

**BREVARD COMMUNITY COLLEGE
BOARD OF TRUSTEES
MEETING**

February 20, 2007
4:00 p.m.

Board Room (#231)
Administration Building (Bldg. #2)
Cocoa Campus

PRESENT: Mr. James W. Handley, Chairman; Mr. C. R. "Rick" McCotter III, Vice Chairman;
Mr. James Theriac; Mrs. Kimberly Tsamoutales; Mrs. Alberta Wilson;
Dr. James A. Drake, Secretary; Mr. Andy Hament, Attorney

1. CALL TO ORDER:

Mr. James Handley, Chairman, called the meeting to order. The meeting was held on Tuesday, February 20, due to a conflict with Monday, February 19.

a. Pledge of Allegiance

Mr. Theriac opened the meeting with the recitation of the "Pledge of Allegiance."

b. Additions/Corrections to Agenda

Following a request from Mr. McCotter, Dr. Drake asked that Item 9.a. "Approval of the January Monthly Summary of Income and Expenditures" be removed from the consent agenda to the open agenda.

2. CONSENT AGENDA:

Mr. Handley recommended approval of the remaining consent agenda items:

Mrs. Wilson moved approval of the consent agenda, as revised. Mr. Theriac seconded the motion. All those voting in favor of the motion – Wilson, Theriac, Handley, McCotter, and Tsamoutales; opposed – none. Motion unanimously approved.

3. APPROVAL OF OFFICIAL MINUTES OF PREVIOUS MEETINGS:

a. Minutes – Board of Trustees Workshop Meeting – January 22, 2007

Approved – consent agenda.

- b. Minutes – Board of Trustees Meeting – January 22, 2007

Approved – consent agenda.

4. COMMUNICATIONS:

- a. Presentation of the Report and Recommendations of Presidential Search Committee – Mr. Sanderson (Addendum)

Mr. Sandy Sanderson, Chairman, Presidential Search Committee, presented the final report and recommendations of the Presidential Search Committee. Mr. Sanderson reported that after much consideration the Search Committee recommended the following six candidates for the Board's consideration: Dr. Jeffery S. Allbritton, Dr. Donald P. Astrab, Dr. James A. Drake, Dr. Brenda S. Fettrow, Dr. David T. Harrison, and Dr. W. David Pelham. Mr. Sanderson provided a summary of the Presidential Search Committee voting results.

The Board expressed appreciation to Mr. Sanderson and the other Presidential Search Committee members for their valuable insight and the research conducted to prepare the recommendation.

Mr. Handley reported that Sheriff Parker's office is conducting background checks on the six finalists, with results expected today. Upon receipt, Dr. Jeff Hockaday will make 20-25 reference calls on each candidate, with results to be provided by February 22. Mr. Handley requested the Board's input regarding the final selection process. Availability of the Board for a Special Meeting on March 1 and 2 was discussed. It was the consensus of the Board that the final interview and decision be expedited to ensure Mr. Theriac and Mrs. Tsamoutales may be involved in the final selection regardless of the Senate confirmation process of their Board positions.

Mr. Theriac expressed his opinion that while all six candidates are excellent there was one superior candidate making the final selection today a possibility.

Mr. Theriac moved approval making the final presidential selection today. Mrs. Wilson seconded the motion.

Mr. McCotter stated although he didn't disagree with the idea, he did not believe a motion to vote on the president is required. Mr. Hament reported although a motion is not required, it is acceptable.

Mrs. Wilson stated moving forward in advance of the background and reference checks would be inadvisable, and suggested reducing the field of candidates. It was the consensus of the Board that the candidate field first be narrowed.

Mrs. Wilson withdrew her second. Mr. Theriac withdrew his motion.

Mr. Theriac moved approval of reducing the candidates to the four local candidates: Dr. Astrab, Dr. Drake, Dr. Fettrow and Dr. Harrison. Mrs. Wilson seconded the motion. All those voting in favor of the motion – Theriac, Wilson and McCotter; against – Handley and Tsamoutales. Motion passed 3-2.

It was the consensus of the Board that each candidate be interviewed separately and asked identical questions. The Trustees will provide suggested interview questions. Mrs. Terry Martin, Executive Assistant to the President, will assist with coordinating the interview schedule for March 1 or 2. Appropriate public notice will be posted and the search committee will be notified. Mr. Hament suggested the Notice should indicate the selection will be made following the interviews.

5. CITIZEN'S PRESENTATION:

None.

6. CONSTRUCTION AND DEVELOPMENT:

- a. Approval of Construction Manager for the Collegewide HVAC Phase 3 Project (Addendum)

Approved – consent agenda.

7. OLD BUSINESS:

- a. Report on Pending Legal Actions – Mr. Andy Hament (Addendum)

Mr. Andy Hament, Attorney, stated an updated litigation report was provided. In regards to the Hayes' matter, he reported Florida State Statute 768.28(5) places a \$100,000 recovery cap on litigation against a state agency; however, Judge Moxley recently determined the cap does not apply to community colleges. A Motion for Reconsideration has been prepared in appeal of this ruling. If this motion is not successful, Mr. Hament suggested the College go to the Florida Legislature for clarification of the law.

- b. Approval of Resolution Honoring Major General (Retired) Titus Hall (Addendum)

Dr. Drake reported at the January Board meeting there was unanimous consent to name Building 1, Palm Bay Campus, The General Titus C. Hall Center. It was the consensus of the Board to defer the naming of the building until the March Board meeting, which will be held at the Palm Bay Campus, with General Hall present. Mr. Hament reviewed the Resolution and reported the wording was acceptable.

c. Report and Recommendation of the Task Force, Historic Cocoa Village Playhouse Annex Construction and Funding (Addendum)

Dr. Drake reported the Board approved the appointment of a community volunteer, Walt Gilfilen, to head a task force to study the facts and report recommendations to the Board. Mr. Gilfilen introduced the task force members and reported their findings and recommendations. The Board was asked to consider advancing \$800,000 to the Cocoa Village Playhouse Board for construction of the annex. If approved, repayment of the advance will be made over a five-year period based on projected income. Significant discussion ensued regarding advantages and concerns regarding this proposal.

Mr. Scott Baughan, President, Cocoa Village Playhouse Board, thanked Mr. Gilfilen for his leadership and guidance. He stated the proposal and repayment plan are very realistic and credible based on conservative revenue assumptions. He stated additional donations are expected, but have not been figured into the projections as they are not guaranteed. Mr. Dewey Harris reported the proposal is for completing a usable shell with utilities enabling a Certificate of Occupancy. Mr. Baughan assured the Board that the scheduled college loan repayments will be made and project completion to be financed by separate projects or donations.

Mr. Little reported an additional \$100,000 will be needed for additional code requirements, which would bring the required advance from the College to \$900,000. If approved, the funds would come from the Unexpended Plant Fund monies made available by the proceeds of the Palm Bay Academy land purchase at the Palm Bay Campus.

Mr. McCotter moved approval of the College's participation amount of \$900,000 to the Cocoa Village Playhouse Board to go toward the \$2.5 million Annex GMP construction cost.
Mrs. Wilson seconded the motion.

Mr. Little reported the payback schedule is realistic but not conservative. He further indicated that although he endorses the financial advance toward the annex the advance will place a priority toward this project rather than other important college projects. Dr. Drake reported he supports the plan based on Mr. Little's input and the recommendation of the task force.

All those voting in favor of the motion – McCotter, Wilson Handley and Tsamoutales; against – Theriac. Motion passed 4-1.

At Mr. Handley's request, Mr. Little explained the construction bid process.

The Board requested the Cocoa Village Playhouse Board to provide a Memorandum of Understanding and repayment tracking mechanism for presentation at the March Board meeting.

d. Approval of Guaranteed Maximum Price for the Historic Cocoa Village Playhouse Annex

Mr. Al Little, Vice President for Finance and Administrative Services, requested approval of the amended guaranteed maximum price (GMP) of \$2,512,021 for construction of the Cocoa Village Playhouse Annex.

Mr. McCotter moved approval of the Guaranteed Maximum Price for the Cocoa Village Playhouse Annex in the amount of \$2,512,021. Mr. Theriac seconded the motion. All those voting in favor of the motion – McCotter, Theriac, Handley, Tsamoutales and Wilson; opposed – none. Motion unanimously approved.

e. Approval of Lowe's Request for Land Exchange

Mr. Al Little, Vice President for Finance and Administrative Services, reported Lowe's is requesting an exchange of mitigation land as depicted on an aerial view of the Palm Bay Campus Jupiter Extension which was distributed. The effected land would remain College property. It was the consensus of the Board that the discussion be deferred pending review and recommendation by Florida Architects at the March Board meeting.

8. NEW BUSINESS:

a. Personnel Actions (Addendum)

The Personnel Actions were presented to the Board for information only; no action required.

b. Approval of the 2007-2008 Academic Calendar

Dr. Don Astrab, Executive Vice President, Chief Learning Officer, reported scheduling the 2007-2008 Academic Calendar was a challenge this year due to the change in the Brevard Public School System schedule. He stated he is happy to report that the proposed schedule has positive changes for public school system coordination, faculty, and students.

Mrs. Wilson moved approval of the 2007-2008 Academic Calendar. Mr. Theriac seconded the motion. All those voting in favor of the motion – Wilson, Theriac, Handley, McCotter and Tsamoutales; opposed – none. Motion unanimously approved.

c. Request for Future Board Meeting/Workshop Agenda Items

None.

9. FINANCIAL ACTIONS:

a. Approval of the January Monthly Summary of Income and Expenditures (Addendum)

Mr. Cherry reported a budget amendment was submitted in December which is a result of encumbrances carried forward from the prior fiscal year. A surplus from the prior year creates a negative change in fund balance. He will provide email confirmation to the Board.

Mr. McCotter moved approval of the January Monthly Summary of Income and Expenditures. Mr. Theriac seconded the motion. All those voting in favor of the motion – McCotter, Theriac, Handley, Tsamoutales and Wilson; opposed – none. Motion unanimously approved.

b. Approval of the 2007-2008 Private Contributions for Matching Purposes (Addendum)

Approved – consent agenda.

10. REPORT OF THE PRESIDENT:

Dr. Drake reported the first annual Minority Vendor Fair will be held at the King Center on Tuesday, March 6. He reported Mr. Little can provide more information if necessary.

Dr. Drake reported at the request of the Florida Puerto Rican Hispanic Chamber of Commerce and Brevard County Parks and Recreation, a contribution was made for the ground breaking ceremony which will be held on Saturday, February 24th at the Ponce de Leon Park. A bronze statue of Ponce de Leon will be erected at this site.

Dr. Drake reported on March 2, the College is sponsoring the Junior Achievement Business Hall of Fame. This year the Laureates will be Mr. Bob Barger and Mr. Moses Harvin. Mr. Nick Heldreth will also receive the Spirit of Achievement Award at this event.

Dr. Drake reported the College participated in Indiafest 2007, which was a very successful event.

Mr. Ross reported in an effort to improve awareness and reputation of Brevard Community College, several student appreciation events will be held at the Planetarium to acknowledge academic achievement. Mr. Ross reported the response has been tremendous with more than 1,500 attendees enrolled in four upcoming events: Monday, February 26, 5:00-7:00 p.m.; Tuesday, February 27, 5:00-7:00 pm.; Tuesday, February 27, 7:00-9:00 p.m.; and

March 14, 5:00-7:00 p.m. The students will be welcomed on a red carpet with violin/harp accompaniment and will be treated to refreshments, Planetarium shows, framed certificates of appreciation, and "BCC's BEST" bumper stickers. Board participation in these events is encouraged.

At Mr. Theriac's insistence, Dr. Drake reported he was honored to attend the Richard Tucker Music Foundation event in which the Vero Beach Opera Company and Marsh Island hosted a 25-year anniversary celebration of his book.

11. MISCELLANEOUS:

Mr. Handley reported he just returned from a Community College International Development (CCID) conference with over 300 attendees. CCID was founded by President Emeritus Dr. Maxwell King, who is revered by the organization.

Dr. Drake stated he recently attended a King Center event in which CCID figured predominantly in a special event hosted by Webster International University which paid tribute to Dr. King and his role in CCID, role-modeling global economic and intercultural relationships.

12. ADJOURNMENT:

There being no further business to come before the Board, the meeting adjourned at 6:39 p.m.

APPROVED: James W. Handley
Chair, District Board of Trustees

ATTESTED: James A. Drake
Secretary, District Board of Trustees