Florida Gulf Coast University Board of Trustees
June 19, 2012

SUBJECT: Minutes of April 17, 2012 Meeting

PROPOSED BOARD ACTION

Approve minutes

BACKGROUND INFORMATION

The Florida Gulf Coast University Board of Trustees met on April 17, 2012. Minutes of the meeting were kept as statutorily required.

Supporting Documentation Included: (1) Minutes of April 17, 2012 Meeting, including “Addendum R” – Transcript of Second and Final Hearing for FGCU Campus Master Plan Update for 2010-2020

Prepared by: Executive Assistant to the President Barbara Krell

Legal Review: N/A

Submitted by: President Wilson G. Bradshaw
8:30 a.m. – Executive Session on Collective Bargaining (Pursuant to 447.605(1), F.S.) – Chair Larry Hart

Chairman Hart convened the meeting of the FGCU Board of Trustees in the Cohen Center Ballroom at 9:40 a.m. with the following members present:

Joe Catti
Ann Hamilton
Larry Hart
John Little
Scott Lutgert
Dorene McShea
Edward Morton
Russell Priddy
Robbie Roepstorff
Doug St. Cerny
Rob Wells
Douglas Harrison
Peter Cuderman

James Knupp, Chair Foundation Board of Directors

Members of Staff present:

President Wilson Bradshaw
Provost and Vice President for Academic Affairs Ron Toll
Vice President for Administrative Services and Finance Steve Magiera
Vice President for Advancement Rosemary Thomas
Vice President for Student Affairs Mike Rollo
Chief of Staff Susan Evans
General Counsel Vee Leonard

Barbara Krell
Michele Kroffke
Guests: Joseph Birdwell, Astorino Architects, Linda Shelley, Fowler White and Boggs, Lauren Schuetz, Jennifer Goen
1. Call to Order and Roll Call – Chair Larry Hart

   Chair Hart called the meeting to order at 9:20 a.m. He greeted Trustees and stated that if anyone needed to speak on any agenda item they should see Ms. Kroffke at the staff table. He called on President Bradshaw to introduce the standing report.

2. Welcome to New Trustee Peter Cuderman, and Vice President for University Advancement Rosemary Thomas – Chair Larry Hart

   Chair Hart welcomed new student trustee Peter Cuderman to the Board. Trustee Cuderman provided remarks to the Board. Chair Hart introduced Dr. Rosemary Thomas, the new Vice President for Advancement and Dr. Thomas greeted Trustees.

3. Standing Report from FGCU Faculty Senate – President Douglas Harrison

   Trustee Harrison provided an update regarding Faculty Senate activities and accomplishments this year and attached background materials related to this report. (Addendum A)

4. Standing Report from FGCU Staff Advisory Council (SAC) – President Neela Chevli

   Ms. Chevli provided an update regarding SAC activities this semester.

5. Standing Report from FGCU Student Government – President Peter Cuderman

   Trustee Cuderman outlined planned initiatives from Student Government for the next year.

6. Standing Report from FGCU Foundation Board of Directors – Chair Jim Knupp

   Mr. Knupp reported on the accomplishments of the FGCU Foundation Board of Directors.
   President Bradshaw thanked Mr. Knupp for his service as Chair of the Foundation Board this past year.

7. President’s Report – President Wilson Bradshaw

   A copy of President Bradshaw’s Report to the Trustees is below:
President Wilson Bradshaw’s Report

I. Welcome to New Trustee Peter Cuderman, & VP for Advancement Rosemary Thomas:
   - I join Chair Hart in welcoming new Trustee Peter Cuderman who serves on the Board by virtue of his election as Student Government President, and
   - Welcome to new VP for Advancement Rosemary Thomas.

II. Invitation to FGCU Research Day:
   - This year we are holding a separate Research Day, and Celebration of Excellence.
   - Research Day will be held at Alico Arena on Thursday and Friday of this week, with the awards ceremony on Thursday afternoon.
   - I invite you to come out to campus to see the outstanding research initiatives by our faculty and staff.

III. Thank You to Trustee Ann Hamilton for Celebration of Excellence:
   - We had a very successful Celebration of Excellence last week on campus to highlight the outstanding work of our faculty and staff.
   - Special thanks to Trustee Ann Hamilton for representing the Board as a member of the Faculty Excellence Awards Selection Committee. Trustee Hamilton spent many days at FGCU reviewing faculty proposals, and represented the Board at the Awards Ceremony.
   - Trustee Hamilton, thank you for your involvement in this important FGCU initiative.

IV. FGCU Budget for 2012-2013:
   - I will be spending the balance of my President’s Report time talking about the University’s new budget that will be effective July 1 – and the unique challenges we are facing.
• You will hear some informational reports later on the agenda – namely, the 2012 post-legislative session report by Director of Government Relations Jennifer Goen, and a budget forecast presentation by Vice President for Administrative Services & Finance Steve Magiera.

• Comments on:
  i. 5 consecutive years of cuts to our State operating budget;
  ii. handled these difficult cuts through a variety of means, including reductions in travel, not filling vacant positions, reductions in operating expense;
  iii. Legislature built budget on assumption of a 15% tuition increase;
  iv. your vote on the budget will take place at the June BOT meeting;
  v. we will be bringing you a budget that includes a 15% tuition increase, etc.

Mr. Chair and Trustees, this concludes my report. I will be happy to answer any questions you may have.

Trustees and President Bradshaw discussed the pros and cons of a possible tuition increase. It was decided to discuss this further during the report from Mr. Magiera during the Finance & Administration Committee Report.

8. Consent Agenda – Chair Larry Hart
   • Minutes of January 17, 2012 (Addendum B)
   • FGCU Board of Trustees Meeting Dates for 2012-2013 (Addendum C)
   • Resolution of Appreciation to Trustee Lauren Schuetz (Addendum D)

   Motion was made by Trustee Wells to approve the Consent Agenda. Motion was seconded by Trustee Lutgert. Motion carried.

9. Presentation of Resolution of Appreciation – Chair Larry Hart and President Wilson Bradshaw

   Ms. Evans read the Resolution of Appreciation to Ms. Schuetz into the record. President Bradshaw thanked Ms. Schuetz for her service and Ms. Schuetz provided comments regarding her positive experiences as a Trustee this past year.

10. Academic/Student/Faculty Affairs Committee Meeting – Committee Chair Ann Hamilton
    Committee Chair Hamilton introduced Dr. Rollo and Dr. Toll to present the following Action Items:
    • Regulation: FGCU-PR4.002 Student Code of Conduct and Student Conduct Review Process – Vice President for Student Affairs Mike Rollo (Addendum E) – Motion was made by Trustee Wells to approve Regulation: FGCU-PR4.002 Student Code of Conduct and Student Review Process. Motion was seconded by Trustee Hart.
    • Regulation: FGCU-PR3.007 Educational Sites – Provost and Vice President for Academic Affairs Ron Toll (Addendum F) – Motion was made by Trustee Priddy
to approve Regulation: FGCU-PR3.007 Educational Sites. Motion was seconded by Trustee Lutgert. Motion carried.

11. Finance & Administration Committee Meeting – Committee Chair Edward Morton

Committee Chair Morton introduced Ms. Goen and Mr. Magiera to present the following items for Information Only:

- 2012 Legislative Session Report – Director of Government Relations Jennifer Goen (Addendum G) – Ms. Goen and President Bradshaw answered questions from Trustees related to the 2012 Legislative Session, advocacy regarding parity funding and PECO funding for FGCU. President Bradshaw will bring a plan to the Trustees regarding FGCU parity and the need for Board of Trustee’s assistance with this matter.
- Finance/Budget Update – Vice President for Administrative Services and Finance Steve Magiera (Addendum H) – Mr. Magiera and President Bradshaw responded to questions from Trustees regarding the University’s budget update.
- 2012-2013 Budget Forecast (Addendum I) – Vice President for Administrative Services and Finance Steve Magiera

Action Items:

- Naming Resolution for Recommendation to Board of Governors: Dr. Susan B. (sic) Blanchard Faculty & Staff Lounge in Holmes Hall – President Wilson Bradshaw (Addendum J) Motion was made by Trustee Hart to approve Naming Resolution for Recommendation to Board of Governors: Dr. Susan B. (sic) Blanchard Faculty & Staff Lounge in Holmes Hall. Motion was seconded by Trustee Lutgert. Motion carried.
- Naming Resolution for Recommendation to Board of Governors: Charles B. Edwards Hall (currently Academic Building 5) – President Wilson Bradshaw (Addendum K) Motion was made by Trustee Hamilton to approve Naming Resolution for Recommendation to Board of Governors: Charles B. Edwards Hall (currently Academic Building 5). Motion was seconded by Trustee Catti. Motion carried.
- Florida Gulf Coast University Audited Financial Statements for Fiscal year Ended June 30, 2011 – Vice President for Administrative Services and Finance Steve Magiera (Addendum L) Motion was made by Trustee Lutgert to approve Florida Gulf Coast University Audited Financial Statements for Fiscal Year Ended June 30, 2011. Motion was seconded by Trustee Priddy. Motion carried.
- Regulation: FGCU-PR8.005 Parking – General – Vice President for Administrative Services and Finance Steve Magiera (Addendum M) Mr. Magiera stated there is one change in pages 1-9, under 3(a), take our “reserved parking space”. Motion was made to approve Regulation: FGCU-OR8.005 Parking – General with change as noted by Trustee Harrison. Motion was seconded by Trustee Hart. Motion carried.
- Regulation: FGCU-PR8.006 Parking and Traffic Enforcement – Vice President for Administrative Services and Finance Steve Magiera (Addendum N) Motion was made by Trustee Wells to approve Regulation: FGCU-PR8.006 Parking and Traffic Enforcement. Motion was seconded by Trustee McShea. Motion carried.
Regulation: FGCU-PR8.004 Decal and Permit Fees – Vice President for Administrative Services and Finance (Addendum O) Motion was made by Trustee Lutgert to approve Regulation: FGCU-PR8.004 Decal and Permit Fees. Motion was seconded by Trustee Roepstorff. Motion carried.

Campus Master Plan Update for 2010 – 2020 (2\textsuperscript{nd} and Final Hearing) (Addendum P)  

Trustee Morton stated that a court reporter is present to record the following public hearing regarding the Campus Master Plan. NOTE: A separate document has been prepared for this portion of the Board of Trustees meeting. (Addendum R)

Trustee Morton stated that public comments would be taken after the following presentation, by Mr. Birdwell of Astorino and Associates (Addendum S) and Ms. Shelley of Fowler White Boggs. Mr. Magiera stated there will be a two-part presentation today by Mr. Birdwell and then by Ms. Shelley.

Public Comments were received in protest of the Master Plan by the following individuals representing Miromar Properties Inc. with handouts (Addendum Q):

Ms. Neale Montgomery, 1833 Hendry Street, Fort Myers, FL 33966
Mr. Michael B. Elgin, 10801 Corkscrew Road, Suite 305, Estero, FL 33928
Mr. Mark Geschwendt, 10801 Corkscrew Road, Suite 305, Estero FL 33928

Motion was made to adopt the Campus Master Plan Update for 2010-2020 by Trustee Priddy. Motion was seconded by Chair Hart. Motion carried.

12. Old Business – Chair Larry Hart

Committee Structure

Chair Hart asked Trustee Morton to outline his concerns regarding the Board of Trustees policy of meeting as committees of the whole for each of the Board’s committees. Trustee Morton asked the Board to consider another structure in place of the current one in order to allow members to get into more depth with regard to the responsibilities of those committees. Trustee Lutgert stated that while he has no problem with the Board looking into a possible change of structure, he felt there is no reason why the Committee of the whole cannot go into the same depth. He feels that every Trustee is part of every committee meeting and Trustee Lutgert feels that is an advantage. Trustee Morton stated he felt that time spent on each item, for example, financial reports, is one reason why he believes separate meetings are needed. Trustee Lutgert suggested we schedule entire days and/or workshops for important subjects so that the Board as a whole can spend the time needed on these subjects. Trustee Harrison asked what Trustee Morton had in mind regarding a new structure for committees. Trustee Morton explained that it might be similar to how the Foundation Board committees are organized. Trustee Priddy said he agrees we need to spend some more time on important matters, perhaps by
extending our one day meeting, and leave it to the committee chairs to advise when that is needed. His concern for separate meetings is the staff time on the coordination of those meetings with the limited amount of staff members available. President Bradshaw stated he appreciates all the comments here and stated he and his staff are ready to spend as much time as needed on any and all subjects. Trustee Roepstorff asked for a workshop regarding the parity funding issue which is critical to our institution. Chair Hart stated he will work with President Bradshaw to bring something back for the Board’s consideration on this matter.

13. New Business – Chair Larry Hart

There was no new business to come before the Board.

14. Chair’s Closing Remarks & Meeting Adjournment – Chair Larry Hart

The meeting was adjourned at 12:45 p.m.

Addendums:

A. Trustee Harrison’s handout materials for Faculty Senate Report
B. Minutes of January 17, 2012
C. FGCU Board of Trustees Meeting Dates for 2012-2013
D. Resolution of Appreciation to Trustee Lauren Schuetz
E. Regulation: FGCU-PR4.002 Student Code of Conduct and Student Conduct Review Process
F. Regulation: FGCU-PR3.007 Educational Sites
G. 2012 Legislative Session Report
H. Finance/Budget Update
I. 2012-2013 Budget Forecast
J. Naming Resolution for Recommendation to Board of Governors: Dr. Susan B. Blanchard Faculty & Staff Lounge in Holmes Hall
K. Naming Resolution for Recommendation to Board of Governors: Charles B. Edwards Hall
L. Florida Gulf Coast University Audited Financial Statements for Fiscal Year Ended June 30, 2011
M. Regulation: FGCU-PR8.005 Parking – General
N. Regulation: FGCU-PR8.006 Parking and Traffic Enforcement
O. Regulation: FGCU-PR8.004 Decal and Permit Fees
P. Campus Master Plan Update for 2010-2020 (2nd and Final Public Hearing)
Q. Public Comments handouts from Miromar Properties Inc.
R. Transcript of Campus Master Plan Public Hearing
S. Handouts of Presentation by Astorino and Associates
DATE: April 17, 2012
TIME: 11:50 a.m. to 12:30 p.m.
PLACE: Florida Gulf Coast University
        10501 FGCU Blvd., South
        Fort Myers, Florida
REPORTER: LISA M. BOYD, Registered
           Professional Reporter, Notary
           Public, State of Florida at Large
APPEARANCES

Dr. Wilson Bradshaw, President
Vee Leonard, Esq. - General Counsel
Susan Evans, University Spokesperson
Ronald Toll, Provost & VP - Academic Affairs
Steve Magiera, VP - Administrative Services & Finance
Mike Rollo, VP - Student Affairs
Rosemary Thomas, VP - Advancement
Jim Knupp, FGCU Foundation Board

BOARD OF TRUSTEES:

Larry Hart, Trustee (Chair)
Robbie Roepstorff, Trustee (Vice Chair)
Joe Catti, Trustee
Peter Cuderman, Trustee
Ann Hamilton, Trustee
Doug Harrison, Trustee
John Little, Trustee
Scott Lutgert, Trustee
Dorene McShea, Trustee
Edward Morton, Trustee
Russell Priddy, Trustee
Doug St. Cerny, Trustee
Robert Wells, Trustee
TRUSTEE MORTON: I would like to remind all of us that if there is anybody here in the public that would like to speak, that they're invited to register. Those comments are limited to three minutes. We'll entertain comments after we finish the presentation.

The next item on the Board's agenda is the second public hearing of the Campus Master Plan Update for 2010 through 2020. Vice President for Administrative Services and Finance Steve Magiera will now present this item.

MR. MAGIERA: Thank you, Trustee Morton. As Trustee Morton indicated, this is Item Number 14, it's also been passed out, and you have a bigger book on the Campus Master Plan. The Campus Master Plan is for the 2010-2020 period. We're required every five years to update that, and then ask the trustees to adopt it.

Today we're going to have a two-part presentation. The first part presentation, I'll introduce him in just a moment, will be Mr. Joseph Birdwell from Astorino. Astorino is our consultant who helped plan the Master Plan, and he will be able to discuss with you where we're going forward at the University.
The second part of the presentation will be from our attorney from Tallahassee, her name is Linda Shelley, and I'll introduce her as well. And she'll discuss about some of the legal ramifications and so forth in order to move forward with the Campus Master Plan.

So without further ado I would like to introduce Joe. Joe is a graduate of the University of Tennessee, College of Architecture and Planning. He joined Astorino Architects in 2007, and moved to the Fort Myers area and became an important part of the Astorino team in creating our Campus Master Plan.

In particular Joe was the lead architect in developing Volume I, the inventory analysis for the Campus Master Plan, verifying what was accomplished by Florida Gulf Coast University since the last Campus Master Plan Update in 2005. Accordingly, Joe has also led the development in Volume II, which gives the University direction as far as goals objectives and policies for the future.

During the entire Campus Master Plan Update 2010-2020 process Joe has been FGCU's main contact with Astorino Architects; and it is only fitting that he be here to provide his brief update.
Ladies and Gentlemen, may I introduce to you Joe Birdwell.

MR. BIRDWELL: Thank you very much, Steve. It's been a pleasure being here, it's been a pleasure working with everyone here at the University. I see many people in the audience, and people on the Board of Trustees around the table that I see today that I've worked with on a daily basis.

I would like to introduce our presentation for the 2010-2020 Master Plan. First I would like to say what is a Campus Master Plan? Really, the Campus Master Plan is something that we use as a University to understand the future and the campus growth. It is something that you all use as a tool. It's a general guide for FGCU's leaders to make decisions on where you would like to go in the future, what you would like to do, and how you would like the University to be seen in the future in the community.

The Campus Master Plan is included of elements. Some elements are required by the state statutes, and some elements are optional by the University. These are the optional listed elements that FGCU has selected to maintain every year in
their Master Plan when they update it every five years:

Things that represent utilities, architectural design, urban design, what does the building look like, landscaping design, what does your landscaping look like. And now as you can see as you look at the western portion of the campus, it's now come to complete, and how you want to resemble everything to look in the future.

The required elements are things like housing, transportation, future land use, conservation; things that kind of affect the University as a whole, something that affects every student, every individual. Housing; where you're going to put them, where you're going to stay. Transportation; how do people come to campus, how do they leave, how do they stay on campus, do they drive to and from campus. Recreation and open space; where do your students do all of their activity after when they're not in class and things like that.

Process, approach, and method. This is a pretty set forth process that we worked on, that follows state statutes. The Evaluation and Appraisal Report, which is something that you've approved in the past, it's basically taking a look
Data Inventory and Analysis is something basically you look at the data, you look at what your projections are as your students grow, your new academic curriculum that you're going to develop and things like that.

And then what you do from there is create Goals Objectives and Policies. From here these policies and the goals objectives are how you're going to achieve all of these directions in the future.

When we pull all of this together we want to coincide with the vision and the mission of the University. It's by integrating all of these action plans that you've developed over the past, your strategic plans that you've created in the past as well. It's reading all of this information and staying in the same mindset, that when you develop a Campus Master Plan you don't get off path on what you're wanting to do and what the future of your University wants to be.

Understanding the future of the University.

We talked a lot about budgets and increases of student tuitions. And just taking a look at some of the information that we collected over the year that
we've been working on this project, look at your student population growth and what we project in 2015, almost just shy of 16,000 students here on campus. And these numbers are rated for when you opened, and every five years as the population has increased as everything goes on.

We've also done all of this collecting of information with a lot of the people here in this room. We've done stuff with students on campus. We've done some surveys. We've done some selected interviews with students, faculties and staff. We've held campus meetings and public hearings.

We've taken enrollment studies of what you've been discussing all day today in terms of how many students you have, how many students you're going to project in the future. And we've looked at some of this information. And then looked at infrastructure studies, where your utilities are, your wastewater management, a lot of your utilities, your chilled water that we discussed earlier today needing to expand.

And then what we've decided to do from here is where do you go, what do we do next, and looking at the University as a whole and just really understanding where your next sets of buildings are
going to be, where your developments are going to be in terms of -- really the basis of the campus has really been established, it's kind of starting to push that to the next ten years.

We're going to look at the Campus Master Plan. As you see here on the eastern portion of the campus inside the loop, it's now completed with Academic 9 and the parking garage, I believe 4. And what we have here is the completion of the utilities and chilled waterlines on that side of the campus.

And as we've discussed in terms of building on what we want to do in the future in establishing a direct path throughout the campus and starting to develop the eastern portion of the campus and what those buildings -- not necessarily what each and every building is, but understanding the relationship and the identities of those buildings in terms of student area, student populations, where they're going to go, where are you going to teach, and whatnot.

Understanding your fine arts kind of quad in the south. It's really not -- we've never used the word quad here on campus, but the Fine Arts areas are all starting to be established all in one zone. And it's like as your Fine Arts departments grow
what do you want to develop in the future, what do
you want the fine arts to be. And these are
projections of what we would like to see here on
FGCU campus.

The northern portion of North Village is sort
of established and kind of created since it's been
your main housing since the beginning when FGCU sort
of opened. We don't foresee too much more growth up
here at this time. Then you start to move down to
more housing that has already been established here
in the South Housing Village. And this area has
been starting to develop with the food court and the
three buildings. And one actually is now I think
under construction in the South Housing Village, and
the new parking garage. And similar things like
this, like this chiller plant here on the south
side. As you develop and move forward in growth
you're going to have to provide more chilled water
for this portion of the building as well.

So here as you start to look in and you start
to develop an access along what the campus is, and
the campus lawn, and then the library, and you start
to understand what you think things need to do in
the future. So as the growth of the University
proceeds to move forward a lot of these buildings
then can start to be determined what are the next academic needs necessary. So we start to create these academic cores that are going to take place on the eastern portion.

Recreation and open space. We just thought we would touch base on that in terms of this spine that runs along the western portion that is now complete. Landscaping is open space and spaces for students to be outside. It is kind of the new future of what is starting to be developed there, especially along Academic Building 9. It’s kind of a way to give students a space outside. Students need that outdoor space as well as they need the classroom space. It’s another place for them to learn, it’s another place for them to interact with other students and interact with their faculty. What we want to do as we move forward in that eastern quad is start to develop those same similar spaces there.

The South Housing Village. Safety access and utilities. This has been on the boards for a very long time, this future south access road. If you take a look at the whole campus, there's really only the entrance of the main entrance and the entrance to the north. As you move into the South Village there's a lot of students that are starting to live
here in these south dormitories that are three and four stories.

Once you start to deal with that you're going to have to have an increase of a twelve-inch water main and an eight-inch force main that will deal with your water supply and your water sewage that you're going to take off there. Your south future access road is also something of importance in case there's an emergency on that portion of the campus, that you really need to get students evacuated from that area, or a fire or something. It stops everything from having to come through the middle of campus to get there.

This really kind of completes the 2010-2020 Campus Master Plan. This is kind of an overall view of what we feel like the campus should look like and the campus will be moving towards in the future.

Thank you very much.

MR. MAGIERA: Thank you, Joe.

Let me explain one more piece about the Campus Master Plan before I have Ms. Shelley come up. The Campus Master Plan, as you have just seen here, Joe had expressed and shown you what we're planning for in that south area of the campus, possibly a new rec center and some rec fields there, and a very
important south access road. What's going to happen with that is for the first time the University will have to do off-site mitigation in order to complete that.

We are currently working with our engineers, Johnson Engineering, and have been in discussions with the County to get some land just to the east of us in order to do our off-site mitigation. It works well for both of us at this point, in that the County, when we first started the University here the County had an obligation to give us about 380 acres approximately of land, and that obligation has not been fulfilled at this point. If they did that it would fulfill that commitment.

In addition to that we would then be able to be in a position to clean up approximately 400 acres or whatever is needed to satisfy the off-site mitigation in an area that the County at this time may not have the resources to do. So if we're able to do it that would be helpful for both of us. And it also helps Florida Gulf Coast University, because if we're able to make this arrangement we won't need to go to a mitigation bank in order to buy credits, which as most of you know that's a very expensive proposition.
So without further --

TRUSTEE HARRISON: I would like to comment.

MR. MAGIERA: Yes, sir.

TRUSTEE HARRISON: Thank you, Mr. Vice-President. Regarding the south campus development, you talked about the need for potential off-site mitigation or the land from the County to provide that. In order to achieve that development would we have to revise down and get approval for revising down the target acreage we're committed to conserving on that campus footprint?

MR. MAGIERA: My understanding of what we've already done is we've already met with the Army Corp of Engineers.

TRUSTEE HARRISON: Have we reduced that number down, understanding between 419 and 370 is our target for conservation land on campus?

MR. MAGIERA: The total mitigation is going to be around forty-some acres is what we're looking to mitigate.

TRUSTEE HARRISON: Which is less than the original target when the University was established that we were aiming for in terms of conservation land on campus; is that correct?

MR. MAGIERA: I believe so.
Without further ado, I would like to introduce you to our outside counsel Ms. Linda Shelley of the Tallahassee office of Fowler White and Boggs. She has significant experience in environmental and land use permitting both before the state, the regional and local entities, as well as administrative practices. At this time she'll provide you with information as to the administrative process associated with the adoption of our Campus Master Plan, and other matters related to the Campus Master Plan.

MS. SHELLEY: Thank you. Mr. Chairman and a number of the trustees, I'm Linda Shelley from the Tallahassee office of Fowler White Boggs. I would like to briefly summarize the legal and procedural next steps with regard to adoption of the Campus Master Plan.

Initially I want to point out there are two primary purposes for a Campus Master Plan. One is to ensure coordination of the planning efforts of the University with its host community, in this case with Lee County. And the second is to ensure that the development impacts occasioned by development on a campus are assessed and mitigated appropriately as you move forward with development.
This process was created in the early 1990s when local governments were in the first blush of adopting their local comprehensive plans. And there was a concern at the state level about how do universities, the State University system, how do they fit into this as separate governing institutions in the state.

Because, frankly, universities, their campuses are neither fish nor foul. They're not really commercial development, they're not industrial development, they're not residential; they're a combination of many types of development. And the legislature recognized the unique nature of state universities and categorized them as vital public facilities; and recognized that unique status of universities and their contributions both to their host communities, to the region, and to the state as a whole.

The statute indicates that there are certain requirements that have to be met for adoption of a Campus Master Plan. It must not be in conflict with the local comprehensive plan, a host community, Lee County; and must be consistent with the state comprehensive plan. Additionally, regulations have been adopted by the Board of Governors - they used
to be called rules, now they're called regulations -
that further guide the development of a Campus
Master Plan. To determine that a Campus Master Plan
is in compliance with all these requirements,
specifically the one that would not be in conflict
with the local plan, that's defined in the
regulations as a conflict exists if the Campus
Master Plan promotes an essential lack of harmony
with the local plan.

Your University is very fortunate. There were
many existing universities at the time these growth
management plans were adopted in the early '90s, but
you were new, and, therefore, you had a chance to
establish from the beginning a unique relationship
with your host local government. In a special
amendment to the Lee County Comprehensive Plan that
was effective in 1992, Lee County Commission and the
community embraced Florida Gulf Coast University,
and established separate and special criteria for
determining how the University community -- and
that's the land use category that is in the Lee
County Comprehensive Plan, with its own separate
goal area as part of Lee County Comprehensive Plan.

In that the Lee Plan I would say is uniquely
both supportive and protective of development on the
University campus. For example, one of the policies describing the land use category requires that all development within the University community land use category, which is not just the campus, but the surrounding areas, must be designed to enhance and support the University. And that's an important perspective when you look at the issues of whether or not the Campus Master Plan is compatible with the adjacent areas and with the Lee County Comprehensive Plan.

We contend, we believe, we have looked at this, we have worked very hard with the interested comment makers and agencies, that this plan has fully met the process that it has gone through to date. This is the second required public hearing. Once the plan is adopted it will be sent to -- a notice of the adoption will be sent to all the affected parties that have registered with us, there are numerous people that have registered, as well as to the commenting agencies.

An affected party has an opportunity then to challenge the Campus Master Plan. And if there is a challenge it will be filed with the University. And if the petition is sufficient the petition will be sent to the Division of Administrative Hearings for
assignment of an administrative law judge.

The administrative law judge -- before a hearing is set there would be an opportunity for mediation of any of the disputes. And there has been good success in the state with mediation efforts during these types of proceedings. But if mediation is not successful then there is a hearing by the administrative law judge here on the campus. And then there is a recommended order from the administrative law judge. And if you disagree with that you can file challenges to that.

But ultimately it goes to what is now the Department of Economic Opportunity, then the Department of Community Affairs, DO is its nickname in Tallahassee, and they look at the whole situation and enter the final order. The final order would then be appealable to the District Court of Appeals if the case wanted to continue further.

But the Campus Master Plan is the first part of the relationship. The second is after you have a Campus Master Plan then you have an agreement between the University and its host in a Development Agreement. And that's not where we are today, so I'm not going to go into that unless there are any questions.
The senior staff of the University led by Dr. Magiera and others have worked very hard to resolve any of the concerns raised by any person or party, any neighbor during this process, and they will continue to do so whether or not there is a challenge. We believe that the important responsibility of the trustees as stewards of this University campus is to move forward, and we believe that the draft as submitted to you is in compliance with all the applicable laws, and we urge you to adopt the plan.

If there are any questions, I'll be glad to answer them.

MR. MAGIERA: Trustee Morton, I think it might be the time for public comment.

TRUSTEE HARRISON: I would like to comment on our process here. For the discussion among the trustees, is that to proceed or to follow other comments?

TRUSTEE MORTON: I couldn't hear.

MR. MAGIERA: He was asking if the trustees, if they wish to have a general discussion, should it happen now or after public comment.

TRUSTEE MORTON: I would ask, Counsel, now is this the appropriate time?
MS. LEONARD: After the public comments.

TRUSTEE MORTON: Okay. So now is the appropriate time for public comments.

We would like now to open it up to public comments. If anyone does have public comments, again I would like to remind everyone we're limited to three minutes. And we have someone here who is going to keep time, and please be respectful of that three-minute time limit.

MS. EVANS: We have three speaking cards completed. I will be your timekeeper, and at the three-minute mark I'll just indicate the time.

The first speaker is Neale Montgomery, and we have the podium and microphone here.

MS. MONTGOMERY: Good morning. For the record my name is Neale Montgomery, and I'm here representing Miromar Development.

Astorino just told you that each Campus Master Plan has to have required elements by statute. The statute provides that each of those required elements has to address compatibility. I'm here today because we would submit that the Campus Master Plan does not adequately address compatibility with your neighbor, your neighbor being Miromar. I'd like to, if I could, highlight the major issues of
The first one is the Campus Master Plan does not include any standards to guide you in preventing light trespass in Lakes Village. There is a case where UCF had a final order issued for their stadium, and the stadium was able to meet .01 foot-candle to its property line. They have a standard which would be most helpful, but we have been told to date that you can't implement the standard. It would seem that if the stadium can meet that standard, that FGCU should be able to meet that standard.

Another concern is buffers. Ms. Shelley just told you that the Lee Plan does provide for the University, which is true, but the Lee Plan also protects the residential communities and requires buffers. The Campus Master Plan does not have adequate standards in regard to buffers. It has policies to say things like the University will provide appropriate buffers and adequate buffers, but what you'll see is right here what was just constructed with the parking garage, which is sixty-five feet in height with twenty-five foot unshielded light poles on top of it, fifty-six, fifty-seven feet from the property line, and the
adequate or appropriate buffer is zippo, no buffer.

And if you look at the 2005 Master Plan, which is the one that is actually in effect there's supposed to be a hundred foot buffer. So obviously we're not even following the existing adopted Campus Master Plan, we already are implementing the 2010 plan.

Another concern obviously is height and setbacks. As I've indicated, that's a sixty-five foot building. You also have under construction and will occur seventy-seven foot residential buildings. Again, no site design, no buffer, no lighting standards, no concern for setbacks.

As you're currently implementing the Campus Master Plan it is having an adverse impact on your neighbor. What we're asking you to do is to adopt and implement standards to protect your neighbor, to be compatible. We need standards for buffers, we need standards for height in conjunction with appropriate setbacks, and we need standards for lighting.

Again I have to emphasize, there is absolutely no reason why the UCF football stadium can meet .01 foot-candle to its property line, and you can't meet any lighting standards.
MS. EVANS: Time has expired, thank you.

Mr. Chairman, the next speaker is Mr. Michael Elgin.

MR. ELGIN: Good afternoon. For the record my name is Michael Elgin. I'm the director of planning and property management for Miromar Lakes, LLC. I'm a registered landscape architect in the state of Florida. Seventeen years experience in landscape architecture and land planning.

Some of visuals we brought today demonstrate the concern you just heard about. Please take note of the common property line between FGCU south housing and Miromar Lakes residential development. You can see the 2005 approved Campus Master Plan provides for and represents a significant amount of open space and preservation, jurisdictional wetlands adjacent to Miromar Lakes developable area.

The Campus Master Plan provides for appropriate buffers scaled at a hundred feet for the 2005 approved parking structures. This is also supported by a 2003 private Agreement between FGCU and Miromar Lakes regarding required buffers along the shared property line. Also note the improved internal roadway location centrally located into the north structures.
This would have provided for the appropriate setbacks for the roadway, street lighting, and preserved enough space for the intended buffer if it had been constructed as represented in the 2005 approved Campus Master Plan. Out of the hundred foot approved buffer only fifty-six feet remained from the shared property line to the internal roadway. Currently no buffer planting exists.

Now that I've identified some inconsistencies with the 2005 approved campus plan I would like to address concerns with the proposed 2010 plan and compatibility of existing conditions. Exhibits 1A and 2A are images of existing conditions as viewed from the shared property line. The existing conditions have thirty-five foot unshielded street light standards, a sixty-five foot parking structure, which is larger than any other structure currently on campus. The parking structure also contains twenty-five foot light poles on top of the structure, but only fifty-six feet currently separates the uses from the shared property line.

Exhibit 1B illustrates the addition of the proposed second parking structure, which is currently planned to be a duplicate of the existing sixty-five foot structure. Please note the
significant impact the second structure will have if
developed as presented.

Exhibit 3A represents a view of the future
seventy-seven foot dormitory building, which is
located one hundred twenty-five feet from the shared
property line. No buffer is currently depicted to
address the compatibility concerns.

Also included in the proposed 2010 Campus
Master Plan Update is the addition of 150,000 square
foot intramural athletic facility. The facility is
proposed at sixty-five feet, which is ten feet
taller than Alico Arena and is located only a
hundred foot from the property line. The building
is eight hundred feet in length compared to Alico
Arena, which is three hundred twenty feet in length.

The Army Corp of Engineers and South Florida
permits have already been filed for approval for
removal of wetland areas preserved under the 2005
approved campus plan. This permit filing is in
advance of any approval of the 2010 Campus Master
Plan representing an intramural athletic complex
inclusive of seventy-five foot athletic field
lighting and three multi purpose athletic fields.

In summary, without development standards
compatibility cannot be achieved, and there would be
adverse and negative impacts on adjacent parcels.

MS. EVANS: Mr. Chair, I have one final speaker card.

TRUSTEE MORTON: Please.

MS. EVANS: Mr. Mark Geschwendt.

MR. GESCHWENDT: Good afternoon. My name is Mark Geschwendt. I'm the vice-president and general counsel to Miromar Development Corporation, and I've been with the company for twelve years. This morning I wanted to comment on what steps Miromar has taken in an effort to try to resolve this compatibility issue.

In a letter dated April 14th, 2011 we responded to the proposed 2010 Campus Master Plan, setting forth our concerns and highlighting a need for internal development standards. Those included providing adequate buffers, appropriate perimeter setbacks, height restrictions, addressing light and noise trespass, and providing for adequate building separation.

Unfortunately we didn't receive any response from the University to our suggested changes. But we moved on and took a second attempt at a Development Agreement. This was an Agreement between Miromar and the University to look at how
the University could mitigate its non compatibility with Miromar.

The Agreement we proposed created separate development zones for the development standards associated with each zone. You saw a similar Agreement to this, which we reached with London Bay several years ago. That's a development on the north side of Miromar. We met with the University on multiple occasions informally, and we also had some formal agreements in November of last year, and in February of this year.

Unfortunately with all of these efforts the University has never provided a meaningful response to us to the issues raised and has failed to suggest any steps to mitigate or address its non compatibility. We pursued the Agreement with the University because we didn't want to end up with no alternative but to file a petition challenging the Campus Master Plan, which is where we are today. We don't oppose the University. In fact, we support and want to see the University grow and flourish.

If the University adopts appropriate regulations and site design standards as required by the Florida statutes, that allows the University to be compatible with us. But the University must
include in its Campus Master Plan standards for lighting, height, setbacks, noise, and buffers that mitigate the adverse impact the University has on Miromar.

We've tried to work with the University, to reach an Agreement on development of our common boundary, but it hasn't worked. We're here today to urge you not to adopt the 2010 Campus Master Plan, and that you direct the staff to create meaningful measurable standards that mitigate adverse impact on the residents and owners of Miromar and adjacent properties. Thank you.

TRUSTEE MORTON: Are those the total of the comments?

MS. EVANS: Yes.

TRUSTEE MORTON: Is it now appropriate for us to commence with general comments?

MS. LEONARD: Yes.

TRUSTEE MORTON: We'll entertain general comments, please, from the Board.

TRUSTEE HARRISON: First of all, thanks to the administration and their partners at Astorino for bringing this to us. I've had to sort of face a steep learning curve with this coming on as I have in the last year in my role as a board of trustee
member. And I've spent a lot of time with my colleagues, who are expert in both public policy and planning, and environmental and ecological studies. Some of them are formally involved in the planning and budget process through which the Master Plan proceeded in some phases within the University.

Both from my own perspective and the perspective of those colleagues whom I value immensely in their expertise, I think this has been a level of transparency and a community engagement that is perhaps unparalleled in the University's history, but certainly a model that we will want to continue. I think it builds a lot of good will with a lot of our partners, if not absolutely every one of them in community. And it has given both within the University and beyond an ability to invest in talking commonly about how we grow. I'm glad to see us taking it more seriously; not just a compliance document, but a critical piece of who we are and how we know what we're doing.

I'm also encouraged to see the connections Mr. Birdwell from Astorino mentioned that are there between the strategic plan and the Master Plan. The conversation between those two documents is essential in terms of helping us be responsive on a
year-to-year basis of the larger dynamics of the University that are captured in the strategic plan. So I think the process culminating today is having a really positive impact culturally in general with the University. People are coming to expect and feel valued by the opportunity to participate in shaping the University's relationship with the community.

I think also from some of the constituents that I hear from in my role with the faculty, I think some of that expectation in the sort of way we're naturalizing a certain level of engagement with the community accounts for some of the update and concern about recent proposals to revise the original Land Use Agreement for the University that established and set aside a target of 419 acres for conservation on campus. And of course as we've heard there's been some requests made with the Army Corp to allow for some development on some undeveloped land and some reclassifications of lands for developability.

This particular proposal received a lot of scrutiny, and I've heard from several of my colleagues for several related reasons. One is the concern about some of the potential impacts that
that provision to the original Land Use Agreement in terms of conservation would have on our historical commitment as a campus to ecological sustainability.

The second part of that that's sort of substantive in symbolic terms, to come down from that 419 target to 370 would take us from above fifty percent conserved land on campus to slightly below fifty percent. For many people who were working hard at the University to establish the relationship of conserved to developable lands, that fifty percent threshold is an important one for what it sends a signal to to the community and to the academia that we're a part of about our commitment and how we're modeling to be innovative.

The substance of it is the concern about the precedent, that if we -- this will be the first time that we would potentially engage in off-site mitigation, that if we need the land for development we'll take it for those purposes. This will be the first time to mitigate off-site; and it isn't necessarily a bad thing, and I don't necessarily want to be on the record as offering a judgment one way or another about the advisability of south campus development, and there's a lot of good reasons why it's there and why we'll probably end up
going in that direction.

The comments that I want to sort of emphasize are the importance of continuing the kind of transparent process we modeled in the last year. Of course the Master Plan has had to grow and change with the University, and it establishes goals and objectives, but it doesn't prevent us from engaging in the equivalent kind of intentional conversation about the details of how we implement those particular objectives as the Astorino document describes, that the Master Plan is a general guide, and we need to continue to have an intentional conversation about that.

It does give me a little pause that the specific impact on conservation land involved in the proposed campus development isn't more explicitly articulated in the Master Plan. It is there, but the specifics about developing on undeveloped wetlands and some uplands is contained in a map of the exhibits of the plan, but without acreage tables which aren't in the plan of those maps, or without explicit language in the Master Plan itself, which is where a lot of the emphasize has been, I think rightfully so, in the process, it is difficult even for many expert readers who aren't intimately
involved in creation of the document to really
discern the implications there which we're just now
beginning to see.

With that said, I want to be clear that I
support and continue to support the Master Plan, the
process, and all the hard and good work that went
into it, the direction that it provides us as a
University. And I'm encouraged by the conversations
I've had with the administration concerning how we
continue to have an intentional conversation about
the implementation of those goals. So I look
forward to us all holding ourselves accountable to
our values and aspirations as we model how to live
with human development in natural habitats. Thank
you, Mr. Chairman, for your time.

TRUSTEE MORTON: Do we have additional
comment?

TRUSTEE HART: Just a couple. Steve, you
mentioned 300 acres that are supposed to be given by
Lee County to the University. Where are we? Is
there ongoing negotiations?

MR. MAGIERA: The original model is about
three hundred eighty some acres. Our engineering
firm of Johnson Engineers is working with the County
discussing about 400 acres to the east of us, if
we're able to use that for our off-site mitigation.

TRUSTEE HART: And are we certain that's going to happen?

MR. MAGIERA: I believe it has a very good chance of happening, but I can't say for certain until it's done.

TRUSTEE HART: I think there's a process in place that we can come back and address concerns of individuals that expressed them today. I also think that in the plan we do have to separate our campus, just simply for requirements of making sure there are some types of buffer or something maintained. So I will support the plan, but I also think it's going to behoove the University to continue to work with our neighbors to see what we can do to make this plan better and to continue to provide some separation. That separation is simply for the protection of our property.

TRUSTEE MORTON: Are there any other Board comments?

TRUSTEE PRIDDY: One question. The Lee County property to the east of us, is it adjacent or is there a piece in between?

MR. MAGIERA: I'm not sure. Let me see -- it's not contiguous.
TRUSTEE PRIDDY: But under any circumstance if that did come about, the University would have access to that property for research or for the things that we're giving up on-site?

MR. MAGIERA: Yes, sir, that's part of the negotiations that we're having with the County, that would be the plan.

TRUSTEE PRIDDY: So to address some of the concerns out there where we may be dropping below that fifty percent on campus as it's defined today, we would perhaps in effect be nearly doubling the amount of property we have available. Okay, thank you.

TRUSTEE MORTON: I think that's the real purpose behind off-site mitigation, is to honor that commitment.

Steve, a question I have is are you aware or anybody in management aware of any preexisting Agreement that this Master Plan would violate?

MR. MAGIERA: I don't believe so. I mean, there have been some discussions with Miromar in the past with E-mails back and forth. There was an Agreement back in 2003, but I'm on a learning curve on that as well.

TRUSTEE MORTON: I couldn't find anything in
everything I've read, but I thought that question should at least be on the record. To the best of my knowledge there is no written agreement that this Master Plan at this point would violate.

Are there any other additional comments from the Board?

MS. LEONARD: Mr. Chairman, if I could add, the 2003 Agreement, there is an Agreement, but it does not specifically refer to the Master Plan. It does refer to the south access road, the easement on the south end of the campus, but it's not tied to the Master Plan.

TRUSTEE MORTON: Thank you. If there are no other comments --

PRESIDENT BRADSHAW: Let me make just a couple of very brief comments. One to Trustee Harrison's comments about transparency of the process. This Board can rest assured that we will continue to be transparent as we pursue the master planning process. And with regard to the concerns of our valued neighbors, we have in the past resolved very difficult issues, some relate to master planning, some didn't. We will continue to sit at the table in earnest as part of the process to resolve these issues, as we have done so in the past.
TRUSTEE PRIDDY: Mr. Chairman, if you'll accept a motion, I move that we approve or accept the Master Plan.

TRUSTEE MORTON: We have a motion. Do we have a second?

TRUSTEE HART: Second.

TRUSTEE MORTON: We have a second.

Susan, would you please call the roll.

MS. EVANS: Trustee Hart.

TRUSTEE HART: I.

MS. EVANS: Trustee Roepstorff.

TRUSTEE ROEPSTORFF: Yes.

MS. EVANS: Trustee Cuderman.

TRUSTEE CUDERMAN: Yes.

MS. EVANS: Trustee Hamilton.

TRUSTEE HAMILTON: Yes.

MS. EVANS: Trustee Harrison.

TRUSTEE HARRISON: Yes.

MS. EVANS: Trustee Little.

TRUSTEE LITTLE: Yes.

MS. EVANS: Trustee Lutgert.

TRUSTEE LUTGERT: Yes.

MS. EVANS: Trustee McShea.

TRUSTEE McSHEA: Yes.

MS. EVANS: Trustee Morton.
TRUSTEE MORTON: Yes.

MS. EVANS: Trustee Priddy.

TRUSTEE PRIDDY: Yes.

MS. EVANS: Trustee St. Cerny.

TRUSTEE ST. CERNY: Yes.

MS. EVANS: Trustee Wells.

TRUSTEE WELLS: Yes.

MS. EVANS: Mr. Chair, the motion carries.

TRUSTEE MORTON: Thank you very much.

(Hearing Concluded.)
CERTIFICATE OF REPORTER

I, LISA M. BOYD, Registered Professional Reporter, Florida Professional Reporter, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript pages 1 through 39, is a true and correct record of my stenographic notes.

DATED this 27th day of April, 2012.

LISA M. BOYD, RPR, FPR