

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
September 14, 2015 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, September 14, 2015 at 7:00 p.m. in Commissioners Chambers at the County Administration Building.

Commissioners present were Jason Chappell, Vice-Chairman Larry Chapman, Chairman Mike Hawkins, Page Lemel and Kelvin Phillips. Also present were County Manager Jaime Laughter and County Attorney Tony Dalton. Clerk to the Board Trisha Hogan was absent for medical reasons.

Media: *The Transylvania Times* – Derek McKissock

There were approximately 40 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:03 p.m.

WELCOME

Chairman Hawkins welcomed everyone to the meeting and thanked the members of the audience for participating in their County government. He introduced Commissioners and staff in attendance.

PUBLIC HEARING

2016 REAPPRAISAL SCHEDULE OF VALUES

Tax Administrator Annette Raines reported that NC General Statute 105-317 requires a public hearing on the schedule of values, standards, and rules for the 2016 Reappraisal. The public hearing was properly advertised. The Schedules of Values has already been presented to the Board of Commissioners and has been made available for public inspection. Ms. Raines asked Commissioners to consider the adoption of the Schedule of Values at the next meeting.

For the benefit of the public, Ms. Raines announced that the Tax Administration office will mail notices of property value to property owners on February 29, 2016. Citizens will have 30 days to appeal to the Tax Administration office. Citizens that appeal will receive a second notice explaining the decision of the Tax Administration office. Property owners can then appeal to the Board of Equalization and Review beginning in May. If not satisfied at that point, property owners would then appeal to the State Property Tax Commission in Raleigh.

Chairman Hawkins declared the public hearing open at 7:07 p.m. There were no comments from the public. **Chairman Hawkins declared the public hearing closed at 7:08 p.m.**

Commissioner Lemel moved for adoption of the 2016 Schedule of Values at the September 28, 2015 Board of Commissioners' meeting, seconded by Commissioner Chapman and unanimously approved.

PUBLIC COMMENT

Greg Newman: Mr. Newman is the District Attorney. While he understands the Board of Commissioners is still in the decision-making process of what to do about a new court facility, he wanted to share some of

his experiences in the current Courthouse since he's been District Attorney. Some of those included the inability to hold more than one jury trial at a time, the lack of technology in the courtroom which can and does impact his office's ability to present some evidence, particularly video and audio recordings, and security issues associated with the flow of the crowd and commingling of court officers, staff and jurors with inmates, defendants, victims and others. In addition, there are family court cases being held in a courtroom that is completely inadequate in terms of size and security. Mr. Newman encouraged Commissioners to make an investment in a new courthouse that will outlive everyone serving in public service at this time. He believes a court facility at the Public Safety Facility site will provide proper security and make the transporting of inmates safe for everyone.

Kent Heuser: Mr. Heuser represented a new organization called "The Friends of the Dog E. Park". The organization's purpose is to build a dog park for residents and visitors. The group has experience in fundraising and they want to work in cooperation and collaboration with the City of Brevard and Transylvania County to develop a dog park and they are ready to make it a reality. He said the group appreciated any guidance on how to proceed and thanked the Board for their consideration.

Sue Null: Ms. Null is a former member of the Human Relations Council. She urged Commissioners to reconsider their decision to terminate the Human Relations Council. She stated that prejudice and discrimination exist throughout our society and Transylvania County is not immune from it. Ms. Null emphasized her feeling that all people deserve to be treated with respect and the Human Relations Council should serve to help ease the burdens of those suffering discrimination and increase the opportunity for others to understand minority groups. She again urged Commissioners to reconsider their decision and reinstate the Human Relations Council.

AGENDA MODIFICATIONS

There were no agenda modifications.

Commissioner Lemel moved to approve the agenda, seconded by Commissioner Phillips and unanimously carried.

CONSENT AGENDA

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

The following items were approved:

MINUTES

The Board of Commissioners met in regular session on Monday, August 24, 2015 and afterwards met in closed session in which the minutes were sealed. Commissioners approved the August 24, 2015 minutes of the regular session and sealed closed session meeting.

RESOLUTION DECLARING THE WEEK OF SEPTEMBER 17-23, 2015 AS CONSTITUTION WEEK

September 17, 2015 begins the national celebration of Constitution Week and a weeklong commemoration of America's most important document. A resolution petitioning Congress to set aside September 17-23 annually to be dedicated to the observance of Constitution Week (submitted by the Daughters of the American Revolution) was signed into Public Law #915 on August 12, 1956 by President Dwight D. Eisenhower.

Commissioners have passed similar resolutions annually for the past several years. Chairman Hawkins has been invited by the local DAR chapter to attend and participate in a reading of the Preamble to the Constitution at the Courthouse Gazebo on September 17 and the public is encouraged to attend. Commissioner Chapman read aloud the resolution for the benefit of the public. Commissioners approved Resolution 30-2015 Declaring the Week of September 17-23, 2015 as Constitution Week.

(Resolution 30-2015 Declaring the Week of September 17-23, 2015 as Constitution Week is hereby incorporated by reference and made a part of these minutes.)

NEW BUSINESS

REQUEST TO UPGRADE SOCIAL WORKER 1 POSITION

Former Social Services Director Carson Griffin (this request was forthcoming before the new director was hired so the former director agreed to present this request to the Board) requested the Board of Commissioners upgrade a Social Worker I position to a Social Worker II position in order to fulfill requirements to provide foster care placements, recruitment and licensing services. These services have been contracted the past several years through Black Mountain Home for Children; however, the contract was terminated due to decreasing availability of placements and licensed homes. A Social Worker I is not qualified under State personnel to provide these services. Reclassifying the position will provide a better continuum of services for children and families. It is the goal of the Social Services Department to license homes here in the County so the reunification process may be easier because of location.

The cost to upgrade this position is \$6,200 annually; however, the County shares the cost 50-50 with the State. Ms. Griffin noted that the contract termination with Black Mountain Home for Children will save the County an annual cost of \$18,000.

Commissioner Lemel moved to upgrade a current Social Worker I position to a Social Worker II so these mandated services can be provided by Social Services staff. The motion was seconded by Commissioner Phillips. Commissioner Chappell asked if there are any other contract services that will not be able to be fulfilled. Ms. Griffin responded no. Commissioner Lemel asked if this move would bring all of the licensing of foster homes under the purview of the County Social Services Department. Ms. Griffin replied yes and noted there is a real need to have licensed foster care homes here locally. There are approximately 40 children in foster care at this time. Commissioner Phillips expressed his appreciation to the Social Services Department and staff for seeking ways to become more efficient operationally while saving the County dollars at the same time. **The motion was approved unanimously.**

DISCUSSION REFERENCE NCACC PRESIDENT'S MENTAL HEALTH ENGAGEMENT TASK FORCE REPORT & RECOMMENDATIONS

The Manager reported that a NC Association of County Commissioners (NCACC) task force issued a report in August 2015 with recommendations on how to address mental health concerns as they are growing in communities across North Carolina. After discussion and guidance from Commissioner Lemel, who serves as the County's representative to the Smoky Mountain LME/MCO County Commissioner Advisory Board, the following first steps are recommended for discussion and action in keeping with the NCACC recommendations:

1. Invite Smoky Mountain LME to attend a Transylvania County Board of Commissioners meeting for a workshop agenda item at a regular meeting. This recommendation is in line with the NCACC recommendations to keep educating Commissioners on mental health concerns and services and to hold providers accountable for services.

2. Develop a group of stakeholders including staff from the Social Services and Health Departments, along with others such as staff from the School System, to explore additional ways of identifying services available for citizens and develop a visible gateway to the public for mental health per the NCACC recommendation. This stakeholder group would also work to identify the most appropriate staff liaison charged with regular contact with Smoky Mountain to enhance communication.
3. Make a formal request for regular reporting of Transylvania County specific data including the scope and type of services provided, updates on who local providers are and how many County citizens have been served. This will be in keeping with the recommendations to enhance communication between the County and regional entity while also making accountability transparent.

The Manager asked Commissioners to discuss these recommendations and then direct staff to implement those of interest. She noted that included in the Commissioners' agenda packet is a document outlining the full scope of the NCACC task force recommendations which include other elements that would be discussed by the stakeholders group.

Commissioner Lemel stated she learned at a recent course on human services in Chapel Hill that the County Commissioner Advisory Board has questionable authority over the LME/MCO, thus making it difficult to attend meetings and actually hold the entity accountable. It seems the Advisory Board was essentially set up as a pacifier because the LME Board was not big enough to accommodate County Commissioner representatives from each of the counties being served. Smoky Mountain is a 23-county local management entity with over a million citizens being covered in mental health, substance abuse and developmental disability services and has a \$369 million budget. They are spending 11% of their budget just on the administration of mental health services. Commissioner Lemel said it is imperative that Transylvania County understands what it gets for the money being spent on these services. Smoky Mountain is funded by North Carolina taxpayer dollars. In addition, Transylvania County contributes over \$99,000 annually for the provision of local services. By the County Commissioners publicly affirming their position on the NCACC task force's recommendations, she hopes Smoky Mountain will provide a public response to them and be more willing to help Transylvania County determine what services are being provided here locally. In addition, it is important that our citizens understand the pathways for assistance. There are no residential treatment facilities in the County and they are limited in the region. The dearth of services provided for our young people is also very challenging. Commissioner Lemel understands this is a huge challenge for the community, but she is excited about the possibilities to come.

Commissioner Chapman suggested that prior to Smoky Mountain making a presentation to the Board; Commissioners might draft a list of questions they want answered so Smoky Mountain staff can be prepared when they come present. He noted that each year when the NCACC president is sworn in he or she establishes a project they want to champion. The previous president chose to tackle mental health and the newly elected president agreed to continue that effort because this is a serious issue across the State. Commissioner Chapman informed the members of the audience that the report from the NCACC task force is available on their website and noted that the recommendations from the Manager came from that report. Commissioner Chapman expressed support of the recommendations.

Commissioner Phillips inquired as to whether or not other counties are following our lead on this initiative. Commissioner Lemel stated that based on recent conversations with the County Commissioner Advisory Board members, it appears several counties will be pursuing a new relationship with Smoky Mountain. She added that it is difficult for the average citizen to understand what services are available and how to access them. There is no single point person coordinating information and services for

Transylvania County. She reported that at the last Advisory meeting she was able to get a box full of magnets and other materials that had not been made available before. She hopes that by working with the Social Services and Health Departments these materials can be disseminated to primary care physicians and other providers.

Chairman Hawkins said the first step in this process begins with information and that is where the Manager's first recommendation applies by inviting Smoky Mountain to present to Commissioners during a meeting where Commissioners can also ask them specific questions. The idea behind the second recommendation is to bring together the various stakeholders in the County and determine if there is a way to establish a single point of entry where citizens have a starting point for getting the help they need. The third recommendation is for the County to be provided with specific data the LME/MCO is statutorily required to provide. This is currently not happening. Chairman Hawkins expressed his support of the recommendations and he thanked Commissioner Lemel for work on driving this initiative forward. Personally Chairman Hawkins believes the Smoky Mountain LME/MCO entity is too large. The former local mental health facility that existed in the County many years ago prior to mental health reform at the State level allowed the County to be more responsive to the needs of the citizens in a smaller geographic area.

Commissioner Chappell preferred to have more "teeth" in the request and he requested go on record as saying that before any other documents are signed or funds are distributed Smoky Mountain needs to provide an in-person detailed report to Commissioners. The reason for his request is Commissioners have asked for detailed reports for quite some time but has not gotten them.

Commissioner Lemel moved that the Board of Commissioners implement the three proposed task force reports and recommendations with the expectation that the County will pursue Smoky Mountain very sternly. The motion was seconded by Commissioner Chapman. Commissioner Chappell commended Commissioner Lemel for her engagement in this process. **The motion was approved unanimously.**

MANAGER'S REPORT

The Manager reported the following:

- Met last week with Colton Overcash from Senator Tillis' Hendersonville office and discussed several federal issues, particularly education funding; Mr. Overcash will continue to monitor appropriation bills and keep the County informed of any potential cuts to education funding and he intends to research grant opportunities
- Emergency Services Study RFP responses have been compiled and the committee has narrowed down their recommendations; staff will bring forth a recommendation to Commissioners at one of the next two meetings
- Met with Rowena Buffet Timms of Mission Health Systems to ensure we have a partnership with them and discussed topics such as mental health, Medicaid, and the impact to our ambulance services for out-of-County transports
- The Manager has been asked to participate in the Mountain State Fair- Ice Cream eating contest Tuesday night representing the "celebrity" from Transylvania County; she invited Commissioners and the public to attend and cheer her on, but most importantly she wants to make sure everyone is aware of agriculture in WNC and how important it is to our economy and our culture.

WORKSHOP

COMPARISONS OF COURTHOUSE LOCATION OPTIONS

The purpose of this workshop is to compare and contrast the most recent study completed by Moseley Architects for placing a new courthouse facility at the Public Safety Facility/Morris Road site against other alternatives.

Transylvania County judicial space needs were first identified in a general space needs assessment in 2005 with the top priority being to correct security and overcrowding issues in the Courthouse. A memo included in the Commissioners' agenda packets from September 2014 details the history of discussions on this topic. At that time, Commissioners saw the results of the 2014 Moseley Study alternative to renovate the existing Courthouse and construct an additional building on the old Administration Building site. Staff were asked to engage Moseley in doing a space needs study at the Public Safety Facility as an update to a prior study conducted in 2008 given changes in economy, projections and construction costs. Moseley Architects presented the latest study results at the August 24, 2015 Commissioners' meeting.

There are currently three alternatives for consideration:

- Option A: Do nothing
- Option B: Renovate and add a building to the existing site
- Option C: Morris Road new construction per 2015 study update

The Manager offered a timeline for discussion over the new few meetings. Since Courthouse discussions have been ongoing since 2005, staff's goal is to set a target date for making a decision. On September 28, Commissioners will receive examples of finance scenarios. On October 12, staff intends to hold a public input session at the beginning of the regular meeting. On November 9, Commissioners will be asked to establish an option to move forward with discussion on schematics to inform full design. Design work should ideally begin in 2016 and should take 12 months to complete.

The Manager asked Commissioners to hear a presentation from Dan Mace of Moseley Architects in which he will discuss the three options along with the pros and cons of each.

This is a summary of his presentation, along with the discussion/questions and answers following:

Issues with Current Facilities

- Inadequate parking – no separation of judge, public and staff parking
- No ability to securely transport and move prisoners into the facility
- Aging infrastructure
- Not enough courtrooms for increased caseloads
- Inadequate public screening and queuing spaces
- Mixed movement paths for judges, public and prisoners – safety and liability concerns
- Varied security and accessibility issues
- Inadequate prisoner holding areas
- No jury pool space
- Inadequate court jury deliberation space
- Inadequate courtroom size other than superior courtroom
- Inadequate conference and attorney breakout space

Timeline/Overview

- 2008 – Original Courthouse Feasibility Study; recommended replacement facility at Public Safety Facility (PSF) campus; 81,000 sq.ft. – approximately \$30,000,000

- 2013 – Downtown Courthouse Expansion Study (band-aid approach to get through next 15 years); 34,000 sq. ft. new addition and 1,600 sq. ft. renovation; no new parking – approximately \$11,000,000
- 2015 – Replacement Courthouse Study; updated program with only essential courthouse spaces; 61,000 sq. ft. – approximately \$21,000,000 (square footage reduced mainly because Tax Administration and Register of Deeds Offices eliminated from programming)

Mr. Mace showed an illustrative site plan for expanding the Courthouse on its current site. A parking structure was proposed on adjacent property. At that point in time, this option was more expensive than the remote site due to issues with parking, difficult terrain and area limitations. There is difficulty with trying to add on to a building that was not constructed to be expanded upon. There were also changes to the judicial system over that period of time.

Mr. Mace also showed an illustrative site plan from 2008 showing how a new court facility could fit on the current Public Safety Facility site. The new building would include a secure connector to safely transport inmates to and from the court facility. The area has adequate space for public parking and separate parking for judges and court staff. The cost estimate for this option in 2008 was just under \$30 million.

Since the last meeting, the Manager asked Moseley Architects to provide a comparison of the previous studies, including an update on likely bidding market costs when construction would be set to commence in 12 months or so. These are initial estimates he feels the County needs to budget for, but not necessarily spend. If the project were bid today using the 2008 study recommendation, Mr. Mace would recommend a reduction of the original estimate by \$1.3 million, for a project cost of \$28.6 million.

The 2013 study was based on an onsite expansion and renovation. The programming kept the Clerk of Court's office as is in terms of space, although it is not functionally ideal. Approximately 34,000 sq. ft. of space was projected to house those court functions that are not housed in the Courthouse and should be, additional courtroom space, a jury pool room and the ability to control some of the movement paths as best as possible given the space and layout. Mr. Mace stated that what became apparent during this study is that the existing Courthouse would become dwarfed by the necessary size of the expansion required. The expansion would also eliminate much of the existing parking and does not solve most of the issues with the commingling of judges and inmates, although it does improve some of the security in the existing historic Courthouse. There is also still no way to open up the front doors of the Courthouse. The cost estimate for the total project would be \$11 million. In today's dollars, the cost would be closer to \$12 million.

The most recent study focused on a replacement facility. The programming called for nearly 61,000 sq. ft. of new construction at the Public Safety Facility campus. An illustrative site plan shows where the facility would be placed and how it would connect to the Public Safety Facility. It allowed for an entryway and parking area for judges and staff separate and secure from the public, in addition to adequate parking for the public. The ground floor would house the Clerk of Court and other offices that functionally belong in a court facility. The second floor level would consist of four courtrooms (three large and one small). Mr. Mace showed some images of what a new facility might look like in terms of style (traditional, transitional and modern). The purpose was to show how flexible the design could be. The cost for this new facility is just under \$22 million. At the previous meeting, Commissioner Chappell asked Mr. Mace to price a shell third floor for future expansion purposes. Mr. Mace estimated a third floor level would add approximately 27,000 sq. ft. of shell space that could be up-fit at a later date as expansion is needed and it would add about \$4.5 million to the total project cost.

Next Mr. Mace provided a list of pros and cons of each study. This is a summary:

2008 Study*Pros:*

- Purpose-designed for 21st century courts
- Close proximity to detention facility/Sheriff contributing to safety and security
- Adequate proper and separate parking areas for users, stakeholders and public
- Expansion capability for future growth
- Better security and public accessibility
- Will repair current site drainage issues

Cons:

- Moves current court location from downtown
- Most expensive option

2013 Study*Pros:*

- Keeps existing historic court location
- Less expensive than other two options
- Reason to keep historic building open (if court is relocated, building will not be abandoned; there are other uses that do not provide the level of security that a Courthouse does; building can still serve the community and be an asset)
- Provides for public toilets for after hour use which would be amenity for downtown festivals

Cons:

- Provides only a 15-year need; band-aid approach
- Does not improve existing parking issues – actually reduces the existing number on site; cost of parking garage would be \$4 million which does not include property acquisition costs
- A large expansion will negatively affect historic Courthouse appearance
- During renovation, unknown latent issues will be discovered needing repair; much higher contingency would be need for renovation work
- Does not have ideal layout given use of existing courthouse with judges and inmates crossing paths
- “Front door” is hidden to the rear

2015 Study (similar to 2008 Study)*Pros:*

- Purpose-designed for 21st century courts
- Close proximity to detention facility/Sheriff contributing to safety and security
- Adequate proper and separate parking areas for users, stakeholders and public
- Expansion capability for future growth
- Less expensive than 2008 Needs Study
- Better security and public accessibility
- Will repair current site drainage issues

Cons:

- Moves current court location from downtown
- Costs more than the 2013 Expansion Study

This concluded Mr. Mace’s presentation.

Summary of discussion/questions and responses:

(Note: Near the end of discussion on this item, some members of the audience asked questions of Mr. Mace, but the recording is picked up through the use of the microphones, therefore their questions cannot

be heard on the recording. Being the Clerk was absent during this meeting and the recording is being used to transcribe these minutes, the questions posed or comments made by members of the audience were not heard and not included in these minutes; however any responses to them from Commissioners, staff or Mr. Mace are summarized here.)

1. Pros and cons should be weighted equally, but that is not the case here. One pro may provide enough benefit that the cons will have to be acceptable. So the decision on what to do about a courthouse will be in individual decision.

Mr. Mace agreed. Commissioners will need to prioritize and evaluate each of the pros and cons. None of the solutions is perfect; however, as court architects/planning professionals, Moseley Architects favors one of the options. Ultimately, the decision needs to be made by the County.

2. Are the site constraints such at the current site that all the County can hope for is a 15-year band-aid fix without acquiring adjacent property?

Mr. Mace replied that the County would need to acquire adjacent property to expand further. There is no option to add a shell layer for future expansion due to zoning requirements and no option to build out horizontally due to the lack of County owned property. He reported that the feeling among the stakeholders groups was that the likelihood of acquiring the adjacent properties was not good. Therefore this option shoehorns the expansion into that specific location.

3. Which one of the options best serves the following categories? (listed below along with Mr. Mace's responses)
 - o Safety: for use by citizens and staff - *Public Safety Facility site* because it would create no need to transport by vehicle inmates to and from the court and solves movement patterns within and around the facility
 - o Convenience: easy to get to and once there easy to access and move around inside the building/user-friendly component – *Current Location* Most people know where the current Courthouse is and it is more central in the urban standpoint; *Public Safety Facility site* because there is inadequate parking now at the current site which creates confusion, tardiness, and inconvenience. In terms of the interior of the building, there is no jury pool room.
 - o Cost effectiveness: construction cost, operating expenses, maintenance, durability, etc. – *Both locations* The onsite expansion and remote location would be brand new buildings which would be more energy efficient. The historic Courthouse has obvious inefficiencies and it is an aging building that needs lots of things addressed. The historic nature of the building does not allow for it to be completely brought up to energy standards. The County is not getting rid of the historic Courthouse building, so those inefficiencies will remain no matter what option Commissioners decide upon.
4. One of the cons listed was moving the court functions out of downtown. Commissioners have been receiving public input on the potential impact. It is imperative that Commissioners ensure whatever is located in the historic Courthouse is maintains traffic downtown. This decision needs to be made prior to moving court functions.
5. Not taking into account a parking structure at the current site, a \$12 million/15-year fix at the current site equates to an annual cost of \$800,000; while a new building at the Public Safety Facility at a cost of \$21 million and alleviates most of the current facility and includes adequate parking, would cost \$420,000. In addition, moving court functions out of downtown frees up parking downtown for other uses.

Mr. Mace emphasized that onsite expansion reduces the amount of parking that is at the facility now. Secure parking for judges is needed in order to make the site safer. Staff parking is not addressed. A modern day judicial facility would address safety and security.

6. What is the timeline of the process moving forward?

Once an option is decided upon, the next step would be to enter into the schematic/formal design phase of the project. There is typically three phases: schematic design, design development and contract document. Each of these phases requires the Board of Commissioners' approval before proceeding to the next phase. A schematic design phase will involve meeting again with stakeholders and working through the details of the design within the parameters that have been established, site surveys, etc. The schematic design estimate would be presented to Commissioners. Upon approval, they would move forward with design development and then prepare contract documents which are the documents that are bid out. This process would take a minimum of 10 months. The bidding process should take two months which includes 30 days for advertising and another 30 days for contract negotiation and LGC approval. Then the construction phase begins.

7. When computing the FF&E, did Moseley Architects use a flat square footage dollar amount or as a percentage of the overall budget?

Mr. Mace said the figures provided are based on \$25 a square foot. It is simply a budget number at this point to ensure there is enough money included for furniture acquisition. Furniture purchases do not occur until usually 12 months after construction begins. He noted that the third floor shell includes only the construction cost, not FF&E.

8. Would there be basement space being the building location has been shifted over to offer a connection to the Public Safety Facility.

Mr. Mace said there is a possibility basement space could be added; however, that will not be known until the topography is studied further.

9. Commissioners emphasized the decision has to involve acknowledgement of the Courthouse to the downtown area of Brevard, the role of the Courthouse in the downtown area and the potential impact that any movement might entail and those impacts are irreversible. If the decision is made to move court functions, Commissioners need to decide what goes into the historic Courthouse prior to relocating the court functions.

Mr. Mace noted that any expansion would have to pass UDO approval with the City of Brevard. Moseley Architects never went through that process with option 2 which is important for Commissioners to know. They followed UDO guidelines, but did not receive UDO approval. This would be part of the design development phase.

10. Would Moseley Architects be able to advise the County on possible uses of the historic Courthouse or should Commissioners charge staff with developing proposals for Commissioners to consider?

The Manager responded saying there has been some discussion at the staff level about potential use of the Courthouse if it were to locate outside of downtown. One idea was to establish a one-stop shop for developmental services (Building Department, Environmental Health, and Planning Department) and there have been discussions about the City and County locating together there for that purpose so that

anyone building, whether it be commercial or residential, would have one site to visit to meet their needs. Other ideas have included a site for nonprofits long with enterprise and as a public meeting space which has been identified as a need. Additionally, having a history museum or some kind of testament to the history of the building is also on the table.

11. The County is fortunate there has been no serious incident at the current facility. No price can be put on safety. There is no way to security would compare in the historic building to what it would be in a new facility.
12. What parts of the historic Courthouse are on the historic register? If only the historic front part of the building is on the register, does that allow more leeway with the next two sections being they were added later? What can be done with the interior of the building?

Note: The Clerk believes local Architect Ellen Harris responded from the audience, but the recording did not pick up her response. The Clerk will attempt to contact her for a response and will include her response as an attachment to these minutes.

At the next meeting, Commissioners will hear information about financing options. Chairman Hawkins asked Commissioners to consider a dollar amount for doing some work to the historic Courthouse if the decision is made to move court functions. On October 12, Commissioners intend to set aside time on the agenda for public input on the Courthouse options. The October 26 meeting will be left flexible in case anything comes up Commissioners want to examine further. The November 9 is scheduled for Commissioners to choose one path or another.

Mr. Mace added that as of now the County is approximately three years out from moving out of the historic Courthouse if that's the decision which gives them time to decide what should be housed or located there.

Several members of the audience asked questions, but the recording did not pick up their questions or identity. However, these are the responses:

1. Moseley Architects will consider permeable surface parking, but it costs more and requires more maintenance than typical impervious curb and gutter asphalt. They will explore all options and choose the best option to address the hydrology issues at the Public Safety Facility should an expansion occur there.
2. It would be Moseley Architects' desire that a new court facility would be LEED certified. LEED is a measure of the energy efficiency of a building and minimizes utility and infrastructural burden on the campus.
3. An expansion facility on the current site only meets current needs. It does not account for future expansion of the offices of the Clerk of Court needs, District Attorney and Public Defender. As caseloads increase so does the need for office space, additional courtrooms, etc. The Manager noted another piece of the equation is that not all of the functions are currently in the Courthouse that should be. The County rents space for Probation Parole. Mr. Mace also noted that an expansion at the current site is still not the most efficient because the site limitations dictate the layout of the expansion.
4. Parking was not included in the 2013 study. Moseley Architects identified a need for it and noted it would have to be addressed with an onsite expansion.

PUBLIC COMMENT

Judith West: Ms. West was associated with the public mental health system in this County for 28 years. She commended the NCACC task force for their report on mental health. She believes it is one of the most readable, usable and logical documents she has read about mental health in years. Ms. West commended the Board of Commissioners for their forward-thinking and for following through with the report's recommendations.

Joe Smith: Mr. Smith is a resident of Pisgah Forest across from Morris Road. He expressed concern about the water runoff issues from the Public Safety Facility and how they have negatively impacted surrounding property owners. He said Commissioners have not done what they promised in this regard and should therefore not add to the problem by constructing another facility there.

Edwin Jones: Mr. Jones addressed the mental health task force recommendations. He believes it is crucial that law enforcement be one of the stakeholders involved in the process.

Ellen Harris: As a member and current chair of the Joint Historic Preservation Commission, Ms. Harris iterated that the Council wants to encourage the appropriate use of the historic Courthouse and continue its preservation. She commented on the options Moseley Architects was charged with studying and pointed out there is a third option that has not been considered. A third option would be to acquire more land adjacent to the Courthouse and then construct a building that not on the corner, but adjacent to the corner and somehow attached. She understands this requires more study and more thought and will prevent Commissioners from meeting their deadline, but she believes this option should be considered.

Jimmy Harris: Mr. Harris owns Harris Ace Hardware and is past president of the Heart of Brevard and Brevard/Transylvania Chamber of Commerce. He understands the decision Commissioners face is a difficult and expensive. With that said, he pointed out that communities and economies are generally built around their courthouses and that is no different in Transylvania County. The iconic Courthouse is located centrally in the Heart of Brevard. Mr. Harris believes people visit this County because how we have branded ourselves and the Courthouse is a big part of that. Relocating the court functions will create an inconvenience for the majority of citizens which is inconsiderate of local government. Mr. Harris said this issue creates a great opportunity for the City of Brevard and County to work together to find the best solution for solving the court problems as well as parking.

Katinka Haynes Remus: She is the former president of the Historical Society. The drawing that showed changes to the current courthouse, nothing showed where the gray area that is current parking immediately on the east side and she wondered why a parking garage couldn't be built there rather than trying to cut into the hill that is so steep going down to Safe's Attic. That is her question.

Paul Welch: Mr. Welch is the Public Defender. He stated that the current building is not safe and cannot continue to be used for its current purpose without risking lives and property. He believes it can be made safe for other community uses.

Davis Whitfield-Cargile: Mr. Whitfield-Cargile has been a resident of the County for 11 months and he is a local attorney. He understands there are safety concerns with the current Courthouse, but he believes it can be made safe. He believes if Commissioners relocate the courthouse it will negatively impact downtown Brevard and the heart of the community.

COMMISSIONERS' COMMENTS

Commissioner Chapman commented about the important decisions that lie ahead for this Board. He noted that the County-related functions have been moved out of the Courthouse, so the only functions remaining in the building are court functions. While this is important, the Courthouse is no longer the center of activity for taxes and deeds. He believes it will be important to know how much traffic the Courthouse actually brings downtown. Commissioner Chapman said some businesses have expressed concern about the types of foot traffic the court functions bring to downtown. Nonetheless, Commissioners have to weigh all the options and make a decision that is best for all citizens. This project has been ongoing for several years and he encouraged Commissioners to keep moving forward.

Commissioner Lemel reported on her Commissioner activities since the last meeting. She attended a course on human services at the UNC School of Government, along with Chairman Hawkins and Commissioner Chapman. This is an area Commissioners will continue to focus on. The opportunity to network and develop relationships with boards in other counties is tremendous and it helped her gain an understanding how the County can learn from others to help solve issues here. She reported that all three Commissioners attended on scholarship and she appreciated the public allowing them the opportunity to continue their education and learn better how to serve the public.

Commissioner Chappell reported the State legislature may have a budget passed by the end of the week which should include substantial changes for education from the original budget proposal. He reminded everyone of the joint letter (Board of Education and County Commissioners) that was recently sent to the County's legislators and some of the changes in the budget are specifically related to items mentioned in the letter. Commissioner Chappell also reminded everyone that it was 2008, eight years ago, when Commissioners last had real discussion about relocating the court functions out of downtown and Commissioners were told it was imperative that they act, but if Commissioners had done so then it would have come at the highest financial cost to the County.

Chairman Hawkins addressed Mr. Smith who commented about the water runoff issues at the Public Safety Facility. He said the County is aware of the problem and will continue to address these issues. Chairman Hawkins stressed to everyone that Commissioners do not take lightly the Courthouse issue. He believes it is difficult to draw comparisons between the founders who built with the first Courthouse because it was built during a different time in our history and many of those reasons may not be as relevant in the year 2015. However, a large part of the decision will be based on the impact to downtown. Chairman Hawkins addressed Ms. Null who commented at the beginning of the meeting on the Human Relations Council. He stated that when the Human Relations Council was disbanded, it was with the caveat that Commissioners would reconsider it given the right structure and focus.

ADJOURNMENT

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

ATTEST:

Mike Hawkins, Chair
Transylvania County Board of Commissioners

Trisha M. Hogan, Clerk to the Board