

**BREVARD COMMUNITY COLLEGE
BOARD OF TRUSTEES
MEETING**

May 15, 2000
4:00 P.M.

Lecture Auditorium
Palm Bay Campus

PRESENT: Eugene C. Johnson, Chairman; Betts O. Silvernail, Vice Chairman; James W. Handley; Dr. Alexandra M. Penn Williams; Joe D. Matheny, Attorney; Thomas E. Gamble, Secretary

ABSENT: Miriam Martinez

1. CALL TO ORDER:

Mr. Johnson, Chairman, called the meeting to order.

Dr. Penn Williams asked to have items 8.b., Approval of Personnel Actions, and 8.c., Approval of Attorney Services, placed on the regular agenda.

2. CONSENT AGENDA:

Dr. Gamble recommended approval of the consent agenda items as presented:

- 3.c. Minutes - Board of Trustees Meeting - April 17, 2000
- 9.a. Monthly Budget Summary

Mr. Handley moved approval of the consent agenda items as presented. Mrs. Silvernail seconded the motion. All those voting in favor of the motion - Handley, Silvernail, Penn Williams, Johnson; opposed - none. Motion unanimously approved.

3. APPROVAL OF THE OFFICIAL MINUTES OF PREVIOUS MEETING:

- a. Minutes - Board of Trustees Meeting - May 15, 2000

Approved as part of consent agenda items.

4. COMMUNICATIONS:

- a. Report on A.S. Program - Global Positioning System/Geographic Information System - Dr. Purga/Dr. McClinton

Dr. Bert Purga, Palm Bay Campus President, introduced Dr. Martin McClinton, lead professor for Geographic Information Systems/Global Positioning Systems (GIS/GPS) and remote sensing. Dr. Purga reported approximately five years ago, the college embarked on a new curricula in GIS/GPS remote sensing in which BCC became one of the initial schools in the state working on this type of curriculum. Dr. McClinton has worked with many students, most of them returning from industry, including city and county planners, architectural firms, surveyors, etc. Dr. McClinton has been delivering this curriculum in the non-credit mode, as well as the two-year A.S. degree program.

Dr. McClinton reported on the background of the Global Positioning Systems and Geographic Information Systems and described how it was incorporated into a degree program at BCC. He reported Global Positioning Systems are designed to provide the user location on the earth's surface twenty-four hours a day. The college's interest is in the mapping side primarily; however, there are wide uses for GPS. Dr. McClinton described the use of the remote sensing equipment and how information is obtained. He reported on the types of students taking the curricula which include a large number of returning professionals and reported on the employability of students in the GIS and GPS area. In most cases, there are more job opportunities than students in the classes. Dr. McClinton answered questions presented by the members of the Board of Trustees.

5. CITIZEN'S PRESENTATION:

- a. Mary C. Bowers

Ms. Bowers, respiratory therapist and BCC graduate, spoke on behalf of the BCC Respiratory Care Program.

- b. Bruce Brown

Mr. Brown, BCC respiratory instructor, spoke on behalf of the BCC Respiratory Care Program.

6. CONSTRUCTION AND DEVELOPMENT:

a. Discussion of Palm Bay Campus Master Plan - Dr. Purga

Dr. Purga reviewed the Palm Bay Campus Master Plan. He described the existing facilities located on the Palm Bay Campus, which include the Palm Bay Fire Department, the Technical Building (Building #1), the Lady Titans softball diamond, the driving pad and instructional building, the ROPES course, the University of Florida Agricultural Extension Services building and the Midwest Research Institute (located on FERF property). The future Library/Science Building (Building #2) and the community aquatic's center are under construction at the present time. The future joint-use Classroom Building (Building #3), the power plant and the child care center are funded facilities. Dr. Purga reported on lighting funded by Fair Management, Inc. In addition to the lighting, it is hoped that the Fair Management, Inc. will fund two admissions facilities which can be used for the Fair, as well as for other community events. Dr. Purga reported that fund raising for the YMCA facility will begin within the year. It is proposed to have a one to two year fund-raising period for the YMCA and then construction will take place. The Brevard County Sheriff's Department is looking to locate a substation along San Fillipo and negotiations are currently taking place with Brevard County. Dr. Purga reported on the future location of a fine arts facility at the Palm Bay Campus.

Dr. Purga displayed a rendering of a 5200-seat amphitheater on the Palm Bay Campus property which would be facing toward the southeast. The facility would be contiguous to the existing parking. Through aerial photographs taken, the area southeast of the campus was determined to be the least populated. Dr. Purga introduced Mr. Gary Nungesser, the Chairman of the Palm Bay Chamber of Commerce Foundation, which is leading the effort for the amphitheater. There has been no financial commitment for the project. It is the goal of the Palm Bay Chamber of Commerce Foundation to construct the facility with community resources. Preliminary discussions have been held regarding operation. Discussions with Steve Janicki, Executive Director of the King Center for the Performing Arts, have been positive and the amphitheater would serve as a compliment to the King Center due to the difference in size and the fact the amphitheater attracts completely different venues.

Dr. Purga reported the purpose today is to show the Board the footprint of the amphitheater and get the approval of the Board in order for Mr. Nungesser to move forward into the community with fund raising. Dr. Gamble stated the amphitheater concept fits in well with the formation of the campus as a whole. After the experience with the Spring graduation where there were approximately

1,000 more than there were seats for, it may even be a sight for commencement at some point. Dr. Gamble felt it would be a positive move to move forward. The swimming pool and the YMCA facility relationships will provide training and education which will generate credit or non-credit instruction. The amphitheater would be more of a performing center.

Mrs. Silvernail asked how the idea of an amphitheater came about. Mr. Nungesser stated the Chamber felt that with the size of Palm Bay and the projected growth over the next twenty years, it is a necessary project for the community. At this time there is no facility of this type in the area. In addition to entertainment, the facility would be available for use by community organizations such as high school bands. Mr. Nungesser reported the Chamber would be looking at raising half the funds and certain agencies within the state would be able to provide the additional funding. It is projected to cost \$3.5 million to construct the facility. Mrs. Silvernail stated she wanted to ensure that Dr. Gamble is comfortable with using the land for this facility and also wanted to make sure that there will be no problem with the sound from events. Mr. Nungesser reported the stage would face toward I-95. Across I-95 is a business district, rather than a community. It is hoped that the business district would be closed during the events.

Mr. Handley expressed his support of the amphitheater, however, mentioned issues dealing with security and maintenance. Mr. Nungesser reported, in working on the amphitheater project, basically they have utilized the King Center for the Performing Arts as a guide and seats would be sold to establish an endowment for the operation of the amphitheater. Dr. Penn Williams asked if this would create another direct support organization for the college. Mr. Nungesser reported that would be up to the Board of Trustees to decide. Dr. Penn Williams stated that she would not like to see this facility become a burden on the college. Dr. Gamble reported it has been made clear that the facility is not to become a burden to the college as the college is not in the position to maintain a facility of this kind. However, the college is willing to be a partner providing things can be worked out. The Chamber Foundation did not wish to proceed any further with working out details until they had a consensus from the Board.

Dr. Penn Williams moved approval to agree that the Palm Bay Campus property as indicated be utilized for the

amphitheater and that the committee move forward with the planning. Mrs. Silvernail seconded the motion. All those voting in favor of the motion - Penn Williams, Silvernail, Handley, Johnson; opposed - none. Motion unanimously approved.

7. **OLD BUSINESS:**

a. Report on Pending Legal Actions - Mr. Matheny (Addendum)

(1) Bid Protest

Dr. Penn Williams asked if Stottler Stagg would be providing any of the costs for the bid protest settlement. Mr. Matheny reported there were two separate items – the bid settlement of \$15,000 and the problem with the errors in the project drawing. Mr. Little reported an official request has been made to Stottler Stagg and they are to respond by the end of the month.

(2) Status of Palm Bay Sheriff's Substation Site

Mr. Matheny reported the Board approved an agreement which was forwarded to the County last month for the location of a Sheriff's Department Substation at the Palm Bay Campus. He understands it is on the next County Commission agenda with the recommendation for approval by the County administration and staff.

(3) Parrish Medical Center Transaction

Mr. Matheny reported the Parrish Medical Center (PMC) is in the process of realigning the entrance road drawing and descriptions to depict the entrance road as the primary entrance road to the BCC Titusville Campus. The PMC would like to acquire from BCC approximately five acres south of the parking lot and the PMC has purchased approximately four acres from the American Legion for their expansion project. PMC has agreed to provide the entranceway the college has requested and will construct a divided highway up to a specific point and the college would be responsible for that area. The college will be paid either by property or money at an amount equal to \$54,000 to \$55,000 an acre, which is the appraised value of the five acres the college owns. The college would also like to acquire the property the PMC owns north of the double road which is approximately 1.37 acres.

There is also a .19 acre portion of property PMC would like to purchase from the college. There should be enough money in the transaction to construct the road at

an estimated cost of \$80,000 if the County constructs the road.

Dr. Al Koller, Titusville Campus President, reported it is expected to have a stoplight at the entrance, which will assist with safety issues. This will also be the emergency entrance for the hospital. PMC will have a separate main entrance for the hospital. Dr. Koller described how the project will benefit the BCC Titusville Campus, including the provision of two entrances to the college.

Mr. Matheny reported he will bring an agreement to the Board between PMC and the college for the Board's consideration at next month's meeting. The Board has already approved one agreement, however, due to the number of changes, it will be brought back to the Board for approval.

(4) Approval of Administrative Review & Order - Creel Case

Mr. Matheny reported on the history of the Creel case. Mr. Creel was a college employee who was terminated and then requested an administrative hearing, which was held this January. The college received from the administrative law judge on April 25, 2000, the findings of fact and recommended order which was provided to the Board. It is the suggestion of the college administration that the Board simply adopt the hearing officer's recommended order and his findings of fact.

Mrs. Silvernail asked if the college has policies and procedures for employees who have a problem of this nature. Mr. Lawton reported College Policy 102.04, which is the college's drug free policy, states that alcohol is a controlled substance and, therefore, the unlawful use or abuse of alcohol is a violation of that policy. Related to that, in the college's procedure manual there are a series of acts that can be taken in terms of progressive discipline. Dr. Penn Williams asked what the college could do to prevent this situation from occurring again. Mr. Lawton reported he believed the administration would support a review of the driving under the influence policy and other policy revisions. Mrs. Silvernail stated there are other corporations which have policies that the college may wish to review.

Dr. Gamble reported the individual prevailed as he wanted his job back and the administrative law judge upheld not returning him to work. The issue which stood out to Dr. Gamble was that the employee was unable to do his job. If an individual is able to do his/her job, there are provisions under ADA and other federal and state laws that mandate rehabilitation. One of the provisions of ADA, which is a very encompassing law, is that the person need not be retained if they

are not able to do the job. In this case, the person was unable to perform his job.

Mr. Matheny reported this case is a victory for the college. This employee was demanding large sums of money, large attorneys' fees and reinstatement to his job. This is the first case that the college has sent to the administrative law judge for a recommendation. The administration of the college feels the findings and the ruling were fair to the college and it was consistent with the settlement offer. Dr. Gamble reported it is the recommendation of administration to adopt the recommendations of the administrative law judge.

Mrs. Silvernail moved approval to adopt the recommendation by the administration concerning the Creel case and added the Board would like to include that the college review its policies and procedures in this area. Dr. Penn Williams seconded the motion. All those voting in favor of the motion - Silvernail, Penn Williams, Handley, Johnson; opposed - none. Motion unanimously approved.

8. NEW BUSINESS:

a. Purchasing Actions - Mr. Little (Addendum)

(1) #99-00-16 - Hurricane Shutters

Mr. Al Little, Vice President of Business and Administrative Services, reported the college has been working with the Brevard County Emergency Management Services on a grant to allow the college to install hurricane shutters on facilities opened to the public in the event of hurricanes. The college bid all four facilities on the Cocoa and Melbourne Campuses utilized for shelters by the Emergency Management Services. Two businesses submitted a bid for the Cocoa Campus, however, there was no bid for the Melbourne Campus. At this time, there is funding available for only the Allied Health facility with approximately \$100,000 remaining. Mr. Little stated approval is requested for the Allied Health Building shutters and also for the Joint-Use Life Long Learning building as funding becomes available.

Mrs. Silvernail moved approval of the low bid to Hurricane Protection Industries for hurricane shutters for the Allied

Health Building, Cocoa Campus, in the amount of \$309,659.00 and, as funding becomes available, approval of the bid to Hurricane Protection Industries for Hurricane Shutters for the Joint-Use Life Long Learning Building, Cocoa Campus, in the amount of \$240,680.00. Mr. Handley seconded the motion. All those voting in favor of the motion - Silvernail, Handley, Penn Williams, Johnson; opposed - none. Motion unanimously approved.

b. Approval of Personnel Actions - Mr. Lawton

Dr. Penn Williams stated she had a question on page seven regarding the elimination of a position. Mr. Robert Lawton, Associate Vice President of Human Resources, reported this position was involved with the implementation of the Banner system. Mr. Little felt this task could be handled better through a reorganization of the department and by bringing in a different type of position to work with the department. Dr. Gamble reported the college is also evaluating whether at one point they may wish to go to a chief information officer-type position.

Dr. Penn Williams asked that the Board members receive information on salaries for the Independent Contractor Services Agreements. Mr. Lawton reported this information could be provided to the Board of Trustees for future meetings.

Dr. Penn Williams moved approval of the Personnel Actions. Mrs. Silvernail seconded the motion. All those voting in favor of the motion - Penn Williams, Silvernail, Handley, Johnson; opposed - none. Motion unanimously approved.

c. Approval of Attorney Services - 1/1/00 - 6/30/00 - Dr. Gamble

Mr. Matheny answered questions from the Board pertaining to the attorney services. The term of the agreement being submitted for approval is January 1, 2000 through June 30, 2000.

Mr. Handley moved approval of the agreement for continuation of attorney services with Mr. Joe Matheny for the time period of January 1, 2000 through June 30, 2000.

Dr. Penn Williams seconded the motion. All those voting in favor of the motion - Handley, Penn Williams, Silvernail, Johnson; opposed - none. Motion unanimously approved.

d. Revision to College Policy 103.03 (1st reading) - Dr. Gamble (Addendum)

Dr. Gamble reported the administration is recommending that College Policy 103.03, Naming of College Facilities, be modified to remove the specification of naming buildings for college employees, former employees, and former chairpersons of the Board to a more generalized statement. This is the first reading of the policy and it will be presented to the Board at the June meeting for approval.

9. FINANCIAL ACTIONS:

a. Monthly Budget Summary - Mr. Cherry (Addendum)

Approved as part of the consent agenda items.

10. REPORT OF THE DISTRICT PRESIDENT:

a. Florida Trend Article

Dr. Gamble reported on a recent article which was in the *Florida Trend* magazine and highlighted Palm Bay. The article was very complimentary about the Palm Bay Campus. A copy of the article was provided to the Board of Trustee members.

b. Connections

Dr. Gamble reported he hoped the members of the Board of Trustees had the opportunity to look at the videotapes of *Connections*. The *Connections* program is produced by WBCC and provides a nice snapshot of the college.

c. Student Recognition

Dr. Gamble reported he received a letter from Southern Utah University stating that a transfer student from BCC was one of those nominated for recognition for

her scholastic achievements at Southern Utah University. Ms. Ren'ee Marie Jacobsen, received the "outstanding achievement" recognition.

d. CLAST Examination

Dr. Gamble reported BCC ranked between third and ninth in the various sections of the CLAST examination and was placed eighth overall in the State of Florida. Dr. Gamble stated this was a tribute to BCC's faculty and their efforts to assure the students are performing at appropriate levels.

e. PEPC Newsletter, *Florida Higher Education at a Glance*

Dr. Gamble reported a lot of good, statistical information is contained in the publication, *Florida Higher Education at a Glance*, which he recommended the Board members read.

f. Economic Issues - Legislative Report

Mr. Little summarized the major legislation that affected the community college system. The legislature appropriated \$25 million to the state university system to increase first-time-in-college students so that they may accept the top 20 percent of all high school graduates. This is expected to negatively effect the community college enrollment, while taking away some of the brightest students. The universities are being funded \$7,000 per student to provide the first two years of education, while the community college funding languishes around \$4,000 per student.

The legislature had a large sum of money to start the session and more was added after a revenue adding conference in the middle of a session. Priority issues identified before the session include a small increase in workforce development, a 5 percent increase in student fees and an almost record appropriation for capital projects (PECO). The increase in community college funding statewide totaled 5.22%. BCC received 5.58% according to state records. Mr. Little reported, due to a number of factors, which will be discussed at the budget development workshop, the actual increase will be much less than the 5.58%.

The revenue budget will be substantially less than Tallahassee projects due to the enrollment decline for the past two years. BCC will also not be receiving funds from the performance based incentive funding, which has been approximately \$300,000 in the past years, as the program has been phased out. Finally, a portion of the 5.58% increase this year is due to a temporary reduction in the retirement

rate. The reduction is only for two years and the amount calculated by the Division of Retirement was substantially higher than what the actual savings will be. The bottom line increase in real dollars will be approximately 4% to Brevard Community College.

Mr. Little reported that the dual enrollment seemed to be the bright spot during the entire session. In a last minute change, however, the house appropriation's committee decided to allocate the dual enrollment dollars based on how many students are enrolled as seniors in the high schools, rather than the amount of dual enrollment students the school actually teaches. This resulted in larger appropriations to Miami-Dade and Broward Community Colleges, who teach little or no dual enrollment and limited the amount that Brevard Community College received from the dual enrollment allocation. Mr. Little reported he believed the dual enrollment issue would resurface next year with hopefully a better allocation model.

In summary, it appears that the community college system received a good increase, however, it is not as good as it could have been. The statewide 5.22%, pales compared to the estimated 8-9% for K-12 and approximately 10% for the state university system. Mr. Little reported the college is working diligently to bring a budget proposal to the Board, which will provide the best allocation of the available funds.

g. Board Reorganization

Dr. Gamble reminded the Board members that the Board reorganization will take place at the end of the June 19, 2000, meeting for the chairperson, vice-chairperson and the committee assignments effective July 1.

h. New BCC Display

Dr. Gamble reported the new BCC display is set-up in the lobby, if the Board members would like to view it. It has already been utilized at the Space Congress and it is already booked solid for upcoming events. It presents the college very positively.

i. Graduation

Dr. Gamble reported at the last graduation there were more people who wanted to attend than were seats available. The college is working on various alternatives for graduation.

11. **ADJOURNMENT:**

There being no further business to come before the Board, the workshop meeting adjourned at 5:55 p.m.

APPROVED: _____
Chairman, District Board of Trustees

ATTESTED: _____
Secretary, District Board of Trustees