

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
October 26, 2015 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, October 26, 2015 at 7:00 p.m. in Commissioners Chambers at the County Administration Building.

Commissioners present were Vice-Chairman Larry Chapman, Jason Chappell, 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
WSQL Radio – Robert Frank

There were approximately 75 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding declared a quorum was present and 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

FY 2016-17 SECTION 5311 TRANSPORTATION GRANT APPLICATION

County Support Services Director Keith McCoy presented this item. The County Transportation Department intends to apply for Section 5311 grant funds. A public hearing is required to receive local input regarding the FY 2016-17 Section 5311 Transportation Grant prior to making application. The amount being requested this year is \$231,415, broken down as follows: 1) Administration - \$176,986 (requires 15% local match of \$26,549) and 2) Capital - \$54,429 (requires 10% local match of \$5,443). The capital request is to replace a van that has high mileage. The van provides transportation services to senior citizens and some general public. Staff requested Commissioners hold a public hearing to receive input and also asked Commissioners to approve the grant application later in this same meeting. Mr. McCoy announced there were Voluntary Title VI Public Involvement forms in the foyer if anyone wished to participate.

Commissioner Chapman inquired about what will happen with the old van once it is replaced. Mr. McCoy responded that the County has 60 days to dispose of the surplus van upon receiving the new one. His staff will go through the process of finding an appropriate place for the surplus van.

Commissioner Lemel asked for clarification on what the Administrative funds cover. Mr. McCoy reported that these funds cover almost all the administrative costs, including salaries and telephones and a required amount by the State of 2% for marketing purposes. He noted this will be the ninth consecutive year in which the federal government has capped these funds at the current level, therefore maintaining only the services currently being provided.

Chairman Hawkins declared the public hearing open at 7:10 p.m. There were no comments from the public. **Chairman Hawkins declared the public hearing closed at 7:11 p.m.**

PUBLIC COMMENT

David Morrow: Mr. Morrow offered some thoughts about the Courthouse the Board may want to consider. He first noted that Brevard already has retail shops with residential space on upper floors, just as other areas do like Greenville, SC and Biltmore Park in Asheville. He wondered if the downtown attorneys would relocate if the Courthouse were to be moved to the Morris Road site. If so, he thought this would be a good opportunity for a developer to build office space near that location. Mr. Morrow commented that if the City of Brevard is dependent on the Courthouse traffic in downtown Brevard then the City is not where it needs to be in terms of retail development and other business opportunities.

Ellen Harris: Ms. Harris spoke on behalf of the Joint Historic Preservation Commission on which she serves as its chair. She provided a copy of a handout to the Board of Commissioners and Brevard City Council. The document states that the Joint Historic Preservation Commission has asked the State Historic Preservation office in Asheville to review the downtown site option for the Courthouse and see if it meets Secretary of the Interior standards for rehabilitation. The response from the inquiry indicates this option does not meet standards. The detailed documentation is in the handout she provided to both elected boards. At this point, it is advisory, unless State or federal are used.

Nancy DePippo: Ms. DePippo spoke against the Courthouse being moved out of downtown Brevard. She heard someone ask at another meeting if the County had explored and vetted all options. She wondered if all County facilities have been considered, such as maybe holding civil trials in Commissioners Chambers in the County Administration Building. At the very least, this raises the question of whether or not the Board has looked at the most efficient use of County owned space in solving this problem. Ms. DePippo believes moving the Courthouse out of downtown would have a negative impact on local business. If the Courthouse remains downtown, a parking garage is included in the plans which she believes is a win-win for everyone.

AGENDA MODIFICATIONS

There were no agenda modifications.

Commissioner Lemel moved to approve the agenda, seconded by Commissioner Chapman and unanimously approved.

CONSENT AGENDA

Commissioner Lemel moved to approve the Consent Agenda and was seconded by Commissioner Phillips. Commissioners thanked Commissioner Chapman for chairing the Veterans Day Committee and all those who assisted with the planning the ceremony on Wednesday. **The motion was approved unanimously.**

The following items were approved:

MINUTES

The Board of Commissioners met in regular session on Monday, September 28, 2015 and following met in closed session in which the minutes were sealed. 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 the month of September, total tax dollars released was \$797.72 and refunds totaled \$1,056.05. Commissioners approved the Discovery, Release & Monthly Settlement Report for September 2015.

PROCLAMATION – VETERANS DAY 2015

In 2009, the Board of Commissioners established a Veterans Day Committee that is responsible for developing a program to honor the veterans of our community on Veterans Day. Commissioner Chapman serves as chair of that committee. For several years, Commissioners have approved a proclamation honoring Veterans Day and encouraging citizens to observe Veterans Day and pay tribute to the veterans who have served and are serving our nation to preserve the principles of justice, freedom and democracy. The proclamation will be presented and read at the Veterans Day Ceremony on Wednesday, November 11, 2015 at 11:00 a.m. at the Courthouse Gazebo. Commissioner Chapman read aloud the proclamation for the benefit of the public. Commissioners approved Proclamation 33-2015 Veterans Day 2015.

(Proclamation 33-2015 Veterans Day 2015 is hereby incorporated by reference and made a part of these minutes.)

PRESENTATIONS/RECOGNITIONS

MEDICAL COUNTERMEASURES FULL SCALE EXERCISE PLANNING

The Transylvania County Department of Public Health is required to conduct a full-scale exercise by April 2016 to test the ability of the agency and its partners to activate and staff the Emergency Operations Center, assemble staff and supplies in order to stand up a point-of-dispensing, and dispense (simulated) medications to the entire population within 24 hours of a biological incident. Collaboration will be required of a host of agencies within the County for both planning and conducting this exercise, as it would with a real event. It is required that the exercise be conducted utilizing Homeland Security Exercise and Evaluation Program (HSEEP) principles and documentation. The exercise is scheduled for January 26, 2015. Public Health Director Elaine Russell and Preparedness Coordinator Anita Glance provided Commissioners with a timeline of activities and work that will be occurring throughout exercise planning and conduct/evaluation.

This is a summary of the presentation:

Definitions & Acronyms

- Medical Countermeasures – overarching federal program which is a collaboration between many different federal agencies
- Strategic National Stockpile – managed by Centers for Disease Control (CDC) and is comprised of two different components
 - 12-hour Push Packages (contain variety of medical supplies and medications)
 - Managed Inventory (can request specific items from federal government)
- Homeland Security Exercise and Evaluation Program – federal program requirements for conducting exercises and how that occurs, especially when federal funds are used, and sets a standard for all agencies to use the same process for exercises

Why

- Federal Public Health Preparedness Funds (funneled through NCDPH)

- Requires full scale Medical Countermeasures Point of Dispensing (POD) exercise be completed by April 1, 2016
- In total, 28 Medical Countermeasure components required to be exercised at minimum every five years
- All exercises required to utilize Homeland Security Exercise and Evaluation Program (HSEEP) principles and format
- Emergency Management Performance Grant Funds (funneled through NCEM)
 - Requirement to conduct/participate in three exercises annually; this exercise will count for them also
- All of these agencies are actively participating on the planning committee and competing with others from their agencies in the actual exercise:
 - County Administration
 - Public Health
 - Sheriff's Office
 - EMS
 - Fire Marshal's Office
 - Parks and Recreation
 - Emergency Management
 - Brevard Fire Department
 - Brevard Police Department
 - Transylvania Regional Hospital
 - NC Forest Service
- HSEEP is a process
 - Multiyear training and exercise planning workshop – July 30, 2015
 - Initial planning meeting – August 26, 2015
 - Mid-term planning meeting – October 1, 2015
 - MSEL development – early November 2015
 - EEG development – late November 2015
 - Tabletop exercise – January 13, 2016
 - Full scale exercise – January 26, 2016
 - Completion of After Action Report – March 2016; will be presented to Board of Commissioners
- Serving our citizens
 - Timing is everything – in the event of a public health emergency it is imperative that we be able to protect the health of the citizens in our community
 - Anthrax prophylaxis must be initiated within 48 hours
 - Vaccine for flu can take two weeks to be effective
 - Conducting this exercise allows us to calculate timing and throughput to ensure that we can dispense, vaccinate and otherwise protect citizens within these established thresholds and make adjustments to any plans as needed before a real event
 - Building and solidifying these collaborative relationships through planning and exercising together ensures an efficient and cohesive response for the community during any real event, not just medical countermeasures

This concluded the presentation. Chairman Hawkins called for questions and comments from the Board.

Commissioner Chapman asked if the public will be made aware of this exercise. He wants to ensure there is no panic caused to our citizens. Ms. Glance said the exercise will be somewhat lower key than some typical emergency preparedness exercises, but there will be lots of activity. Much like the exercise conducted in Rosman, there will be a direct push out to residents and businesses in the immediate area.

There will also be press releases prior to the exercise. A call for volunteers will be put out to the public as well.

Commissioner Chapman asked if any federal or State agents would be present to observe the exercise. Ms. Glance stated there are no funds to pay staff evaluators, so the group will utilize volunteer evaluators from different agencies. Ms. Russell noted that the Marine Corps JROTC has stepped forward to serve as a volunteer group.

Commissioner Chappell asked if staff intends to provide the Board with an update after the exercise is complete. Ms. Glance stated that once the After Action Report is finalized with the planning committee, it will be presented to the Board of Commissioners.

Chairman Hawkins asked staff about their level of confidence in terms of meeting all the targets of the exercise. Ms. Glance reported that other counties have not been successful in meeting all their targets because of the method of approach they used for the exercise. Other counties used the individual approach, which means their population divided by 24 hours to determine how many people they would need to serve in that amount of time. Transylvania County is using the head-of-household calculation. The US Census figures indicate that number is 2.26, which lowers the individual number of 1,400 served per hour to 610 per hour. She believes this is realistic.

Commissioner Chappell asked if other counties performing this exercise utilize one primary point of contact, instead of having multiple locations. Ms. Glance said there used to be push to have multiple locations in a county. The problem with that is having the staffing levels to perform dispensing.

Commissioner Phillips asked if Brevard College and Blue Ridge Community College were participating. Ms. Glance replied yes they are participating. Others include College Walk, the School System and high school Health Occupations students.

Commissioner Chapman asked about the costs associated with this exercise. Ms. Glance stated that time is the biggest cost. There will also be supplies and printing costs, but those will come out of the departments' standard budgets.

There were no further comments. Commissioners proceeded to a joint workshop with Brevard City Council to discuss the Courthouse project.

WORKSHOP

COURTHOUSE – DISCUSSION WITH BREVARD CITY COUNCIL

Brevard City Council requested a workshop with Commissioners for the purposes of having a dialogue about the Courthouse project and potential alternatives.

Being a quorum of the Brevard City Council was in attendance; Brevard Mayor Jimmy Harris called the City Council meeting to order at 7:00 p.m. at the direction of the City Attorney. The workshop convened at 7:40 p.m. Mayor Harris thanked the Board for the opportunity to meet and discuss the Courthouse, recognizing there are many issues driving this project, including safety, functionality, and practicality. He noted that Brevard City Council has taken no official position on this matter. The purpose of tonight's meeting is to learn more about the County's options and how moving the Courthouse out of downtown might impact the economy of the City of Brevard.

The County Manager made a brief presentation about what has been presented to Commissioners thus far. This is a summary:

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, original structure built in 1860's
- 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

Courthouse Timeline

- 2005 County Space Needs Study began that looked at all County facilities and functions
- 2007 Rural Courts Commission Inspection cited security concerns, some changes made, but could not fully address security concerns
- 2008 Study Group A, Economic Impact
 - Recommended Morris Road, but expressed concern that the building be used for a purpose and not left vacant (survey of business community)
- 2008 Study Group B, Costs
 - Recommended relocation at the then cost of \$30 million
- 2012 Tax and Register of Deeds moved out of courthouse to Broad Street location
- 2013 Downtown Architect Study Complete
- 2015 Letter from Superior Court Judge Mark Powell expressing security and efficiency concerns
- 2015 US Marshal Letter expressing security concerns
- 2015 Morris Road Architect Study Complete

Courthouse Fast Facts

- Only court functions are being discussed to relocate or expand (current functions plus Probation & Parole and Juvenile Justice)
- Tax Administration and Register of Deeds are not proposed to move. They relocated in 2012.
- Visitor-ship
 - 12,293 people visited the Register of Deeds in 2014 (relatively unchanged pre and post move from Courthouse)
 - 23,550 people visited the Tax Administration Office in 2014
 - 48,726 people entered the Courthouse in 2014
 - 829 inmates were transported from Public Safety Facility to Courthouse
 - 216,837 people entered the library in FY 14-15
- Options for Courthouse space if court functions relocated
 - History museum
 - Office space- nonprofits, development services for businesses locating
 - Town square space for events, functions that is larger than the current gazebo
- Economic impact can be difficult to gauge
- County staff total approximately 330 people
 - Public Safety, Solid Waste, Parks and Recreation and Animal Control are the only functions not currently down town
- Approximately 21 people work daily in the Courthouse

- Clerk of Court, District Attorney
- Economic impact of Downtown Workers: \$2,500-\$3,500/year (Langdon article Public Buildings Keep Town Centers Alive)

Option B: Downtown Option

- 2013 Study by Moseley Architects
- Constrained by currently owned County property
- 34,000 sq. ft. addition and 1,600 sq. ft. renovation proposed
- Estimated cost: \$12.07 million + \$4 million parking structure (excluding land)= \$16 million
- Pros:
 - Keeps existing historic court location
 - Less expensive than other two options
 - Reason to keep historic building open
 - Provides for public amenities for after hour use
- Cons:
 - Provides only a 15-year need
 - Does not improve existing parking issues – actually reduces the existing number
 - A large expansion will negatively affect historic Courthouse appearance (as noted in letter presented tonight by JHPC Chair Ellen Harris)
 - During renovation, unknown latent issues may be discovered needing repair
 - Does not have ideal layout given use of existing Courthouse
 - “Front door” is hidden to the rear

Option C: Morris Road

- 2015 Study by Moseley Architects
- County-owned property next to Public Safety Facility; no property acquisition costs in estimate
- 61,702 sq. ft.
- Estimated cost: \$21.7 million
- Pros:
 - Purpose-designed for 21st century courts
 - Close proximity to detention facility/Sheriff’s Office; minimizes transport issues
 - Adequate proper and separate parking areas for judges, staff and public
 - Expansion capability for future growth
 - Less expensive than 2008 Needs Study
 - Better security and public accessibility
 - Will repair current site drainage issues
- Cons:
 - Moves current court location from downtown, but still within the City of Brevard
 - Costs more than the 2013 Study addition

Courthouse Next Steps

- Potential for another downtown option that has not presented publicly, but no comparable details yet
- Option for additional due diligence time to determine if it would factor in well with the other options should Commissioners decide to pursue

Mayor Harris introduced officials from the City of Brevard in attendance. They were Mayor Pro Tem Mac Morrow, Councilmembers Wes Dickson, Maurice Jones, Ann Hollingsworth, and Charlie Landreth, City Manager Jim Fatland, City Attorney Mike Pratt and City Clerk Desiree Perry.

City Manager Jim Fatland stated that, at the advice of the County Manager, the City Council would like to have a good healthy discussion about how the County and the City can work together to find the best possible solution to this issue and not just argue why the court functions should not be moved out of downtown. He reported that he, along with City Planner Josh Freeman, has been working with the UNC School of Government, to develop a presentation on behalf of the City of Brevard for the County's information. He introduced Tanner Dudley, a Project Manager with the Development Finance Initiative (DFI) at the UNC School of Government.

Before beginning his presentation, Mr. Dudley introduced Christy Rauli, who serves as the Associate Director of DFI. The DFI is a program within the UNC School of Government that works with municipalities throughout the State providing advice on specific areas related to finance, real estate development, and economic development. DFI has been engaged by the City of Brevard to look at economic opportunities in Brevard and to provide input on the Courthouse relocation analysis. He intends to share general information based on work DFI has done around the State on the impact of downtown public facilities to inform the conversation among elected officials. He also intends to talk about the services DFI can provide if their services were engaged to provide due diligence on other potential sites. Mr. Dudley made his presentation via PowerPoint.

Mr. Dudley stated that vibrancy in downtown is important to the City of Brevard and also to Transylvania County. The City of Brevard is an asset to the County. DFI has seen a trend across the State and nation of an interest in downtowns. There has essentially been a shift in people wanting to be in walkable, active downtown places. This is true for both residents and businesses. Downtowns play an important role.

Impact of Downtown Facilities (general public facilities in communities DFI has assisted)

- Employment impact
 - Direct courthouse employees and supporting staff
- Visitor and customer impact
 - 48,726 visitors in 2014; average over 800 visitors/week
- Professional office impact
 - Associated business co-location
- Community icon
 - Inspires pride for City and County
- An anchor to support the local economy, contributing to overall downtown activity and vibrancy, benefiting both City and Transylvania County residents

Downtown Facilities as Economic Development Drivers

- Difficult to gauge actual economic impact of these facilities
- University of Wisconsin (2005) study found that county seats have:
 - 8.4% more businesses downtown
 - 7.4% more retail businesses downtown
 - 25% more professional, technical, and scientific businesses
 - 53% more traveler accommodations
 - 26% more education, healthcare and social assistance related businesses

Professional Offices in Downtown Brevard

- 13 attorneys with one to four employees each

Restaurants in downtown Brevard

- 18 restaurants and eateries, most with five to 15 employees

Summary Findings

- Public facilities draw visitors and associated business traffic
- An anchor to support the local economy
- Contributing to overall downtown activity and vibrancy, benefiting Transylvania County

This concluded the first portion of Mr. Dudley's presentation. He called for questions and comments from Commissioners and Councilmembers. This is a summary of the discussion:

1. It is hard to get specific data. Does DFI believe public facilities enhance vibrant downtowns?

Yes. DFI believes public facilities play a role and are one of many things that make a downtown vibrant.

2. No matter what decision Commissioners make, other public facilities would remain downtown. With that said, what is the true impact of moving only the court functions and a small number of employees out of downtown? Is there an opportunity to create increased vibrancy with another function located within the Courthouse?

Mr. Dudley stated it is very difficult to quantify the impact of one component of government facilities in downtown. Since the Courthouse is a component of the public facilities in downtown Brevard, to move it away could potentially create a draw to elsewhere. It is important to keep the current assets in a central location based on the idea that there is an overall interest and attraction to proximity and walkability where one could eat, shop, work and do business in one single place.

3. Did the University of Wisconsin study identify the types of public facilities located in the county seats?

No, it was general and not specific. The study looked at county seats and non-county seats and the public facilities that were located there. The non-county seats had no public facilities.

4. Does DFI have any economic impact data about other counties in Western North Carolina that have moved their courthouses out of their downtown?

No, but DFI would be willing to explore further and reach out to those communities. There is no specific data similar to the University of Wisconsin study.

5. What does the fact that there is such limited data on this topic indicate to DFI?

It is not clear. One could say there are potential economic benefits of moving court out of downtown and perhaps they are not as impactful to downtowns, but from DFI's experience is that the greater the diversity of the mix of uses and functions in a downtown, both public and private, the better. This is an important piece of the puzzle that contributes to the vibrancy of downtowns.

6. It has been stated that over 48,000 visitors come through the Courthouse annually (although many are repeat visitors). How does that traffic to other functions in the downtown, like restaurants, shops or museums?

Mr. Dudley said he could not speak specifically to the other functions because oftentimes many of those functions are mixed together in the same space. There are many other factors that should be considered. It is informative to know that 48,000 visitors come through the Courthouse annually, which equates to 800 visitors on average per week. There is activity in downtown as a result of these visitors contributing to the overall mix.

7. Was the University of Wisconsin study primarily rural or urban communities?

The study was a mix of comparable communities in Wisconsin with populations between 3,500 and 12,000. The City of Brevard exists in the middle of the population range. While the data dated, Mr. Dudley believes the information is relevant.

8. As a research project, County staff was asked to find out more information about courthouses around the State, to include age, location, etc. Out of 47 county responses, the ages range from 248 years old to 2 years old. Of the responses, 19 were still located within their downtown. Many renovated and made additions or rebuilt nearby. There were still a number of counties that were maintaining their historic courthouses and trying to utilize those buildings in some manner in their downtowns. It is important to note that 67% of Transylvania County government employees work downtown and that most of them will remain. As far as the Courthouse employees, the security officers are considered County employees, but most of the judicial employees are State employees.
9. Where did the 48,000 annual visitors to the Courthouse figure come from?

These are numbers compiled by Courthouse Security Officers. The number indicates how many people passed through security. They are not necessarily individualized numbers. The numbers do not separate out who is there for which function, i.e. court-related, District Attorney, Clerk of Court, etc. It also counts visitors more than once if they enter and reenter the Courthouse. A more comprehensive study would need to be done to capture that specific data. This is something DFI can assist with, but it would take time.

10. Since there is no way to quantify what function those 48,000 people are using, it is probably safe to say they have a reason to be in the court facility and that many of the visitors enter and reenter the building multiple times a day. It is doubtful that there would be included in this number a large amount of visitors simple wanting to visit the historic building, at least in its present use.
11. Did the figures include those not required to enter through security?

No. The 800+ inmates are not included in the 48,000 figure either. It was reported by Court Sergeant Jimmy Jones that many people required to be in court enter and reenter the Courthouse multiple times a day. They are counted each time because they must go through security each time. The 48,000 figure is an inflated number. On a typical court date, 100 cases on the docket equates to approximately 70 people. This number of court cases varies from day to day. In addition, many people bring family members and others with them to court. Court is normally held 19-20 days per month.

12. It was stated at the start of this presentation that the goal is to have and maintain a vibrant downtown and that a healthy downtown has many different uses. What does downtown vibrancy mean to City of Brevard officials? Do we have a mix of downtown functions to create vibrancy? Are there areas in which need improvement? Chairman Hawkins posed this question to City Council.

Mayor Harris believes downtown is better because of the Courthouse functions. Having a County campus lends to a healthy economy and vibrant downtown. There are other components that contribute as well. Parking is an issue and needs to be addressed. Nearly all the storefronts are filled because of a great advocacy group in the Heart of Brevard. This has contributed to the downtown's visitor-ship. There is definite fear of the unknown and how relocating court functions elsewhere impacts downtown. Mayor Harris said he understands Commissioners have a difficult decision to make and the issues are obvious. He assured Commissioners the City of Brevard is available to assist and partner in any way possible. He is excited to hear about the potential of another site option.

Councilwoman Hollingsworth reported on information she found in the Georgia Courthouse Manual. It states that courthouse functions create traffic, both directly and indirectly, through associated functions such as attorneys' offices. If the court functions go elsewhere, it is not likely that the new uses of the old building will generate similar volumes of traffic. She values having the court functions downtown and said this dialogue opens up opportunities for the City and County to work together on development projects to address mutual needs, such as parking.

Councilman Dickson stated he understands the constraints the current facility presents. He is open to hearing both sides. He sees the benefit of keeping the Courthouse as an iconic building in downtown, but is also open to moving court functions to Morris Road because of control and safety issues and the benefit of "spreading wealth among the community". He would like to see a use where the front doors of the Courthouse are open again. Councilman Dickson said he sees the pros and cons to both options and understands Commissioners have a difficult decision to make. In terms of downtown vibrancy, he believes it exists now, but more parking is needed, as well as more variety among businesses in an effort to put the focus on attracting more people to downtown.

Mayor Pro Tem Morrow stated it is essential that all the elements of the court are downtown. He believes the role of elected officials to grow the marketplace is essential, particularly in how sales tax is generated and distributed. He invited a future discussion on the fair distribution of sales tax revenues. He reported that downtown vibrancy produces 75-80% of sales tax revenues in Brevard, so this is too worthy not to be concerned about.

13. The downtown option does not include a plan to address parking. There are no funds included in the project and the County does not own property on which to construct a parking deck. One of the most important questions is whether or not there is another use for the current building to increase the vibrancy of downtown Brevard. Unfortunately, most people do not have a reason to go inside the building unless it is for a court function. The County now has an opportunity to create a destination place for use by the entire community.
14. It was emphasized to City Council that the Board has made no decision; however, if the decision is to move court functions, what will add vibrancy to downtown Brevard and is court functions the highest and best use of the Courthouse building? There may be other uses that add to the vibrancy beyond court functions.
15. To clarify a comment made by Mayor Pro Tem Morrow, the sales tax amount he quoted takes into account the entire City of Brevard, not just downtown.

Mayor Pro Tem Morrow agreed, but said the vibrancy that comes from having a centralized downtown cannot be discounted. He noted there may also be an impact to the residential communities on Morris Road and that has yet to be discussed.

16. Harris Architects was recently recognized for their work renovating the old Gaston County Courthouse. Ellen Harris was invited to speak on her work as it relates to historic courthouses.

Ms. Harris reported that she has been involved with other courthouse projects and noted that each situation is different, making it difficult to draw comparisons and conclusions; however, she cited a few examples. Clay County built a new courthouse outside of downtown Hayesville. The old historic courthouse remains empty and the downtown is essentially dead. Cherokee County refurbished and added onto its historic courthouse in Murphy and the downtown remains vibrant. Polk County, which has the oldest courthouse in Western North Carolina, relocated local government functions to other buildings downtown, while court functions remain in the courthouse. Downtown Columbus remains a vibrant

downtown as well. Ms. Harris, speaking from the standpoint of a preservation architect and a proponent of preservation, recommended a use for the Courthouse that keeps it active and opens the front doors. The use should be compatible to the building so that it is treated with respect and as a downtown icon. A compatible use means it would not require a lot of unnecessary changes. Reusing the Courthouse as public space/meetings rooms would be a very compatible use. Any exterior additions to the building should not overshadow the existing building. The courtrooms and main hallways need the most attention to bring back their original character.

17. Is there a need for private sector office space in downtown Brevard?

Councilwoman Hollingsworth serves on the Economic Restructuring Committee whose sole purpose is to put businesses in empty spaces. She stated that oftentimes, newer buildings are competing with older buildings. New buildings have to meet so many more requirements (elevators, ADA accessibility) which impacts rental/lease costs. She believes the Courthouse would require some up-fitting, but would lend itself well to office space as the community grows; however, the County should not expect to see it fully occupied right away.

18. Two other City Councilmen weighed in on the question related to vibrancy and sought after improvements to downtown Brevard.

Councilman Landreth noted that the Courthouse study documents the City's participation in this process going back to 2008 and also shows a very thorough assessment of the situation in the Courthouse. His opinion is that it is hard to say what a wrong decision looks like. There are outcomes he envisions, such as the old administration building coming down. He would also entertain the idea of City government moving into the Courthouse and reusing City Hall property for a purpose that adds to the property tax base. In terms of a vibrant downtown, downtown Brevard already has a good variety of uses. What is most important to him is that the County is as serious and as thorough about repurposing the Courthouse building as it has been about assessing the deficiencies of the building to hold court.

Councilman Jones expressed concern about the impact on downtown merchants and small business owners in downtown Brevard. His research on the impact of moving court functions out of downtown has provided mixed results. In some cases, the impact is devastating in terms of the types of retail that remains or takes over and sales tax revenues. He referred to a book entitled *Resilient Downtowns: A New Approach to Revitalizing Small and Medium City Downtowns* written by Michael Burayidi that addresses several areas that are currently of the same concern to City officials. For him, he does not want to retract from the City's vision of having a walkable downtown. The Courthouse was the hub of City life and the City grew around the Courthouse. If there is another viable option for a downtown court location, then the Courthouse could once again become the hub of City life.

DFI Process Overview

Mr. Dudley continued with the second part of this presentation explaining how DFI can offer additional due diligence. DFI works with communities across the State where they focus specifically on transformative projects. This is a summary of his presentation:

DFI Predevelopment Process

- Building Program
 - Public Process
 - Site Analysis
 - Financing
 - Market Analysis

Site Analysis

- Study Courthouse plans already developed
- Examine other potential development site(s) if others were considered
- Review parking and traffic needs
- Identify site development constraints
- Potential plan recommendations

Financial Analysis

- Build development pro forma
- Test financial feasibility and potential funding gaps
- Compare potential partnership structures, levels of involvement, and financing tools

This is a summary of the discussion following the presentation:

1. What kind of timeline would this type of work take and how much would it cost?

The standard predevelopment timeline is typically between 9-12 months to perform the entire process. The public process portion takes up a good bit of the timeline; therefore if Commissioners are clear in their goals and interest, the process could be significantly shorter. Ms. Raulli reported that DFI is in contract discussions with the City. If a contract is negotiated this work would be part of the process at no additional cost.

2. It has been mentioned several times that more parking is needed in Brevard; however, a City study from a couple years back stated there was no need for additional parking. What is the City's stance on parking? Does the City want a Courthouse or a parking garage?

Mayor Harris reported that 70% of parking within the Heart of Brevard's boundaries is privately owned. Parking seems to be the reason people stop or pass through downtown. Many people indicated to the City there was poor signage so the City engaged in a way-finding project which has been helpful in directing people to parking areas. The problem lies in available public parking. The City believes there is such a need for a parking deck. Mayor Harris noted there are a couple of people who are in a position to acquire property, as well as own property, that have said they believe their property would be ideal for a parking deck. They have also said they would like to engage City and County officials to discuss further.

3. Is public parking equated to free parking?

Mayor Harris said the City has had several discussions on this. He stated several people have expressed appreciation for the 2-hour free parking areas, but they would like to stay for longer periods. They want a place to go to buy more parking time. People are willing to pay for parking. He expects to see a mix of both free and rental parking. This is a great opportunity for the City of Brevard and Transylvania County to work together and perhaps invite private investment to be part of the discussion to find a solution that benefits all citizens.

4. Is 70% of the parking not accessible by the public?

Mayor Harris said this could change. The City is at the mercy of private business and property owners. They could put a chain around their parking lot if they so choose. The City is looking for every opportunity to expand parking.

This concluded the presentation. On a lighter note, Mayor Harris and City Council wished Chairman Hawkins Happy Birthday. **Upon motion and second, City Council officially adjourned their meeting at 9:10 p.m.**

Chairman Hawkins thanked the City for the work they have done. He also thanked Mr. Dudley with the School of Government for his presentation. He noted that the County Commissioners had embarked upon a timeline for making a decision on the Courthouse; however, the Board is open to being thoughtful and deliberative in looking at any alternatives that make sense. That may require meeting jointly with Brevard City Council in the near future.

Chairman Hawkins called for a 5 minute recess. The meeting reconvened at 9:23 p.m.

APPOINTMENTS

TRANSYLVANIA COUNTY COUNCIL ON AGING

The terms of Sheila Galloway, Carleen Dixon and Robert Anderson expired at the end of August. Sheila Galloway (WCCA) and Carleen Dixon (Parks and Recreation) both serve specific roles on this Council and they are eligible for reappointment. Robert Anderson represented KOALA which has been taken over by Care Partners. There is an application on file for the Care Partners representative. The position representing Affordable Housing has been vacant for some time. The Clerk has now received an application to fill that role. Eric Caldwell is no longer the County Extension Director and he served as a member-at-large. Staff reached out to new Extension Director Bart Renner and he recommended the appointment of Elaine Deppe who serves as a SHIP coordinator.

Commissioner Lemel moved to:

1. **Reappoint Sheila Galloway (WCCA) and Carleen Dixon (Parks and Recreation)**
2. **Appoint Nicole Petit (Care Partners) to replace Robert Anderson**
3. **Appoint Carroll Parker to fill the vacant position that represents Affordable Housing**
4. **Appoint Elaine Deppe to replace Eric Caldwell as the member-at-large**

The motion was seconded by Commissioner Chappell and Phillips simultaneously. Commissioner Lemel expressed how impressed she is by level of expertise being appointed to the Council on Aging. Commissioner Chapman inquired about the reporting process for the County's Citizen Advisory Councils. Commissioner Lemel responded this is part of the restructuring she and others are working on. Soon the group will be looking at how the Citizen Advisory Councils report to the Board on an annual basis and providing training to members about their role, such as keeping minutes. **The motion was unanimously approved.**

NEW BUSINESS

FY 2016-17 SECTION 5311 TRANSPORTATION GRANT APPLICATION

The County Transportation Department intends to apply for Section 5311 grant funds. This is an annual application. A required public hearing was held at the beginning of the meeting to receive local input. The amount being requested this year is \$231,415, broken down as follows: 1) Administration - \$176,986 (requires 15% local match of \$26,549) and 2) Capital - \$54,429 (requires 10% local match of \$5,443).

Commissioner Lemel moved to approve the FY 2016-17 Section 5311 Transportation Grant Application in the amount of \$231,415 with a total local share of \$31,992 and authorized the Chairman to sign the grant application packet. The motion was seconded by Commissioner Phillips. Commissioner Chappell reminded the public there are public involvement forms located in the foyer. The form helps to provide some statistical data for the State. Commissioners thanked Mr. McCoy

and his staff for the work they do to provide this important service. **The motion was unanimously approved.**

ACT WORK READY COMMUNITIES INITIATIVE

In January of this year, Commissioner Chappell introduced a movement to Commissioners and the Transylvania Economic Alliance called ACT Work Ready Communities. This program certifies that Transylvania County has a labor force that meets certain basic standards and it provides the County with another tool for attracting businesses and jobs.

Commissioner Chappell has been working with Transylvania Economic Alliance Executive Director Josh Hallingse and a steering committee on this program. On behalf of the group, Commissioner Chappell made a presentation to further explain the program.

By participating in this program, the County can identify skill gaps and quantify the skill level of the workforce. This helps the education system build career pathways aligned to the needs of business and industry. Having a strong workforce is a tremendous economic development advantage.

This is a summary of the presentation:

What Are Work Ready Communities?

- Communities that meet specific criteria that relate to the preparation/foundational skills of its workforce
- The standardized criteria establish some comparability of the workforce's foundational skills among counties and states.
- The criteria encourage local workforce systems to assess job applicants and to focus on increasing their foundational skills.

What are the "foundational skills" and how are they measured?

- Foundational skills are the basic skills that are needed for one to learn more advanced, job-related, technical skills
- Standardized Tests for foundational skills are:
 - Reading for Information (content & understanding)
 - Applied Mathematics (computation & problem solving)
 - Locating Information (Understanding graphical information – charts, gauges, graphs, measuring instruments, etc.)
- Scores on these three timed/standardized tests comprise the National Career Readiness Certificate (NCRC)
- National Career Readiness Certificate is signed by the Governor once an individual has completed the timed standardized tests and shows an employer what types of skills an individual has; four levels which indicate to employers an individual's skill level
 - Bronze
 - Silver
 - Gold
 - Platinum
- Useful for economic developers to advertise to potential businesses the skill level of the available workforce
- One of the best tools for economic development is a well-trained viable workforce

Transylvania County Goals

- Goal #1: 69 students or (emerging) earn at least a bronze National Career Readiness Certificate

- Actual-563 students have earned a NCRC
- Goal #2: 26 employed (current) individuals earn at least a bronze National Career Readiness Certificate
 - Actual-155 current have earned a NCRC
- Goal #3: 171 unemployed (transitioning) workers will earn at least a bronze National Career Readiness Certificate
 - Actual-194 transitioning workers have earned a NCRC
- Goal #4: 43 business will recognize or recommend the National Career Readiness Certificate and register or be registered on Work Ready Community website
 - Actual-4 employers have been registered (for business that have 4 or less employees it takes 4 of these businesses to equal 1 Work Ready Community Employer)
- All of these goals are based on population
- Conducting outreach to encourage businesses to register

Additional Criteria

- The endorsement of the local governments (municipalities and counties) recognizing the NCRC
- Each county will organize a cross agency team of government, educators, workforce, economic development and business leaders

Leadership Team

- Local Government-Mike Hawkins
- Economic Development-Josh Hallingse
- Community College-Glenda McCarson
- Business-David Watkins
- Public Schools- Jeremy Gibbs
- Workforce Development-Jason Chappell

Next Steps

- Letters of support or resolution in support of Work Ready Community (Transylvania County, City of Brevard, Town of Rosman)
- Submitting application
- Working toward achieving goal of 43 business

Commissioner Chappell reported there is a lot of great information about this program on their website. The Transylvania Economic Alliance sees the value in this program because it markets Transylvania County. Once certified the County will have met 99% of its goals and then has two years to meet the remaining goal. There is no cost to the County. He urged members of the public to encourage employers to register.

Commissioner Lemel inquired about there being specific types of businesses that qualify or do not qualify. Commissioner Chappell stated that any business may qualify as long they are willing to register and recognize and/or require a National Career Readiness Certificate. The majority of those that prefer or require a National Career Readiness Certificate are manufacturing employers. Commissioner Chappell noted that Blue Ridge Community College does not charge for the testing in both Henderson and Transylvania Counties. They offer the test free by utilizing existing grant funds.

Commissioner Lemel asked because of the alliance with the ACT what the youngest age a student must be to take the exam. Commissioner Chappell said the majority of high school juniors are testing now. There have been some middle schools that explored the possibility of testing as a pilot program. Some areas are using the program for educational growth purposes.

Commissioner Phillips stated there are a number of students that test out of high school early. He asked if this program benefits those students. Commissioner Chappell stated that anyone is eligible to take the test, but it is mainly during their junior of high school that students are required to. Employers who require a specific profile level are marketed as such.

Commissioner Lemel moved to approve Resolution 32-2015 in support of ACT's Work Ready Communities Initiative and authorize Chairman Hawkins to sign any related documents, specifically Support Form B. The motion was seconded by Commissioner Chappell. Chairman Hawkins thanked Commissioner Chappell for all the work he has done on this. The motion was unanimously approved.

(Resolution 32-2015 In Support of ACT's Work Ready Communities Initiative is hereby incorporated by reference and made a part of these minutes.)

MANAGER'S REPORT

The Manager reported the following:

- Strategic Plan meetings-department head level and focus groups, facilitated presentation at November 9 meeting to review
- Age 0-5 Task Group meetings; at stage of "state of child" report presentation; targeting December meeting for a presentation to Board
- Golden LEAF update-spoke with Golden LEAF staff last week about County's application; got a list of questions from them and the County's application was the only one noted to be intriguing; staff has a number of questions to answer and Manager believes the County has a 50-50 shot at being awarded a grant; will learn in December if invited to submit full application (January 22 due date); reaching out to partners to make sure information submitted is strong
- Kudos to Director Mike Owen and the Building Permit Department

"I want to let you know that it was a pleasure working with you and the Department for the past 13 years (so hard to believe). You do a good job in protecting the citizens of the county in building matters." – Chuck Gilmore, Retiring Engineer

- Happy Birthday to Chairman Hawkins today and the Clerk to the Board tomorrow
- Status of construction is asbestos mitigation and then back on timeline; cost split with contractor and been covered with contingency

PUBLIC COMMENT

Edwin Jones: Mr. Jones serves on the Board of Trustees for Brevard College and part of his duties is to attend County Commission meetings and report back items of interest. He commented about the discussion on the Courthouse and the viability of downtown Brevard. He stated that Brevard College President David Joyce and his staff have done a wonderful job with increasing enrollment and student retention at Brevard College which is critical to the economic health of the College and the community. With that said, this does not quantify the effect of the vitality of downtown on attracting new students. However, he thinks that the vitality of downtown Brevard would have a much more significant impact on the students here for a semester. A "dead" downtown would have a fairly significant impact on student retention at Brevard College.

Peter Mockridge: Mr. Mockridge is a County resident. He said he is uncomfortable with anecdotal information and vibrancy is an area that is very hard to measure. He recognizes how important downtown Brevard is. He made a list of questions for Commissioners to think about during their decision process. He posed the following: What establishments/businesses do downtown lawyers and their staff patronize? This group represents a different group of people that come to the Courthouse to settle issues or have

issues about them settled. How many clients of lawyers patronize downtown businesses and what is the dollar value? Is it economically practical, long term and short term, to refurbish the Courthouse? Can the present Courthouse be made safe? Finally, Mr. Mockridge said it is imperative that the old building be treated as a treasure. If the Board decides to relocate, they must at the same time and with the same intensity and purpose address how to reuse the building.

Jack Hudson: Mr. Hudson is a County resident. He urged Commissioners to consider safety before cost. He said those attending court, such as defendants and witnesses, are experiencing an array of emotions and not the type of people some of us would want to associate with and he does not think they create vibrancy in downtown. He stated that he knows of many people that do not travel downtown when court is going on. He reminded Commissioners that the Heritage Museum pleaded with County to use the front portion of the Courthouse, leaving the large courtroom available for various uses. Mr. Hudson said the Historical Society also made a request for space. He believes the Courthouse would be a perfect place for the Transylvania Economic Alliance or other offices that need space. Any of these uses would open the front doors of the building again and it would attract a variety of people. Mr. Hudson urged Commissioners to make a decision as quickly as possible because too many years have gone by without action. He recommended Commissioners build a new facility that will be safe with future expansion capabilities and allow for ample parking.

Jimmy Jones: Mr. Jones serves as the Court Sergeant in the Courthouse. He said a good example of why help is needed in the Courthouse will be evident tomorrow and Thursday of this week. Jury selection will begin on a near deadly assault case which will bring in 50-75 potential jurors, along with 100+ people in the building for district court. On Thursday, the trial will be ongoing along with a district court docket of 240 cases. This equates to 150-160 people and double with the friends and family that will attend with them. These are ideal days for someone to view the challenges with the current facility.

COMMISSIONERS' COMMENTS

Commissioner Phillips referenced the comments made about the courthouse in Hayesville early. He said the courthouse leaving had nothing to do with the demise of the downtown. The town was starting to die out years earlier when they lost jobs which were not plentiful anyway. He stressed the importance of having facts when considering something as important as a new Courthouse.

Commissioner Lemel reported on her County Commissioner duties and activities since the last meeting. She reported she attended a NCACC Health and Human Services Steering Committee meeting. Another meeting is scheduled for November. She attended Rosman Heritage Day and was able to see the Town recognize the over 140 octogenarians with a certificate and gift. Commissioner Lemel toured TVS in an effort to understand more about their operation and collaborative relationships with other manufacturers in the community. They also run a life skills program for developmentally disabled adults in the community and operate two group homes. They fall under the Smoky Mountain Center operations which helped her understand how some of the mental health dollars are spent in the community. She, along with the Manager, and Directors of Public Health and Social Services, met with representatives of Smoky Mountain Center. Her intention as an outcome of that meeting is to host a mental health and substance abuse summit in Transylvania County. She will be working with the Manager to select a date, just as she did with the Early Childhood stakeholders group.

Commissioner Chapman commented that the decision about the Courthouse is going to be based on cost and affordability. A key part of the County's strategic plan includes capital projects and planning for the future. It will be important to know what other projects are on the horizon so the Board can understand the entire cost impact.

Chairman Hawkins stated that trying to make decisions based on anecdotal information is not feasible. It is important for the Board to consider all the components and have in place as much concrete data as possible.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (6) to consider the qualification, competence, performance, condition of appointment of a public officer or employee, after a 5 minute recess, seconded by Commissioner Phillips and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (6) to consider the qualification, competence, performance, condition of appointment of a public officer or employee, closed session was entered into at 10:15 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Lemel and Phillips and Manager Laughter. Commissioners held the closed session meeting in the Arthur C. Wilson, Jr. Conference Room.

Commissioners met in closed session for the purposes of evaluating the annual performance of the County Manager.

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

OPEN SESSION

Commissioner Chappell 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