

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
August 24, 2015 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, August 24, 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, County Attorney Tony Dalton and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Derek McKissock

There were approximately 50 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:04 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

INSTALLMENT FINANCING AGREEMENT

On July 27, 2015 the Board of Commissioners passed Resolution #25-2015 authorizing staff to proceed with requesting proposals for an installment financing agreement and seeking the Local Government Commission's approval of such an agreement. The purpose of the financing would be to provide funds to renovate the former detention center for use by the Board of Elections for offices, storage, training, meetings, and one-stop voting and clinic space for the Employee Wellness Center. As required by North Carolina General Statute 160A-20 (g), prior to entering into an installment contract involving real property, a local government must hold a public hearing on the contract. The proposed contract will be for 15 years and the amount borrowed will be less than \$2 million. The debt service is estimated to fall in the range of \$124,000 to \$169,000 per year.

Commissioner Chapman inquired about the timeline for approval of the financing agreement. Finance Director Gay Poor responded that the Local Government Commission meets once a month. The organization's next meeting is September 1. The County should learn on the same day whether or not the County's application is approved. According to the contract with BB&T, the County must close on the loan by September 18.

Chairman Hawkins declared the public hearing open at 7:07 p.m.

Don Surette: Mr. Surette asked if there was a prepayment penalty. The Manager replied there was no prepayment penalty and the County could pay off the loan early if it so desired. However, the financing documents indicate there shall be a 1% prepayment premium assessed on the balance.

There being no further comments, **Chairman Hawkins declared the public hearing closed at 7:08 p.m.**

PUBLIC COMMENT

Bart Renner: Mr. Renner is the County Extension Director. He announced that two Senior Health Insurance Information Program (SHIIP) counselors, Marvin and Michelle Barg, were recognized by the NC Department of Insurance as the Western North Carolina Volunteers of the Year for their outstanding service to Medicare beneficiaries in Transylvania County. SHIIP trains volunteer counselors to enable them to provide counseling to Medicare beneficiaries about insurance, prescription plans, billings and claims issues, and fraud and abuse. Mr. Renner also thanked Elaine Deppe and Maryann Mickewicz for helping with the tremendous amount of paperwork involved with the program. He encouraged those who are Medicare eligible to enroll in the SHIIP program because it will help them save money on healthcare costs.

Jim Felty: Mr. Felty is Vice-Chair of the Social Services Board. He introduced new Social Services Director Tracy Jones. She started her position today. She moved to the County from Graham County. Commissioners welcomed Ms. Jones to Transylvania County. The audience welcomed her with applause.

Commissioner Chappell offered a special thanks to former Director Carson Griffin who has filled the position in the interim.

AGENDA MODIFICATIONS

There were no agenda modifications from staff.

Commissioner Chapman moved to modify the agenda by adding an item for discussion regarding school funding concerns. Chairman Hawkins seconded the motion. Chairman Hawkins said this item involves new information Commissioners received at the NC Association of County Commissioners Annual Conference. There were no further modifications. **The motion was approved unanimously.**

CONSENT AGENDA

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

The following items were approved:

MINUTES

Commissioners met in regular session on April 27, 2015, May 26, 2015, June 8, 2015 and July 27, 2015 and held one budget workshop on June 1, 2015. Commissioners approved the minutes as submitted.

DISCOVERY, RELEASE AND MONTHLY SETTLEMENT REPORT

Each month the Tax Administrator has a listing of proposed releases for that month. The Board of Commissioners has the responsibility of approving the releases. For July 2015, total tax dollars released was \$7,488.97 and refunds added up to \$816.28. Commissioners approved the Discovery, Release and Monthly Settlement Report for July 2015.

BROWNFIELDS ASSESSMENT GRANT

On June 22, 2015, the Board of Commissioners authorized the Planning and Community Development Department to send out a Request for Qualifications (RFQ) to different businesses that provide professional consulting services to assist the County in preparing a Brownfields Assessment grant. The

purpose of the Assessment grant is to identify underutilized property due to real or perceived environmental concerns. The maximum grant award is \$400,000.

Eight companies submitted Statements of Qualifications in response to the RFQ and staff compared and ranked the eight companies. The top three were interviewed. Following this process and contacting the different references provided by the three firms, staff recommends that the County contract with Mid-Atlantic to prepare the Brownfields Assessment grant and, if awarded, help administer the grant. Staff worked with County Purchasing Agent Teresa Curto to review the RFQ and the selection process. In addition, staff contacted Josh Freeman, Special Projects Manager with the City of Brevard, and sought his assistance in reviewing the proposals knowing that some potential sites might be in the City of Brevard.

There is no financial impact to the County. Mid-Atlantic is willing to prepare the Brownfields Assessment grant at no cost. If the County is successful in obtaining the Brownfields Assessment grant, the grant funds will cover Mid-Atlantic's administrative costs. Costs will not exceed the grant award.

Commissioners authorized staff to work with Mid-Atlantic to prepare the Brownfields Assessment grant and, if successful, assist the County in administering the grant by executing a Masters Services Agreement.

PROCLAMATION-EARLY CHILDHOOD CANCER AWARENESS MONTH

Steven Firestein, Volunteer Director of the American Cancer for Children, Inc. and Kids Cancer Connection, Inc. sent an email request to all 100 North Carolina counties asking their respective Boards of Commissioners to approve a proclamation recognizing September as Childhood Cancer Awareness Month. Cancer is the leading cause of death by disease among children in our country today. This tragic disease is detected in nearly 15,000 of our country's young people each and every year. Commissioners have approved similar proclamations in the past. Upon approval, the Clerk will forward a copy of the proclamation to Mr. Firestein per his request. Chairman Hawkins read aloud the proclamation for the benefit of the public. Commissioners approved Proclamation 29-2015 Childhood Cancer Awareness Month.

(Proclamation 29-2015 Childhood Cancer Awareness Month is hereby incorporated by reference and made a part of these minutes.)

PRESENTATIONS/RECOGNITIONS

RESOLUTION-IN RECOGNITION OF YVONNE MYERS

On August 1, 2015, Yvonne Myers retired from Transylvania County where she served in multiple roles in the Sheriff's Office in her 29 years of service.

Commissioner Lemel moved to approve Resolution 27-2015 In Recognition of Yvonne Myers. The motion was seconded by Commissioner Chappell. Sheriff Mahoney and Commissioners thanked Ms. Myers for her service to the County and shared personal stories about their experience with her over the years. Ms. Myers said it has been a pleasure working for the County for so long. She appreciated the work relationships and friendships she has made over the years. She received much applause from the audience. Chairman Hawkins read aloud the resolution and after approval presented it to Ms. Myers. **The motion was unanimously approved.**

(Resolution 27-2015 In Recognition of Yvonne Myers is hereby incorporated by reference and made a part of these minutes.)

APPOINTMENTS

AGRICULTURAL ADVISORY BOARD

There are three vacancies on the Agricultural Advisory Board. The positions (two-farming and one-member at large) have been vacant since April when three members rotated off the board because they had served two or more full terms. The Clerk advertised and received three applications to fill these positions. All applications were received prior to the application deadline. County Extension Director Bart Renner recommends the appointment of the three applicants and this is his justification:

1. Mary Ann Duvall – owns a farm and animal rescue
2. William “Leroy” Newell – owns Cherryfield farm and raises sheep for both meat and wool; very active in Farm Bureau and 4-H
3. Leslie Logemann – Farmers Market Manager and has done an excellent job in helping the market grow

There are no other applications on file to consider.

Commissioner Lemel moved to appoint Mary Ann Duvall and William “Leroy” Newell to fill the two farming positions and to appoint Leslie Logemann to fill the member-at-large position. The motion was seconded by Commissioner Phillips. Commissioners were very excited about the caliber of applicants. The motion was unanimously approved.

PARKS AND RECREATION COMMISSION

There is one vacancy on the Parks and Recreation Commission due to a recent resignation. The Clerk advertised this vacancy with the 3rd quarter appointments and received two applications within the application deadline.

Commissioner Lemel moved to appoint Kathleen Zimmerman to fill the vacancy on the Parks and Recreation Commission, seconded by Commissioner Chapman and unanimously approved.

JOINT HISTORIC PRESERVATION COMMISSION

There are three vacancies on the Joint Historic Preservation Commission. The Clerk advertised and received one application.

Commissioner Chappell moved to appoint the applicant John Huggins, Sr. to fill the Pisgah Forest position vacancy on the Joint Historic Preservation Commission, seconded by Commissioners Chapman and Phillips simultaneously and unanimously approved.

NEW BUSINESS

INSTALLMENT FINANCING AGREEMENT

Finance Director Gay Poor presented this agenda item to the Board of Commissioners. On July 27, 2015, the Board of Commissioners passed Resolution #25-2015 which authorized staff to file an installment financing agreement application with the Local Government Commission (LGC) and issue Requests for Proposals (RFPs) for financing for renovations to the former detention center for the Elections Office and Wellness Center. Staff sent RFPs to six financial institutions, but received a response from only one. Fortunately, neither the General Statutes nor the LGC set a minimum for the number of responses that must be received.

The proposal submitted by BB&T was included in the Board’s agenda packet for review. The interest rate for a 15-year term is 2.64%. An interest rate of 2.31% for a 10-year term was presented by BB&T as

an alternative. Based on a 15-year loan for \$2,000,000, the annual debt service would begin at \$186,133 and decrease over the life of the loan to \$136,853. At a previous meeting, it was the consensus of the Board to finance the project over a 15-year period. Prepayment is allowed but requires a 1% prepayment premium. Remuneration for legal review and underwriting expenses would be \$1,900.

The total estimated cost of the project, as presented on June 22, 2015 is \$1,883,807 and includes \$79,500 in architectural fees that were previously budgeted and paid from the General Fund. If these are deducted from the project cost and the bank's closing fees of \$1,900 and LGC's application fee of \$1,250 are added, then the total amount to be financed would be \$1,807,457.

Pursuant to N.C. General Statute 159-26 (b) (6), a capital project fund must be established to account for all debt instrument proceeds used to finance capital projects. N.C. General Statute 159-13.2 requires that a capital project ordinance be adopted by the governing board authorizing all appropriations necessary for the completion of the project. A proposed Capital Project Ordinance for Renovations for Elections Office and Wellness Center was included in the Board's packet for review and approval. Also, as required by law, a public hearing was held at the beginning of the meeting, at which there were comments made by one individual. He inquired about prepayment penalties.

Commissioners made a couple comments and asked the Finance Director a few questions before making a motion.

Chairman Hawkins noted that the amortization cycle is different than that of a normal home mortgage. The amount paid in the first year will be the highest amount paid during the life of the loan. Ms. Poor confirmed. She added that as the principal is paid down the interest portion is reduced accordingly.

In response to Chairman Hawkins' inquiry about the project ordinance, Ms. Poor stated that project ordinances can remain in effect for multiple years unlike budget ordinances which are typically annual. The project ordinance as presented includes the required elements for the financing purposes.

Commissioner Lemel noted there is a 1% prepayment fee if the County decided to pay off the loan early. She asked if the fee would be waived at some point over the loan period. Ms. Poor reported that the prepayment fee will remain over the life of the loan.

Commissioner Lemel moved to approve entering into a 15-year installment financing agreement with BB&T for \$1,807,457 and to approve the Capital Project Ordinance for Renovations for Elections Office and Wellness Center. The motion was seconded by Commissioner Chappell. Commissioners were reminded they also needed to pass a resolution approving the financing terms. **Commissioner Lemel amended the motion to include approval of Resolution 28-2015 Resolution Approving Financing Terms. The amendment was seconded by Commissioner Chapman. Both the amended motion and main motion were approved unanimously.**

(The Transylvania County Project Ordinance and Resolution 28-2015 Resolution Approving Financing Terms are hereby incorporated by reference and made a part of these minutes.)

LETTER OF SUPPORT FOR STATE AND FEDERAL FUNDING ON SCHOOLS

On August 5, Chairman Hawkins and Commissioner Chappell had an informal lunch meeting with Board of Education Chairwoman Tawny McCoy and member Ron Kiviniemi and one of the things they discussed was the trend of reduced State and federal funding for local schools. In Transylvania County, that has resulted in more than \$1.5 million in reduced support since 2007, much of which has been replenished through increased local appropriations. Neither Board believes this is sustainable in the future. The group felt it would be useful to present a joint letter from both boards to our federal and State

representatives, expressing concern and relating specific examples, followed by scheduled in-person meetings with our representatives, to discuss the issue in more detail. Transylvania County Schools' staff developed a letter and it was presented for the Board's consideration.

The Manager recommended that the Board authorize Chairman Hawkins to sign the letters on behalf of the Board and likewise, Chairwoman McCoy will sign the letters on behalf of the Board of Education. She further recommended staff then be directed to schedule meetings with our representation for further discussion.

Chairman Hawkins added there is a sense that funding at the State and federal levels has shrunk over the years and the default argument is that local support is not what it should be. The Board of Commissioners views local support as being very strong. The purpose of the letter is to express concerns and cite specific examples and then, respectfully, follow up with a meeting.

Commissioner Lemel moved to authorize the Chairman of the Board of Commissioners to sign the letter of joint support for information on school funding. The motion was seconded by Commissioner Phillips. Commissioner Chapman noted there are dollar figures cited in the letter that he wants verified before the letters are sent. Chairman Hawkins reported these figures came from the School System, but staff will certainly verify prior to the letters being mailed. Commissioner Chappell noted these are specific line items and there should be no issue. He said the bigger issue is overall funding. He verified the letters will be sent to the County's delegation at both levels. Commissioner Chappell expressed appreciation to the members of the Board of Education for meeting. The meeting was productive and he looks forward to continued discussions. **The motion was approved unanimously.**

2016 REAPPRAISAL SCHEDULE OF VALUES

Tax Administrator Annette Raines presented this agenda item. The County is conducting a reappraisal effective January 1, 2016. N.C. General Statute 105-317 requires the schedule of values, standards, and rules to be reviewed and approved by the Board of County Commissioners before January 1st of the year they are applied. A public hearing is required prior to adoption. She requested Commissioners schedule a public hearing for the September 14, 2015 regular meeting and adoption for the September 28, 2015 regular meeting. The Schedule of Values will be available for public inspection in the Tax Administration Building, County Administration Building and Library, as well as on the County website.

Commissioner Chapman asked if there were any major legislation changes looming that would impact the revaluation process. Ms. Raines stated there are no major issues. She reported there is an appeal at the NC Property Tax Commission level by Lowe's and it involves all the stores statewide.

Chairman Hawkins inquired as to when property owners will receive notice of their new property tax value. Ms. Raines said the notices will be mailed February 29, 2016. Taxpayers will have 30 days to review their notices and to contact the Tax Office for an informal review process. New notices will be mailed on May 2, 2016 to all those who went through the appeals process. The Board of Equalization and Review will convene at that time to hear appeals. Notices will be mailed again in mid-June 2016.

Commissioner Phillips noted the values and standards are statewide and no variables are applied for each county. Ms. Raines confirmed his statement and noted the only difference is Transylvania County has moved the revaluation cycle up one year, from eight years to seven.

Commissioner Lemel moved to schedule a public hearing on September 14, 2015 for the 2016 Reappraisal Schedule of Values. The motion was seconded by Commissioner Chapman and unanimously approved.

DISCRETIONARY CITIZEN ADVISORY COUNCILS

A study group led by Commissioner Lemel has been reviewing all of the Citizen Advisory Councils (CACs) within the purview of the Transylvania County Board of Commissioners. The study group has deemed the following three CAC's as discretionary and had made a recommendation on the future of each:

1. Mountain Valleys Resource Conservation District – discontinue; lost federal support and now is a stand-alone nonprofit; Transylvania County has never paid membership fees. Transylvania County appoints two members.
2. Community Appearance Initiative – struggling to find projects; two options: 1) allow staff to maintain effort and engage past members if needed, 2) continue committee but waive all requirements for meeting and reporting except on ad hoc basis
3. Human Relations Council – continue with revisions; need City of Brevard to decide their interest in a joint effort; revisions necessary for mission statement and bylaws

Commissioner Lemel commented that one of the goals of the study group is to ensure each citizen advisory council is relevant. Next steps will include a review of mission statements and ensuring those are in line with how the respective CAC is currently operation.

Commissioners discussed and acted upon each individually.

Mountain Valleys Resource Conservation District

Commissioner Lemel reported that the Mountain Valleys Resource Conservation District currently acts as an agency that will help counties find grants to fund projects. In many ways they act very similarly to a council of government. As a standalone nonprofit they require \$800 in dues annually from their member counties; however, Transylvania County has never paid any dues or done anything else to support the agency. Because of the loss in federal funding in 2011, they are looking to redefine themselves. Transylvania County appoints two members, but only one has been active. Therefore the study group recommends discontinuing participation.

Commissioner Chappell moved to discontinue participation in the Mountain Valleys Resource Conservation District, seconded by Commissioner Chapman and unanimously approved.

Community Appearance Initiative

The most recent presentation from the Community Appearance Initiative ended with the membership asking for guidance from the Board of Commissioners in terms of their future. The recommendation options came from the Planning and Community Development Office.

Commissioner Chappell asked if there was a designated line item for funding projects for the Community Appearance Initiative. Finance Director Gay Poor reported no.

Commissioner Chapman moved to recommend option two (continue committee but waive all requirements for meeting and reporting except on ad hoc basis) for the Community Appearance Initiative. Chairman Hawkins seconded the motion. Commissioner Chappell preferred option one because the Community Appearance Initiative membership does not feel it has a reason to exist at this point. It can be reformed if needed in the future. Commissioner Lemel said the Planning and Community Development and Solid Waste Departments felt they could handle issues and there were no challenges at the current time that necessitated having an active committee. She noted the Board of Commissioners is already challenged with finding active and engaged citizens to participate on CAC's. Commissioner Phillips thought it was positive the CAC is struggling to find projects because it reflects on how

successful it has been over the last several years. He therefore preferred option one. **Commissioner Chapman withdrew his motion.**

Commissioner Chappell moved to approve option one (allow staff to maintain effort and engage past members if needed), seconded by Commissioner Phillips and unanimously approved.

Human Relations Council

Commissioner Lemel stated that the Human Relations Council has struggled for several years as a joint operation with the City of Brevard. It has been difficult to determine who they answer to. The study group discussed this CAC at length. It is certainly a discretionary CAC from the State perspective. The study group had a strong sense that it is government's responsibility to maintain an organization that would ensure communication among diverse groups within the community and that having a group that is sanctioned by the government would promote understanding and help ensure equity for all members of the community. She noted that Chairman Hawkins sent an email suggesting ways the Human Relations Council might be restructured in a partnership with the City of Brevard. She also noted that bringing together diverse groups is not specifically tied to race relations and there are lots of possibilities for the role of such a council. Commissioner Lemel stated that given the state of affairs across the nation, it seems a wise investment of government to take responsibility for communication among its citizens. Therefore the study group feels it should continue, but with revisions.

Commissioner Chapman said he does not believe it is the government's role to dictate relationships among its citizens. He noted the City of Brevard discontinued its participation. He believes its existence creates more divisiveness and this is an area that should be addressed by churches and civic organizations. He is also concerned about the criteria used for appointing members to the Human Relations Council and how bias or politics may be used when selecting members.

Commissioner Chappell agreed with Commissioner Chapman. He stated there are mechanisms already in place that deal with community relations, such as the Dispute Settlement Center. He believes the County can form an ad hoc committee if there is a specific need; otherwise, he does not feel there is a need for this committee.

Chairman Hawkins pointed out that for many years this was a joint committee between the County and City of Brevard. Not long ago the City withdrew its participation. The City's rationale was that the committee was created over 40 years ago as a mechanism to deal with school desegregation issues; therefore the committee has struggled to determine its mission for the current time. Chairman Hawkins suggested allowing staff to develop a structure for the Human Relations that is much broader than racially-based. For example, there could be an economic component where the committee works with the Transylvania Economic Alliance to network, mentor and assist new business startups. He believes a group that is assembled in a thoughtful way and has specific goals and objectives could be a very valuable asset.

Chairman Hawkins moved to disband the Human Relations Council, with the caveat that there are people in the community that might come back to Commissioners in the future with a set of specific objectives and goals and ask Commissioners to consider that. The motion was seconded by Commissioner Chapman and passed by a vote of 4 to 1, with Commissioner Lemel voting against.

DISCUSSION REGARDING SCHOOL FUNDING CONCERNS

Commissioner Chapman reported that he and Chairman Hawkins and Commissioner Lemel recently attended the NC Association of County Commissioners (NCACC) Annual Conference in Greenville, NC. During the conference, participants were presented with a report entitled *2015 County Snapshots*. The report contains data from each of the 100 counties on several items, including local education spending,

economic development statistics and health-related data, just to name a few. The data was collected and compiled by the NCACC's research team.

Commissioner Chapman noted that recently there have been some very strong accusations about the Board of Commissioners' support of education in Transylvania County. He cited some of the data provided in the report for the benefit of the public:

- Out of 18 Western NC Counties, Transylvania County ranks 2nd in county expenditures per pupil; \$3,129 (Polk County ranks 1st at \$3,313)
- Transylvania County ranks 7th highest in the State in county support of education in the same category
- Out of 18 Western NC Counties, Transylvania County ranks 4th from the bottom in 4-year graduation rate
- Yancey County spends \$1,692 per pupil and has a 91% graduation rate

The purpose of presenting this report was to show the citizens that the Board of Commissioners has been very supportive of education in Transylvania County. Commissioner Chapman said he was very offended when the Board was accused of not supporting education. He has asked the local newspaper to consider doing some investigative reporting on this matter. He also asked the Board to consider directing staff to seek guidance from the School of Government in performing a detailed evaluation to determine if this Board is in fact adequately supporting the School System.

The Manager agreed to approach the School of Government to see if they would be willing to perform a study. She is unsure if they would be willing to do this, but the County has sought assistance from them in facilitating a joint meeting between the Board of Commissioners and Board of Education. She did not recommend the NCACC.

Chairman Hawkins stated that an analysis over a period of time in order to get a more accurate view of trends and performance measures. He asked the Manager to research this issue and bring back a recommendation to the Board in terms of some form of action. There was no objection from Commissioners.

Commissioner Chappell added that in order to get a true picture, it is important to define the performance measures. For instance, if a student drops out of school and then reenters and drops out of school again, this could be recorded as two dropouts. He has seen other variables impact how school violence is recorded as well. Chairman Hawkins asked Commissioners to think about what performance measures they would be interested in tracking and provide feedback to the Manager.

MANAGER'S REPORT

- Welcomed Derek McKissock as our new *Transylvania Times* reporter and congratulated Jeremiah Reed on his new job as sports editor.
- Reported the passing of Mr. Bill White, former county attorney: Arrangements are at 2:00 Friday at First Baptist Church with visitation to follow
- Local Elected Leaders acknowledgements of Commissioners: Three Commissioners recognized at NCACC Annual Conference
 - Commissioner Chapman-Practitioner Status
 - Attended Essential of County Government Program
 - Attended at least three events offered by the School of Government
 - Attended at least four programs offered by the NCACC
 - Commissioner Lemel-Master Status

- Reached Practitioner level
- Recorded another 18 hours of focused, classroom training in programs sponsored by the NCACC or School of Government or other approved organization
- Chairman Hawkins-Mentor Status
 - Highest level
 - Attended Essentials of County Government
 - Participated on NCACC or NACo committees
 - Attended many conference and workshops
- Courthouse discussion continues at the next meeting in September
- RFP review for Emergency Services Study begins next week
- Town Hall with Congressman Meadows, Friday, August 28, Blue Ridge Community College, Flat Rock Campus, Bo Thomas Auditorium at 6:30 p.m.

Chairman Hawkins declared a 5-minute recess prior to beginning the workshop. The meeting reconvened at 8:35 p.m.

WORKSHOP

MORRIS ROAD PROGRAM STUDY ON COURTHOUSE (STUDY #3)

Dan Mace, Vice-President of Moseley Architects, presented the Courthouse needs assessment information. This is the third study performed by Moseley. The first was initiated in 2008 followed by an update study in 2013. This is a replacement study to follow up on the original 2008 study.

This is a summary of his presentation, followed by discussion with the Board:

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. - \$30,000,000
- 2013 – Downtown Courthouse Expansion Study
 - 34,000 sq. ft. new addition, 1,600 sq. ft. renovation
 - No new parking - \$11,000,000
- 2015 – Replacement Courthouse Study
 - Updated program with only essential courthouse spaces
 - 61,000 sq. ft. - \$21,000,000

Courthouse Planning Team

- Rita Ashe, Clerk of Court
- Judge Athena Brooks
- Kristi Brown, Clerk of Court's Office
- Larry Chapman, County Commissioner
- Josh Freeman, City of Brevard Planning Department
- Andrew Hogan, Department of Public Safety
- Captain Eddie Lance, Sheriff's Office
- Jaime Laughter, County Manager
- Sheriff David Mahoney
- David McNeill, County Operations Manager
- Greg Newman, District Attorney
- Judge Mark Powell
- Mike Pratt, Attorney
- Larry Reese, County Project Manager
- Paul Welch, Public Defender
- Rodney Wesson, Juvenile Justice

Phase 1 Tasks

- Meet with stakeholders and develop space needs for next 15 years
- Compare findings with original 2008 study document
- Develop design alternatives at the PSF campus
- Provide preliminary schematic drawings and space layouts
- Develop vehicular patterns and parking areas
- Assess existing storm water retention issues and mitigate with new facility
- Develop cost estimates that can meet City of Brevard UDO requirements/approvals
- Develop a decision matrix for the three primary options and make recommendations
- Upon County approval of the preferred option, proceed with Phase 2 Design services

Process: Interviews

- Face to face, on-site interviews
- One hour or less per interview
- Clarify questionnaire responses
- Follow-up questions
- See current space
- Did not ask "how big?" (wanted to see how the courts are operating now, determine the current deficiencies and determine growth rates)

Courthouse Space Program

This information was used to update the 2008 program study and provided the targeted square footage through the year 2025 of approximately 61,000 sq. ft. Once consensus was reached on the program, then Moseley began focusing on the space at the PSF site. Next Moseley designed a graphic representation of the program document which included the base spaces on the ground level for the offices that would be located inside the new facility. On the second level of the facility are the new courtrooms and chambers. There are three courtrooms: one large superior court courtroom and two medium size district courtrooms. Mr. Mace noted the trend in courtroom design is to reduce the seating size of the spectators. The new proposed superior courtroom does not equal the same size of the current historic courtroom in the Courthouse. He noted that the judges and stakeholders agreed these new courtrooms were adequate.

What Should a New Courthouse Look Like?

Mr. Mace said the last study included an option to make an addition to the current historic Courthouse; however, it is difficult architecturally speaking to try to marry a new addition to a very historic prominent landmark. The workmanship does not exist to duplicate the craftsmanship of the historic Courthouse without having to pay an exorbitant amount of money. Moseley looked at several options for a new facility at the PSF. He provided several examples of options Commissioners could consider. The options range from the traditional, transitional and contemporary. He also showed pictures of how the facility would be laid out on the property.

One of the questions that was brought up during this process was whether or not it was physically possible to connect the new courthouse directly to the PSF. Mr. Mace noted this was included in the original project master plan. To accomplish this, the building (as pictured in Moseley's artist's rendering), would be shifted closer toward the PSF and the road to the Maintenance building would be shifted over to the right. He believes this option will actually save in grading costs which will in turn cover the cost of shifting the road to the Maintenance facility. He can then use some of the design elements of the PSF to include in the court facility.

Opinion of Probable Total Project Cost

Mr. Mace pointed out the costs presented at this study level are figures the County should be able to work comfortably within. As the project is developed, he expects the cost to go down. For the sake of budgeting, Moseley wanted to make sure enough was allocated for construction, contingency, construction increases (earliest construction would occur in fall of 2016), site development, FF&E, etc.

Per the program document of 61,000 sq. ft., the estimated project budget is \$20,729,563. Another cost was determined by the diagram Mr. Mace provided which indicated some inefficiency. The diagram made the square footage slightly larger than the program which increased the cost slightly to \$20,982,314. He will cover other cost options, location options, pros and cons, etc. at the next Board of Commissioners' meeting.

Board Comments/Discussion/Questions & Answers

Chairman Hawkins explained the process moving forward. Tonight's presentation was about looking at a plan to construct a facility on Morris Road. The Board has already received a report on potentially renovating at the existing site. Over the next couple of months, Commissioners will continue to discuss this item. At the next meeting, Commissioners will review comparisons between the two options. At another meeting, Commissioners will seek public input about the two different options. He hopes Commissioners will be able to make a decision sometime in October or November on how to move forward.

Q. Does moving the court facility nearer to the PSF have an impact on cost and how close would the buildings actually be to each other?

A. There should be some cost savings realized, but there would still be a need to shift the road to the Maintenance facility. The benefit is that the grade is better and lower which gives the ability to provide square footage underneath the building for storage or future space. This however is an additional cost. He can reduce the cost of construction and offset with the cost of moving the road. He likes the suggestion of connecting the buildings and providing a safe walking area between the two facilities for transporting inmates. The buildings should be at least 30' feet from each other to avoid code issues. The physical connector would be an on-surface walkway. It would be a separate secure connector. One similar was constructed in Rockingham County.

Q. Is there is significant cost savings between the traditional and modern designs?

A. The more the County attempts to duplicate historic details, the cost can increase. The materials are not always readily made materials. Most materials today are for contemporary structures. Contemporary should not be a fad, but has longevity in terms of taste and style.

Q. Is there a similar courthouse Commissioners should consider visiting.

A. Rockingham County. It is similar in terms of base structure and has a connection to the public safety facility. It was built about five years ago and is a LEED Gold building.

Q. One of the advantages to the layout is the opportunity for future addition. Does relocating the building next to the PSF impact the County's ability to expand in the future?

A. Only on one side of the building. The master plan should include enough space on the other side to accommodate any future expansion.

The Manager pointed out there remains existing water issues on the PSF site. Part of the cost Moseley included is trying to remedy these issues. Mr. Moseley believes he has included enough monies to accommodate the enlargement of the intention pond to solve the problems.

Q. Isn't there also issues with getting water offsite? A ditch along Morris Road is not large enough to handle water, especially from heavy rains. A few years ago the County entered into a right-of-way agreement with The Oaks, but the County did not move forward. Would the County have to start this process over especially being the project will create more impermeable surfaces?

A. That is correct. The entire hydrology of the site will need to be redesigned. Moseley has included \$3 million in project for site work.

Q. The County added a third floor to the DSS building when it was constructed several years ago for expansion purposes and it turned out to be the right action on the Board's part. Is that something to be considered for a new court facility?

A. Moseley will provide cost estimates of a shell floor at the next meeting. This will prevent the County from having to build out and essentially the vacant space could be used for special purposes when needed.

Q. What caused the reduction in the original square footage estimate in 2008 (80,000 sq. ft.) to the current program estimate (61,000 sq. ft.)?

A. Some of the offices in the original plan have already been located elsewhere. Also in 2008 the growth rate was exponential, but after the economy took a turn, the growth level turned to stagnant and now is growing, but at a much lower level. The proposed square footage is much more realistic.

Q. Will there be enough parking at the site for a facility of this size?

A. Yes, without building a parking structure.

Q. Is this an appropriate amount of square footage for the uses over the next 20-25 years and not a wish list?

A. Moseley reviewed the original study during the stakeholder meetings. The whole effort was to build a facility that is very functional, including shared space (breakrooms, conference rooms) and has built-in expansion, but not to the extent as it was in 2008. Mr. Mace anticipates expansion will be needed

sometime in the lifespan of the building and the goal is to ensure this can be done as easily as possible. The stakeholder groups made a productive effort. The new facility will be constructed top quality and will last the County for many years.

Q. Is LEED certification factored into the cost?

A. Yes. LEED adds upfront cost to the construction figures. It ranges from 1.5% to 1.8% of the construction cost as a premium. Mr. Mace noted that Rockingham County has already broken even and will experience savings going forward. It will be up to Commissioners if they want to pursue LEED certification and at which level. The Public Safety Facility is the first LEED Silver public safety facility with jail beds east of the Mississippi to have this certification.

Mr. Mace will make another presentation at the next meeting and compare both site locations and the pros and cons of each.

Chairman Hawkins asked Commissioners to send any further questions to the Manager prior to the next meeting.

PUBLIC COMMENT

Don Surrette: Mr. Surrette noted that the joint letter to the County's legislative representation indicates reduced textbook funding. It is his understanding that money has been shifted to pay for digital textbooks which may be the reason the other budget item has been reduced. He asked Commissioners to consider this prior to sending the letter.

Jack Hudson: Mr. Hudson stated that some parking lots can be constructed now in which the water passes through them instead of off of them. He asked the Board to consider exploring the cost of this option. Mr. Hudson also asked Commissioners to consider scaling down the look of the building to a more simpler look like that of the Public Safety Facility.

COMMISSIONERS' COMMENTS

Commissioner Chappell reported that 2015 is the 100th Anniversary of Rosman High School. There will be many events happening throughout the year. He mentioned that our County has been blessed with many notable anniversaries over the last few years.

Commissioner Lemel attended the NCACC Conference which was a great opportunity to network with other county commissioners and learn about regionalization opportunities and partnerships and collaborations among counties to achieve goals that otherwise would not be affordable by individual counties. She participated in several programs on mental health which is at crisis level in the State. Being able to develop an understanding how other mental health agencies work with their partner counties was very helpful. Commissioner Lemel plans to attend, as the County's representative, the Smoky Mountain Mental Health LME/MCO meeting tomorrow night and she has generated a list of questions for the advisory board meeting. She thanked citizens for allowing Commissioners to attend the conference because it was a wonderful opportunity.

Commissioner Chapman reported that the NCACC was held in Pitt County, the home of the newly elected NCACC president, and he has vowed to continue the previous president's initiative to tackle mental health issues. The initial publication of recommendations is available on their website. Commissioner Chapman continues to be concerned about security at the current Courthouse. Staff has been exploring options in the interim to improve security there. Staff had a visit from the US Marshals

Office to perform a security assessment. Commissioner Chapman met with the Manager and staff today to review initial modification drawings that may be implemented without major cost. One of the recommendations was to implement video conferencing from the jail which will reduce prisoner transport. The other recommendation is to move the law library from the fourth level to the first level and reconfigure the space on the fourth level. Court Sergeant Jimmy Jones, at Commissioner Chapman's request, added that the only statutorily allowed video conference is during a felony first appearance and there must be two-way communication between the participating parties. Commissioner Chapman noted that staff intends to bring back a recommendation for Commissioners to consider.

Commissioner Phillips requested to receive the financial reports from Smoky Mountain Mental Health LME/MCO to ensure the services are being provided in the County and to see how the County's dollars are being spent. The Manager reported she has submitted two requests already. Commissioner Lemel intends to lobby for a more detailed report when she attends her next meeting.

Chairman Hawkins thanked the County Attorney for attending the meeting tonight after losing his colleague Mr. White yesterday. Chairman Hawkins reported that the youth delegate did a terrific job at the NCACC Conference. Commissioners had breakfast with him on Saturday. He hopes he will come to a meeting and give a report on his experience. Chairman Hawkins reported that recently the State released a report on estimated travel revenue. Transylvania County received approximately \$85 million in revenue last year which was significantly less than our peer counties. In his research he learned one of the reasons why is that the County has so many fewer lodging rooms. There is also a correlation between the number of lodging and overall retail sales. Chairman Hawkins may circulate an idea to Commissioners to incentive bringing in more lodging establishments into the County. On Thursday, the Early Childhood Education Initiative team is meeting again. There is some real progress being made there. On Friday, he and Commissioner Chappell are meeting with the Manager to look at creating a formula for school funding. Lastly, Chairman Hawkins referenced an NCACC chart that indicated which counties had regained the number of jobs they had when the recession started in 2007. The majority of counties have not. Those that have are the counties with major cities. He continues to discuss in his economic development meetings at the State level ways to help rural counties.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (4) to discuss matters relating to the location or expansion of business in the area served by this body, after a 5 minute recess. The motion was seconded by Commissioner Chappell and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (4) to discuss matters relating to the location or expansion of business in the area served by this body, closed session was entered into at 9:45 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Lemel and Phillips, County Manager Jaime Laughter, Transylvania Economic Alliance Executive Director Josh Hallingse, County Attorney Tony Dalton and Clerk to the Board Trisha Hogan. Commissioners held the closed session meeting in the Arthur C. Wilson, Jr. Conference Room.

Commissioners were presented with a potential economic development project and directed staff on how to proceed.

Chairman Hawkins moved to leave closed session, seconded by Commissioner Lemel and unanimously carried.

OPEN SESSION

Chairman Hawkins moved to seal the minutes of the closed session until such time that opening the minutes does not frustrate the purpose of the closed session, seconded by Commissioner Phillips and unanimously approved.

ADJOURNMENT

Commissioner Chappell moved to adjourn the meeting, seconded by Commissioner Lemel and unanimously carried.

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board