

**BREVARD COMMUNITY COLLEGE
BOARD OF TRUSTEES
WORKSHOP**

December 19, 2005
2:42 p.m.

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

PRESENT: Mr. C. R. “Rick” McCotter III, Vice Chairman; Mr. James W. Handley;
Mrs. Miriam Martinez; Mr. James Theriac; Mr. Joe D. Matheny, Attorney;
Dr. Thomas E. Gamble, Secretary

ABSENT: Mrs. Alberta K. Wilson, Chairman

1. CALL TO ORDER:

Mr. C. R. “Rick” McCotter III, Vice Chairman, called the Workshop meeting to order.

2. BOARD DISCUSSION:

a. Contract with Lowe’s

Mr. Joe Matheny, college attorney introduced Ms. Ellie Halperin, Legal Counsel for Lowe’s Corporation. Mr. Matheny reported Ms. Halperin is present in order to obtain Board input on fine-tuning the details of the contract between BCC and Lowe’s.

Ms. Halperin provided blueprints of the layout for the proposed Palm Bay Lowe’s facility and described proposed modifications to the Tri-Party Agreement. She explained the agreement is tri-party as Lowe’s must acquire property from the City of Palm Bay for the relocation of Community College Parkway. She further explained that the area noted by the green outline on Exhibit D is the area Lowe’s needs to acquire for the easement and an area of .8 acres for an alternate dry retention area. The area for dry retention is currently located on the North side of Exhibit A (Parcel 1, shown by yellow outline). Mr. Matheny reported that the requirement for an alternate dry retention area was not previously discussed in earlier negotiations. Ms. Halperin confirmed that the modification does not represent a need for additional land from the college; just an exchange of land. Ms. Halperin will confirm the City will restrict the land to dry retention. Dr. Gamble said the west side parcel on the west side may conflict with a previous commitment to the Palm Bay Chamber should they desire the land to construct a Visitor’s Center. Ms. Halperin said that an equal-size parcel from the east side of the green-hatched area on Exhibit D would be an equally suitable area.

After much discussion, it was proposed the college retain a 200 foot buffer on the east side of cross-hatched area of Exhibit D with the next .8 acres to be conveyed to the City for dry retention so that the west side could be reserved for the future Chamber project, as needed. In addition, there was a recommendation the right-of-

way conveyance be widened to adjust for acreage requirements. Ms. Halperin agreed to present this alternative to the engineers for their approval.

Ms. Halperin also reported that when filing the permit application, Lowe's will include the future completion of the College Master Plans to ensure adequate capacity in Lake Titan for all future development. At the Board's request, Ms. Halperin agreed to verify that the permitting has no time limitations.

Ms. Halperin further reported on the proposed road improvements and entrance design at the Jupiter Road extension. She confirmed that the road will be constructed as two lanes with a turn lane and median at the entrance, but will be designed and permitted for future expansion to four-lanes. Dr. Gamble requested that Mr. Moon be allowed final review of the entrance sign reader boards prior to completion.

Ms. Halperin verified that at the Board's request, Lowe's has agreed to extend Manchester Circle into the existing parking lot.

Ms. Halperin confirmed that the distribution of monies to the BCC Foundation described on Page 4, Item H of Tri-Party Agreement will occur at closing, which will commence after receiving final site plan approval from the City of Palm Bay.

Mr. Matheny reported completion dates and construction period are not yet defined, but will be provided at a later date; however, the Board should be aware that the project will likely last one to two years from the date of final permitting.

Mr. Theriac stated concern that Page 3, Item B only addresses future development north of the canal. Mr. Matheny confirmed this is in accordance with Master Planning. Ms. Halperin agreed that this language will be changed to delete the wording "north of the Melbourne Tillman Canal" to allow more flexibility for future college expansion modifications.

There was consensus of the Board that the agreement will be approved in the regular board meeting, subject to staff and attorney review and upon approval by Lowe's engineers to make the agreement modifications as discussed heretofore.

b. Summary of Impasse Issues

Mr. Matheny reminded the Board that it is inappropriate to conduct discussions with the Board regarding the substance of impasse issues; wages and fingerprinting. However, he reported on the current status and future steps of the impasse process.

Mr. Matheny reported that a hearing was held by a Special Magistrate in which both sides presented their issues. The Special Magistrate requested briefs be prepared by both sides for review. These were presented via email on Friday, December 16, 2005. The Magistrate now has 15 days to render a recommendation (not an Order) to the college Board on impasse resolution. At that time, either side

has 20 days to take exception to the recommendations. In the absence of exception from either side, the Magistrate's recommendations become binding on the parties. However, if either side takes exception, it must be presented in writing for the Board's review and decision as Agency Head. The Board would oversee a hearing by both sides to present their position based on the best interest of the College and faculty. The Board's recommendation then goes back to the UFF/BCC membership for ratification. If the UFF/BCC fails to ratify the contract at this time, the Board would impose their recommendation on the impasse issues only and there would be no renewed contract and collective bargaining on the remaining issues would then take place. Mr. Matheny reported the existing contract would remain in force; retroactive salary increases would become part of the negotiation discussions.

c. King Center Board of Governors

Mr. Matheny reported that after extensive review and analysis the King Center Board of Governors has requested an increase of their membership from 25 to 35, which requires the Board's approval and modification of their By-Laws. Mr. Matheny further reported that he would ask that this approval be added to the agenda at the regular Board meeting (as Item 7.a.3.) if the Board agrees. Mr. Matheny indicated the increase in membership is due to the opportunity to increase talent available for philanthropy and input to the King Center Board. Mr. Matheny reported the Executive Committee membership would not increase. The Board concurred with the increase of King Center Board of Governor's membership from 25 to 35.

d. Update on Palm Bay Academy Contract Extension

Mr. Matheny requested that the Board consider granting an additional extension to March 31, 2006, for the Palm Bay Academy contract due to unforeseen administrative delays, including delays in required zoning modifications, etc. Mr. Matheny reported the lender has provided a written statement that the funding is not a concern. The Administration and the Board concurred with the approval to grant an extension on the closing of the Palm Bay Academy contract.

e. White House Council on Aging

Mr. Handley reported he recently attended the White House Council on Aging in Washington, D. C. He reported the White House hosts a committee of delegates every ten years to discuss plans for serving the aging population in the next decade. Mr. Handley reported a major concern is the baby boomers are now reaching 60, thus there will be a peak in aging population (over 65) in the next ten years. In addition, increased life expectancy amplifies the concerns.

Mr. Handley reported 50 resolutions were approved by the delegates, such as: recommending that companies extend retirement age beyond 65; encouraging hiring senior citizens; improving lifelong learning; providing adequate health care

for health and social issues; investigating uses of technology to allow individuals to remain in their homes for extended periods, etc.

Mr. Handley reported the head of Florida's Department of Elder Affairs indicated that Florida is disproportionately impacted by these changes due to increased aging demographics in Florida. As a result, Florida has implemented proactive strategies to avoid crisis.

A report will be prepared for the President and Congress based on the discussions of this meeting with a recommended action plan to be presented to Congress.

Mr. Handley agreed to email the Board the list of 50 resolutions along with the subsequent report from the meeting.

f. Friends of Community Colleges

Mrs. Martinez reported a political action committee, Friends of Community Colleges, has been created to support candidates whose views and voting record are supportive of the Community College System. She distributed information for use and dissemination as needed. Mrs. Martinez requested that a supply be maintained in Dr. Gamble's office for future distribution, as requested.

Dr. Gamble reported that this is an independent organization, not affiliated with the Florida Association of Community Colleges (FACC).

3. **ADJOURNMENT:**

The workshop adjourned at 3:50 p.m.

APPROVED:


Chairman, District Board of Trustees

ATTESTED:


Secretary, District Board of Trustees