

MINUTES
BREVARD CITY COUNCIL
Joint Transylvania County Board of Commissioners and
Brevard City Council Workshop
October 26, 2015 – 7:00 PM

The Brevard City Council met with the Transylvania County Board of Commissioners during the regular scheduled Commissioner meeting held on Monday, October 26, 2015, at 7:00 PM in the Board of Commissioners Chambers. Purpose of the workshop is to discuss together the plans for the County Courthouse.

City Council Members Present – Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Maurice Jones, Ann Hollingsworth, Charlie Landreth and Wes Dickson.

Board of County Commissioners Present – Chairman Mike Hawkins, Commissioners Kelvin Phillips, Larry Chapman, Page Lemel and Jason Chappell.

City Staff Present – City Attorney Michael Pratt, City Manager and Finance Director Jim Fatland, City Clerk Desiree Perry, Interim Planning Director Daniel Cobb, Fire Chief Craig Budzinski and Project Development Director Josh Freeman.

Press Present – Derek McKissock, Transylvania Times

Welcome and Call to Order. Chairman Hawkins called the meeting to order at 7:00 PM. Mayor Harris called the meeting of Brevard City Council to order at 7:00 PM.

Quorum – A quorum of City Council was present.

The Board of Commissioners conducted business as scheduled upon their Agenda.

Commissioners Agenda Item VII – Workshop. At 7:40 PM, Chairman Hawkins explained Brevard City Council requested the opportunity to come to tonight's meeting to discuss the courthouse. He then welcomed City Council members, Attorney and Manager and invited them to leave their seats in the audience and to be seated in the front of the Chambers at tables that had been setup for them.

Mayor Harris thanked the Commissioners for the opportunity to come to discuss the matter together. As instructed by the City Attorney the Brevard City Council was called to order at 7:00 PM. The City Clerk is present to take minutes for City Council.

Mayor Harris explained City Council has taken no official position on the matter. Council is concerned with, should the courthouse function be moved from the downtown, what impact it might have on the economy of the downtown.

Chairman Hawkins called upon the County Manager Jaime Laughter to share where the County is at in the process.

Ms. Laughter presented a series of power point slides (Exhibit A) that summarized the issues with the current courthouse facilities; timeline showing the first discussions and steps to address courthouse needs began in 2005; information from the studies that have been done; and, options that are being considered. A complete copy of the power point slides is included by reference and attached to these Minutes. (Exhibit A)

Ms. Laughter offered that recently another potential option has been mentioned; however, will not be presenting at this time as the County has not had opportunity to fully review.

Mr. Fatland thanked the Commissioners and Manager for the opportunity to come together to discuss the matter. When he and the County Manager discussed

having this workshop, she asked that the City come prepared to offer suggestions on how the County and City can work together. The UNC School of Government (SOG) has helped many cities and counties on downtown work and financing options; therefore, the City asked representatives of the Development Finance Initiative to come to Brevard, look at our downtown, and to then come to tonight's meeting to participate in the discussion.

Staff of the UNC SOG Development Finance Initiative, Mr. Tanner Dudley, Project Manager, and Ms. Christy Raulii, Associate Director, were present. Mr. Dudley explained the Development Finance Initiative (DFI) partners with local and State government to attract private investment for transformative projects by providing specialized finance and development expertise.

Mr. Dudley offered a series of power point slides describing the impact of downtown public facilities with respect to employment, visitor and customer impact, professional offices and the Courthouse as a community icon. He explained following some discussion on the matter, he will then provide phase two of the presentation that will be an overview of DFI services and process. A complete copy of the power point slides is included by reference and attached to these Minutes. (Exhibit B)

Commissioners and Council members discussed the matter together. Below are some of the discussion points and comments:

1. Chairman Hawkins - Vibrancy of Brevard's downtown is important to both City and County. What do we (locally) think vibrancy means? If we could wave a wand, what would we want in our downtown?
2. The greater diversity of mixes and uses in a downtown, the better.
3. Chairman Hawkins - We are hearing public facilities are one of the things that enhance and contribute to the vibrancy of downtowns. However, it is hard to find specific data on the impact of moving a courthouse from its downtown.
4. Commissioner Chapman - Only a small portion of County offices is being considered moving from the downtown, the court function. The County's other offices will continue to remain in the downtown.
5. Commissioner Chapman - Would be interested in knowing the impact of moving out the court function from the downtown. If the court function was relocated, perhaps something that is more vibrant than the court function could be moved into the courthouse.
6. Mr. Dudley - To move the courthouse function from its location downtown could potentially draw people away to another portion or area of town. He is not aware of any studies specific to the moving of courthouse, but will research.
7. Mr. Landreth - Number of visitors to the courthouse was determined by the security system and the number includes some people who have made entry multiple times. How does that traffic number compare to other functions in the downtown? How does the number compare to trips to a museum, restaurant, City Hall, etc.?
8. City and County Officials - Parking is an issue. More parking is needed.
9. Mayor - Believe having the courthouse function along with the County campus, Social Services, Administration, etc., lends to a healthy downtown. It helps with both retail and service businesses. Not too long ago Brevard's downtown had 13 vacant buildings. Businesses and organizations like the Heart of Brevard have worked very hard to fill those vacant buildings. Believe having the courthouse and its court functions is important to the downtown; perhaps it's a fear of the unknown.
10. Mayor - Excited to hear the County Manager shared that this is another potential option.
11. Ms. Hollingsworth - Would another function (in the courthouse building) generate a similar number of traffic? This may be an opportunity for a potential partnership between the City and County, as an example, to work together on parking needs.

12. Ms. Hollingsworth - County Library was a community visioning process that created a wonderful library as well as provides a lot of different uses in one building – library, meeting rooms, amphitheater, etc.
13. Mr. Dickson - Open to see both sides of the story and confident the County will do the right thing. Sees the benefits of the courthouse in the downtown as it is an iconic building. Also understands the County's concerns and why it is appealing to construct on Morris Road.
14. Mr. Morrow – Expressed his appreciation to the County for getting the courthouse clock fixed. He believes it is essential for the court elements to remain downtown as it is a part of the downtown vibrancy. Feels it is essential for attorneys and other interested parties to have access by a walkable downtown. Important to have County offices like the court function, Register of Deeds, Tax Offices, County Administration offices, etc., all in close proximity to one another, as it's a vital part of growing the market place and generate sales tax revenue. Brevard produces 75 to 85 percent of the taxes received for the County.
15. Commissioner Chapman – Parking is a major issue and one of the things that is on the table. Downtown option does not include answers to the parking needs. Is there a use that can add more vibrancy than what is provided by the court function with its 20 days a month use? Opportunity to create a destination?
16. Chairman Hawkins – City Council has not taken a position, and neither has the Board of Commissioners. Is court function at the courthouse building the highest and best use of the structure? To do this correctly, we really need to examine that question.
17. Mr. Morrow – Expressed concern building a courthouse on Morris Road and its impact upon the residential neighborhood. Perhaps that is why Hendersonville built their new courthouse and remained in downtown, just a few blocks away.
18. Courthouse is an historical structure. Care, and perhaps some limitations, exist with respect to talking of remodeling for a variety of uses.
19. Ms. Ellen Harris, AIA, and Chair of the Transylvania County Joint Historic Preservation Commission, shared doing something that will keep the building active and to re-open the front doors, treating it with respect and keeping it as an icon is most important. Whether court function is kept downtown or moved; the structure and any changes to it need to be compatible and fitting to the building, and that would not require a lot of unnecessary changes. Compatible – not a hotel, but rather perhaps office or gathering spaces, public use. Something that would let the historic building shine.
20. Mr. Landreth – Appreciates opportunity for dialog. City participation is important. It is hard to say what a wrong decision looks like. Doesn't matter if court is held on Morris Road or Main Street, it is important that we are as diligent to address how to use the courthouse as have been in the studies.
21. Mr. Jones – His main concern is with our merchants and small business owners. Believes to move the courthouse and proceedings out of the downtown will have a significant negative impact upon merchants and small businesses owners. Walkability is very important; courthouse was the hub of civic life and the City grew around it.
22. Commissioner Lemel – Asked about the City's 2012 Parking Study with an overall conclusion that there was no parking problem in downtown, yet, tonight and frequently she hears otherwise. Should we be discussing a parking deck?
23. Mayor Harris offered of the parking spaces and lots available in the downtown, 70% or more are private with the remaining percent public; adding he believes there is a need for more public parking and perhaps it would be an opportunity for the City and County to partner on it.

Mr. Dudley provided the second phase of his presentation describing the DFI services and the pre-development process that would include taking an assessment, market analysis, public process to determine what the needs of the community are, and financial analysis. Studies the County has done makes clear what the County needs are. Perhaps another development site may be considered.

Commissioner Chapman asked what the timeline would be, and, the costs.

Mr. Dudley replied it could take nine to twelve months (or less), and it would be for a set fee that would be negotiated with the City.

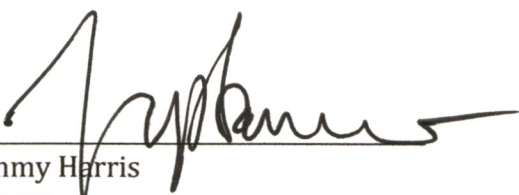
Chairman Hawkins concluded the discussion by saying the County has not come to a conclusion on the matter. Commissioners are open to being thoughtful and deliberative to look at any alternatives that make sense.

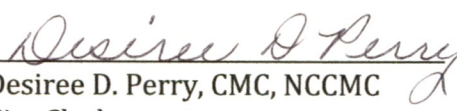
Note: Prior to the start of the meeting, Ms. Ellen Harris distributed to the County Commissioners and City Council the attached letter dated October 26, 2015, from the TC Joint Historic Preservation Commission. (Exhibit C)

Adjourn Workshop Portion of Meeting - At 9:11 p.m. a motion to adjourn Brevard City Council's workshop with the Board of Commissioners was made, seconded and approved unanimously. The Mayor and Council Members left the table and took a seat in the audience.

The Commissioners meeting continued with the next item upon their Agenda.

The official Minutes of the entire meeting can be found in the records of the Transylvania County Board of Commissioners.


Jimmy Harris
Mayor


Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: November 16, 2015

Workshop

A. Courthouse – Discussion with Brevard City Council

MOSELEYARCHITECTS

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

Courthouse Timeline

- 2005 County Space Needs Study Began
- 2007 Rural Courts Commission Inspection cited security concerns, some changes made
- 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 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

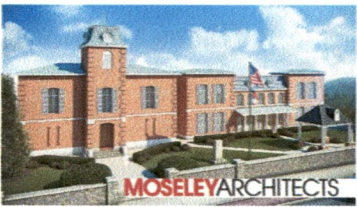
- Only court functions are being discussed to relocate or expand (current functions plus probation and parole and juvenile justice)
- Tax Administration and Register of Deeds are not proposed to move. They relocated in 2012.
- Visitor-ship
 - 12,293 people visited the Register of Deeds in 2014 (relatively 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 to courthouse
 - 216,837 people entered the library in FY 14-15

Courthouse Fast Facts

- Options for courthouse space
 - History museum
 - Office Space- nonprofits, development services for businesses locating
 - Town Square space for events, functions
- 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
- Approx. 21 people work daily in the courthouse
 - Clerk of Court, District Attorneys
 - Economic impact of Downtown Workers: \$2,500-\$3,500/year (Langdon article Public Buildings Keep Town Centers Alive)

Option B: Downtown Addition

- 2013 Study by Moseley Architects
- Constrained by county property owned
- 34,000 sq foot addition and 1,600 sq ft renovation
- Estimated Cost: \$12.07 million + \$4 million parking structure (excluding land)= \$16 million



Decision Matrix Analysis – Downtown Addition

PROS

- Keeps existing historic court location
- Less expensive than other 2 options
- Reason to keep historic building open
- Provides for public toilets 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
- 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 Option

MOSELEYARCHITECTS

- 2015 Study by Moseley Architects
- County owned property next to public safety facility
- 61,702 Sq ft
- Estimated Cost: \$21.7 million



Decision Matrix Analysis – Morris Road

PROS

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

CONS

- Moves current court location from downtown
- Costs more than the 2013 study addition

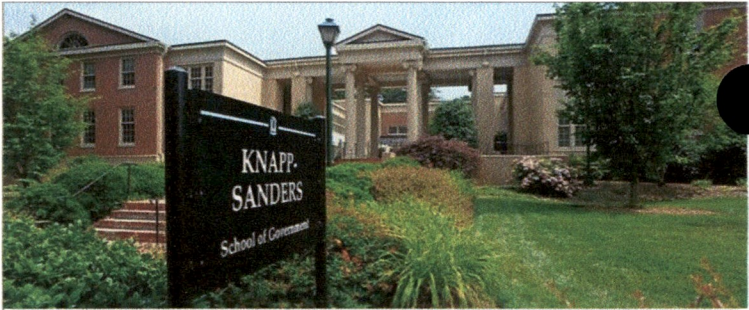
Courthouse Next Steps

- Potential for another downtown option that has not presented, but no comparable details yet
- Option for additional due diligence time

TRANSYLVANIA COUNTY COURTHOUSE
RELOCATION ANALYSIS



*Development Finance Initiative
October 2015*



The Development Finance Initiative (DFI)
at the UNC School of Government partners with
local and State government to attract private
investment for transformative projects by providing
specialized finance and development expertise.

2

AGENDA

- Impact of downtown public facilities
- Overview of DFI services and process

IMPACT OF DOWNTOWN
PUBLIC FACILITIES

4

THE IMPACT OF DOWNTOWN FACILITIES

- **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 Transylvania County

An anchor to support the local economy, contributing to overall downtown activity and vibrancy, benefitting Transylvania County residents

DOWNTOWN FACILITIES AS ECONOMIC DEVELOPMENT DRIVERS

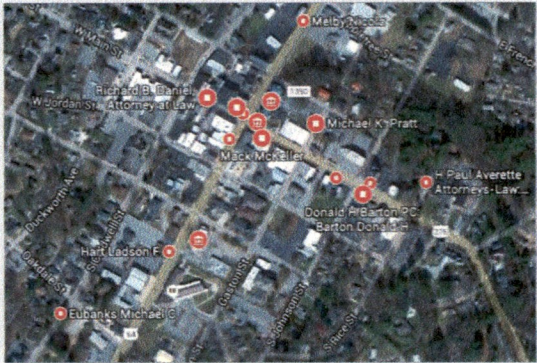
University of Wisconsin study found that county seats have:

- **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

Source: University of Wisconsin Extension Study (2005)

PROFESSIONAL OFFICES IN DOWNTOWN BREVARD

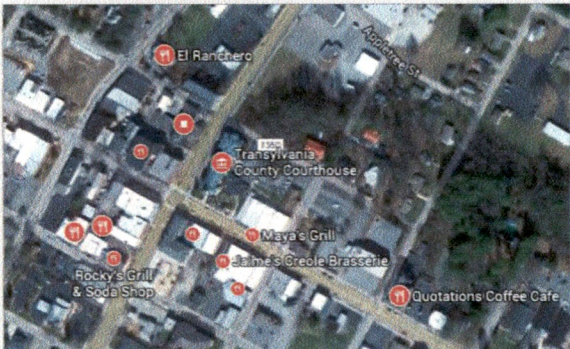
13 attorneys, with 1 to 4 employees each



Source: Heart of Brevard, NC 2015

RESTAURANTS IN DOWNTOWN BREVARD

18 restaurants and eateries, most with 5 to 15 employees each



Source: Heart of Brevard, NC 2015

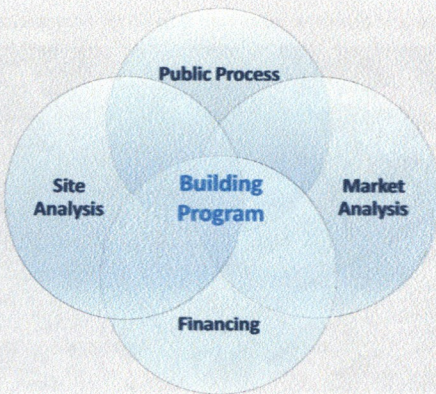
SUMMARY FINDINGS

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

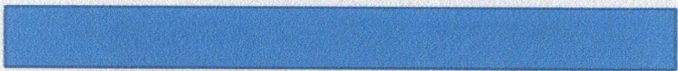
Assess feasibility of new courthouse development downtown

DFI PROCESS OVERVIEW

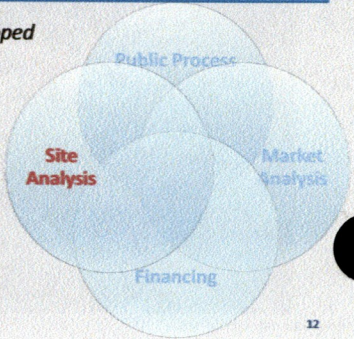
DFI PREDEVELOPMENT PROCESS



SITE ANALYSIS



- Study courthouse plans already developed*
- Examine potential development site(s)*
- Review parking and traffic needs*
- Identify site development constraints*
- Potential plan recommendations*

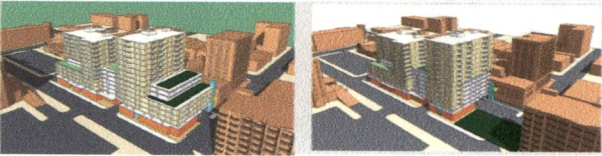


SITE ANALYSIS - GOLDSBORO, NC



PROGRAM COMPARISON - WILMINGTON, NC

Program	DFI Proposal	Park-at-grade	Tower next to deck	Max private investment
Res Units	183	172	176	240
Retail sq ft	20,800	16,000	10,000	20,800
Total parking	623	492	390	460
Public parking	348	234	126	100
Green space (acres)	.25 on 5-story deck	.25 at grade	.54 on 6-story deck	0.0





Transylvania County Joint Historic Preservation Commission (JHPC)
Planning and Community Development
 P.O. Box 1578 • Brevard, NC 28712

October 26, 2015

Mr. Mike Hawkins, Chairman
 Board of Commissioners
 Transylvania County
 Brevard, NC 28712

Mr. Jimmy Harris, Mayor
 City Council
 City of Brevard
 Brevard, NC 28712

Re: Transylvania County Courthouse

Dear Mr. Hawkins, Mr. Harris, Commission Members, and Council Members:

The Transylvania County Joint Historic Preservation Commission (JHPC) has several purposes, one of which is providing advice and assistance regarding the preservation of local historic resources. While the Commission is physically a county organization, it is charged to jointly serve the County, the City of Brevard, and the town of Rosman.

As the Transylvania County Courthouse is one of our county and city's most important historic structures, any proposed alterations are a concern due to their impact on the historic integrity of the property. Although governmental regulations place no formal restrictions the property unless state or federal funds (such as USDA loans) are utilized, we ask that any proposed work on the Courthouse meet current Historic Preservation Standards, which are the Secretary of the Interior's Standards for Preservation and Rehabilitation.

As Chairman of the JHPC, I contacted the NC State Historic Preservation Office and requested a preliminary review of the current Option B, which includes renovation and expansion of the historic Courthouse. That request and response from Jennifer Cathey, Restoration Specialist, is copied below for your information. To summarize her findings, Option B does not meet the Standards as currently designed.

Sincerely,

Ellen Pratt Harris AIA
 Chairman, JHPC

10-26-2015 - Exhibit C
 Minutes Joint Workshop
 with Commissioners
 Provided by Ellen Harris
 to Mayor - Council Members
 Display City Clerk

From: Ellen Harris [mailto:epharris@hamsarch.com]

Sent: Monday, October 19, 2015 2:19 PM

To: 'Cathey, Jennifer'

Subject: Transylvania County Courthouse

Jennifer:

As the current Chairman of the Transylvania Joint Historic Preservation Commission, I am formally contacting you to review proposed plans for additions and alterations to our Courthouse. The County is currently considering this option and another option that would construct a new courthouse on another site. The proposed plans are on-line at <http://transylvaniacounty.org/content/courthouse-options-give-us-your-input>. There are number documents, both the first and last ones listed include plans expansion to the existing courthouse with several different front elevation views. We understand that your review is advisory, unless state or federal funds are used for the project. Does the proposed project meet the Secretary of the Interior's Standards for Rehabilitation and what impact would it have on the status of the property's listing on the National Register? Please call me if you have any questions.

Ellen Pratt Harris AIA
 828-863-5535 phone
www.hamsarch.com

From: Cathey, Jennifer [jennifer.cathey@ncdcr.gov]

Sent: Monday, October 26, 2015 1:36 PM

To: Ellen Harris [mailto:epharris@hamsarch.com]

Subject: Transylvania County Courthouse

Ellen Harris

Transylvania County Joint Historic Preservation Commission

Dear Ellen: Thank you for inviting me to comment on proposed plans for courthouse additions and alterations in Brevard. I offer the following comments based on information and renderings of proposed new courthouse construction contained in the "Public Input Presentation, 10/12/2015" file on the Transylvania County Courthouse Options webpage (<http://transylvaniacounty.org/content/courthouse-options-give-us-your-input>).

National Register status

As you know, the Transylvania County Courthouse was listed in the National Register of Historic Places in 1979, part of the statewide thematic nomination of North Carolina's historic courthouse buildings, and it is also listed as part of the Main Street National Register Historic District. You will find the full text of the National Register nominations linked to our website at these locations:
<http://www.hpo.ncdcr.gov/nr/TV0005.pdf>, <http://www.hpo.ncdcr.gov/nr/TV0515.pdf>.

HPO Review Authority

National Register status is primarily an honorific designation, attesting to the historic and architectural significance of a site, meant to inspire community pride in a building and commitment to protect and preserve it. If state or federal funds, licenses, or permits are utilized in work on a National Register listed (and in some cases National Register-eligible) building, then the property owner, developer, or real estate agency is required to consult with the State Historic Preservation Office (SHPO) in order to avoid adverse effect to the building. Similarly, if a private property owner opts to claim SHPO or federal historic tax credits against the cost of qualified building rehabilitation work, then my agency plays a role in tax credit application and plan review.

When no state or federal funds, licenses, or permits are at play, and there is no preservation tax credit application, then the property owner has no regulatory obligation to consult with HPO. All of that said, it is part of the SHPO's mission to, upon request, consult with all historic property owners and stewards about preservation friendly building maintenance, restoration, and rehabilitation—and so I am pleased to be a resource to Transylvania County government about best practices for Courthouse preservation, applying the Secretary of the Interior's Standards for Preservation. At this time, my input is advisory.

Adherence to Secretary of the Interior's Standards for Preservation

The Courthouse addition appearing in renderings contained in the 10/12/2015 presentation document are fully not in compliance with the Secretary's Standards for Preservation and for Rehabilitation. The Standards for Rehabilitation indicate the following: a new addition on a historic building should preserve significant historic materials, features, and form; be compatible with the historic building in form, mass, and materials; and be differentiated from the historic building. Interpretation of *compatible*, yet *differentiated* design can be subjective, though *Preservation Brief 14: New Exterior Additions to Historic Buildings* (<http://www.nps.gov/tps/how-to-preserve/briefs/14-exterior-additions.htm>) offers some specific guidance for differentiating new construction from historic buildings.

The guidance specifically advises to avoid repeating the historic form, material, features, and detailing of the old building in the new building. The new building should not closely replicate the old—rather, the new building should be harmonious with the old in scale, proportion, materials, and color, but should not try to duplicate it.

Should the county select the alternative to building adjacent to the old courthouse, I recommend these design provisions to ensure closer adherence to the Standards:

- Step back new construction to sit behind the front block of the original 1870s portion of the old courthouse (similar to the setback of the current Administration Building), allowing the façade of the historic courthouse to stand proud of the new construction, and remain visually dominant on the site. New construction may abut and interconnect with the east wall of the 1921 rear addition to the 1870s courthouse—or even the rear east wall of the 1870s courthouse—but to the greatest extent possible, the front part portion of the 1870s old courthouse should remain freestanding. A setback greater than what appears in the rendering is advisable.
- Eliminate some portion of the exterior detailing on the new construction that overtly mimics the old building. For example, retain the red brick exterior, the belt course visually separating upper and lower floors, and roof slope as indicated in the renderings, but eliminate the arched windows, shutters, quoins, false-mansard roof, and roof dormers. Modern window types or masonry detailing in the new building may reference the pattern and rhythm of windows and masonry in overall dimensions and placement (and thus harmonize with the old building), but should not duplicate the old building as closely as is indicated in the rendering.

Impact of proposed new construction on NR listing

De-listing from the National Register could potentially occur if there is substantial loss of material integrity (loss of building materials), or numerous insensitive additions that damage or obscure original or authentic visual or material qualities of the old courthouse. It's my feeling that with some modifications to the plan as rendered, the new construction would be fully functional but less likely to "compete" or diminish the physical and visual qualities that made the old building National Register eligible.

Thank you again for seeking by input on the plans, and please contact me for additional assistance with this matter or with other preservation matters in Brevard and Transylvania County. With best regards,

Jennifer Cathey
 Restoration Specialist
 State Historic Preservation Office
 NC Department of Natural & Cultural Resources Western Office
 (828) 296-7230 x. 227 (office)
jennifer.cathey@ncdcr.gov

176 Riceville Road
 Asheville, NC 28805



Opinions expressed in this message may not represent the policy of this agency. E-mail to and from me, in connection with the transaction of public business, is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

City of Brevard Minute Book #19 – Page intentionally left blank.