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Board of Trustees Minutes, March 15, 2005

Coastal Carolina University

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Minutes
Coastal Carolina University
Board of Trustees

E. Craig Wall, Sr. College of Business Administration Building, Board Room
March 15, 2005, 3:00 p.m.

Presiding: Fred F. DuBard, Jr.

Board Members Present:

Mr. Robert D. Brown
Mr. Joseph L. Carter
Mr. Samuel H. Frink
Ms. Cathy Brand Harvin
Mr. Charles J. Hodge
Mr. Dean P. Hudson
Dr. James F. Kane
Mr. William L. Lyles, Jr.
Mr. Daniel W. R. Moore, Sr.
Mr. Clark B. Parker
Dr. Oran P. Smith
Mr. Eugene C. Spivey

Board Members Not Present:

Mr. Payne H. Barnette, Jr.
Mr. Robert L. Rabon
Mr. Keith S. Smith
Dr. Samuel J. Swad

Others Present:

Dr. Ronald R. Ingle
Mr. Doug Bell
Dr. Edgar L. Dyer
Dr. Sally M. Horner
Mr. Warren Koegel
Mr. Danny Nicholson
Dr. Richard N. Weldon
Ms. Nila Hutchinson
Ms. Chyrel Stalvey

(In accordance with the requirements of the South Carolina Freedom of Information Act, the news media were notified of the time, location, and agenda for the meeting. Ms. Sarah P. Kennedy of **The Sun News** was in attendance.)

Mr. DuBard called the meeting to order at 3:06 p.m. Eight members of the Board of Trustees joined the meeting via teleconference.

Roll call was taken.

Mr. Dan Moore reported that the Capital Projects Ad Hoc Committee met on several occasions with University legal counsel and outside counsel to review the entire Use Agreement between CCA, LLC and Coastal Carolina University. The requested changes have been completed or are in the process of being changed. The document with a page of highlights was mailed to everyone.

Upon the recommendation of the Capital Projects Committee, Mr. Moore made a motion for the full Board of Trustees to accept the Use Agreement between CCA, LLC and Coastal Carolina University. Mr. Hodge seconded. Mr. DuBard recused himself from voting and asked Mr. Lyles to conduct the voting. The motion was unanimously accepted.

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Dr. Ingle asked the Board of Trustees to consider a motion giving the Administration flexibility in making minor amendments and bringing items in the Use Agreement into conformity with the Ground Lease. Dr. Dyer pointed out that negotiations called for Coastal Carolina to maintain the exterior of the building once the Coastal Carolina areas were deeded to the University through the Coastal Educational Foundation. The reading of Article 10.01 – Maintenance of the Arena now places the responsibility for the maintenance to the owner, not Coastal Carolina. We would like to amend the document to the agreed terms.

Dr. Ingle asked the Board of Trustees to consider:

1. amending Article 10.01 – Maintenance of the Arena;
2. authorizing the President to make further minor revisions for clarification; and,
3. bringing the Use Agreement into conformity with the Ground Lease to be negotiated by the Coastal Educational Foundation.

Dr. Kane stated that he felt uncomfortable approving minor adjustments before knowing what the adjustments will be. Although he favors the project, he would prefer the full Board action upon receipt of the completed agreement.

Dr. Dyer explained that as late as the previous night revisions were received from CCA, LLC. Some of the revisions are simply syntax, e.g. instead of calling it “the project,” they prefer “the premises.”

Mr. Hodge added that it is sometimes necessary to correct a typo or add a comma or insert “the” or “and” in working with legal documents. The current document is the substantive portion of the agreement. The University asks only the flexibility to make minor changes.

Dr. Ingle reported that negotiations for the Ground Lease between the Coastal Educational Foundation and CCA, LLC are currently in progress. The Administration wants to ensure that the syntax and wording of the Ground Lease and Use Agreements are consistent. The only changes would be to fine-tune the document.

Dr. Kane moved to table the amendment approving the Use Agreement between CCA, LLC and Coastal Carolina University. Mr. Parker seconded. Mr. Lyles conducted a roll call. Dr. Kane and Mr. Parker voted “yes” and everyone else voted “no,” with the exception of Mr. DuBard who abstained. The motion did not pass.

Mr. Carter made a motion to amend Article 10.01 – Maintenance of the Arena as discussed, to authorize the President to make minor revisions for clarification, and to bring the Use Agreement into conformity with the Ground Lease to be negotiated by the Coastal Educational Foundation. Mr. Frink seconded. Dr. Kane and Mr. Parker voted “nay,” and Mr. DuBard abstained. The motion passed.

Dr. Ingle assured the Trustees that any revisions other than grammatical would be brought to the Capital Projects Ad Hoc Committee for review.

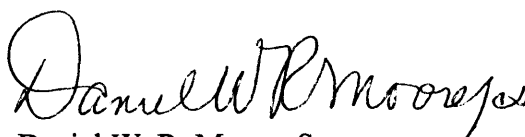
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Everyone was in agreement to go into Executive Session. Upon reconvening, Mr. DuBard stated that no action was taken.

At the recommendation of the Honorary Degree Committee, Dr. Ingle, and the Academic Affairs Committee of the Board of Trustees, Dr. Oran Smith made a motion for Congressman Henry E. Brown, Jr. to be invited to deliver the May commencement address and to receive an honorary Doctorate of Public Service. In addition, Dr. Smith moved to confer honorary degrees to Chancellor Emeritus Edward M. Singleton – Doctor of Public Service, Mayor John W. Dawsey – Doctor of Public Service, and Mr. Mickey Spillane - Doctor of Humane Letters. Ms. Harvin seconded, and the motion passed by acclamation.

As there was no further business, Mr. Frink moved to adjourn the meeting.

Respectfully submitted,

A handwritten signature in black ink, reading "Daniel W. R. Moore, Sr." in a cursive script.

Daniel W. R. Moore, Sr.
Secretary