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State approves \$24 million for parking garage; board's stadium vote planned July 18

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Supporters of the Potomac Nationals baseball team wait to speak at Tuesday's Prince William County Board of Supervisors. While some urged the board to approve financing for a new stadium, others requested sending the proposal to voters in a referendum this fall.

Paul Lara

As Prince William County supervisors near a key vote on a proposed stadium deal for the Potomac Nationals, a pair of new developments could either improve or imperil the baseball team's chances of earning a replacement for Pfitzner Stadium.

For stadium boosters, the Commonwealth Transportation Board's decision on June 23 to approve roughly \$24.2 million in funding for a new 1,400-space parking garage adjacent to the stadium came as an especially welcome development. Under the terms of a proposed deal with the minor league baseball team, the county was responsible for funding the garage, making the state's action a key domino to fall as the project comes together.

But opponents of the deal — which would bring a 7,000-seat, \$35-million stadium to Stonebridge at Potomac Town Center in Woodbridge — have their own reason for optimism. County lawyers and lawmakers alike have grown increasingly concerned that the stadium deal as currently written may violate the state's Constitution, as the county is currently slated to use Industrial Development Authority bonds to pay for the project and then collect lease payments from the team for the next 30 years.

Prince William supervisors won't have long to weigh these competing concerns. Team owner Art Silber says he needs a final answer on the deal before the month is out, or else he'll be forced to sell the team to an out-of-state buyer, and the board is currently scheduled to vote on the matter on July 18.

"The time frame is really short on this, and we still have a lot of discussion of these legal matters left," said Supervisor Marty Nohe, R-Coles. "And I would caution anyone against downplaying the uncertainty over whether this deal will meet our legal standards."


“What’s really important here is that this is the best stadium deal that’s ever been offered to any locality in America.” - Corey Stewart, chairman, Prince William Board of County Supervisors

Nohe, who remains largely undecided on how he’ll vote on the deal, says his biggest concern stems from a legal opinion penned by Attorney General Mark Herring on June 2 involving a case in Newport News.

In that case, a regional airport commission used taxpayer money to guarantee an airline’s loan from a local bank. That prompted Herring to conclude that the state Constitution’s “commerce clause” bans any public debt that is “incurred primarily to benefit a private enterprise rather than a public body.”

Nohe says county lawyers have started studying that case with some alarm, and he believes “there are enough similarities” between that case and the proposed stadium deal that the issue “is going to have to be examined very carefully.” He notes that the county is currently planning on sending the deal to a “bond validation suit” — a process that lets a judge weigh the legality of the bonds up front to forestall any future legal challenges — and he has no desire to see the deal get thrown out in court after months of work.

“If we don’t think the courts are going to say ‘Yes,’ we shouldn’t bother asking,” Nohe said. “I’ve lost a bond validation suit before and it was painful. I don’t want to lose another one.”

 Prince William chamber rallies behind new baseball stadium

Supervisor Pete Candland, R-Gainesville and one of the stadium deal’s most vocal opponents, is similarly concerned about Herring’s opinion. Candland thinks it’s clear that “no matter how you slice it, the P-Nats make out the best in this deal,” which could prove to be a troublesome point when a judge examines the arrangement.

“If not for them, we wouldn’t be building this,” Candland said. “You can’t make a credible argument that the primary use of this facility is for the public good.”

Stadium financing experts like Rick Eckstein, a sociology professor at Villanova University, note that such objections are becoming an “increasingly popular path of rebuttal for opponents to public financing.” But that’s not to say those arguments don’t have merit.

“That could very well put the deal in jeopardy,” said Aaron Swerdlow, an attorney with Gerard Fox law who has advised other minor league teams on stadium deals. “It’s a long shot because it’s an argument that’s been tried before in most other states, but to my knowledge it hasn’t been used in Virginia.”

Yet At-Large Chairman Corey Stewart, a vocal backer of the deal, remains “confident we can structure it in a way that will be constitutional.” He feels that the county’s Industrial Development Authority, which would be issuing the bonds for the stadium, exists for the very purpose of financing “deals the county can’t, constitutionally, finance ourselves directly.”

“What’s really important here is that this is the best stadium deal that’s ever been offered to any locality in America,” Stewart said.

Part of what makes the deal so attractive to Stewart is the new parking garage that could come with it. Yet he worries that, without a stadium, it could be prohibitively difficult for the county to make use of the state funds earmarked for the garage.

As the deal stands now, the owner of Potomac Town Center — the JBG Cos. — would lease the land for the garage to the county for just a nominal fee. Should stadium negotiations fall through, Stewart cautions that the board might have trouble finding a similarly attractive site.

“JBG will be providing the ground for the garage only if we approve the stadium,” Stewart said. “And on the eastern side of county, right off I-95, there’s not a lot of land left...If we don’t get that site, I’m not sure what other options we have.”

Candland is more optimistic that the projects should be viewed separately. He says county staff just presented the board with several potential locations “that they believe would be more effective for commuters and less expensive.”

“That’s not the best site for a commuter garage — we’re only putting it there because of the stadium,” Candland said. “We’ll be getting the garage, regardless of whether the stadium happens. If we can find a better, more effective place for \$10 million less, that’s something we need to heavily consider.”

Nohe, who doubles as chairman of the Northern Virginia Transportation Authority, agrees that other options exist for the garage’s location. He adds that the costs of grading and preparing the sloping site near Potomac Town Center are actually a bit higher than they might be for other lots — the county is currently set to send \$7 million to JBG for that expense.

“If we do end up finding a more expensive location for the garage, it’s nothing we wouldn’t be able to handle,” Nohe said. “The decision to build the garage has been made. Now the question is exactly where.”

However, as a condition of earning state funding, Nohe notes that the garage will need to be built somewhere along the Neabsco Mills Road corridor. The state dollars are also designated to help the county widen the road, as part of the broader goal of reducing traffic in the area, and Nohe says supervisors will need to find a site for the garage somewhere between where Neabsco Mills starts at U.S. 1 and ends at Opitz Boulevard.

“The further a garage is from the core, the more congestion it relieves,” Nohe said. “So the stadium site is really the northernmost limit, we can’t go any further than that.”

But before supervisors start to worry about alternative sites for the garage, they face the more immediate July 18 deadline to decide whether they even want to move ahead with the project.

Candland remains concerned that the P-Nats haven’t provided adequate assurance that they’ll be able to make the roughly \$2.7 million they’ll owe in annual lease payments to the county, and he’s particularly frustrated that the board twice denied his attempts to send the deal to a ballot referendum.

“In the end, I’m hopeful the board will do the right thing, and not get us into a 30-year deal that’s bad for the taxpayers,” Candland said. “But I think most of the board seems to be looking at this with an eye on, ‘Let’s make sure we’re protecting the taxpayers.’”

Stewart is similarly hopeful, though he admits that it “remains to be seen” whether the board will end up approving the deal when push comes to shove.

“There’s no question, this is a great deal,” Stewart said. “But citizens need to get out there and let their supervisors know they support this and they want this.”

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