



*State of North Carolina*  
*General Court of Justice*  
*29B Judicial District*

MARK E. POWELL  
SENIOR RESIDENT SUPERIOR COURT JUDGE

Phone: (828) 694-4230

200 NORTH GROVE STREET  
HENDERSON COUNTY COURTHOUSE  
HENDERSONVILLE, NC 28792

March 1, 2010

Board of Commissioners  
Transylvania County  
21 East Main Street  
Brevard, NC 28712

Commissioners:

I have been asked to respond to the suggestion that sessions of criminal court be moved out of the courthouse, together with the criminal division of the Clerk of Court's Office. I have spoken with Rita Ashe concerning the idea, but otherwise I am unaware of the particular persons in favor or against.

Moving criminal sessions out of the courthouse would affect district court more than superior court, simply because the sessions of superior court are much less frequent. However, the majority of my time in criminal sessions involves jury trials, so any alternate facility would need a jury deliberation room, a place for the jury pool to congregate, plus rooms for the judge, clerk and other court personnel, including an area for the attorneys and prosecutors to speak privately with witnesses or their clients.

I am not sure how this would work as I am not aware of any weeks of criminal superior court when we do not have some days of district criminal court also being held. If the idea is for criminal superior court to remain in the courthouse while criminal district is held elsewhere I suggest that courthouse security needs would remain as they are now.

As for security not needed in non-criminal matters, it is my recollection that the suicide by firearm in Buncombe several years ago was in child support court. My single experience of a person going berserk in a courtroom was during a domestic violence hearing, which is a civil proceeding. It is simply not correct that less security is needed for non-criminal sessions. Additionally, I have designated all sessions of superior court in our district as mixed sessions. Although we generally do not have backup criminal trial dockets for our civil sessions, occasionally criminal matters are dealt with in addition to the civil matters.

I am also concerned about additional delays. During any session of criminal superior court we waste time waiting on attorneys. The attorneys may be in a hearing in

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another court, speaking with their client at the jail, filling out a plea transcript in a conference room, or perhaps trying to work out a last minute plea negotiation. It is also true (I suspect) that attorneys sometimes try to avoid their cases being heard and are not quick to be found. I can remedy that situation, but even so it takes time. Adding the complication that an attorney may be in another building blocks away, or say he or she is, certainly will add delays to our process, and we have too many delays now.

I understand the concern real estate attorneys have expressed regarding moving other offices from the courthouse. I will not make any suggestion as to steps they might take to remedy any difficulty, as I am not familiar with present-day real estate practice and do not feel I should comment on something unfamiliar to me.

Thank you for your time in reading this letter. As always, I appreciate your support for our system of justice.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Powell', written in a cursive style.

Mark E. Powell  
Superior Court Judge  
District 29B

cc: Artie Wilson



*State of North Carolina*  
*General Court of Justice*  
*Twenty-Nine B Prosecutorial District*

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**JEFF HUNT**  
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October 28, 2009

Mr. Artie Wilson  
Transylvania County Manager  
28 E. Main St.  
Brevard, NC 28712

Re: Criminal Court in Transylvania County

Dear Artie:

At your request I have put on paper a few points about the prospect of separating criminal and civil courts in Transylvania County.

- 1- Currently we are in what I now consider a crisis situation regarding the lack of office space in Transylvania County. I don't have an area where I can even make a confidential telephone call. We literally are tripping over one another. The situation has become a direct hindrance to our properly carrying out our duties.
- 2- Wherever criminal court is held in Transylvania County the following issues prevail:
  - a) Our District Attorney's offices must be as closely located to the courtrooms as is currently the situation in the Transylvania County Courthouse. Due to the nature of running criminal court, whether District or Superior, our offices must be virtually right next to the courtroom(s).
  - b) Whatever happens about locating court, Criminal Superior Court and Criminal District Court cannot be held in different locations. Thus, if criminal court is separated from civil court, "criminal court" must include both Criminal District and Criminal Superior Courts.
  - c) The resources and personnel available to our District Attorney's offices are integrated such that we cannot accommodate holding District Criminal Court in one location; and Criminal Superior Court in another location.

- d) In the event, therefore, that the commissioners were to consider moving Criminal District and Criminal Superior courts away from where Civil District and Superior courts are held, the location for criminal court would have to have: 4 Assistant District Attorneys' offices, a witness room, a reception room, a room for copying and fax machines, and at least two work rooms (all of this would be the District Attorney's office).
- e) Similarly, we would need adequate offices for the Public Defenders. We would need two complete courtrooms equipped for full jury trials (these need to have dimensions similar to the current courtroom #1, not courtroom #2).

We will also need offices for criminal Clerk of Court officials, and an office for the court reporter. For each courtroom we will need a jury assembly room as well as a room for jury deliberation (each equipped with restrooms).

- f. We will also need a lawyers' room, as well as a couple of rooms where lawyers can converse with their clients.
- g. Each session of criminal court cannot be held without the following: an Assistant District Attorney, a bailiff, a judge, and a Clerk of Court official. Criminal Superior Court also requires a court reporter, as well as each of these other persons.
- h. Ideally we would also have a separate small courtroom type of space similar to what we now call "courtroom #2" for Grand Jury proceedings and for the Clerk to use in her proceedings when there is no Grand Jury in session.
- i. All of these areas must be located together wherever the criminal court is proposed to be held.
- j. Our Clerk of Court can cover this more accurately; but, in the event the entire criminal court function is separated from the civil function (i.e. holding of Civil District and Superior Court); the Clerk would have to have Clerk personnel at both locations; and keep civil files at the one location, and criminal files at the location where the criminal court sessions are proposed.

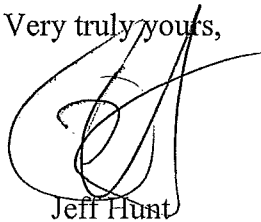
Mr. Artie Wilson  
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- k. There are some cases such as "50-B" domestic cases which start out as civil in nature, but can become criminal matters, in some instances. However, most likely these could be accommodated in some fashion.
- l For Criminal District and Superior Court sessions, jail inmates need to be shuttled to wherever the criminal courtrooms are located.

I suspect the reason most, or virtually all, counties have not tried moving criminal court to a separate location from the civil court and the rest of the courthouse functions, is the potential for great expense to the taxpayers. I think that from time to time, every county has considered something similar to what the Transylvania County commissioners have apparently been asked to consider. I think the above list of considerations is not exhaustive. I am sure there are additional items (such as a law library) which I have failed to consider, and therefore not listed. At one time the Administrative Office of the Courts had information made available to the counties about ideal capacities and dimensions for proposed courtrooms.

I hope this is helpful. Please call me if I can supply further information; or if I can answer any questions. I am available, for example, to talk with you about additional office space, or other items at any time. I am, as always,

Very truly yours,

A handwritten signature in black ink, appearing to be "Jeff Hunt", written over a circular stamp or seal.

Jeff Hunt  
District Attorney  
Prosecutorial District 29B

JPH:jm

To the Transylvania County Commissioners:

This is in response to a letter presented to you by the Heart of Brevard and some of the local attorneys.

I understand their concerns but their solution is not feasible for me and my office. I have already sent you the letter that was presented to Artie Wilson about all my concerns so I won't bore you with that again.

I would like to address some of their statements so please bear with me.

I am aware that you have been looking into the cost of building a new court facility. I believe this is the answer to the problems we are now experiencing. I realize it would be costly and might not happen for several years. But it should happen eventually, please don't spend money that would help only in the short term. In my opinion it would be more cost efficient to the tax payers of Transylvania County to save the money toward building a new facility.

They want to move the "criminal courts" to the old jail and say that if that were to happen we would not need the "elaborate security apparatus" anymore. That is absolutely not true. As I addressed in the last letter we need security for civil courts also. We see some of the same people in civil court, which includes child support, juvenile, and domestic court. We have domestic violence cases in court several times weekly. We have just as much, if not more violence in these courts as we see in criminal court.

The parking problems would continue. There is no more parking there than there is here. They will park wherever they find a spot, whether it be at the library, the DSS building or First Baptists' parking lot. I don't think any of these would be happy about that.

They state that if you deem the relocation of criminal court to the old jail to be inadvisable, that you should build a small court facility in the vicinity of the new jail. Of course this would also mean splitting my office and that will not work for us. It seems to me that building a large facility would work more efficiently, perhaps one that could house not only the court family but also the Register of Deeds and Tax Office. I understand that this would cost more to construct and if this is not a feasible option they should remain at the courthouse.

I understand the attorneys who do mostly real estate (these are the ones who signed the letter) would be inconvenienced by the above offices being located in different locations. But there are just as many attorneys who do both criminal and civil court that would be even more inconvenienced by separating the two courts. There are days that they must go from one courtroom to the other because they have cases in both courts. Having the files in two locations would be detrimental to the court process. The judges sometimes need civil files in criminal court. We almost always have domestic violence (civil) cases on criminal days.

As to the economic viability, I believe persons in criminal court need to eat and sometimes they shop. You understand "criminal" court could be anything from a speeding ticket or seat belt violation all the way to felony offenses such as drugs, breaking & entering and murder.

Moving the criminal division would free up two desk spaces and some filing space. This would not be a great help with our space needs.

I submit to you that the citizens of the county would not be inconvenienced by the splitting of the above offices. They would still be able to pay taxes, go to the register of deeds, assessor's office and the county manager's office at the same location. Any need regarding the Clerk of Court's office would be completely separate from these offices.

They also state that my employees travel between the clerk's office and magistrate's office routinely. This is not true. The magistrates held court in their office prior to moving to the new facility, but they always picked up the files and returned them. They still do this from the new detention center. My employees never traveled to their office. So, right now the magistrate is the only one who travels. Splitting the courts would require the judges, clerks, etc to travel.

They say that in the 1980's court was held off site due to extensive revisions and improvements to the courthouse. I submit to you that holding court temporarily in another location due to renovations being done for several months is not the same scenario as doing it on a permanent basis. I personally have no knowledge as to there being no detrimental effect on the operations of the court system. I do not know where they got that information. I am sure the clerk's office and the citizens managed to endure until the new facility was ready. But I would add that the court system has grown over the past thirty years and the courts are much heavier than they were then.

I agree that the highways are congested during some hours of the day. This is a problem that we have no control over. The detention center is already constructed in this area. The county owns the property and it only makes sense to construct a court facility adjacent to it. If you build a new facility it should be big enough to meet the needs of the entire court system for many years.

In closing I will reiterate that my office will not function properly if were to be split. My employees are cross trained and we are a team. I am willing to move anywhere you ask me to go as long as my office remains intact. Please look at the big picture that will help us for many years to come, do not try to put a band aid on the problem.

Thank you for your consideration.

Sincerely,

Rita A. Ashe  
Clerk of Superior Court

## **PROS AND CONS OF MOVING CRIMINAL COURT OUT OF THE COURTHOUSE**

**FROM: RITA A. ASHE, CLERK OF SUPERIOR COURT**

Pros: The courthouse would not be as crowded on criminal days.  
Possibly we would not have to hold court in the small courtroom.

Cons: My office would not be able to function properly. I have ten employees and each employee has their own job. However, they are also cross trained so that they can move to another division if needed. This happens on a daily basis because we have people in court, out to lunch, on sick leave, on vacation, etc. There is on a daily basis interaction between the criminal and civil division and with the bookkeeper. Obviously this could not happen if they were in different buildings. Very often a civil file will be needed in criminal court because the cases intermingle. When the judge or district attorney need a file that is not scheduled for court that day, (it may be a criminal file or a civil file) very often they call down for it to be brought up to court. This would be very difficult if we were not in the same building. People outside the court system may not understand that criminal, civil, juvenile, bookkeeping, estates and special proceedings divisions intertwine and can not be easily separated. Our office is small in terms of employees as compared to the required work that has to be performed—we perform the same duties as a large county such as Mecklenburg with a fraction of the work force, (of course we have fewer cases) therefore my employees must be cross trained to work where ever they are needed in the office.

One of the major responsibilities of the Clerk of Superior Court is to maintain and be the keeper of the official record of court proceedings. To have court files at two different locations would place undue hardship on the clerk to maintain that responsibility. I do not allow anyone to remove files from my office except the clerk who is in court that day. The only exception is that a local attorney might be allowed to take a civil file to another county for hearing.

Cons: Cost: My understanding is that this would be a temporary fix, that alone tells me that this would not be cost productive for the taxpayers of Transylvania County. There would have to be major remodeling to make two courtrooms, at least one would have to seat a jury. The building would have to be handicap accessible. There would have to be a jury deliberation room, there would need to be a law library so that the Judge and attorneys could access statutes, etc. There would have to be computer connections for the judge and the court reporter. There would need to be an offices with computers and other equipment. There would have to be a secured cashiers window. There would have to be a security checkpoint, this would require man power and equipment. I would have to have at least two more employees. One of those employees would be required to be a supervisor. I cannot move the current supervisor of the criminal division to a new office without dividing my estates division, which is where she is located right now. The Administrative Office of the Courts mandates the number of employees that each clerk



has. I now have my full allotment. The State of North Carolina is in a budget crisis right now. There is a hiring freeze in place, even clerks who have open positions are not being allowed to hire anyone. As to all the equipment that would be needed, I have all the computers and equipment that is allowed for an office of my size. Who will be responsible for paying for these costs? The citizens of Transylvania County?

The Heart of Brevard wants to move the "Criminal Element" from downtown Brevard. I am not sure how you determine who the "Criminal Element" is. There are many people in district criminal court every week who I am sure would be shocked to know they are considered the "Criminal Element". May I also add that moving district criminal court two blocks over does not remove it from downtown Brevard. It would put it very near the Transylvania County library. I don't think they would be pleased to have the "Criminal Element" on their grounds during court breaks. The fact is we see some of the *same* people who are in criminal court in Civil court, such as domestic, child support, juvenile, anything can happen day. As a rule there is more violence on domestic and juvenile days than on criminal days. In other words moving district and superior criminal court to a new location would not remove the "Criminal Element" from downtown Brevard.

I have to go back to the impact this would have on my office. I am very proud of the office I run and feel we offer the public and everyone we deal with the very best of service. Ask the people we deal with on a daily basis. If this office were to be divided we could not provide the level of service we have now.

Rita A. Ashe  
Clerk of Superior Court

## Artie Wilson

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**From:** David Mahoney [sheriffmahoney@tcsone.org]  
**Sent:** Friday, October 23, 2009 1:16 PM  
**To:** Artie Wilson  
**Subject:** RE: Reminder

Artie,

In considering the impact of moving criminal court into another county building, I have the following observations. First, my staff and I are charged with providing security for NC's courtrooms. We can provide that security at any location the county decides, however, if criminal court and civil court are separated, we would then have to provide that security at different locations. This would cause the need for additional personnel. If the county wanted to provide the same level of security at an additional building, the county must also consider purchasing a second x-ray scanner and metal detector and appropriate funds to cover personnel to man these security points. I would anticipate a minimum of three additional positions. If you have any other questions, please do not hesitate to call.

David Mahoney

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**From:** Artie Wilson [mailto:Artie.Wilson@transylvaniacounty.org]  
**Sent:** Friday, October 23, 2009 11:57 AM  
**To:** David Mahoney  
**Subject:** Reminder

Just a reminder that we agreed everyone would follow up in writing regarding their thoughts about moving criminal court out of the Courthouse and into another county building. If we could get your thoughts and how it would impact your staffing we would appreciate it.

Thanks,

Artie

## Artie Wilson

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**From:** Paul B. Welch III [pblaw@citcom.net]  
**Sent:** Wednesday, February 03, 2010 10:55 AM  
**To:** Artie Wilson  
**Cc:** rita.a.ashe@nccourts.org  
**Subject:** Heart of Brevard Courthouse proposal

Artie, I have read the proposal submitted on behalf of the Heart of Brevard and have the following response.

Any proposal which separates court functions geographically by any considerable distance is going to create more problems than it solves for all our citizens. This is true whether the functions being split off are primarily litigation functions or transactional functions, because the distinction breaks down on a daily basis. The offices in the courthouse now are together for good reasons and should stay together.

Addressing the particular needs of the Clerk's office, the small size of their staff and their need for constant mutual support has created great efficiency as a result of cross-training. Any proposal which splits the functions of the Clerk's office geographically will make both sections less efficient and will, in fact, create a need for additional positions which will have to be paid for by the County. The Heart of Brevard proposal does not take these factors into account.

Eliminating criminal court sessions in the existing building, in addition to requiring duplication of multiple functions in the Clerk's office, will not eliminate any security concerns or needs. Experience here and elsewhere amply demonstrates that civil court proceedings, especially family law matters, have as much if not more potential danger associated with them as criminal cases. This is true even if one argues that the taxation function and the property registry create no hazards, which a cautious person might find to be an incautious argument. Again, tradition has associated these functions geographically for good reason, and no plan which divides them should be regarded as anything but a stopgap or worse.

The argument that these functions have been separated in the past does not withstand serious scrutiny. The newer wing the Clerk's office was the old jail, and the magistrate was steps away across the alley from the old back door. The renovations in the early 1980s were intended to alleviate a space problem which is worse now. Holding court sessions in the union hall and the VFW is not something anyone should want to revisit for any reason other than disastrous necessity, which is not the present case.

If you will recall, the majority of the members of both courthouse space study committees started from a position of renovation, and eventually were persuaded unanimously as to two propositions. The first was that the current facility was functionally obsolescent, and the second was that the current site was unsuitable for a replacement facility.

I do not mean to minimize the concern for keeping downtown Brevard vibrant and walkable. I merely suggest that we should learn from the experience of our neighbors in Hendersonville, which demonstrates that an historic courthouse, suitably reconditioned for different but equally important public functions, can continue to serve as a vital focus for a vital downtown.

Thank you for your attention.

Paul Welch  
Public Defender

**To: Artie Wilson, Transylvania County Manager**  
**From: Karey Treadway, Probation Chief Transylvania County**  
**Subject: Movement of Criminal Court Functions from Current Location**

Per our meeting on October 16, 2009 I have given the subject considerable thought and find it difficult to find any real benefits of moving our criminal court functions to a temporary alternate site. The one positive would be that the population that typically comes to criminal court would not be quite so close to the town center. I know that this is what the Heart of Brevard group desires and I understand their concern. However, we would only be moving that same population just two blocks down the road and directly next to our county library. The regular users of that facility will surely bring forward the same concerns as the Heart of Brevard.

The costs of moving criminal court functions is cost prohibitive in that significant construction would have to be completed to meet the basic needs of the court. The needs include two fully functional court rooms, a comprehensive security system, office space and record storage for the clerks office. The DA office and the Public Defender office will also have specific needs for space and access to computer systems that are not currently available at the proposed alternate site. The Sheriff's Office would also need more staff to provide security for both court facilities. The county's efforts and financial resources needed to complete the move would be considerable. This is especially true considering that the proposed relocation would only be temporary. Once criminal court functions are moved to their permanent location, the temporary site would have to be renovated again to accommodate the needs of the Tax office and the Register of Deeds. In that sense, the taxpayers will be asked to pay for the movement of criminal court functions twice and also have to pay for the renovation of the alternate site twice. This is an obvious waste of taxpayer monies.

The final point I would like to address is the misconception that Clerk of Court functions are so easily divided between civil and criminal. Numerous cases in the court system comprise both a civil and criminal component. Separating these two functions would cause significant strain on the Clerk's Office staff and their ability to continue to meet the county's needs. The staff of that office is small for the amount of work that is required of them. This has resulted in a need for each staff member to become proficient in both civil and criminal procedures in case of staff shortages. Dividing the staff between two locations would greatly reduce the Clerk's flexibility in dealing with a staffing vacancy whether for a day or for an extended period of time. Citizens think of attorneys and judges when the question of court functions are discussed. The reality is that the Clerk of Superior Court Office is the key to operations for all court services in this county. As part of my job, I have dealt with numerous Clerk's Offices from around the state and have never found one as professional and helpful as the one we have here. It would be a serious mistake to take any steps that would reduce our Clerk's Office's ability to continue to operate at the level they currently do.

Karey Treadway  
CPPO, Transylvania Co. DCC

**Richard L. Worley, A.I.A.**  
**Architect**

4078 Haywood Road, Mills River, North Carolina 28759

Telephone: (828) 891-7389 Fax: (828) 891-5882

February 22, 2010

Mr. Artie Wilson  
Transylvania County Manager  
28 East Main Street  
Brevard, NC 29712

RE: Courthouse – Additional Space Needs

Dear Artie,

This letter is in response to your request to provide an opinion regarding the possibility of using the Old Sheriffs Office and the Old Law Enforcement Center, that are currently vacant, to house the Criminal Court Division of our Judicial System. A preliminary program was developed during a recent meeting that you and I attended along with Mr. Jeff Hunt (D.A.), Rita Ashe (Clerk of Court) and two of her assistants, Paul Welch (Public Defender) and Larry Reece (County Project Manager). The space requirement summary that resulted from this meeting has been included as Attachment "A" with this letter.

Based upon a simple square foot analysis, the Criminal Court Division will need a minimum of 16,000 square feet of total area if the Division could be housed in one building and as much as 18,000 square feet of space if two separate buildings are used. Since the existing buildings are approximately 9,000 sf each, neither structure being considered is large enough to contain the Criminal Court needs. Therefore, both buildings would be required to accommodate the recent program requirements. Please note that this simple square foot analysis does not take into account the additional space that is typically needed to compensate for existing conditions that will influence the final space required to provide a functional plan.

In addition, there are a few important issues that surfaced with regards to the space needs as they relate the existing buildings being considered and adjacent activities that are associated with various agencies and institutions near the proposed project site.

It should be noted that both building structures were not originally designed to accommodate an assembly space, such as Courtrooms that require a seating capacity of 150 to 200 people each. These assembly spaces require clear-span structural systems that are not available in the existing two structures. The two buildings are constructed of two completely different Building Types and will require substantially different solutions to the clear-span issue since they use short spans with load bearing partitions and/or closely spaced support columns. Therefore, considerable structural modifications will be needed in the renovation process of both buildings. Such modifications could greatly influence the renovation costs to a point that a new structure or alternate building sites might be more economical.

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It should also be noted, that both structures have limited ceiling heights for such large assembly areas and create a challenge to provide an esthetically please space for such a large areas.

Since neither building is large enough to house the entire Criminal Court Division, additional space will be required to duplicate specific functions within each building. Typically, a more economical use of space and personnel can be achieved if this court function is not divided into separate areas.

Other issues that surfaced during the meeting included the impact of the location of the proposed Criminal Court Division with respect to other activities in the vicinity such as the County Library, County Health Department and the First Baptist Church just to name a few. The overflow of parking and general mixing of the occupants could be detrimental to these adjacent facilities and should be investigated in depth.

I hope these initial comments have been helpful in the analysis of the proposed option. If this option continues to be considered, additional study and research will be needed to provide a more thorough understanding of the impact on the issues indicated in this letter as well as other issues that are not specifically addressed. Please let me know if you have any questions or comments regarding this letter. Thank you for your assistance and cooperation.

Sincerely,

*Richard L. Worley*

Richard L. Worley, AIA  
Architect

## Attachment "A"

### TC COURTHOUSE STUDY

Richard L. Worley, AIA Architect

#### Criminal Court Requirements

#### projected space requirements for each building

##### Meeting 1-27-10

quantity	space	size	sq. ft.	total sq.ft.
1	Courtroom		3500	3500
1	Jury Room	12 x 18	216	216
2	Restrooms	10 x 20	200	400
1	Judges Chambers	10 x 12	120	120
3	Conference	12 x 14	168	504
1	Attorney Conf.	12 x 14	168	168
1	Computer library	12 x 14	168	168
1	Evidence Room	10 x 10	100	100
1	Court Recorder Off	10 x 10	100	100 secure near courtroom
1	Files (criminal)	30 x 16	480	480
1	Cashier (4 people)	12 x 16	192	192
1	Waiting	10 x 12	120	120
1	Supply Room	10 x 10	100	100
1	Probation Office	10 x 12	120	120
1	Child Support/Juvenile	10 x 12	120	120
1	Reception	10 x 12	120	120
1	Witness Room	10 x 12	120	120
1	Workroom	10 x 12	120	120
2	Offices	10 x 12	120	240
1	Victims Area	10 x 12	120	120
1	DA Office	12 x 14	168	168
1	Conference	12 x 14	168	168
1	Holding Cell	10 x 10	100	100
			<b>7564</b>	

Internal Circulation 20%

**1513**

**TOTAL**

**9077 square feet per building**

**Richard L. Worley, A.I.A.**  
**Architect**

4078 Haywood Road, Mills River, North Carolina 28759

Telephone: (828) 891-7389 Fax: (828) 891-5882

Jan. 5, 2010

Mr. Artie Wilson  
Transylvania County Manager  
28 East Main Street  
Brevard, NC 29712

RE: Old Sheriff's Office - Opinion

Dear Artie,

In accordance with your request, this letter will serve as my opinion with respect to the possibility of renovating the "Old Sheriff's Office" building into a new courtroom facility. It is my understanding that the proposed space would accommodate a new courtroom and support spaces that is comparable in size to the existing large courtroom in the current Courthouse. The major obstacle is the clear span space required for a courtroom that would seat 150 people. The existing "Old Sheriff's Office" building has continuous interior load bearing partitions that severely limit the clear span space that is available without substantial structural work. Based on this limitation, it would appear to be more practical to construct an addition to the existing building that would eliminate interior structural supports and provide the open space desired for a courtroom.

In addition, the existing wood roof and floor systems along with the interior wood partitions will limit the effective use of this structure with respect to requirements associated with a courtroom facility.

In conclusion, it is my opinion that the "Old Sheriff's Office" building does not lend itself to a courtroom facility that would be comparable in size to the current large courtroom.

Please let me know if you have any questions or comments regarding this letter or the opinion provided. As always, thank you for your assistance and cooperation.

Sincerely,

Richard L. Worley, AIA  
Architect



TO THE TRANSYLVANIA COUNTY COMMISSIONERS:

It is our understanding that you are now seeking bids for the construction of a large new court facility to be constructed in the vicinity of the new jail. We appreciate your willingness to consider constructing such a facility as a means of dealing with the traffic congestion, lack of parking spaces, inadequate courthouse security and other problems that occur in the area surrounding the courthouse on the dates that criminal sessions of court are being held which inconvenience not only the people who are attending court but also the other citizens who need to transact business in the courthouse and/or shop and transact other business in the downtown area.

One possible solution to this problem being submitted for your consideration by the merchants and businesses which constitute the Heart of Brevard is a recommendation that all sessions of court be moved to the old jail. This recommendation merits careful study as it would appear that the old jail could be converted to a court facility at considerable less cost than the cost of building a new courthouse. Security would not be a problem in the area of the old jail. Parking is also available in that location and could be better managed there than as is now the case at the present courthouse. The adjoining building which formerly housed the sheriff's department could be partially utilized as office space for the District Attorney, Public Defender, Probation Officer and other officials who work with the court. Noncriminal civil court sessions could continue to be held in the courthouse and the present facility should be adequate for this purpose for many years to come since large crowds are not a problem during civil court trials. If this plan were implemented, the elaborate security apparatus which now exists in the courthouse could be dismantled as security would no longer be a problem in the building.

The need for additional office space by the Register of Deeds and the Tax Collector's office could be met by relocating one of these offices to the adjacent building now occupied by the County Manager and relocating part of the functions of one of these offices to the space being vacated by the office which is being moved to the building formerly occupied by the County Manager.

In the event that for any reason you deem the relocation of criminal court to the old jail to be inadvisable, we recommend that a small court facility sufficient to accommodate the future projected needs for criminal court facilities be erected in the immediate vicinity of new jail and that civil court continue to be held in the existing courthouse. The cost of constructing such a building should cost millions of dollars less than the large structure which was originally envisioned and which it is now doubtful that the citizens of this county would support or be willing and able to pay for in the light of the financial crisis which they are now experiencing and apparently can expect to continue to experience for quite some time to come.

By following either of these recommendations the citizens of Transylvania could continue to have "one stop shopping" in the existing courthouse and the adjoining building now occupied by the County Manager since the Register of Deeds office, Tax Collector's office and Clerk of Court's office would continue to remain on this site. To scatter these offices at various locations would be extremely inconvenient to the many citizens who use these facilities on a regular basis since traveling back and forth between these offices is almost always necessary in connection

with real estate title searches, real estate closings, paying taxes, researching tax records, obtaining birth and death certificates, filing for passports, performing genealogy research and other related matters. Real estate and loan closings require visits to all three of these offices immediately before documents can be recorded in the Register of Deeds office and locating these offices at significant distances from each other could and no doubt would in many instances make it impossible to close real estate sales and loans at the times when they are scheduled, thus making it impossible in many instances for the parties to these transactions to meet other time sensitive financial obligations which are contingent upon the closing of these transactions and disbursement of the closing proceeds within specific time frames.

An added benefit of keeping the Register of Deeds office, Tax Collector's office and Clerk of Court's office in close proximity to each other in their present downtown location would be the business provided by the persons using these facilities for the downtown restaurants and merchants. We believe that you will agree that preserving the integrity of the downtown area and the economic viability of its merchants and restaurants should be a matter of paramount concern as you make plans for the future.

It is true that if these recommendations are implemented, the criminal division of the Clerk of Court's office would have to be relocated to the facility where criminal trials are being held but the area being vacated in the present Clerk of Court's office by the criminal division would provide additional area for the civil division to expand into and should be adequate for this purpose for many years to come.

It is also true that if these recommendations are implemented, there would be a certain amount of travel back and forth between the offices of the civil and criminal divisions by a few employees of the Clerk of Court's office. However, travel back and forth between the Clerk of Court's office and other sites already routinely occurs since a Magistrate's office was located in the old jail and Magistrate's Court sessions were held in the old jail prior to being relocated to the new jail. Furthermore in the early 1980's during the period while extensive revisions and improvements were made to the existing courthouse, court proceedings were conducted off site at different locations for several months with no detrimental effect on the operations of the court system.

Although the relocation of criminal court to the old jail or to a new facility adjacent to the new jail might result in some inconvenience to a few employees of the Clerk of Court's office, this should be weighed against the tremendous savings in time and costs which the Sheriff's Department would experience as those employees who are now utilized in providing security at the existing courthouse could be reassigned to other duties since their services would no longer be required there. Furthermore, relocating only the criminal court division of the Clerk of Court's office to either the old jail or to a new criminal court facility adjacent to the new jail would spare a majority of the people who currently perform research and transact business in the Register of Deeds office, Tax Collector's office and Clerk of Court's office from having to travel several blocks back and forth across town, or, even worse, back and forth along the most heavily traveled traffic corridor in Transylvania County, in order to conclude their research and complete their business transactions.

Our County Commissioners, the Mayor of Brevard and the Brevard City Council have acknowledged the fact that traffic along U.S. Highways 64 and 276 between downtown Brevard and the Pisgah Forest area is already heavily congested during many hours of the day and thus far your request that a bypass be constructed around the City of Brevard has for the most part been received with deaf ears by the State of North Carolina. It can be reasonably expected that in future years this corridor will become only more heavily used and congested. In the light of this unfortunate reality, it makes little sense to fund an expensive construction project which, when completed, will require the citizens of this county to have to make what will undoubtedly be an ever increasing number of trips each day back and forth along this already heavily traveled corridor if this can be avoided. The obvious solution would be to continue to have the Register of Deeds office, Tax Collector's office and civil division of the Clerk of Court's office located adjacent to one another in downtown Brevard.

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Respectfully submitted,

*Paul Averette*

*If it is decided to keep civil court matters in the present "Old" Courthouse, it will be necessary to upgrade the building to an extent which will provide, as a minimum, adequate spaces (rooms) for conferences and research along with public telephones. This structure is, and has been for a long time, inadequate for its purpose. Our county deserves better.*

TO THE TRANSYLVANIA COUNTY COMMISSIONERS:

It is our understanding that you are now seeking bids for the construction of a large new court facility to be constructed in the vicinity of the new jail. We appreciate your willingness to consider constructing such a facility as a means of dealing with the traffic congestion, lack of parking spaces, inadequate courthouse security and other problems that occur in the area surrounding the courthouse on the dates that criminal sessions of court are being held which inconvenience not only the people who are attending court but also the other citizens who need to transact business in the courthouse and/or shop and transact other business in the downtown area.

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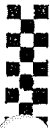
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Respectfully submitted,

Gayle E. Ramsey  
Jan M. Kinney  
M. State



Jan. 11. 2010 11:22AM  
From: Nicola J. Melby, PLLC

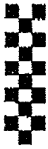
Neumann & Associates Law Firm  
828 885 5302

No. 1049 P. 1  
01/11/2010 11:45 #276 P.001/001

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Respectfully submitted,



Jan. 11. 2010 11:22AM  
From: Nicola J. Meidy, PLLC

Neumann & Associates Law Firm  
828 885 5302

No. 1049 P. 2  
01/11/2010 11:45 #276 P.001/001

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Respectfully submitted,

*Margaret M. Hunt*

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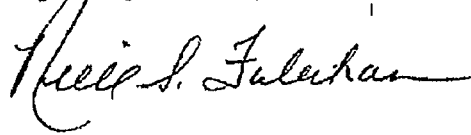
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Respectfully submitted,

letters Opposed to moving / separating courts

Transylvania County Commissioners

Recently letters have been sent from the Heart of Brevard and several Real Estate attorneys requesting that you consider dividing the criminal division of the Clerk of Courts Office and moving said division to a separate location. Bluntly, this is not a viable option.

We are aware that you have looked into moving the Register of Deeds, the Tax Offices and County Administration and we understand that this would cause an inconvenience for the real estate attorneys; however, separating the Clerk of Court's Office and the courts would cause major problems for many more people.

Judges would have to travel between courts and would not have access to all files when needed – i.e. 50B Domestic Violence hearings are heard in criminal court however they are civil filings. The Judge also holds Special Proceeding Confidential hearings during criminal court. These files are extremely confidential and can not be moved from building to building.


Dividing the courts would also cause problems for the trial attorneys. Numerous days there are two courts being conducted. During many of these court days we attorneys need to be in both courts. This is difficult enough with the courts being located down the hall from each other but if we have to travel from building to building court will be hindered and Judges, District Attorneys, clients, victims and witnesses will be left waiting for attorneys to go from one court to another. The justice system will be delayed and at some points will come to a complete standstill.

Also according to the attorneys that you have heard from thus far the belief is that security would no longer be needed for the courthouse. This is a very dangerous assumption. Statistics show that the greatest increase in courtroom and courthouse violence is in domestic and civil courts. Therefore the county would have to supply two security teams and all of the equipment that would be needed for each team.

We attorneys also deal with the Tax Offices and the Register of Deeds and even though it would be a great inconvenience for us as well for these offices to be moved it appears it is more reasonable and cost efficient to relocate these offices then it would be to divide the court system. Also please be aware that traffic and parking issues will not change if you simply move criminal court two blocks down the road.

Respectfully submitted,  
Transylvania County Civil and Criminal Court System  
Attorneys and Judges

Tyler Kay, Attorney

  
Tony C. Dalton, Attorney

Maxim Young, Attorney

7 Frost Peterson, Attorney  
Atty.


Charles W. McKelther Attorney

Michael C. Eubanks Attorney  
Retired Judge

Robert S. Gilbey Retired Judge  
Attorney

Robert S. Gilkey  
Williams (Gilkey)  
William Cathrey, Atty.

Wm. K. White, Attorney

 (Judge)  
PETER KNIGHT

PETER KNIGHT  
489-9020, IF QUESTIONS

[Signature] atty  
 [Signature] [unclear]  
 [Signature] - [unclear] Judge.  
 [Signature] Atty.  
 PAUL AVERETTE  
 David R. Henson, Atty.  
 [Signature] Atty.  
 [Signature] Judge Mark Brittain