Surveyor Dave Harden provided information on his office's needs and future space requirements. Currently, the Surveyor is a part-time position, and the Surveyor divides his time between a private office and a desk on the second floor, part of the Planning Department suite. There also is a GIS mapper located in the Planning office who plots surveys and makes prints from the plotter.

- (1) The Surveyor believes his current space in the Annex is adequate and doesn't see his space needs changing in the next 10-15 years.
- (2) He has four file cabinets (most of files are Surveyor's personal files), a flat file, and a card file containing section corner references. They are scanning the card file currently on the computer.
- (3) The Surveyor doesn't favor digitizing the plat records; people use them in current form, and they have historical value.
- (4) The Surveyor needs to be located close to the Recorder, Auditor, and Assessor. He and his staff look up deeds, old surveys, parcel numbers, and prices of property in those offices.

V. The Three Options for Addressing County Space Needs

As stated above, the existing Courthouse was renovated and modernized in 1992. Offices for the Clerk and Probation Department were re-configured and updated on the first floor of the original building. The Circuit Courtroom on the second floor was modernized, with the bench and some furnishings from the original room retained. A hearing room and Court library were created on either side of the corridor at the south end of the second floor, while in the 1939 addition, offices for the Circuit Court Judge and staff were re-configured. A stair hall was added to the north end of the 1939 addition and styled on the exterior to go with the original courthouse and addition. An elevator was installed on the west side of the central corridors of the first and second floors, to provide disabled access to the second floor and basement. Outside, the current brick plaza on the south and west sides of the building appear to date to about the same time and may have been added in 1992. The brick walks were ramped from the street and up to the south entrance of the building. The east entrance to the building also is accessible. The windows were replaced in 1992, as were the heating, ventilation, and air conditioning systems. The roof has been replaced recently. There have been complaints from occupants recently of the windows not conserving energy. Figures 4 and 5 show the existing floor plans for the Courthouse.

Brown County government and Brown County residents have before them three options for addressing the current and future space needs of the Circuit Court and related offices. The first involves building a substantial addition to the north side of the existing Courthouse and housing the Court, Clerk, Prosecutor, and Probation Department in the expanded building. A proposal to carry out this option was approved by the Board of County Commissioners in April, 2013 and defeated by remonstrance petitions in September, 2013. The proposal by law was suspended for a year. The second option involves building a new building for the Circuit Court and related offices on the property of the Law Enforcement Center, located on State Road 46, at the south edge of Nashville. The third would be to retain the current functions in the existing Courthouse, but make adaptations for compliance with the Americans with Disabilities Act (ADA) and address security issues. Following are descriptions of each option and summaries of the financial implications of each.



Figure 4—Existing first floor plan, Brown County Courthouse. Source: ADS Brown County Courthouse Study, 2012

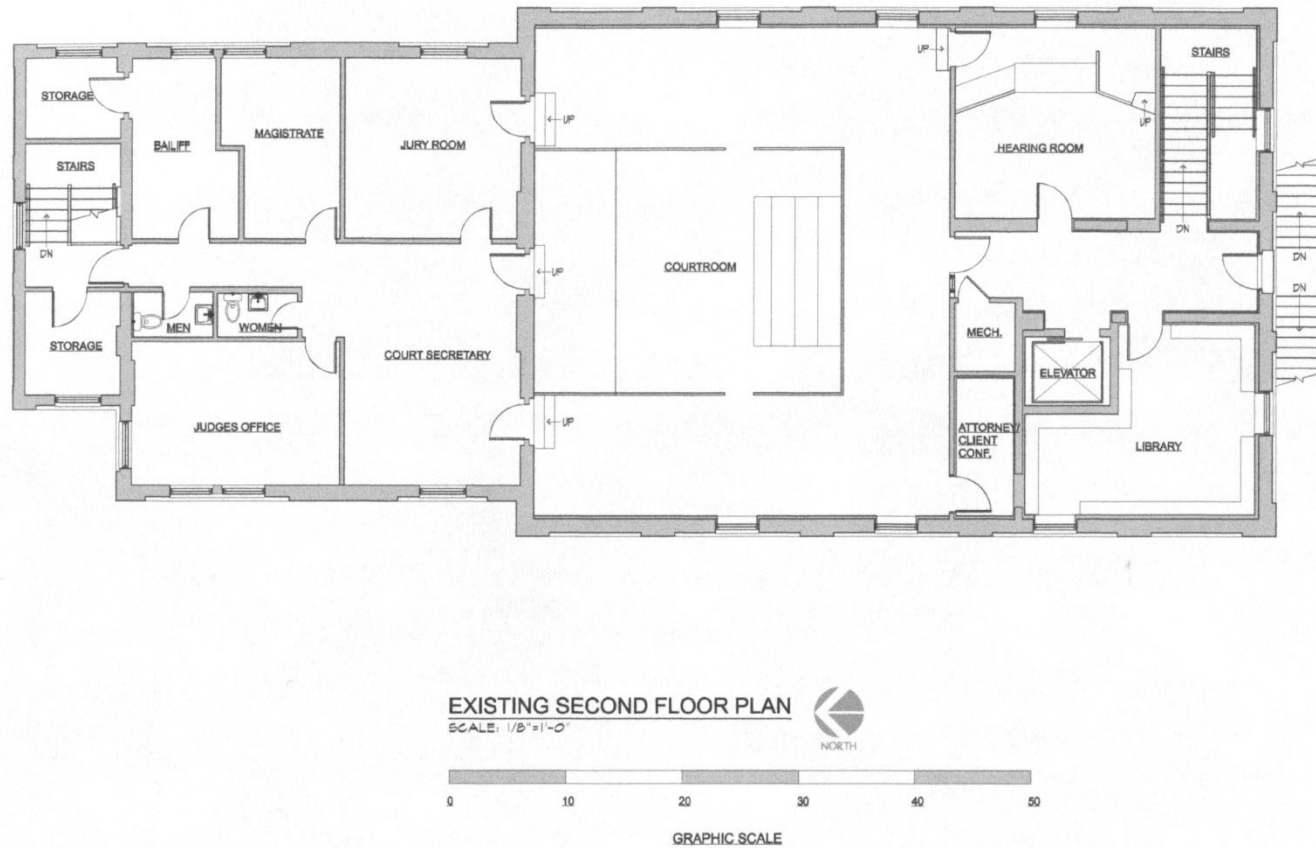


Figure 5: Existing second floor plan, Brown County Courthouse. Source: ADS Brown County Courthouse Study, 2012

A. Option 1--Housing Court-Related Offices in Courthouse with Addition

1. Courthouse Studies and ADS Conceptual Design Proposal

There have been two studies of how to expand the existing Courthouse to accommodate all of the Court-related offices. One was done by Miller Architects of Nashville in 2010 on a pro bono basis. The second was commissioned by the Brown County Board of Commissioners and carried out by the Architecture Design Studio of Nashville in 2012-13. Both studies proposed substantial additions to the north end of the Courthouse. Both would have addressed space needs identified by the potential occupants, ADA compliance issues, security concerns, and energy conservation issues. The ADS involved interviews with all the potential occupants and included a detailed summary of comments by the officials involved.

To address the principal issues identified, the ADS study recommended the following as part of the program for expanding and renovating the Courthouse:

- (1) Combine the various court agencies into a single building by constructing a two-story addition to the existing building that complemented the existing building's design
- (2) Re-locate records currently stored in the basement of the Law Enforcement Center to the Courthouse
- (3) The Courthouse space should be renovated to accommodate new occupants and required space modifications
- (4) The building program and construction sequencing plan should be developed for renovating the existing building and constructing the addition so as to cause "as little disruption as possible to the functioning of the Court and the related agencies" (in the Courthouse).
- (5) The building security should be improved and proper means devised to separate the public, inmates, judges, and jurors.
- (6) Make the building ADA accessible.
- (7) Design and construct the addition to exceed current energy codes to reduce operating costs
- (8) Reduce the amount of "Hardscape" around the building, create more green space, and create a public plaza on the east side of the building.
- (9) Remove the existing Prosecutor Office building and install more parking on the site
- (10) Change the current windows to match the historic window patterns
- (11) Consider changing the roof to a standing seam metal roof
- (12) Consider adding a basement below the addition for future growth or parking

The ADS study was the basis for the 2013 proposal by the Board of County Commissioners to renovate the existing Courthouse and expand it with an addition. The ADA conceptual design for perspective view, two elevations, main floor plans, and site plan are shown in Figures 6-11.

Under the conceptual design, the Circuit Court and related offices would occupy the second floor of the addition. The Prosecutor would occupy the second floor of the original Courthouse, plus part of the 1939 addition. The County Clerk would occupy the first floor of the proposed addition, and the Probation Department would be housed in the first floor of the original Courthouse, most of the 1939 addition, and part of the new addition. No plan for the basement of the original building was shown. The proposed addition would fill most of the space currently occupied by the north lawn of the Courthouse. The ADS site plan shows re-designing part of the southern approach and southeastern corner of the Courthouse property to emphasize more lawn area.



Figure 6: Perspective view of proposed Courthouse Expansion. Source: ADS 2012 study



Figure 7: South elevation view of proposed Courthouse expansion. Source: ADS 2012 study



Figure 8: West elevation view of proposed Courthouse expansion. Source: ADS 2012 study

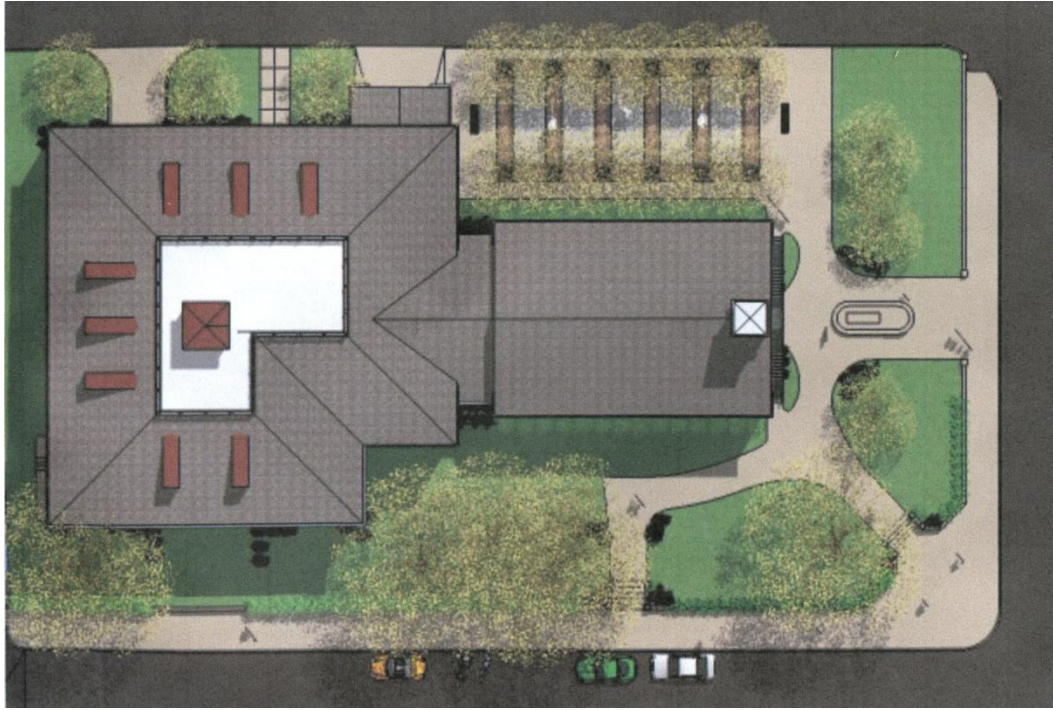


Figure 9: Site plan for proposed Courthouse expansion. Source: ADS 2012 study

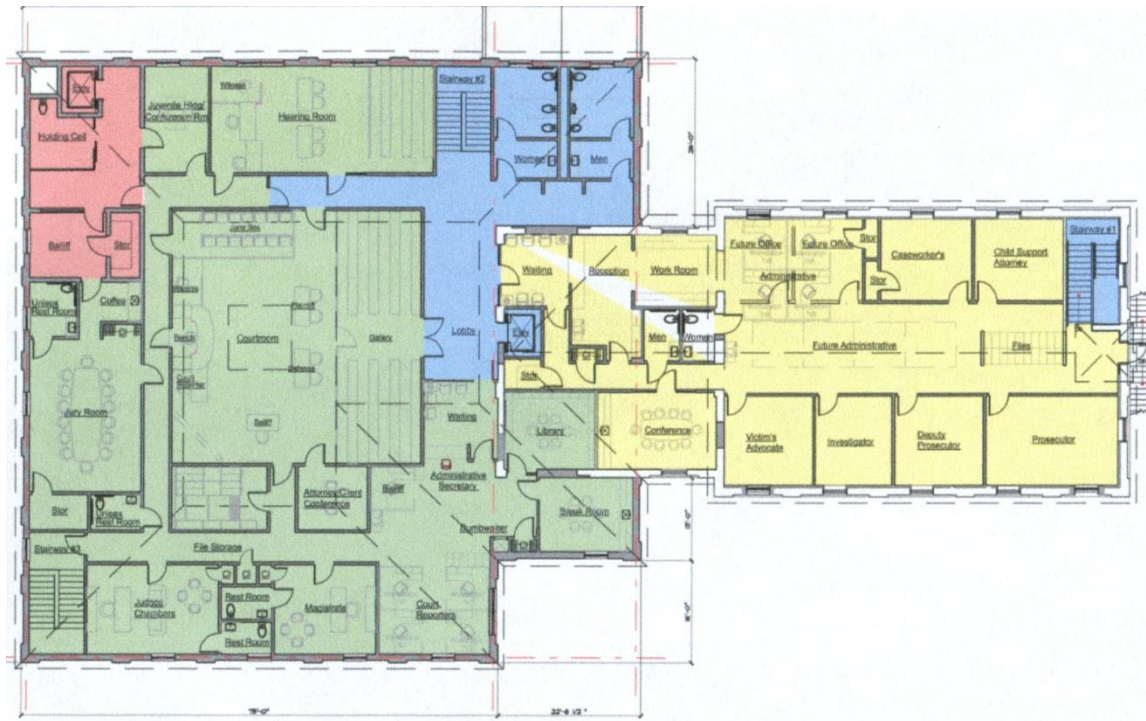


Figure 11: First floor plan for proposed Courthouse expansion. Prosecutor's Office is shown at right, with Circuit Court offices to the left. Source: ADS 2012 study.

2. Square Footage for ADS Proposal

The ADS proposal sets forth the following square footage created or renovated in the project:

Existing Building

| | |
|-------------------|------------------|
| Basement..... | 894 square feet |
| First Floor..... | 4260 square feet |
| Second Floor..... | 4260 square feet |
| Subtotal..... | 9414 square feet |

Addition

| | |
|-------------------|----------------------------------|
| Basement..... | 7057 square feet |
| First Floor..... | 8700 square feet |
| Second Floor..... | 8700 square feet |
| Subtotal..... | 24,457 square feet ¹⁰ |
| Grand total..... | 33,871 square feet |

3. Costs

The costs for the ADS proposal are as follows:

| | |
|--|--------------------|
| New building construction only..... | \$3,549,310 |
| Building renovation only..... | 658,980 |
| Site work costs..... | 250,740 |
| Building technology/security..... | 341,000 |
| Subtotal..... | \$4,800,030 |
| Additional site work, furniture, equipment, fees, and soft cost..... | \$1,200,000 |
| Total estimated cost..... | \$6,000,030 |
| Cost per square foot, new construction..... | \$145.12 |
| Cost per square foot, total building..... | \$141.72 |

¹⁰ Courthouse Study Committee member Jim Schultz, who worked on the 1992 renovation of the Courthouse, believes a more accurate square footage total for the proposed addition would be 22,000 square feet. This would reduce the costs for both Option 1 and Option 2.

4. *Financing*

The Courthouse expansion proposal was to be financed by a bond issue by the county. As of the summer of 2013, the total cost of a 12-year bond was estimated to be \$8,250,000. The break-down is as follows:

| | |
|--|--------------------|
| Maximum bond issue..... | \$6,500,000 |
| Construction..... | \$4,800,000 |
| Construction-related costs..... | \$1,240,000 |
| Bond issuance costs..... | \$180,000 |
| Capitalized interest..... | \$240,000 |
| Maximum annual debt service formulated as lease..... | \$780,000 |
| Total payments by County over life of lease..... | \$8,250,000 |

5. *Advantages and Disadvantages*

Advantages of Option 1 Proposal: The proposal would consolidate all of the Circuit Court-related functions in one building and provide efficiencies for the offices that normally work closely together and for the public that uses the court system in having all of the offices most used in the same structure. In addition, there is some sentiment in the community for keeping the court function in the historic courthouse, at the center of town. It would also provide sustained county financial support for the historic courthouse building long term.

Disadvantages of Option 1: The elevation drawings show that to accommodate the increase in square footage proposed, a large addition would be entailed. Its scale and footprint would be substantially larger than the historic Courthouse and especially as seen from the south, would tend to change the visual profile of the original building. Inside, in order to accommodate the space needs of

the Prosecutor and the Probation Department, the original courtroom on the second floor would be divided into offices, and the vault with its impressive steel door in the 1939 addition would be removed.

Members of the public and the Courthouse Study Committee have voiced several concerns about the Courthouse expansion project: (a) the cost of the project was too high and would create a tax burden for county taxpayers, (b) the project was developed and approved too fast and without enough public consultation, (c) construction on site would disrupt the functioning of the Circuit Court and other county offices, (d) because of the congestion and limited parking, construction would impact businesses downtown negatively, (e) by concentrating more county offices and public activity at the Courthouse location, parking shortages would result, with those having county business and visitors to town competing for limited parking spots, (f) increased traffic congestion would result near the Courthouse, and (g) the lawn north of the Courthouse would be lost and remove needed green space for the center of town.

B. Option 2--Housing Court-Related Functions in New Building at Law Enforcement Center

Since the defeat of the proposal for expanding the Courthouse in September, 2013, several design and construction parties have prepared rough estimates and notional concept designs for a new Court building at the Law Enforcement Center property located on State Road 46. This option, which would require further study, would place the same functions as presented in Option 1 within a new building located at the northeast corner of the Law Enforcement property. A foot print and site plan are shown in Figure 12.

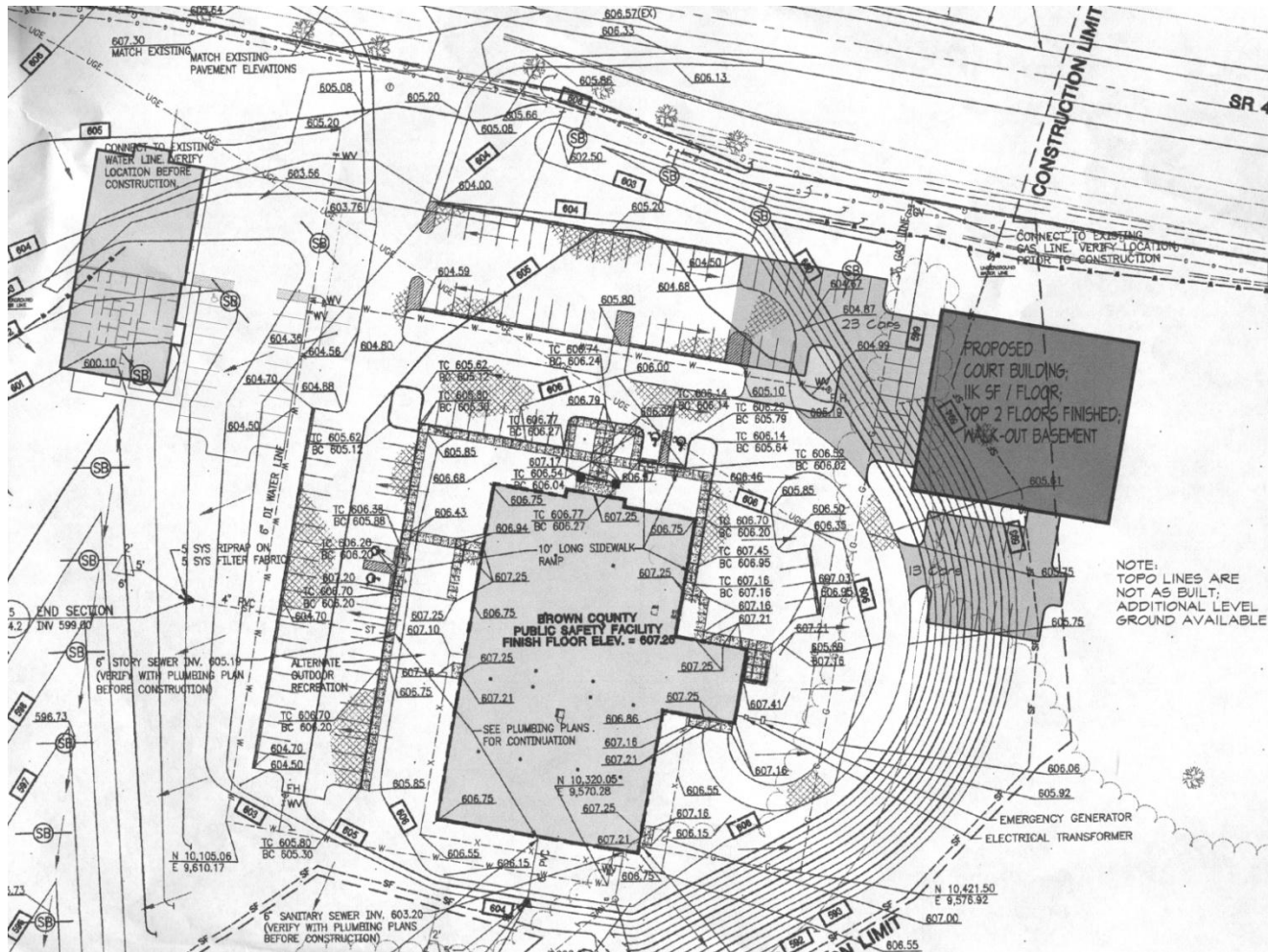


Figure 12: Proposed site plan and footprint for New Court Building, Option 2, at Law Enforcement Center property.
Source: League of Women Voters of Brown County

1. Cost Estimates

As currently proposed, the new building would have three stories and contain the same amount of total square footage as in the Courthouse expansion proposal. An estimate provided by the Architectural Design Studio (ADS) for a new building at the Law Enforcement location would put the total cost of such a structure at **\$6,788,512**.¹¹ The estimate assumed the same number of total square feet as for the Courthouse expansion proposal, 33,871 square feet. On March 28, 2014, Turner Construction Company provided a pro bono estimate for a new structure with the same program at the Law Enforcement site. Their estimate came to **\$5,944,700**.

Courthouse Study Committee member Jim Schultz, who has worked for many years in the local construction industry and participated in the 1992 renovation of the Courthouse, believes that substantially less space would be needed for office functions than in the ADS estimate. He also thinks the Turner estimate is high, and a new Court Building on the Law Enforcement Center site would come to about **\$5,000,000** finished. In his opinion, a more accurate square footage for the square footage representing the productive office and Court-related spaces would be 22,000 square feet. An additional 11,000 square feet could be provided at a lower per square foot cost at the basement level, to house walk-out storage, mechanical systems, and future needs.

An official analysis of the costs involved in this option would be done by architects bidding on the job.

Break-downs of the three estimates are provided in Appendix C.

2. Financing

The financing for the new Court Building at the Law Enforcement Center would be handled in the same way as in Option 1.

¹¹The original ADS estimate included costs arising from the supposition that the site was located in a floodway. There were costs included for the “unknown site cost for construction in a floodway,” “stream hydraulic modeling for DNR,” and “engineering costs.” These three costs would total \$110,000. Such costs would likely not be required, in that the Department of Natural Resources has determined that the site does not lie in a floodway, as documented by a March 24, 2014 letter from James Hebenstreit, DNR Division of Fish and Wildlife, to Jim Schultz, Courthouse Study Committee Member. The above estimate does not include the three floodway-related costs.

3. Advantages and Disadvantages

Advantages of Option 2: The advantages cited by members of the public and members of the Courthouse Study Committee include (a) it may cost less than Option 1, (b) the property is county-owned and sufficient parking to serve users of the Court building and the Law Enforcement Center is available on site, (c) construction could occur without disruption of Court functions, surrounding businesses, (d) all of the court-related functions would be brought together in one facility, including sufficient storage of records, (e) the volume of public activity at the historic Courthouse would be less, depending on its re-use and parking and traffic issues would probably be less, and (f) the green space provided by the north lawn of the Courthouse would remain open.

In addition, it is probable that new uses for the historic courthouse would allow it to retain more of its historic character inside and dominate the Courthouse property as it has for all of its history.

Disadvantages of Option 2: The principal disadvantages cited by the Courthouse Study Committee of Option 2 are the following: (a) site preparation costs are not yet finally established, (b) the historic Courthouse would need to be re-used in a way that assured its long-term preservation and would need to have committed financing for its renovation and maintenance, and (c) the new Court building would be separated from the offices in the County Annex on Locust Lane. An observation by the consultant about the last concern: after interviewing many of the occupants of the County Annex, it appears that most do not have regular inter-actions with the Court-related functions of county government. The Annex offices tend to be related to real estate and permitting.

C. Option 3—Keep Current Functions in Courthouse and Address Emergency Issues

This option would likely be a short term choice, to “buy some time” to consider the most prudent and advantageous long term solution to the county’s space needs. Under this option, the Circuit Court, County Clerk, and Probation Department would continue to stay in their current offices in the Courthouse. Emergency needs in the building, such as Americans with Disabilities (ADA) access, providing additional security for the Court and other offices in the building, and possibly addressing some of the energy loss issues in the building would be addressed and entail an immediate cost. Meanwhile, the County could take time to pay down some of its current long-term bond debt, study and evaluate the need for additional county space, and set aside in its annual budget funds to save

and reduce the amount of a future bond for expanded county offices. The ADA-related measures (an additional elevator for the 1939 addition, accessibility in restrooms and within offices, etc.) are mandated by federal law and if carried out, would avoid lawsuits under the law against the county. Securing the existing building as needed long-term would have a substantial price, as indicated in the ADS proposal for expansion. However, the Courthouse Study Committee believes that short-term measures, such as stationing an additional sheriff's deputy at the Courthouse while it is open, might be a way of addressing the critical need short term. The Committee also suggests under this option that the rear two doors to the Courthouse be kept locked and useable only by Court employees and that the restrooms in the building be closed to public use.

1. Costs

The costs below are approximate. The cost of an additional sheriff's deputy would be an on-going expense in the county budget, as long as this option was in effect. The cost of emergency energy conservation measures would need further discussion and estimates by a qualified professional.

| | |
|---|----------|
| ADA compliance adaptations of Courthouse..... | \$70,000 |
| One additional sheriff's deputy, including benefits (on-going annual cost)..... | \$53,000 |

2. Advantages and Disadvantages

Advantages of Option 3: The advantages cited by members of the public and the Courthouse Study Committee were (a) it would gain time for a strategic review of county government size and space needs and to coordinate planning by the county and Town of Nashville for the future of the center of the town, (b) it would allow time to pay off some of current bonded indebtedness, and (c) it would gain time for the County to set aside funds for a substantial down payment on a bond for expanding county facilities. The consultant would add that it would provide time to develop a feasible plan for the re-use of the historic courthouse, should Option 2 be chosen in the future.

Disadvantages of Option 3: The disadvantages cited by members of the public and the Courthouse Study Committee include (a) the current configuration of offices and insufficient space at the Courthouse limits what can be done within the existing envelope to

address the needs of the Court-related offices, and (b) delaying long-term bond financing may mean higher borrowing costs; costs currently are at a historic low. In addition, Option 3 might not avoid some bonded financing for the emergency measures.

VI. Financing Options 1 or 2

A. Current Bonds and Loans and a New Bond

Part of the concern that was voiced by remonstrators about Option 1 related to the County's current bonded indebtedness and assumption of additional debt for a Courthouse project. There are currently two other outstanding bonds or loans that the County is currently paying off:¹²

(1) Law Enforcement Facility Bonds, taken out in 2003

Outstanding amount: \$6,705,000

Average annual payment: \$592,000

Year of final payment: 2029

Property tax rate required based on 2013 valuation: \$.0455

(2) Roads Loan (taken out in 2013)

Outstanding amount: \$2,000,000

Average annual payment, 2014 and 2015: \$1,021,625

Year of final payment: 2015

Tax rate required based on 2013 valuation: \$.0832

If a \$6,500,000 bond issue were made to pay for either Option 1 or Option 2, the maximum annual debt service by the County would be \$780,000 over 12 years (2015-2027). This assumes the roads loan is paid off prior to issuing the new bond. The tax rate required

¹² The figures presented are as of July, 2013.

to raise \$780,000 would be \$.0635. The total Brown County tax rate for debt service, including the Law Enforcement bonds, would be \$.1090.

The additional tax impact for taxpayers occupying residential properties would be as follows:

\$100,000 value--\$22.70 additional tax annually

\$200,000 value--\$63.98 additional tax annually

\$300,000 value--\$105.25 additional tax annually

B. Other Possible Sources of Funding

Brown County currently has a Cumulative Capital Fund. The County can make use of funds in its Cumulative Capital Fund for capital projects, including courthouse-related projects, using budgeted funds or adopting an additional tax rate. Money accumulated in the fund can be saved from year to year without going into debt. Money accumulated in the fund does not revert to the County's general fund at the end of the year. Also, it appears that Brown County receives approximately \$100,000 annually in funds from Riverboat Wagering Tax Revenue Sharing in its region. If such funds are not otherwise allocated by the county, they may be used for any government purpose for which the County appropriates money, including courthouse projects. Other counties, such as Franklin County, have used gaming funds distributed to local governments in their region, to finance courthouse renovation projects.

Besides the above possible sources, some counties have set aside funds in their annual budgets to renovate specific areas of the courthouse and used County Economic Development Income Tax (CEDIT) revenues. Under state law, CEDIT funds may be used for courthouse renovation and expansion projects.¹³

If the County were going to restore or rehabilitate historic features of the existing Courthouse, it could potentially apply for an Acquisition and Development matching grant from the Indiana Division of Historic Preservation and Archaeology. This is a competitive grant program that uses federal funds from the National Park Service Historic Preservation Fund. Applicants can apply

¹³ The information on cumulative capital funds, Riverboat Wagering Tax Revenue funds, and CEDIT revenues was provided by Beth Henkel, an attorney and expert on local government finance, July 30, 2014.

for up to \$50,000 for restoring or rehabilitating historic features of a building listed in the National Register of Historic Places. Grants must be matched 50/50.

VII. New Uses for Courthouse

Part of the purpose of this white paper is to explore alternative uses for the historic Courthouse should the County ultimately decide to re-locate the Circuit Court-related functions from the Courthouse to a new building, as envisioned in Option 2. One of the maxims of courthouse preservation in Indiana seems to be that continued use by counties tends to assure long-term viability of these historic buildings and community landmarks. In some counties, as county agencies and offices grow, some functions move to nearby buildings on the courthouse square, leaving space for others to remain in the courthouse. For example, in Noblesville, the Hamilton County Commissioners decided in the early 1990s to build a new Justice Center across the street from the monumental 1873 Courthouse. The Circuit and Superior Courts and Court-related offices moved to the Justice Center, and the real estate-related offices stayed in the Courthouse. The Circuit Courtroom was restored and is used for public meetings and special events in downtown Noblesville. There is no security needed in the Courthouse, because the functions most requiring security have moved out. In Brookville, the Franklin County Commissioners and the Circuit Court cooperated in a different solution. The non-Clerk-related functions moved to the historic former high school building about 5 blocks north of the Courthouse, and the Circuit Court and Superior Courts took over the Courthouse. The Circuit Courtroom was rehabilitated and its 19th century character was restored, while a complementary Superior Courtroom was fashioned out of former county offices.

A. Option A—County Offices Occupy Courthouse.

The most desirable re-use plan for the Brown County Courthouse would seem to be one in which at least some non-Court related county offices move to the Courthouse. This would assure long-term County financial support for maintaining the building and retain the long-standing association of county government with the structure.

In interviewing many of the county officials whose offices are currently located in the 1991 County Annex, it became clear that there is a definite benefit to the offices involved and the public they serve for several of the offices to be in the same building and even on the same floor. The strongest affinity exists among the offices that deal with the transfer and taxation of real estate and the financial

transactions of the county. The Recorder, Assessor, and Auditor are especially inter-related, but the Treasurer, Planning Department, Surveyor, and Health Department also have regular inter-actions with the first three offices.

One possibility that would need to be explored in more depth would involve the three most-closed affiliated county offices in the Annex—the Recorder, Auditor, and Assessor—to occupy the first and second floors of the Courthouse. There appears to be just enough space in the existing Courthouse to accommodate the current square footage that these three offices occupy. The approximate current square footage for each of the three offices is shown below, together with the square footage of a particular area of the Courthouse that closely matches it:

| | <i>Current Square Footage in Annex</i> | <i>Square footage available in Courthouse</i> |
|----------|--|--|
| Recorder | 396 square feet, ground floor | 400 square feet available, all sections of first floor |
| Auditor | 478 square feet, ground floor | 443 square feet available in second floor of original Courthouse |
| Assessor | 230 square feet, ground floor | 256 square feet available in the second floor of the 1939 addition (where Circuit Court offices are now) |

Figures 13 and 14 show how the three offices might be distributed in the first and second floors. The Recorder’s Office could likely occupy the first floor of the Courthouse without any significant alteration to the existing floor plan.

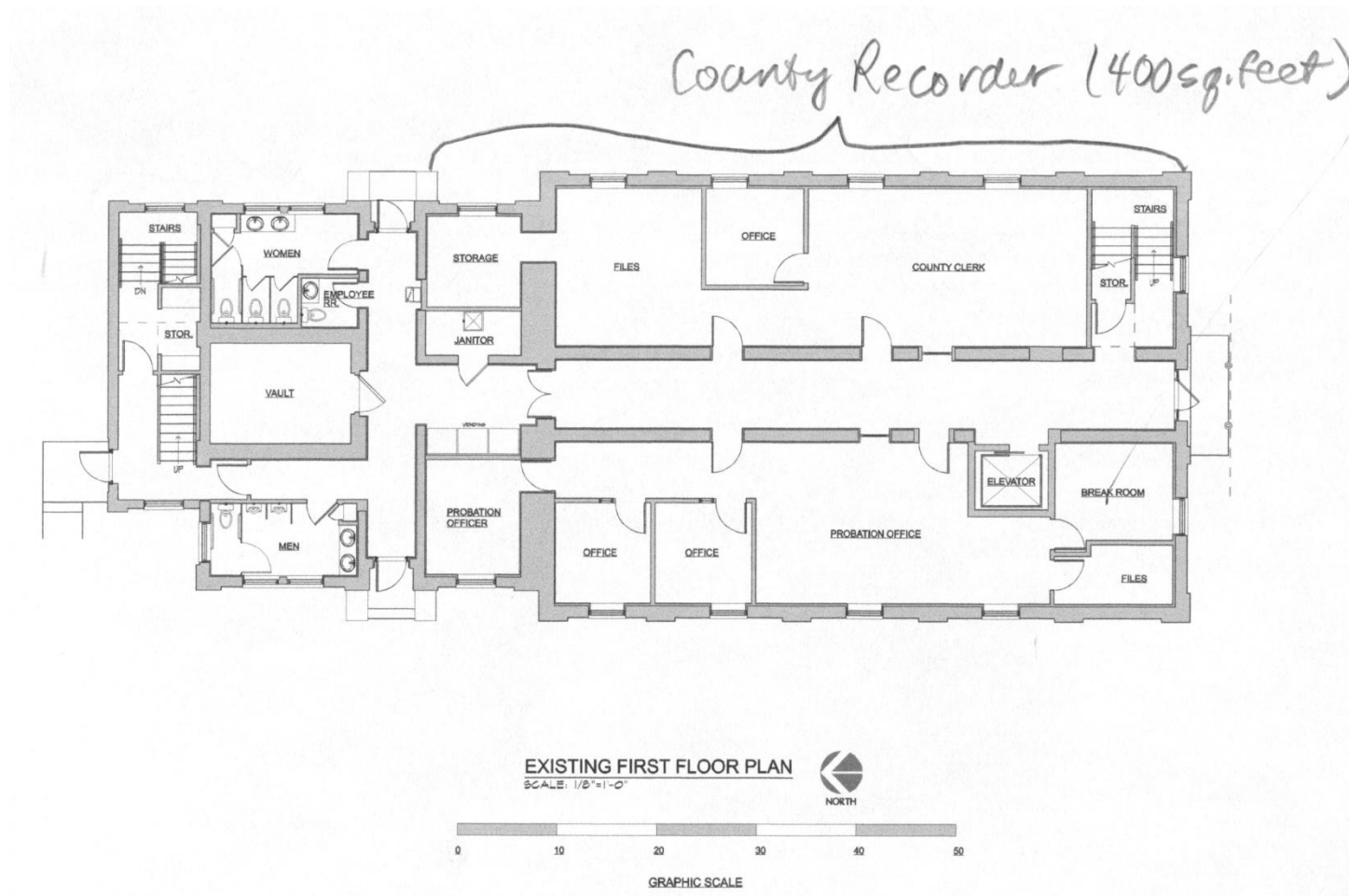


Figure 13: Existing first floor plan of Courthouse, showing space available for County Recorder.

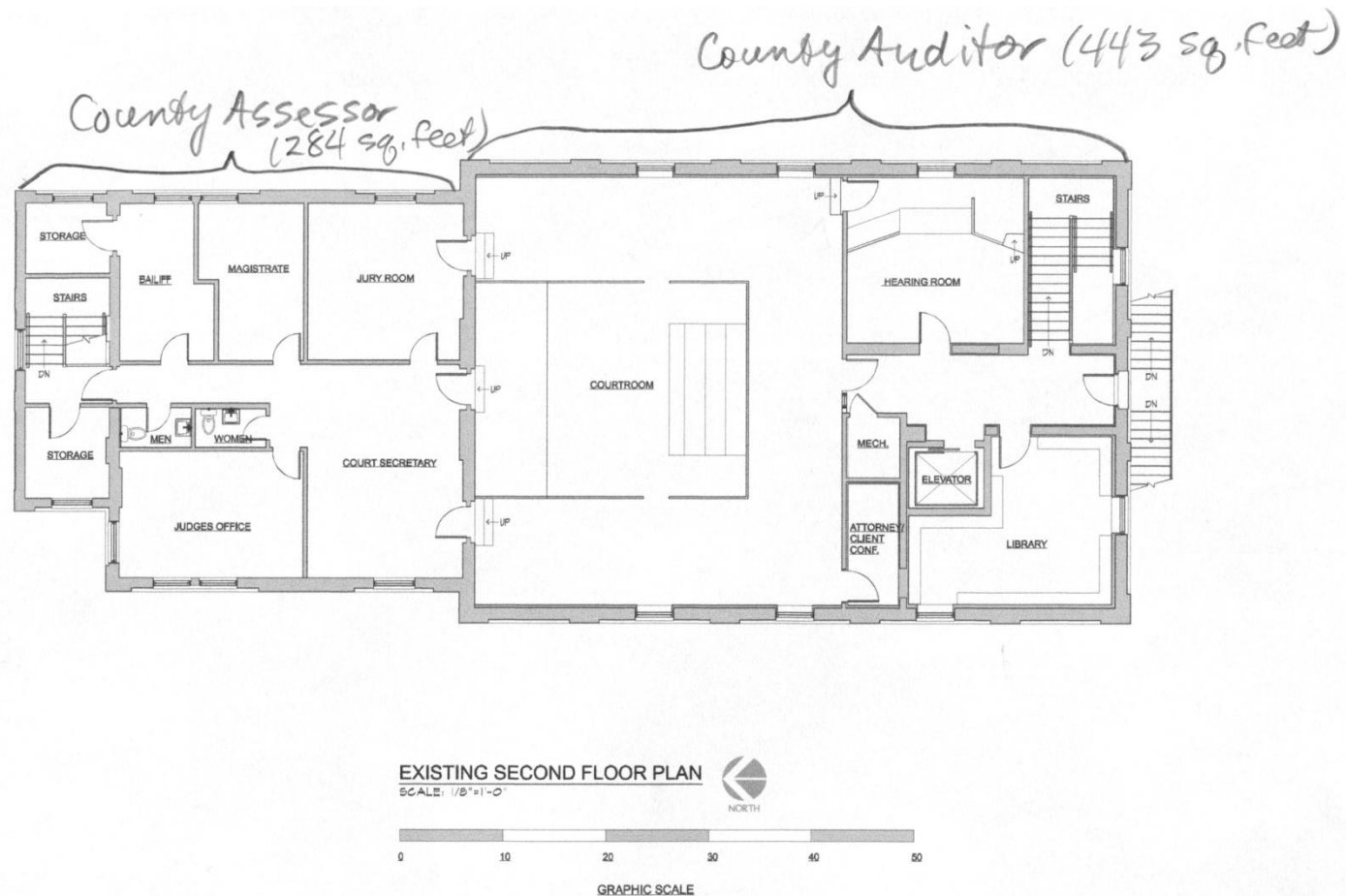


Figure 14: Existing second floor plan of Courthouse, showing space available for County Auditor and Assessor.

On the second floor, the current courtroom might need to be subdivided, possibly with partial partitions, to accommodate the needs of the Auditor.¹⁴ Likewise, the current configuration of the Circuit Court offices might need to be modified. For the record storage

¹⁴ It should be noted that the consultant did not have the opportunity to interview the County Auditor, so have not discussed the Auditor's space needs or the possibility of moving to the Courthouse with her.

needs of the three offices, there would be the existing vault available on the first floor and the storage space currently available in the basement.

In interviewing the Recorder and the Assessor, both expressed a willingness to consider moving to the Courthouse, but expressed a desire to be in the same building with at least the other two offices being considered in this discussion and preferably in the same building with the Treasurer. If the three offices under discussion vacated the County Annex, approximately 1100 square feet would be opened up in the building, allowing the Health Department to expand and affording space for future county needs. In the short term, perhaps the offices could be leased by the County to small professional offices.

B. Option B—Convention and Visitors Bureau and Small Professional Offices or Non-Profits Occupy the Courthouse

Another option for re-use of the Courthouse should a new Court building be constructed would be for a well-established non-profit organization, such as the Brown County Convention and Visitors' Bureau, to occupy part of the Courthouse, together with several smaller non-profits or small businesses. The consultant interviewed Jane Ellis, Executive Director of the Convention and Visitors' Bureau about several possibilities.

The Bureau currently leases space in the privately-owned Professional Building on the northwest corner of Van Buren and Main Streets. At the front of the building, the Bureau operates a Visitors' Center where visitors can pick up brochures about leisure activities in the town and county, ask questions, and use a video screen to access the Bureau's website and access current information on events. There are also a large conference room and six private offices.

Several years ago the Bureau did a space allocation study and examined the feasibility of constructing and owning a new building at Gould and Van Buren Streets, but concluded that it was not financially feasible for the organize to build and own a structure at that time. The Tourism Commission, a government-appointed board that contracts with the Convention and Visitors Bureau's Board of Directors, provides financial support to the Bureau through the County's Innkeeper's Tax. The Commission and Bureau have not formally discussed the possibility of moving to the Courthouse, but have recognized the opportunity. The building is historic, is at the center of town, and there are interesting stories that could be told about the building and places within it that visitors would find of interest.

Based on discussion with Ellis, there could be several possible ways in which the Bureau could occupy space in the Courthouse:

- (a) The County retains ownership, and the Bureau leases space as the primary tenant. Ellis said that the Bureau would be open to the possibility of the Bureau acting as a building manager for the County and handling leasing of the remaining space in the Courthouse to other tenants. The County would continue to be responsible for maintaining the building and possibly for renovating the building to meet tenant needs.
- (b) The Bureau becomes the owner of the Courthouse and takes responsibility for raising funds to renovate and maintain the building. The Bureau would occupy most of the building and lease out the rest to either non-profits or small businesses.
- (c) A private developer acquires the building from the County, renovates it to suit tenants, and leases it to the Convention and Visitors' Bureau and other tenants.

Ellis suggested that the Bureau under the three scenarios could place its Visitors' Center on one side of the first floor, and its offices on the other side. The 320 square foot courtroom¹⁵ could be used as a Visitors' Theater, where orientation videos and other programming on the town and county could be staged. That would leave approximately 120 square feet available in the south end of the second floor and 284 square feet available at the north end of the second floor for other tenants. Suitable space would have to be set aside along the east side of the Courthouse for motor coaches to unload and load visitors and to park.

With respect to financing for the three scenarios, if the County or Convention and Visitors' Bureau owned the building and renovated it, either could apply to the Indiana Division of Historic Preservation and Archaeology for a matching federal grant for restoration expenses (up to \$50,000). If a private owner acquired the building and carried out a "substantial rehabilitation," the owner could apply for a federal historic rehabilitation tax credit through the Indiana Division of Historic Preservation and Archaeology and National Park Service (20% federal income tax credit can be applied against the total certified rehabilitation cost of the project).

Ellis said that the Convention and Visitors' Bureau has a stable annual income through the Tourism Commission. Currently, the Bureau receives \$695,000 from the Tourism Commission, but that amount fluctuates, based on Innkeeper Tax collections. Other sources might be loans and fund-raising. If a non-profit such as the Bureau owned the Courthouse, there would need to be provision for long term maintenance of the building. For non-profits, such provision is most frequently accomplished by raising funds for an

¹⁵ Approximate area.

endowment fund that can yield sufficient interest income to pay expected annual maintenance costs. Possibly part of a negotiation with the County could include a commitment to make an annual financial contribution to maintenance of the Courthouse.

VIII. Plan for Town Square/Courthouse Historic District

There has also been discussion among members of the Courthouse Study Committee about how to strengthen the Courthouse historic district as the center of the Town of Nashville and provide a venue for community festivals and events. Figure 15 presents a site plan showing one possible concept. It assumes removal of the current Prosecutor's Office building on Old School Way and probably adoption of Option 2 for meeting County space needs (a new Court building). The Courthouse would remain in its current footprint, the north lawn would be preserved as community green space, and the Old Log Jail would remain on its current site. Where currently a parking lot exists to the west of the Prosecutor's office, a "Town Square" would be laid out. The square could be covered with a pavement material, such as brick, or a combination of lawn and walks. Perhaps a band shell could be part of the design. Along the north side of the Courthouse property, a "history walk" has been proposed.

If the Courthouse were occupied by the Convention and Visitors Bureau, possibly the Bureau could program special festivals and cultural events on the Town Square. The Bureau could also cooperate with the Historical Society in directing visitors to the Old Log Jail, Pioneer Village, and the new Brown County History Center.

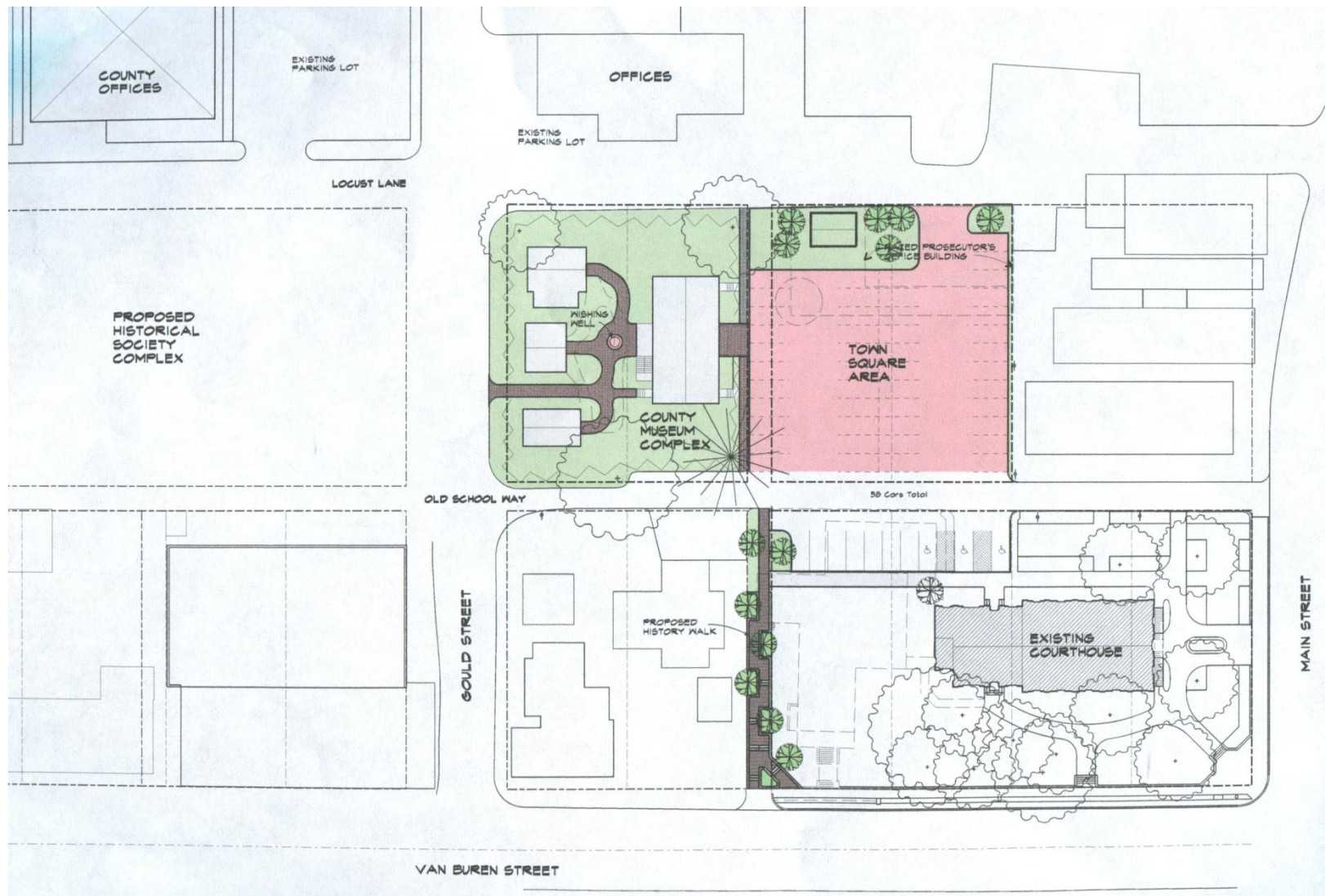


Figure 15: Proposal for Town Square Area south of Community Building and west of Old Log Jail. Source: League of Women Voters, c. 2013-14

IX. Conclusions

A. Importance of the Courthouse

Between 2009 and 2011, the Indiana Courthouse Preservation Advisory Commission did the first comprehensive study ever conducted of historic courthouses in Indiana. In 2011, the commission submitted a report based on its study to the Indiana General Assembly, *Indiana's Historic Courthouses: Re-Investing in Community Treasures*. Among the findings of the Commission were the following:

- (1) Historic courthouses are typically the most important element of physical identity for Indiana's county seat communities.
- (2) Historic courthouses provide a visual and psychological focus to courthouse squares.
- (3) Historic courthouses tend to be the most monumental and elaborate works of architecture in most counties and help define Indiana's identity, as well as that of their host communities.
- (4) Indiana's historic courthouses help support a critical mass of commercial activity in county seat downtowns.
- (5) Historic courthouses attract the attention and interest of visitors, together with the courthouse squares and downtowns surrounding them. The courthouses, courthouse squares, and surrounding downtown areas are natural attractions for tourism.¹⁶

The historic Brown County Courthouse illustrates all of the above findings. It is one of the most important landmarks and elements of identity for the old town of Nashville. It provides a visual focus to the county-owned properties at the center of town. Its architecture, although not monumental or elaborate, has been one of the most substantial buildings in Nashville during most of its history. The Courthouse tends to help support commercial and economic activity in the center of Nashville, through local residents conducting business in the Courthouse or patronizing professional offices that provide services related to the Courts. Finally, the Courthouse is one of the elements in the center of town that draws the attention and visits of visitors to Nashville, with its obvious historic character.

The Courthouse also is a key part of the network of historic structures in the original section of Nashville that are interspersed among the newer structures and help provide elements of continuity among much physical change. Further, it has strong ties to the nearby

¹⁶ Indiana Courthouse Preservation Advisory Commission, *Indiana's Historic Courthouses: Re-Investing in Community Treasures. A Report to the Indiana General Assembly*. August, 2011, p. 72.

Log Jail, Community Building, and Pioneer Village. All of them harken back to Nashville's 19th century past and its rustic and rural roots. Together, the Courthouse, Jail, and Pioneer Village provide for an authentic encounter with that past for visitors and townspeople.

B. Options for Meeting County Space Needs

As indicated in the sections of the white paper dealing with the current space needs of County offices and the three options being considered by the County for addressing those needs, there are decided inadequacies in the current space available to the Circuit Court and related offices in the Courthouse. Both Option 1—expanding the Courthouse with a substantial addition—and Option 2—building a new Court building on the Law Enforcement Center property—would address the needs identified by the Court and related offices for additional space, enhanced security, access for the disabled, and privacy. Option 1 aroused considerable opposition and the 2013 proposal for implementation was defeated by remonstrance. The concerns most expressed related to the amount of the cost, the assumption of additional bonded indebtedness, and the project being moved too swiftly without enough public awareness and input. It also would likely change the visual impact of the original Courthouse through the scale of the proposed addition and require that several historic spaces inside be divided or removed. Outside, the north lawn area, currently a downtown green space, would be removed. Increased traffic and shortages of parking appear to be possible also.

Option 2 would consolidate all of the Court-related offices at a location close to the rest of the law enforcement facilities, provide ample parking, and not contribute to disruption of Court functions and increased parking and traffic problems. It would also allow the current Courthouse to retain its present character and would open more possibilities for the Courthouse being a focal point for local history and tourism. Option 2, like Option 1, would entail the County taking on additional bonded indebtedness, but may cost less than Option 1.

Option 3, the “go-slow” option, would retain the current functions in the Courthouse, make emergency modifications to the building to address Americans with Disabilities Act deficiencies, provide increased security by posting an additional sheriff's deputy to the building during public hours, and possibly address some of the energy conservation problems. The County and community would take time to study the needs for additional county space more carefully, could pay off more current bonded indebtedness, and could set aside funds in the county budget for a future expansion project. If Option 3 were adopted, the County and interested residents could

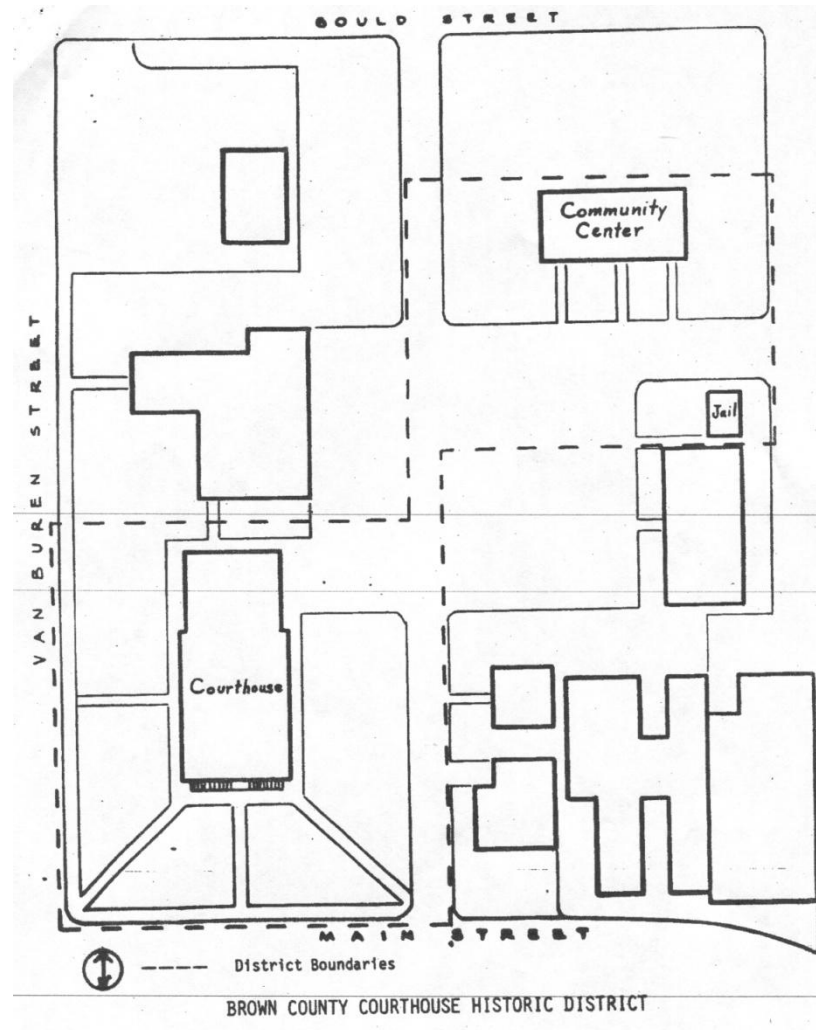
also study alternative sources of revenue to bonding, such as use of the County's Cumulative Capital Fund, Riverboat Wagering Tax Revenues, or CEDIT revenues.

If Option 2 were adopted, adaptive uses would be needed for the historic Courthouse. Two scenarios have been suggested: (1) three county offices related to real estate and with close ties to each other—the Recorder, Auditor, and Assessor--move from the County Annex to the Courthouse and (2) the Convention and Visitors Bureau, together with several other non-profits or small business offices—occupy the Courthouse. Ownership could be held either by the County, which would be responsible for maintenance and possibly renovations for tenants, or by the Convention and Visitors Bureau, which would renovate the building to meet its needs, recruit tenants, and maintain the building, possibly cooperatively with the County.

C. Final Thoughts

Whatever course the County and its residents decide upon, it is desirable for them to choose an option that provides for the long-term preservation for the Brown County Courthouse and retention of as much of its existing historic character as possible. If any transfer from County ownership is contemplated, it would be desirable for the County to attach a protective covenant to the transfer, giving Indiana Landmarks approval in perpetuity of any proposals for demolition or alterations to the building and surrounding property. Technical assistance on rehabilitating the Courthouse so as to conserve its character under any of three options is available from the Historical Architect of the Indiana Division of Historic Preservation and Archaeology.

APPENDIX A—Boundaries of Brown County Courthouse National Register Historic District



APPENDIX B—Current Photos of Brown County Courthouse¹⁷



View from the south

¹⁷ All current photos were taken by James Glass, July, 2014



View from southeast.



View of west elevation of original Courthouse.



View of 1939 addition to Courthouse, seen from west.



View of original Courthouse (left) and 1939 and 1992 additions, seen from northeast.



Brown County Circuit Court Courtroom, Courthouse

APPENDIX C—Break-Down of Estimates for a New Court Building

1. Architectural Design Studio Estimates

| | |
|--|---------------------------------|
| New building construction only..... | \$4,915,512 |
| Site work costs..... | \$300,000 |
| Building technology/security..... | \$341,000 |
| Subtotal..... | \$5,556,512 |
| Additional site work, furniture, equipment, fees, and soft cost..... | \$1,200,000 |
| Total..... | \$6,756,512 |
| Unknown site cost for construction in a floodway..... | \$25,000 ¹⁸ |
| Stream hydraulic modeling for DNR..... | \$35,000 |
| Engineering cost..... | \$50,000 |
| Architecture & Engineering Fee Credit..... | \$32,000 |
| Total estimated cost..... | \$6,898,512¹⁹ |
| | |
| Cost per square foot, new construction..... | \$145.10 |
| Cost per square foot, total building..... | \$164.00 |

¹⁸The costs for the “unknown site cost for construction in a floodway,” “stream hydraulic modeling for DNR,” and “engineering costs” would likely not be required, in that the Department of Natural Resources has determined that the site does not lie in a floodway, as documented by a March 24, 2014 letter from James Hebenstreit, DNR Division of Fish and Wildlife, to Jim Schultz, Courthouse Study Committee Member.

¹⁹ Without the three costs included that assumed the site was in a floodway, the total cost estimated by ADS for Option 2 would come to **\$6,788.512.00**.

2. Turner Construction Company Estimates



March 28, 2014

Brown County, Indiana New Court House Schematic Estimate

| BUILDING SYSTEM | | SD ESTIMATE Narrative March 24, 2014 | |
|------------------------------------|------|---|-----------------|
| | | Gross SF = | 33,000 |
| | | Cost | Cost / SF |
| Demolition | | \$0 | \$0.00 |
| Sitework | | \$249,800 | \$7.57 |
| Excavation & Foundations | | \$272,900 | \$8.27 |
| Structural Frame | | \$751,700 | \$22.78 |
| Roofing & Waterproofing | | \$66,200 | \$2.01 |
| Exterior Wall | | \$505,700 | \$15.32 |
| Interior Construction | | \$1,320,000 | \$40.00 |
| Special Requirements | | \$165,000 | \$5.00 |
| Vertical Transportation | | \$64,000 | \$1.94 |
| Plumbing | | \$239,300 | \$7.25 |
| Fire Protection | | \$99,000 | \$3.00 |
| HVAC | | \$323,300 | \$9.80 |
| Electrical | | \$468,900 | \$14.21 |
| Technology | | \$99,000 | \$3.00 |
| General Requirements | | \$185,000 | \$5.61 |
| Design / Estimating Contingency | 5.0% | \$240,500 | \$7.29 |
| Escalation to start of 4-1-15 | 3.0% | \$151,500 | \$4.59 |
| Subtotal - Direct Costs | | \$5,201,800 | \$157.63 |
| Staff & Reimbursables | 6.0% | \$312,000 | \$9.45 |
| Construction Contingency | 3.0% | \$165,400 | \$5.01 |
| General Liability Insurance | 1.5% | \$36,900 | \$1.12 |
| CM Fee | 4.0% | \$228,600 | \$6.93 |
| Total Construction Estimate | | \$5,944,700 | \$180.14 |

3. Estimates by Jim Schultz:

Using the estimates of cost per square foot employed by Turner Construction, Schultz estimates that costs for a new Court building at the Law Enforcement would be as follows:

22,000 square feet of finished space @ \$180.00 per square foot = \$3,960,000.00

11,000 square feet in basement @ \$90.00 per square foot = \$990,000.00

Total estimated cost: **\$4,950,000.00**