

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
April 6, 2010 – SPECIAL MEETING

The Board of Commissioners of Transylvania County met in special session on Tuesday, April 6, 2010 at 7:00 p.m. in the Rogow Room at the Transylvania County Library. The purpose of the meeting was to discuss critical space needs in the County.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, Mike Hawkins, Daryle Hogsed, and Vice-Chairman Kelvin Phillips. Also present were County Manager Artie Wilson, Project Manager Larry Reece, Architect Rich Worley, and Clerk to the Board Trisha Hogan.

Media: *Transylvania Times*: Mark Todd

There were approximately 50 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:04 p.m.

WELCOME

Chairman Chappell welcomed everyone to the meeting and thanked the members of the audience for participating in their County government. He explained the purpose of the special meeting is to discuss critical space needs in the County.

PRESENTATION OF LONG AND SHORT TERM OPTIONS TO MEET COURT NEEDS

The Manager showed a Power Point presentation highlighting the history of potential space needs projects and offering some short term and long term solutions for the Board's consideration.

Courthouse Space Needs History

- Facilities Space Needs assessment completed in May 2005 – the most urgent need identified is a new Courthouse
- Rural Courts Commission completed inspection and recommendations in August 2007 – action taken; created a single port of entry for security purposes; installed x-ray machine
- Commissioners formed two committees to look at:
 1. Impact of moving Courthouse from downtown (reported that majority of those surveyed do not feel concerned that moving court functions will have a significant negative impact on the downtown area; reported that the Courthouse should remain the people's building and a historical landmark in Transylvania County)
 2. Space needs for new court facility and pros and cons of expansion downtown or new location
 - Locate new Courthouse on existing site (estimated cost of \$38.6 million)
 - Relocate new Courthouse to Public Safety Facility (estimated cost of \$30 million)
- Commissioners asked staff to revisit Courthouse space needs in September 2009 in light of economic situation particularly to construct a new Courthouse on the Public Safety Facility site

- Heart of Brevard asked County to consider possibility of splitting civil and criminal court in October 2009
 - Relocate criminal court to old Sheriff's Office or jail
- County Manager met with Heart of Brevard representatives to discuss possibilities from September through December 2009
- Letter from Heart of Brevard making a formal request to split court functions in December 2009
- Meetings with staff and court officials to determine how such a move could be made and reviewed pros and cons October 2009 to February 2010

Courthouse Long Term Options

The Manager reported that it is possible per Moseley Architects and other engineering firms to build a new court facility at the current site of the Public Safety Facility. He showed a conceptual drawing of how a new facility could be placed on that site with connectivity to the Public Safety Facility. The County invited two construction companies to visit with staff and Commissioners to discuss the feasibility and estimated cost of an 81,220 square foot court facility located on the Public Safety Facility site. Responses from the construction companies were as follows (on a design-build facility):

- | | | |
|-------------|-------------------------|--------------|
| • Company A | Estimated turn key cost | \$18,975,828 |
| • Company B | Estimated turn key cost | \$23,177,696 |

The average cost of the two companies	\$21,076,762
---------------------------------------	--------------

A court facility of this size would meet the needs of 2025. Staff met with judicial officials to determine the number of courtrooms, parking spaces, etc. that would be needed with the ability to expand in the future.

Courthouse Short Term Options

Option 1: Court expansion which includes movement of Register of Deeds, Tax Administration and County Administration to other locations and expansion of the Administration Building for court functions

Option 2: Relocation of Register of Deeds and Tax Administration to old Sheriff's Office and minor renovations to Courthouse; County Administration stays where presently located (allows additional space in Courthouse for court functions)

Option 3: Heart of Brevard suggestion to move or split the courts to the old jail and keep the Register of Deeds and Tax Administration in the same location

Architect Rich Worley discussed the options in greater detail. (Option 1) In the first drawing he showed an addition to the existing Courthouse in order to add a courtroom and support spaces, such as offices, meeting spaces, a jury box, a jury deliberation room, and judges' chambers. Security would also be increased in the Courthouse. The addition makes the current County Administration Building an additional courtroom. The parking was also redesigned with a new entrance. This plan does not address the parking issues but there is space nearby for a potential parking garage and the County has an overflow lot that could be designated for court parking. The plan was designed before the recommendations were made by the Rural Courts Commission and Moseley Architects. Mr. Worley described the potential new interior of the Courthouse which includes one entry and one exit, additional restrooms and meeting spaces, a sally port

where inmates would be brought into the building, a holding cell, and a secure elevator for which to transport inmates. He also indicated the location of the courtrooms, jury box, jury deliberation space, space for attorneys, and judges' chambers. The plan also includes redesigning some existing space for the District Attorney, space for the Public Defender's Office and a jury pool room. Mr. Worley noted that the plan nearly doubles the space for court officials but it is nowhere near the 81,000 square feet needed for a new facility. He believes this short term plan would buy the County 12-18 years before having to build a new court facility.

The Manager discussed the cost of this option:

- Renovate Register of Deeds and Tax Administration to old Sheriff's Office: \$0.8 million
- Move County Administration to old Library: \$1.3 million
- Renovate County Administration/Courthouse: \$4.2 million

The subtotal of these renovations amounts to \$6.3 million. The addition of a parking deck with 200 parking spaces estimated at a cost of \$4 million, brings the total for option 1 to \$10.3 million

(Option 2) This is a much shorter term option. This option relocates the Register of Deeds and Tax Administration to the old Sheriff's Office and makes minor renovations to the Courthouse. County Administration would stay where it is currently located. The Clerk of Court would then occupy the space vacated by the Register of Deeds and Tax Administration Offices. The District Attorney's Office would then be expanded, Juvenile Service would relocate downstairs, the jury room would be added, and space would be available for the Public Defender. This option does not allow for a new courtroom, which is badly needed.

Mr. Worley reviewed the potential renovations to the old Sheriff's Office. The building would be split between the Register of Deeds and Tax Administration Offices. Included in the plan are the existing restrooms, a public area, storage in the basement, and an existing conference room. The plan is laid out to provide functional space for these two offices. There would be minimal amount of structural work involved. He also reviewed the minor renovations to the Courthouse which again provides more space for the Clerk of Court and District Attorney and adds space for the Public Defender. There would be minimal work to the upstairs portion, only some painting and electrical work.

(Option 3) The third short term option is the Heart of Brevard's recommendation to split the court functions and keep the Register of Deeds and Tax Administration Offices in the current location. In their request to the County, the Heart of Brevard cited current problems with the current usage of the Courthouse as follows: 1) lack of sufficient space for its current usage; 2) inadequate security; and 3) lack of sufficient parking. The Heart of Brevard also cited the perceived advantages of splitting the court functions as follows: 1) second floor of the historic Courthouse would be available for expansion; 2) citizens could easily access Courthouse for non-court functions; 3) old jail has service port to transfer prisoners; 4) old jail has holding cells; and 5) sufficient parking in the area at the old jail.

After receiving the request from the Heart of Brevard, the Manager and staff met with judicial officials to get their thoughts about splitting court functions. Their comments are summarized as follows:

Rural Courts Commission

- Recommends establishing a time line for construction of a new or additional Courthouse facility to include what use is to be made of the existing Courthouse

- If new Courthouse facilities are more than five years in the future, recommends relocating the Register of Deeds and Tax Administration Offices to another building to provide for sufficient space for court offices in the original Courthouse; in this situation, construction of a courtroom in the present County Administration Building should be considered
- Per court officials, there is as much, if not more, violence on domestic and juvenile days than on criminal days

Superior Court Judge

- Moving criminal sessions out of the Courthouse would affect district court more than superior court
- Courtroom security needs would remain as they are now
- Judge designated all sessions of superior court in this district as mixed sessions; criminal matters are dealt with in addition to civil matters
- Having attorneys in two courtroom locations will delay court sessions

District Attorney

- DA's office must be located at all courtroom locations; will require additional offices
- Criminal superior court and criminal district court must be held at the same location
- Present personnel available to DA's office cannot accommodate two locations
- Counties do not try to separate criminal and civil courthouse functions due to great expense to taxpayers

Clerk to Superior Court

- Major responsibility is to maintain official record of court proceedings
- Civil files are needed in criminal court because cases intermingle
- Judge or DA calls down for files to be brought to courtrooms; files located at two locations
- Separate offices would require at least two more employees
- Computer networking system required to allow both office locations to act as one
- The office could not function properly if split

Sheriff

- Sheriff is charged with providing security for NC courtrooms; additional location would require a minimum of three additional positions
- Requires security equipment with additional volunteers to man security points

Public Defender

- Separating court functions geographically by any distance will create more problems than it solves for all citizens
- Splitting the functions of the Clerk's Office will make both sections less efficient
- Any plan which divides the courts should be regarded as anything but a stopgap or worse
- The offices in the Courthouse now are together for good reasons and should stay together

Probation Chief – Transylvania County

- Misconception that Clerk of Court functions are easily divided between civil and criminal

Mr. Worley also responded to the Heart of Brevard's request from an architectural standpoint.

- Preliminary program space requirements of 18,000 square feet if two separate buildings are used
- Individual buildings are not large enough to contain criminal court needs
- Building structures with limited ceiling heights not originally designed to accommodate 150 to 200 people in assembly area
- Considerable structural modification will be needed to renovate both buildings
- Renovation costs to modify buildings may surmount to a point that a new structure would be more economical
- Parking impact will be similar to existing site

Summary

<i>Options</i>	<i>Estimated Cost</i>	<i>Annual Debt Source</i>	<i>Tax Rate Impact</i>
<i>Long Term Options</i>			
<ul style="list-style-type: none"> • Build new court facility at Public Safety Facility site 	\$21.1 million	\$1.6 million	2.63 cents
<i>Short Term Options</i>			
<ul style="list-style-type: none"> • Court expansion in Admin Building; add parking deck; renovation of old Sheriff's Office & old Library 	\$10.3 million	\$0.8 million	1.28 cents
<ul style="list-style-type: none"> • Relocate Register of Deeds & Tax Administration to old Sheriff's Office and minor renovations to the Courthouse 	\$ 1.0 million	Funds in reserve to cover	
<ul style="list-style-type: none"> • Heart of Brevard suggestion to move or split courts 	?		

Recommendations

- Proceed with updating renovation bid documents to old Sheriff's Office to relocate the Register of Deeds and Tax Administration Offices and go out to bid
- Make plans to finalize documents to expand the remaining Courthouse offices into the vacated office space
- Form two committees: the first similar to the Public Safety Facility consisting of judicial staff, concerned citizens, and County staff to begin the design process to build a new Courthouse at the Public Safety Facility site; the second to look at alternative uses of the old Courthouse

PUBLIC COMMENTS

Danny Hedgepeth: Mr. Hedgepeth is the pastor of First Baptist Church. He objected to option 3 because it would place court functions beside the church where daycare is held. He is concerned about the safety of the children. He also believes the parking issue would become worse. Mr. Hedgepeth also noted that NC General Statutes prohibit sex offenders near schools or daycare facilities and feels moving court will place his church as well as the County in a liability situation.

Will Cathey: Mr. Cathey, an attorney, said splitting court functions would be a nightmare for the Clerk's Office. He also said security and maintenance would have to be duplicated.

Douglas Harris: Mr. Harris, an architect, noted that the Courthouse as a civic structure is important to Transylvania County. He inquired about whether or not a complete study has been done to look at all of the County's resources and what can and should be done with them. Mr. Harris also questioned whether or not the County properly advertised for Request for Qualifications for architectural services. Lastly, he expressed concern that the presentation by Mr. Worley was packaged for this particular presentation and being for or against the particular options.

Tony Dalton: Mr. Dalton, an attorney, who is also a Social Services attorney specializing in child support enforcement, commented that Social Services court is a very blended court. He said there may be a half dozen or more people sent to jail at each court session. Mr. Dalton said it would be impossible to decide where to hold Social Services court if the court functions were split. He said attorneys in this County practice in all courtrooms and splitting courts would delay court operations and further place burden upon security and the Clerk's Office. He urged the Board to accept the recommendations of the County Manager.

Sue Hershey: Ms. Hershey expressed her disappointment with the short term recommendations and against any renovations to the current Courthouse because of its historical significance. She also expressed frustration with those that come to court on court days because they park in the street, harass business owners, etc. Ms. Hershey said the people can no longer use the Courthouse which is their building and it should not be used for criminals. She urged the Board to move forward with building a new facility at the Public Safety Facility site.

Pete Peters: Mr. Peters expressed concern about looking at individual projects instead of the County's needs as a whole. He urged the County to take a total inventory of its vacant facilities and its needs and devise a program that meets all the needs.

Merle Anders: Mr. Anders agreed with the Manager's recommendations and said he would like to see the Heritage Museum move into the current Courthouse facility.

Don Barton: Mr. Barton, an attorney, urged the Board to consider the Sheriff's comments about the duplication of security and the associated costs.

Ellen Harris: Ms. Harris, an architect, specializes in historical preservation. She worked with the County on the outside restoration of the Courthouse and the rock wall. Ms. Harris also served on Courthouse Committee B and she expressed disappointment with the way this process has moved forward since that time. She urged the Board to look at all County space needs in a comprehensive manner including how the old Courthouse and old Library will be utilized.

Rita Ashe: Ms. Ashe is the Clerk of Superior Court for Transylvania County. Ms. Ashe discussed the pros and cons of splitting court functions, mostly cons, which were expressed earlier in the meeting by the County Manager during his presentation. She said the request by the Heart of Brevard is not feasible because her office could not operate effectively and efficiently. Ms. Ashe also read statements made by several attorneys and judges opposing splitting the court functions.

Virginia Jinx Ramsey: Ms. Ramsey read a letter from other attorneys who are in favor of keeping County functions in the Courthouse. She said people look to the Courthouse as identifying Brevard and the doors should be open to the public for their use.

Pete Peters: Mr. Peters commented that the Board of Commissioners should employ staff who will look at the big picture.

Jack Hudson: Mr. Hudson expressed his support for option 2. He also served on one of the Courthouse Committees and expressed his disappointment that no progress has been made since the Committees presented their reports. Mr. Hudson believes now is the ideal time to construct a new facility because construction costs will be low. He also urged the Board not to make renovations to the current facility because it may affect its historical registry and furthermore to house the Heritage Museum in the current Courthouse.

Jimmy Jones: Mr. Jones is a Courthouse security officer. He commented on how the current facility is not functional for court operations, particularly pertaining to juries and inmates, multiple courts happening simultaneously, and special situations that arise with some court cases. He agreed with the Manager's recommendation to work toward building a new facility.

Kristi Brown: Ms. Brown is an employee of the Clerk of Court's Office. She agreed with the Heart of Brevard that there are some problems with the current Courthouse facility; however their recommendation to split court functions is based on misconceptions about how the Clerk of Court's Office operates. She noted that the current security system that is in place has reduced the number of fights and if court functions are split, another facility will require the same security. Ms. Brown said the Clerk of Court's Office will not be able to operate efficiently if court functions are split.

Linda Owen Anders: Ms. Anders recommended a study to include future use of the Courthouse and other vacant buildings in the County.

Paul Welch: Mr. Welch is the Public Defender for Transylvania County. Mr. Welch said the Courthouse is an important building and should be used for important civic purposes. The problem with the current Courthouse is that it is functionally obsolete and can no longer be effectively used for its original purpose. He said a Courthouse is purpose built and should be built for no other purpose and should be designed to meet the needs of the public. Mr. Welch urged the Board to think in generational terms and to begin addressing the problems now.

Jeff Hunt: Mr. Hunt is the District Attorney for Transylvania County. Mr. Hunt said his office is desperate for space to the point where it is interfering with his staff's ability to effectively carry out their jobs. He also said there is no efficient way to separate the Clerk of Court's Office from the courtrooms without adding personnel. Mr. Hunt said there is also no efficient way to separate his office from the Clerk of Court's Office and the courtrooms. He urged the Board to keep these functions together.

Madrid Zimmerman: Ms. Zimmerman is the Executive Director of the Heart of Brevard. She thanked the Board for considering the Heart of Brevard's recommendations. She believes renovating the current Courthouse will only increase the problems they addressed and she urged the Board to move forward with constructing a new facility.

David Reid: Mr. Reid is the Tax Administrator for Transylvania County. Mr. Reid noted that real estate attorneys regularly use the Register of Deeds, Tax Offices, and Clerk of Court's Office. He said the current facility is cramped; however split offices are difficult to man. He agreed with the Manager's recommendation, but said if Commissioners decide to build a new facility it should be built to meet all the needs.

Karey Treadway: Mr. Treadway is the Chief Probation Parole Officer for Transylvania County. He said the Probation Office leans heavily on the Clerk of Court's Office everyday in order to do

their jobs. He said without them court functions would grind to a halt so they should remain together as one efficient and functional office.

QUESTIONS & DISCUSSION

Chairman Chappell noted that Moody Connolly representatives expressed to him their concerns about moving court functions to the old jail because of the impact it could have on parking.

Commissioner Phillips expressed concern about spending money to put a band aid on a problem and said the Board needs to make decisions for the citizens of Transylvania County. He also noted that in discussions with Contractor B, he learned that a 50,000 square foot facility can be built for approximately \$10.5 million and can be constructed for expansion in the future. He said there are monies set aside in the capital reserve funds to reduce the burden and the possibility of having to increase taxes on the citizens of Transylvania County. He urged the Board to make a decision and a commitment to move forward beginning now. Commissioner Phillips further noted that the Courthouse Committees' recommendations were to continue to use the current Courthouse for the Register of Deeds and Tax Administration Offices so it can remain a viable and functional part of the community, which in turn opens up space for other uses.

Chairman Chappell inquired about the current usable square footage of the current Courthouse. The Manager said he would research the information and inform the Board as soon as possible.

Commissioner Phillips said he is not advocating that the County not build an 81,000 square foot facility, but rather he is advocating that the County build a facility that is necessary to alleviate a current problem that is expandable in the future and also a facility that the public can sustain financially.

Commissioner Bullock responded to comments from citizens about the facility being the people's Courthouse. He said the building was constructed for court functions and the County is responsible for meeting the requirements of the judicial system of the State of North Carolina. Unfortunately one of those requirements is to secure the facility to make it safe for everyone. Commissioner Bullock also commented that it is much safer when a court facility is near the jail facility. He said it is important to decide the future use of the current Courthouse. Commissioner Bullock urged the Board to move forward with their decision and said it may be more cost effective to build a new facility in the current economy.

Commissioner Hawkins responded to comments made about looking at the big picture and addressing all space needs in the County. He said a space needs study has been completed which prioritized the Courthouse as the number one issue to address. He believes the next step should be to revisit the space projections needed in a new Courthouse facility. He said an 81,000 square foot facility was projected based on anticipated growth, but time has elapsed since then and those projections should be revisited. Commissioner Hawkins said the County also needs to determine the operational costs of building a new facility. Furthermore, a new facility does not include the Register of Deeds or Tax Administration Offices which Mr. Reid suggested earlier. He said the current court functions should not be removed from the Courthouse until a use for it has been decided. Commissioner Hawkins said court space needs to be dealt with and it has been identified as a top priority and it is time to address the issue.

Commissioner Hogsed noted that a facilities space needs assessment was completed in May 2005 and since that time the County has taken steps to address the recommendations made in that study. He said the easiest thing to do would be to build a new facility at the new Public Safety

Facility site but the Courthouse is the image of Transylvania and for that building not to be used as a Courthouse would be a disgrace. Commissioner Hogsed believes the short term recommendations, if approached in a different manner, can be a long term fix and ensure continued use of the Courthouse. He supported exploring other options and supported expanding the current facility to house the County functions as well. Commissioner Hogsed said the use by the Heritage Coalition would be the best alternative if the Board decides to build a new facility; but he would prefer to see it in its current use. He asked the Manager to find a way in which the front doors could be opened while still maintaining the security of the facility.

DIRECTION TO STAFF

After further comments, Commissioners discussed direction for staff and decided to discuss the issue further during the budget workshops. During that time, they will know better about the budget shortfall the County is facing and the operational costs of a new facility so they can make the best decision for Transylvania County. They emphasized that they have no intention of delaying this process any further.

The Board instructed the Manager to provide information regarding the County's capital reserve funds and options for issuing bonds or borrowing funds for their discussion during the upcoming budget workshops.

In the mean time, the Manager will call a meeting of the Courthouse Security Committee to discuss the feasibility of opening the front doors to the Courthouse.

ADJOURNMENT

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

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board