

MINUTES
District Board of Trustees
Tallahassee Community College
444 Appleyard Drive
Tallahassee, FL 32304-2815
May 18, 2009
Board Workshop – 2:30 pm
Business Meeting – 4:00 pm

Chair Messersmith called the District Board of Trustees workshop and business meeting to order at approximately 2:30 pm.

Members Present: Chair Messersmith, Trustees Hebrock, Lamb, Moon, Moore, and Stanfield.

Absent: Trustee Shirah

Via phone: None

Others Present: President Bill Law, Teresa Smith, Jerry Schilling, Lois Ewen, Frank Brown, Lee Kitchen, Bill Spiers, Patricia Manning, E.E. Eunice, Chip Singletary, Cherry Alexander, Sally Search, Marge Banocy-Payne, Alexis Williams, Susie Hall, Robin Johnston, Judy Bentley, John Chapin, Monte Finkelstein, Sharon Jefferson, Jim Murdaugh, Barbara Sloan, Tony Stallworth, Kate Stewart, Bobby Jones, Carol Easley, Renae Tolson, Lori Smith, Darren Mason, Eugene Butler, III, Ronald Beckett, Ben Alonzo, Terry Pendleton, John Norris, Val Bahl, Frank Baglione and Lenda Kling

COMMENTS

Board Chair – Chair Messersmith asked everyone to stand for a moment of silence in remembrance of Tim Evans and the pledge of allegiance. He asked that any comments be delayed until the Board Meeting.

Board Members – Reserved until Board Meeting

President – Reserved until Board Meeting

BOARD WORKSHOP

Master Plan Main Campus

We have been at this a good while and touched this previously. We were to identify our going forward plan with the City of Tallahassee and the initial plan discussion is going well. Final review will come to you at the June Board meeting.

Enrollment is moving continuously upward with part of the process projecting enrollments for 25 years. Questions involve are we okay on space and we are beginning the first steps to realign space. With the opening of the Ghazvini Center, we will have additional classroom space.

We worked on the walking campus, with more pedestrian traffic and a big emphasis on the quality of the landscape. We will be expanding a large area of the campus as an academic area and will increase the density of the campus to just over 60% with three story buildings.

Trustee Hebrock asked about the stormwater flow. Warren Emo indicated there was a 60 inch pipe that moved the water to the stormwater ditch. Phase 1 took care of many of the problems inside the campus. It did not address issues that would occur with expansion and some of the parking lot issues. Trustee Hebrock inquired if we had made any stormwater improvements help other properties. Warren Emo indicated not at this time.

Trustee Stanfield asked about the density and the change in the look and feel of the campus. She inquired about safety issues and Warren Emo felt it would be more of an urban feel, eliminating many of the off the beaten path zones with people using pedestrian paths with lighting. She asked if he would provide sites they might view that would give the Board a better understanding of what we might expect in the future.

Trustee Hebrock asked if any major development on the northeast corner would be hampered by our stormwater plans. Warren Emo indicated that we could accommodate any development made in that area.

We should start thinking about the Pensacola Street entrance and the impact it will have on our campus, which will change the pedestrian flow almost immediately. Trustee Stanfield asked as the campus grows what the impact would be on disabled students. Warren Emo indicated the parking locations would continue to be ample. Our Public Safety people offer shuttling and we consider this when students enroll.

Emo indicated in meeting with StarMetro they would like to get the addresses of all student, faculty and staff to relocate their services closer to where people live. They are looking to add additional services that would provide buses every 10 minutes with two new lines. With our proposed move of the location of their stop to Pensacola, it puts us at the end of their line.

Trustee Moon asked about dorms or if that is not the community college concept. Dr. Law indicated it has been prohibited, except for rare situations. Trustee Hebrock indicated he would like to see the Board support changing the statute, since it didn't make as much sense now that some community colleges were four year institutions. Dr. Law asked Teresa to find out if anyone at COBA was discussing doing this.

There is still a great deal of open space on our campus and we are looking for ways to continue improvement for students to use these areas. With the parking around the perimeter, you will see the center core becomes more accessible and worthwhile. We are in compliance with the City of Tallahassee parking standards through 2010. As we move students to distance learning, some future parking issues will be resolved.

With future growth getting off our campus is an area of concern, especially if we build another parking garage. Chair Messersmith asked if consideration was given to current parking areas for the parking garage as easy access to Appleyard and Pensacola. Warren indicated you must consider queuing to avoid spillover onto the public domain and we are blessed with having Pat Thomas Drive for this.

Trustee Hebrock feels the best access would be via the property line between TCC and Lively directly to the parking garage. He feels most people come from the east and west off Tennessee Street. We have worked with the City of Tallahassee to add stoplights and to direct traffic.

The projects we feel will come to us sooner will be the new front door entrance, retention ponds possibly as a joint interest with the city and access to the requisite property along the back. We will not see a lot of new construction over the next five years instead we will be repurposing or retrofitting, although we may see one new building near the new front door as the first stop when you come onto campus.

Trustee Hebrock asked how many students were enrolled in the other colleges on campus and was informed there were about 600-650. He suggested we talk to the other colleges about changing our access and ask them to work with us financially on constructing a building jointly for their use where they would have better signage. Dr. Law felt that would be an easy conversation and indicated it was a step we would take.

Hughes East and West (approximately 35,000 sq. ft.) needs to be retrofitted. We are looking at the legalities of trying to convey the building to a private company who would fund the development, lease it back to us and then convey it back to us in about 20 years. We could use this facility for Advanced Manufacturing Training, since we have \$1.8 million in program funds but do not have a facility.

Masterplan Florida Public Safety Institute

There was a meeting last Friday with the Suber family in reference to their 358 acre parcel zoned rural residential (1 house per acre). Harvey Suber is from a long standing Gadsden family. His father purchased the property in the early 60s and his 95 year old Mother is the actual owner. The property has a lake and they currently use it for hunting. We will keep talking to them, but we have not started a conversation on price.

The FPSI growth percentage is even greater with certificate and degreed programs. Trustee Hebrock asked about growth and Dr. Jim Murdaugh indicated we would continue to have modest growth in the fire and police programs however the largest growth would be in the continuing education program.

We are currently adding parking to allow for planned conferences. Trustee Hebrock asked about the primary contributing factor surrounding parking issues. Dr. Murdaugh indicated it was a number of things, including about 80 vehicles used for training and transportation.

We have paid close attention to the pedestrian part of the campus. There are not any current plans for retail in the enterprise zone, however the zoning does allow for commercial and it fronts Highway 90. Primarily they are talking about co-location of businesses that support our mission.

Trustee Moon asked if it would be problematic to rezone the Suber property. Trustee Lamb indicated it was not easy, but it is possible. Trustee Hebrock asked when we needed to make a decision about buying. Dr. Law indicated we do not need it, but there is some concern if they decide to start building homes. One of the things we are looking at is the value of the timber on the land we currently own and if it will be enough to pay for the property.

FPSI needs a classroom building immediately, even before a dorm, and will begin moving this to our CIP. Trustee Moore asked if a private organization wanted to do an exercise, could they rent the conference center. The answer to the question was yes and they were opening up the facility as much as possible.

We are attempting to change all zoning to public (as opposed to the current agriculture designations for many of the locations). Getting the county to change our zoning is most important, although we have begun talks with the City of Midway for annexation. Our address is currently listed as Havana and we may be able to make some changes with the Postal Service.

Dr. Law thanked the Board for their work on both projects indicating the end product was an executable plan. Trustee Lamb commended Emo Architects on the excellent job they had done. Trustee Hebrock indicated he was impressed with the final product and the detail of the work product.

Once voted on next month, Trustee Hebrock would like this up on the website for review. Warren Emo indicated they will work with the college to get this done.

BUSINESS MEETING

Chair Messersmith called the Board meeting to order at approximately 4:07 pm.

COMMENTS

Chair – Thank you for the flowers, cards, comments and support on behalf of his wife. As Chairman, he wanted to express his thanks to TCC for the recent action that had to

do with unionization. The Board remained silent so people could make the decision they needed to make. Personally he thought it was rewarding to see everyone stand together and believes the Board does everything possible to support the employees.

Board Members – Agreed, indicated very well said and echoed the comments.

President – Student Government Association officers introduced themselves and the Board Chair thanked them for coming to meet the Board. He further extended an invitation at any time to join us. The Student Government Association Secretary and Treasurer were not available for the meeting today.

Dr. Law indicated Lee Kitchen is now Chairman of the Faculty Senate. Lee helped with the China program and is a member of our business faculty.

We are giving an early notice to the Cherry Alexander scholarship and retirement celebration. We would like you to get this on your calendar.

Trustee Moore acknowledged the recent graduation, indicating the staff went above and beyond. Chair Messersmith commented on the exuberance. Trustee Lamb indicated he would like to see the graduates remain until the ceremony is over.

Trustee Lamb complimented staff for the presentation at the Women's Club in Chattahoochee.

APPROVAL OF MINUTES

Chair Messersmith asked for any changes and requested a motion to approve the minutes of the April 20, 2009 Workshop and Board Meeting.

MOTION: Trustee Lamb
SECOND: Trustee Stanfield
Motion passed unanimously.

INFORMATION AND NEWS ITEMS

News clips included summer record enrollment in the three sessions, Corrections graduates at PTLEA donated \$4,000 to sickle cell, student graduation and job plans, impact of budget cuts and Eagles baseball.

UNFINISHED BUSINESS

None

PUBLIC COMMENT OR PRESENTATIONS

None

NEW BUSINESS

Approval of Consent Agenda

Chair Messersmith asked if there were any comments or requests for the Consent Agenda. Trustee Hebrock asked to move Attorney Invoice – Pennington, Moore,

Wilkinson, Bell & Dunbar, P.A.; Attorney Invoice-May – Bryant, Miller, Olive and Architect Invoices to the Discussion Items.

Chair Messersmith requested a motion to approve the remaining Consent Agenda.

MOTION: Trustee Lamb
SECOND: Trustee Stanfield

Motion passed

Trustee Moore abstained on the Florida Sterling Council item.

Attorney Invoice – Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.

Trustee Hebrock referred to the \$300 per hour billing rate, indicating the previous rate was \$250 with no request or acknowledgment from the college for the increase. He asked that we only approve at \$250 per hour.

We do not currently have a contract with this firm or the next and Trustee Hebrock feels we should make an amendment to Bill Mabile's contract to cover special engagements.

There is a state Memo of Understanding that sets outside council fee rates. Mr. Mabile's rate of \$125 per hour is substantially below the allowed rate and the memo allows higher rates for some specialized work, including intellectual properties but the \$300 is beyond the state's standard.

MOTION: Trustee Hebrock to approve at \$250 per hour
SECOND: Trustee Lamb
Motion passed unanimously

Mr. Mabile indicated it was discussed at \$250 per hour which is not unreasonable for that type of work and no discussion occurred in reference to the \$300 rate. The state standard is \$250 for intellectual property as established by the Attorney General.

Attorney Invoice-May – Bryant, Miller, Olive

Trustee Hebrock indicated we are apparently doing something different, but we do not currently have a board approval to hire the law firm although our rules allow the president to hire and use a firm up to \$25,000. Because it is a law firm and may exceed the amount in the near future, Bill Mabile should be the college law attorney. Trustee Hebrock feels that all future hiring and billing of additional law firms should be through Bill Mabile.

Trustee Hebrock would like the record to show the college recently spent \$17,000 on the labor union issue for legal advice. Again he feels in the future this firm should be hired and billed through Mr. Mabile. Chair Messersmith indicated discussion was held with the President and agreement was reached for quick turnaround. Trustee Hebrock does not recall other law firm invoices coming before the Board previously.

The previous Pennington firm invoice predates Dr. Law. Holland & Knight was used early in Dr. Law's tenure and we can research how the billing was handled. At the January meeting, we discussed how we would handle the Bryant, Miller, Olive engagement. Trustee Hebrock would like all special attorneys be hired and invoiced through Mr. Mabile's firm, under the one contract we currently have for legal services.

Trustee Moore indicated she was comfortable with the current authority and the cap of \$25,000. She clarified that Bill Mabile would have to bill us for the administration of the service to process all specialty law firm invoices through his office. Trustee Hebrock expressed concern about not having a contract.

Trustee Moon indicated she was comfortable the way things were since it seemed more transparent. Trustee Hebrock indicated as the college attorney that Mr. Mabile should be aware of the business the other firms were handling. Mr. Mabile indicated he was well aware of the items that were being handled by the other firms.

Trustee Hebrock wants Mr. Mabile to review and submit the billing for the other firms when Mr. Mabile submits his bill. Trustee Lamb understands and concurs with what Trustee Hebrock is saying.

Trustee Moore wanted to know if this would make hiring specialty firms more difficult. Dr. Law indicated this happened so seldom; that he did not feel it would be an issue. We would not hire someone without discussing with Mr. Mabile. Trustee Stanfield indicated previous billing had been done through Mr. Mabile's office as indicated in Board Portal for November 2008.

MOTION: Trustee Hebrock to approve as is for labor issue
SECOND: Trustee Stanfield
Motion passed unanimously

Architect Invoices

Trustee Hebrock asked what Task 14 was on the billing. Tony Stallworth indicated this one is specific to Florida Public Safety Institute. Trustee Hebrock asked if there were other tasks at FPSI and if there would not be completed next month. Tony Stallworth indicated there were only two that had been active

MOTION: Trustee Hebrock
SECOND: Trustee Lamb
Motion passed unanimously

Administrative Services

Construction Status Report – April 2009 (Information)

We touched on this through the course of the workshop. The PECO bill included \$2.3 million in funds for the Ghazvini Center, so we should have enough to execute the entire construction agreement.

2009 – 10 Salary Schedule (Action)

This is the guideline only for salary and does not reflect any one individual item, with no raises included in this schedule. Trustee Hebrock asked how our starting police officer salary compared to City of Tallahassee, Leon County, others. EE Eunice indicated we are about \$8,000 less than TPD and Leon County Sheriff Department; however we are in line with state agencies.

MOTION: Trustee Moon

SECOND: Trustee Lamb

Motion passed unanimously.

Professional Service Contract (Action)

Chair Messersmith indicated there had been some discussion. Trustee Hebrock made a motion to pull this item and make some adjustments to allow for changes in fee rates for special items.

MOTION: Trustee Hebrock

SECOND: Trustee Lamb

OPPOSED: Chair Messersmith, Trustee Moore, and Trustee Stanfield

The item may go back before the board.

Trustee Moore asked if there was any ramification for delaying. Bill Mabile indicated this should not be an issue. Trustee Hebrock indicated one of his concerns was the Intellectual Property firm as the only known firm in town to handle this type of work. The Board has not given any authority to hire another firm, but the Intellectual Property firm billed at a higher rate and he is trying to get everything in conformance.

Trustee Stanfield indicated the conversation today had centered today about process, as to whether we receive a separate invoice vs. being billed under Mr. Mabile's contract. She feels we have a process in place that does allow some flexibility with Dr. Law and Dr. Law is very clear about expectations and relationships. We have set the caps, as well as, a professional services contract.

Given that, she would like to move that we approve the contract with Andrews, Crabtree, Knox & Andrews effective April 1, 2009 through June 30, 2010.

Trustee Hebrock indicated there was a clause in the contract that makes the Vice President of Administration the Contract Administrator. According to the contract, any legal documents requested from a defendant's attorney would go first through the Contract Administrator. Mr. Mabile indicated it is unlikely that any Vice President would be the defendant, generally the employer (TCC) or the Board of Trustees.

Trustee Hebrock asked if Mr. Mabile drafted the contract and was comfortable with all clauses. Mr. Mabile indicated he revised based upon prior contract and believed so.

MOTION: Trustee Stanfield

SECOND: Trustee Moore
OPPOSED: Trustee Hebrock
Motion passed

Guaranteed Maximum Price – Classroom Renovations and Learning Commons (Action)
Chair Messersmith clarified that this would be from PECO monies. In addition to Learning Commons, we are converting rooms in the Dental Hygiene Building, second floor, and in the Academic Computer Building into classrooms. Both of these areas were previously occupied by personnel and activities moved to the Learning Commons.

We will make minor modifications and provide additional computers on the second floor of the Learning Commons, just outside the library for students who do not require targeted assistance and can work on their own.

MOTION: Trustee Stanfield
SECOND: Trustee Lamb
Motion passed unanimously.

Recommendation for Banking Services Contract Extension (Action)
In the current market it is probably not a good time to be searching for different and new provider. Trustee Hebrock asked if there were any Wachovia ties to the College and was informed there are none, other than some donations.

MOTION: Trustee Moon
SECOND: Trustee Moore
Motion passed unanimously.

April Fund Analysis (Information)

We are coming into the home stretch and will end up almost right on the money – probably within a few dollars of what we had projected. The student fees will be up and we will be down in some of the overhead, but will be right where we need to be. We have not yet moved money from other funds and may be slightly ahead, so we will close the year in balance and on budget.

Recommendation for Foreign Language Lab Purchase (Information)

This is funded by PECO funds and no action is required but wanted to alert the Board since we are spending \$100,000.

TCC Foundation

TCC Foundation Update (May 2009) (Information)

Vice President Johnston indicated the amount raised through our annual campaign to date is just over \$1,065,000. Upcoming events include the President's Circle Artist Reception, the Foundation Board Meeting on June 18th and new Alumni Relations Coordinator will begin August 1st.

Trustee Hebrock asked if we could look into donations through Facebook, Twitter or other media. Vice President Johnston indicated they can currently accept donations through their Alumni website and would look into Facebook.

Transfer of Ralph Hurst Collection (Action)

Chair Messersmith asked why the donation went to the Foundation first. Vice President Johnston indicated the donation predated his employment with TCC; however the intent within the document was for the Foundation to receive and give to the College.

MOTION: Trustee Moon

SECOND: Trustee Moore

Motion passed unanimously.

Trustee Hebrock asked about insurance if something was missing from the Foundation as opposed to the College. Mr. Schilling indicated when the Hurst collection came on the premises; it was covered under the college insurance.

Presidential Evaluation

Chair Messersmith, Trustees Moore and Lamb served on the annual evaluation committee. Trustee Moore indicated it was overwhelming positive by all trustees who ranked the President very high recognition for organizational strategy, resource management, communication, college advocacy and professionalism.

Many of the Trustees wanted to acknowledge his leadership in moving the Learning Commons forward, construction of the Ghazvini Center and the education of the labor Union situation. The Trustees submit we are extremely well served with this leadership on campus, throughout the state and nation. Trustee Lamb concurred with comments.

Chair Messersmith indicated the President had submitted to the committee that the increases previously approved not be implemented this year. He knows Dr. Law is looking at the campus and doing his part, indicating this will have an impact of at least \$25,000 to the bottom line. Chair Messersmith thanked the President.

Trustee Hebrock asked if we put the evaluation forms on the website. When it was noted they were not, he requested that the information be provided in the future for public comment.

He responded to a previous comment that the President did not oppose the union, but that the President's role was to remain neutral. He indicated we did not hire an attorney to oppose it and when the union representative was quoted in the paper as saying the administration had manipulated the election; he was furious and does not feel that happened. Trustee Hebrock indicated the President did a stellar job and the vote happened the way it did because of the leadership of the President and the Board.

Trustee Stanfield feels that the Board Members are active enough in the community to get public comment, but would support a press release or statement from the Board

Chair. Trustee Moore concurs, although she feels since he reports to the Board public comment is not required. Trustee Moon felt we wanted to share our praise of the President, but we should leave it as is.

Trustee Lamb concurred with Trustee Hebrock on the union situation, indicating the President was neutral. He feels we do not need public comment on the Presidential Evaluation.

Chair Messersmith went back to address the issue Trustee Hebrock brought about the attorneys. He indicated Trustee Hebrock was a thoughtful guy with great ideas, asking that he work with Dr. Law and Mr. Mabile for clarification and come back to the Board for consideration.

Trustee Hebrock indicated there is a State of Florida Attorney General Memorandum of Understanding that directs organizations such as TCC to a recommended fee level for attorneys. He does not want us to ever exceed the recommended rate, especially when one of the attorneys happens to be the husband of a state representative.

He indicated he is trying to keep us doing things appropriate and never get into the line of fire. If the state has a structured fee rate for the attorneys, he would like to see the Board adopt that and thanked Chair Messersmith for coming back to the issue.

PRESIDENT'S REPORT

Final state appropriation is down about \$120,000 from current appropriation, with 11% of our budget non-recurring stimulus funds (approximately \$2.3 million). We will be looking at proposed revenue and expense items should the funds not materialize.

Last month we showed you a worksheet and have refined some of the information. With a planned 7½% budget cut; our budget includes an approved tuition increase, a 2% growth rate, a salary lapse, further cut expenses, early retirement buy-out, instructional management, additional tuition increase in January and furlough as the last option.

Trustee Hebrock asked if we had identified the furlough days and was advised that if this becomes necessary we could decide in September for the fall and in February for the spring semester. Trustee Hebrock indicated that with a furlough we would be cutting our best asset and it should be the last option.

Dr. Law indicated everyone is working very hard to make enrollments happen, with a strategic group meeting every Wednesday morning. We have concerns about the model we have used for growth and whether it will continue to support the growth we need. Trustee Hebrock indicated that growing the four year university relationships, such as Flagler, etc., could be beneficial to this process.

Trustee Hebrock asked if it was our intention to bring the furlough decision to the Board for a vote. Dr. Law indicated he would bring it, but he did not want anyone to be surprised if that occurred.

Trustee Stanfield thanked Dr. Law for continuing to keep budget issues in front of the Board and commented that the resource on the portal was quite helpful. She also wanted to commend Dr. Law for not eliminating items, such as sabbaticals and dollars allocated to the Learning Commons. Trustee Stanfield believes this reflects the commitment of TCC to teaching and learning.

In looking at other creative ways we may be able to receive revenue, she is reminded that after 911 many of our state contracts increased because the state agencies were in a budget crisis. With the amount of federal stimulus dollars, many state agencies are decreasing their FTE and it may be time to revisit some of our friends at agencies and develop some new relationships with agencies that will be receiving those dollars.

It is our intention to bring a more detailed update on the contracting issue. It is currently influx, we are raising some fees but do not want to run off any of our clients. The workshop in June will be us trying to match the budget to the master plan.

FUTURE AGENDA ITEMS

None

NEXT MEETING DATE

June 22, 2009

ADJOURNMENT

Meeting adjourned at approximately 5:44 pm.

Minutes approved at regular meeting of the District Board of Trustees on June 22, 2009.

Frank Messersmith
Chair

William D. Law, Jr.
President