

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
JUNE 9, 2008 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, June 9, 2008 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, David Guice, Daryle Hogsed and Vice-Chairman Kelvin Phillips. Also present were County Manager Artie Wilson, County Attorney Curtis Potter and Clerk to the Board Trisha McLeod.

Media: *Transylvania Times*: Mark Todd

There were approximately 40 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting order at 7:05 p.m.

WELCOME

Chairman Chappell welcomed all those in attendance and thanked them for their participation in County government.

PUBLIC HEARING

SMALL BUSINESS AND ENTREPRENEURIAL ASSISTANCE GRANT

Planning and Economic Development Director Mark Burrows stated the purpose of the public hearing was to make the public aware of the County's intent to apply for the 2008 Small Business and Entrepreneurial Assistance Grant Program. The County can apply for up to \$250,000. No matching funds are required and the grant funds are awarded based on a scoring system. Mr. Burrows noted the Transylvania Partnership is willing to contribute some funds as well. The grant is intended to target primarily small businesses. The grant stipulates that any business that receives funding has to guarantee the creation of one job for every \$25,000 that is accessed. Of those jobs, 70% must target low to moderate income individuals. Another component of the grant targets entrepreneurship.

Two public hearings are required before application is made. The next public hearing is scheduled for the June 23, 2008 Board of Commissioners' meeting.

Chairman Chappell declared the Public Hearing open at 7:10 p.m.

A gentleman from the audience asked how one would go about applying for the grant. Mr. Burrows agreed to meet with the individual after the meeting to explain the process.

There being no further comments or questions, **Chairman Chappell declared the Public Hearing closed at 7:12 p.m.** He instructed staff to schedule the next public hearing for June 23, 2008.

PUBLIC COMMENTS

There were no public comments.

AGENDA MODIFICATIONS

The Manager reported on the Agenda modifications. He requested to add Item A, Request from the Board of Elections, under Old Business.

Commissioner Bullock moved to approve the revised Agenda, seconded by Commissioner Phillips and unanimously approved.

CONSENT AGENDA

Commissioner Phillips moved to approve the Consent Agenda, seconded by Commissioner Bullock and unanimously approved.

The following items were approved.

FACILITIES USE REQUESTS

The use of the Courthouse lawn and gazebo by Charlotte's Fibers for National Knit and Crochet Day on June 14, 2008 from 10:00 a.m. to 5:00 p.m. was approved.

The use of the Courthouse lawn and gazebo by Pisgah Forest Rotary Club for a food drive for the Sharing House on June 28, 2008 from 8:00 a.m. to 5:00 p.m. was approved.

The use of Silvermont by the Transylvania County Humane Society for its annual pet show on July 4, 2008 from 8:30 a.m. to 11:00 a.m. was approved.

The use of the Parks and Recreation facility by Humana for its Customer Appreciation Day on September 27, 2008 from 11:00 a.m. to 7:00 p.m. was approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for accounting period May 1, 2008 through May 31, 2008 was approved.

PRESENTATIONS/RECOGNITIONS

RESOLUTION 23-08: IN RECOGNITION OF DOTTI D. HARRIS

Effective August 1, 2008 Dotti Harris will retire from Transylvania County where she has been an employee in the Department of Social Services since 1980. Social Services Director Carson Griffin said Ms. Harris has been an asset to many families in this

community. Since Ms. Harris was unable to attend the meeting, Ms. Griffin asked that Commissioners present the resolution to her at the retirement celebration in July.

Chairman Chappell read Resolution 23-08, In Recognition of Dotti D. Harris. .

Commissioner Bullock made a motion to approve Resolution 23-08 In Recognition of Dotti D. Harris, seconded by Commissioner Guice and unanimously approved.

(Resolution 23-08 In Recognition of Dotti D. Harris attached as part of these minutes.)

COURTHOUSE COMMITTEE REPORTS

Earlier in the year, in response to discussions regarding space needs, Commissioners formed two committees. Committee A studied the impact of moving the Courthouse out of the downtown area. Committee B worked to determine the cost of building a new courthouse at the current site or at the Morris Road site.

Mr. Tad Fogel, Chairman of Committee A, presented the final report to Commissioners. He explained their responsibility was to determine the impact of moving court functions out of the downtown area. The Committee met five times. The members made up a cross section of the community, consisting of professionals, various Courthouse users, members of the business community and the general public. The Committee divided itself into subcommittees to target specific issues such as the impact on businesses, parking, safety and security, and workflow issues. Committee A also gathered feedback from other communities who have faced the same issue of outgrowing their court facilities.

The Committee created three different surveys for specific demographic groups. A total of 268 individuals completed the surveys. A summary of the surveys is included in the final report.

Commissioners thanked Mr. Fogel and the members of Committee A for their work on this project, noting that the report helps them understand the concerns of downtown business owners and users of the Courthouse.

Mr. Al Platt, Chairman of Committee B, presented the final report to Commissioners. He explained their responsibility was to determine the costs of constructing a new court facility either outside the downtown area or at the current site location that would address court needs for 25 to 50 years in the future. The Committee engaged the assistance of Moseley Architects for this project. The Committee met five times. The membership consisted of the Clerk of Court, the District Attorney, a District Court Judge, several attorneys, including the President of the Transylvania Bar Association, the Sheriff, the Public Defender, a Probation and Parole Officer, a Juvenile Probation Officer, a member of the Guardian ad litem program, the County Project Manager, the County Manager, and a few members of the general public.

Representatives from Moseley Architects interviewed stakeholders to determine their space needs. Mr. Platt noted that in order to complete the task, the Committee had to first understand the space needs. The Committee elected to focus on a 25 year timeline. The space needs requirements were matched with the projected court case filings and population trends in the County.

Mr. Dan Mace of Moseley Architects further explained their role in this project. They developed a space needs questionnaire for the stakeholders. They also interviewed each stakeholder so they could clearly understand what those needs were. Moseley input these figures, along with the projected court case filings and population trends, into their program to calculate the current and future space needs. Mr. Mace noted that future space needs are much harder to predict for more than 25 years. They also toured the existing facility and noted any obvious safety and security deficiencies as well as inadequate and nonexistent space for certain court functions.

Ms. Nelda Leon of Moseley Architects stated that the County's general population is not expected to grow dramatically. However, in 2005 and 2006, the County saw a dramatic increase in the number of court case filings which was out of line with the population growth rate. Moseley also studied other projections, such as future staffing for Probation and Parole. Ms. Leon considered all the different functions and how to keep them safe and secure. All of the information was entered into the program to calculate a total square footage of 81,220.

Mr. Mace said they also studied ways to address the parking issues.

Mr. Mace discussed the two site options. Option 1 consisted of building a new facility next to the existing facility. Space in the Courthouse could potentially be used, reducing the square footage of the new facility to 62,434. A parking deck is included in this plan that would accommodate 300 spaces for vehicles.

Pros: Downtown Site Expansion

- Maintains the traditional location of the court system.
- New construction square footage is reduced.
- A new parking structure would additionally provide overflow event parking for the downtown area in general.
- No potential professional office or business loss or relocation.

Cons: Downtown Site Expansion

- More expensive to realize from an initial capital outlay standpoint.
- Providing for continual court and administrative operations will be problematic during construction.
- Onsite management of storm water will be expensive and difficult due to the addition of a much more impervious surface area and due to the relatively small site size.
- Lay down areas for the construction process would be difficult.

- Even with the addition of a parking structure, adding more vehicles to an expanding court system is going to further clog downtown arteries.
- Increased design contingency for renovation of the current Courthouse because of the unknown factors.
- Extremely difficult to maintain the historic integrity of the current Courthouse while providing a contemporary 21st Century court facility that is safe and secure for all users.
- Inmates will be transported via vehicle from the new Public Safety Facility which always presents safety risks.
- Future expansion would be limited, with the burden being placed on future generations to relocate the court facility.
- New facility would be a three story vertically oriented design, making it a less efficient building. More stairways and corridors would have to be incorporated which is essentially wasted space.

Option 2 consisted of a new facility at the Morris Road site adjacent to the new Public Safety Facility. The new facility would require 81,220 square feet.

Pros: Alternate Site Location

- Immediate and secure connectivity of new court facility to the Public Safety Facility for transfer of inmates.
- Much better future expansion potential.
- Facility can be designed for functionality rather than dictated by the site limitations.
- Much less disruption to ongoing court operations during the construction period.
- More external presence of security at the Morris Road site with the nearby Sheriff's Department.
- Favorable adjacent property which may be purchased to improve access in the future if needed.
- Less money from an initial capital outlay standpoint.
- Ability to design a building with its own identity.
- Lay down area problem is eliminated with this option.
- Eliminates congregation of defendants and visitors at the current site.

Cons: Alternative Site Location

- Moves the traditional location away from the historic site in downtown. Committee members saw this as both a pro and a con.
- Downtown business development may change with the relocation of the court facility.

Mr. Mace stated the Committee felt very strongly that the Courthouse remain a viable functional building that is an active part of County government. This would require further analysis to determine an alternate use for this building if Commissioners decide to relocate court functions.

Mr. Mace discussed the cost estimates for each option. He noted that the estimates are contingent upon Commissioners immediately moving forward with the development of one of these options. Based on his experience, construction costs have increased annually from 5% to 12%. Development of one of the projects would have to begin in 2009 with the bid process beginning in February 2010.

The estimated cost of Option 1, the current site location, is \$38.6 million. The estimate includes increased contingency for the renovation of the existing building and a new parking structure estimated at \$6.3 million.

The estimated cost of Option 2, the Morris Road site, is approximately \$30 million. The estimate includes a 10% contingency, which would be reduced as the project develops, and new furniture, fixtures, and equipment. It also anticipates the building would be constructed as a “green” or energy efficient building.

Commissioner Guice asked how many parking spaces were included at the Morris Road site location. Mr. Robert Smith of Moseley Architects responded that over 350 surface parking spaces were added.

Commissioner Guice asked Moseley to explain what changes would need to occur at the site or on the Public Safety Facility if Commissioners were moving forward now. Mr. Smith responded that one of the storm water retention ponds would be eliminated and they would possibly add underground storage tanks to capture storm water. The current access road to the Maintenance Facility would have to be removed as well. Mr. Mace said he anticipated some demolition costs in his estimate since the Public Safety Facility will be complete before construction begins on a new court facility. If Commissioners were ready to move forward, some changes could be made to the construction of the Public Safety Facility which could potentially provide some savings.

Commissioner Guice also asked if there were any discussions with the City of Brevard or State about the traffic flow capability. Mr. Mace responded that the Committee did not study that level of detail about the site. However, the Committee understood this would need to be analyzed further. Morris Road has already been improved somewhat. Further improvements would be determined by the Department of Transportation.

Mr. Platt said the Committee felt it was advisable to make a recommendation to the Board of Commissioners. The Committee unanimously recommended that the County develop the Morris Road site for the new judicial facility. In addition, if Commissioners make the decision to follow the recommendation of the Committee, they felt strongly that the current Courthouse remain an active part of the community. Mr. Platt thanked the members of the Committee for their work on this project. He also thanked Commissioners for forming the Committee and encouraged the Board to continue to include public participation in their planning.

Commissioners thanked Mr. Platt and the members of Committee B for their work and concurred with their recommendation that the current Courthouse remain an active part of

the community. Commissioners also thanked the staff at Moseley Architects for their work and participation in this process.

APPOINTMENTS

TRANSYLVANIA COUNTY COUNCIL ON AGING

Commissioner Phillips nominated and moved to appoint Ruth Jones to fill the vacant position, seconded by Commissioner Guice and unanimously approved.

Commissioner Guice nominated and moved to appoint Louise Koontz as Chairperson for 2008-2009, seconded by Chairman Chappell and unanimously approved.

Commissioner Bullock nominated and moved to appoint Kathe Harris as Vice-Chairperson for 2008-2009, seconded by Commissioner Guice.

LIBRARY BOARD OF TRUSTEES

Commissioner Guice moved to reappoint Janet Kimzey to a second term and to waive the two term limit for John Walter allowing him to serve a third term, seconded by Commissioner Phillips and unanimously approved.

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

Commissioner Phillips nominated and moved to appoint Jeremy Queen to fill the law enforcement vacancy, seconded by Commissioner Guice and unanimously approved.

JOINT CORRIDOR PLANNING COMMITTEE

At the May 29, 2008 Special Meeting, City Council and Commissioners voted to form a committee to explore alternatives to the ETJ expansion. The Committee will consist of the following members:

- 1 City Council Member
- 1 County Commissioner
- 2 Planning Directors (City and County)
- 5 Stakeholders (Citizens living in affected areas and 280 and 64 corridors)
- 2 Planning Board Members (City)
- 2 Planning Board Members (County)

Commissioners have been asked to appoint a County Commissioner and two Planning Board Members to serve on this joint committee.

Chairman Chappell nominated and moved to appoint Commissioner Hogsed, seconded by Commissioner Phillips and unanimously approved.

Commissioner Bullock nominated and moved to appoint Mason Sexton and Jackie Whitmire, seconded by Commissioner Guice and unanimously approved.

OLD BUSINESS

REQUEST FROM THE BOARD OF ELECTIONS

On March 24, 2008 the Board of Commissioners discussed a request from the Board of Elections to use the old Library for One Stop Voting and Precinct Official Training from October 13, 2008 through November 1, 2008. This request was put on hold pending the completion of the renovation plans for the old Library.

Commissioner Phillips said the Board of Elections needs to begin planning for the General Election. If there is no other location available for One Stop Voting and Precinct Official Training, he recommends Commissioners approve the use of the old Library.

Commissioner Phillips made a motion to approve the use of old Library for One Stop Voting and Precinct Official Training, seconded by Commissioner Bullock.

Commissioner Guice said he was not opposed to the utilization of the old Library. He asked for recommendations from Staff. The Manager said the renovations plans will be complete by the end of June and will be brought to the Board for their approval. He suggested Commissioners not go out for bids on the project until they are ready to begin construction since the bids are only good for a certain time. Commissioners could wait until after the General Election to go out to bid. Chairman Chappell asked what it would take to make the old Library usable for the Board of Elections. The Manager responded that only some cleaning would be required. Commissioner Guice noted that the information Commissioners received at this meeting will have an impact on the utilization of other buildings, depending on the Commissioners' decision. After further comments, **the motion passed unanimously.**

NEW BUSINESS

MANAGER'S REPORT

The Manager reported the following:

- A public hearing is scheduled for the June 23, 2008 meeting on the Scattered Site Housing Rehabilitation Program. The County expects to receive \$400,000 in funding. Staff will also recommend who will be administering the program.
- A public hearing is scheduled for the June 23, 2008 meeting on the FY 2008-2009 Budget proposal. He asked Commissioners to consider a Special Meeting for June 30, 2008 specifically to approve the FY 2008-2009 Budget and Fourth Quarter Budget Amendments.

PUBLIC COMMENTS

Jack Hudson: Mr. Hudson thanked Commissioners for allowing the public to participate in the Courthouse planning process. He encouraged Commissioners to move forward expeditiously because he believes in the long term it will save taxpayer dollars.

Mike Hawkins: Mr. Hawkins posed a question to Mr. Platt, Chairman of Committee B. He asked him to clarify if the 81,220 square feet was needed now or for the future. Mr.

Platt responded that this figure represents the 2023 square footage needs. Mr. Hawkins further asked how much square footage each of the different functions currently has. The Manager responded that the report indicated that these functions need approximately 64,000 square feet now. The Courthouse currently has approximately 22,000 square feet but only a few of the court functions exist in the current facility. Mr. Mace of Moseley Architects added that building a facility for the 25 year horizon provides enough space to allow growth into a facility without having to expand for many years. Commissioner Guice further added that the functionality of the current Courthouse does not work.

Ms. Sara Champion: Ms. Champion clarified that Commissioners are only considering moving the court facilities and not the other offices within the current Courthouse.

COMMISSIONERS' COMMENTS

Commissioner Bullock said the costs of construction will continue to increase. He agreed that the Courthouse should remain a viable part of the community.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Phillips moved to adjourn, seconded by Chairman Chappell and unanimously carried.**

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board