

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, DECEMBER 21, 2009

The School Board of Escambia County, Florida, convened in Special Meeting at 10:00 a.m., in the Board Room, at the Dr. Vernon McDaniel Building, 215 West Garden Street, Pensacola, Florida, with the following present:

Chair: Mr. Gerald W. Boone Vice Chair: Mr. Jeff Bergosh

Board Members: Mrs. Linda Moultrie
Mrs. Patricia Hightower
Mr. Bill Slayton

School Board General Counsel: Mrs. Donna Sessions Waters

Superintendent of Schools: Mr. Malcolm Thomas

Meeting was advertised in the Pensacola News Journal on December 19 & 20, 2009 – Legal No. 1441034

[General discussion took place among Board Members, the Superintendent, and staff throughout this meeting.]

I. CALL TO ORDER/ADOPTION OF AGENDA

Mr. Boone called the Special Meeting to order at 10:00 a.m. The meeting began with the Superintendent asking the Board of Trustees for Friendship Missionary Baptist Church to confirm that they were prepared to move forward with the purchase of the Brownsville Middle School property for the price of \$1,002,000.00. The Church's Board of Trustees Chairman, Mr. Benny Thompson, responded in the affirmative but noted that the Church was asking for an extension of 30 days on the deadline for closing. Motion by Mrs. Hightower, seconded by Mrs. Moultrie, to adopt the agenda as presented, was approved unanimously.

II. OPERATIONS

(Supplementary Minute Book, Exhibit "A")

1. Amended Sales Contract between the School Board of Escambia County, Florida and Friendship Missionary Baptist Church – Brownsville Middle School

Motion was made by Mr. Bergosh and seconded by Mrs. Hightower, to approve the amended sales contract between the School Board of Escambia County, Florida and Friendship Missionary Baptist Church – Brownsville Middle School.

In response to the Church's need for an extension on the closing deadline, Mrs. Hightower offered a motion to amend the sales contract whereby the deadline for closing would be extended until January 30, 2010. The amendment was seconded by Mr. Bergosh and approved unanimously. The following speakers requested to address the Board regarding various aspects of this issue:

John Peacock, who asked the Board to consider reducing the sales price or offering a low lease rate;
Reid Rushing, who asked the Board to consider reducing the sales price or offering a low lease rate;
Charles Young, who asked the Board to consider reducing the sales price;

Lorenzo T. May, who spoke in support of the Church's vision for the Brownsville community; and
LuTimothy May (Pastor of Friendship Missionary Baptist Church), who expressed his appreciation to all parties involved throughout the negotiation process.

Each Board Member took a moment to express their support for the sale of the Brownsville Middle School property to Friendship Missionary Baptist Church; and to applaud the efforts of the church in their desire to reach out to the Brownsville community. As Mr. Boone called for a vote on the motion (as amended), Pastor May approached the podium to clarify that the Church had only committed to \$800,000.00 and closing costs and that he had personally committed himself to raising the remaining \$200,000.00, but admitted that he had been unable to reach that goal. The Superintendent maintained that the sales price negotiated and confirmed by the Trustee's Chairman at the beginning of this meeting was \$1,002,000.00 not \$800,000.00. Mrs. Waters confirmed that the sales price cited in the sales contract that had been presented to the School Board was in fact \$1,002,000.00.

Mr. Bergosh said that because he had foreseen a possible problem with the proposed sale of this property, he had already asked General Counsel whether the School Board had the ability to amend a contract for sale of surplus real property in order to change the selling price or other terms. It was the opinion of General Counsel that *the Superintendent had the power and duty to serve as custodian of District property and to recommend the sale of property to the Board for its action. It is the Board which enters into the contract and actually conveys the property. Therefore, it is within the Board's authority to change any of the terms of the contract for sale as the Board finds appropriate. This would, as a practical matter, usually be done by amendment of the motion to adopt the contract recommended by the Superintendent.* With that knowledge and with his desire to reach an agreement with the Church, Mr. Bergosh put forward a proposal to keep the price at \$1,002,000.00, but to allow the church to make a substantial down payment and then pay the difference over time with terms. At that point, Mr. Boone called for a short recess to allow the church trustees and individual School Board Members to consider the situation at hand, including Mr. Bergosh's proposal. The Special Meeting recessed at 10:36 a.m. and reconvened at 10:51 a.m., with all Board Members, the Superintendent and Mrs. Waters present.

Believing that the church could not afford the price of \$1,002,000.00, Mrs. Moultrie offered a motion to recess the Special Meeting so that the School District and Friendship Missionary Baptist Church could return to negotiations to lower the total price. At that point, Pastor May addressed the Board to report that it would not be necessary to return to negotiations, as during the recess an anonymous donor in the audience had offered to cover the remaining \$200,000.00 to secure the purchase; therefore, the Church was ready to move forward with the purchase at the price of \$1,002,000.00. (NOTE: *There was no second to Mrs. Moultrie's motion. Motion died for lack of a second.*)

It was clarified that the motion on the floor, was to approve the amended sales contract (with a sales price of \$1,002,000.00) between the School Board of Escambia County, Florida and Friendship Missionary Baptist Church – Brownsville Middle School, with the deadline for closing being extended until January 30, 2010. Motion carried unanimously.

III. ADJOURNMENT

There being no further business, the Special Meeting adjourned at 11:06 a.m.

Attest:

Approved:

Superintendent

Chair