

**BREVARD COMMUNITY COLLEGE
BOARD OF TRUSTEES
MEETING**

November 16, 2001
4:00 p.m.

Administration Building #2, Board Room #231
Cocoa Campus

PRESENT: Mrs. Miriam E. Martinez, Chair; Mr. James W. Handley, Vice Chair;
Mr. Eugene C. Johnson; Mr. C. R. "Rick" McCotter III;
Dr. Alexandra M. Penn Williams; Dr. Thomas E. Gamble, Secretary;
Mr. Joe Matheny, Attorney

1. CALL TO ORDER:

Mrs. Martinez called the Board meeting to order.

2. CONSENT AGENDA:

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

- 3.a. Approval of Minutes – Board of Trustees DSO Relations Workshop –
October 22, 2001
- 3.b. Approval of Minutes – Board of Trustees Allied Health Program Workshop –
October 22, 2001

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- b. Approval of Revision to College Policy #102.06, “Harassment” – Ms. Oglesby (Addendum)

Approved – consent agenda.

- c. First Reading of Revision to College Policy #101.03, “Direct Support

c. Director of the Moore Multi-Cultural Center Newspaper Article

Dr. Gamble reported on the newspaper article regarding the Moore Multi-Cultural Center plans. Ms. Alison Pittman is leading this effort.

d. Newspaper Report Regarding the Presentation on Charter Schools

Dr. Gamble reported Dr. Penn Williams and Mr. Handley were both in attendance at the presentation on charter schools, along with the District Cabinet Members. Mr. Handley reported the Board of Trustees should look into the feasibility of a charter school and determine if it fits BCC's purpose or the purpose of Brevard County. Dr. Penn Williams reported the presentation was comprehensive. Dr. Penn Williams reported the presenter stated the charter school was an efficient and effective use of state dollars. Dr. Gamble reported one of the considerations that needs to be given to this issue is the relationship BCC has with the local school district, which is positive at this time. He reported this would be something to discuss at a joint meeting with the school board.

e. Fall 2001 Enrollments

Dr. Gamble reported the Fall enrollments are holding at 6.5 percent.

f. Bernard Simpkins Entrepreneurial Lecture Series

Dr. Gamble reported there was a very successful presentation of the first Simpkins Lecture Series on Entrepreneurship, which featured Mr. Truett Cathy, the Founder and Chairman of Chick-Fil-A, Inc.

11. CREEL V. BCC – MR. HAMENT:

This matter came on for final hearing before the Brevard Community College Board of Trustees sitting as Agency Head. Mr. Andy Hament, serving as the Legal Advisor to the Board, provided background information and direction to the Board. He advised the Board to consider the Findings of Fact and Recommended Order of the Hearing Officer in this case. Mr. Hament also advised the Board that it was the duty of the Board to rule on three (3) separate matters, to-wit:

- (1) A Motion for Continuance filed by the Attorney for Mr. Creel;
- (2) Exceptions to the Recommended Order filed in behalf of Mr. Creel by his Attorney; and
- (3) The Board should enter a Final Order in this cause.

Mr. Creel was represented by Attorney Patrick Roche, and the College Administration was represented by Mr. Jesse Hogg. Both attorneys addressed the pending motions and offered argument with respect to those motions, as well as the Findings of Fact and Recommended Order from the Hearing Officer.

1. On the issue of the Petitioner's Motion for Continuance:

Dr. Penn Williams moved approval to deny the Motion for Continuance. Mrs. Martinez seconded the motion. All those voting in favor of the motion – Handley, Johnson, McCotter, Martinez, and Penn Williams; opposed – none. Motion unanimously approved.

2. Upon the matter of the Exceptions filed in behalf of Creel by his attorney, after hearing brief presentations from the attorneys present, Mr. Hament suggested that the Board rule whether it wished to sustain or overrule any or all of the Exceptions:

Mr. Johnson moved approval to deny the Petitioner's Exceptions. Dr. Penn Williams seconded the motion. All those voting in favor of the motion – Handley, Johnson, McCotter, Martinez, and Penn Williams; opposed – none. Motion unanimously approved.

3. The Board took up consideration of the Recommended Order. The Board was advised by Mr. Hament that its obligation was to adopt, reject, or modify all or any portion of the Hearing Officer's Recommended Order:

Mr. Johnson moved approval of the Hearing Officer's Findings of Fact and Recommendations in its entirety without any changes or modifications. Mr. McCotter seconded the motion. All those voting in favor of the motion – Handley, Johnson, McCotter, Martinez, and Penn Williams; opposed – none. Motion unanimously approved.

12. LITIGATION SESSION:

Mrs. Martinez, Chair, called the Executive Session to order to discuss matters of pending litigation with the Board's attorneys. In attendance at the Executive Session were the Board members: Martinez, Handley, Johnson, McCotter, and Penn Williams. The meeting was transcribed verbatim by an official court reporter. Also present at the meeting were the college attorneys, Joe Matheny, Jesse Hogg, and Andy Hament, as well as Dr. Gamble. The meeting commenced at 5:30 p.m., in Room 231, Administration Building, at the Cocoa Campus. The Executive Session concluded at 6:30 p.m.

(The Board meeting reconvened.)

13. ADJOURNMENT:

There being no further business to come before the Board, the meeting adjourned at 6:32 p.m.

APPROVED: _____
Chair, District Board of Trustees

ATTESTED: _____
Secretary, District Board of Trustees