

Perquimans County Board of Education
Special Session – December 23, 2019

The Perquimans County Board of Education met in special session on Monday, December 23, 2019, at 5:00 p.m. in the administrative offices of Perquimans County Schools. Board members Amy Spaugh, Russell Lassiter, Matt Peeler, Leary Winslow, and Arlene Yates were present. Dr. Anne White participated remotely via telephone. Also in attendance was Will Norrell of the law firm of Hornthal, Riley, Ellis & Maland.

Vice Chair Amy Spaugh called the meeting to order. Matt Peeler led the audience in reciting the Pledge of Allegiance to the American Flag and Russell Lassiter said a prayer.

Approval of Agenda

Upon motion by Arlene Yates and second by Matt Peeler, the Board voted unanimously to approve the agenda as presented.

Unfinished Business

Gift Agreement – Athletic Complex

Superintendent Turner informed the Board that the attorneys stated that technically the gift agreement is not needed because the land was conveyed to Perquimans County Schools and the building is affixed to that land which makes the building our property. When asked specific questions about the building, Mr. Norrell recommended that the Board enter closed session to discuss their opinion on the matter to keep the attorney-client privilege. It was the consensus of the Board to discuss as much of the matter in open session until necessary to enter closed session.

After finding out the gift agreement was not necessary, Ms. Turner asked the attorneys if a letter could be written to fulfill the donor's request for tax purposes without having all the conditions that were in the gift agreement. Mr. Norrell noted that the letter fulfills the documentation for tax purposes. Ms. Turner also referred to Board Policy 8220 Gifts and Bequests, Item C. Use of a Donation, the second paragraph which states, "A donor may request that a donation be designated for a particular purpose. However, the board reserves the right to utilize the donation as it deems appropriate." Ms. Turner stated that the attorneys believed there was room for concern in regard to Title IX. Mr. Norrell explained that Title IX is about providing opportunities. Up to this point, the building has been used for a male sport, football. Mr. Norrell stated there are some concerns if the Board restricts itself by signing the gift agreement to only allow it to be used by a male sport. In regard to a question about use of the field, Mr. Winslow stated that from March 3rd to the week before exams, spring practice for football is allowed by the North Carolina High School Athletic Association. Therefore, the facility will be used for football basically year-round.

Mrs. Spaugh stated her issue is that this is a decision for the administration, not the Board or the donor. In regard to the agreement versus the letter, Mr. Norrell stated the school system gains nothing by signing the agreement. The letter will acknowledge appreciation for the donor's gift and provide the donor documentation for tax purposes.

Mr. Winslow illustrated on the white board that in one of the previous drawings, the field house was to be located on the field where the concessions building is now located. When the field house was constructed outside the fence, the donor stopped construction of the building. Mr. Winslow stated the donor had specific instructions on how the football stadium was to be built. During the course of the project, the location of the field house changed and the donor became

upset. It appeared that the field house was not for football, but for the entire complex. Because of this, Mr. Winslow stated the donor's trust level for the administration is in question, and anything the Board sends may not be satisfactory to the donor.

In regard to the Policy 8220, Use of a Donation, Mr. Norrell stated that by signing the agreement, which is actually a contract, the agreement replaces the sentence from the policy, "However, the board reserves the right to utilize the donation as it deems appropriate." Following additional discussion, the Board decided to enter closed session.

Upon motion by Matt Peeler and second by Leary Winslow, the Board voted unanimously to enter closed session pursuant to General Statute 143-318.11 (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.


Upon motion by Leary Winslow and second by Arlene Yates, the Board voted to return to open session. The following action was taken by the Board upon returning to open session.

Upon motion by Leary Winslow and second by Matt Peeler, the Board voted unanimously to enter into the gift agreement with Dr. and Mrs. Nixon modifying 2.c. by striking through the word "only" and adding to the end "subject to Title IX compliance" and to grant Superintendent Turner the authority to act on the Board's behalf related to this matter.

Following announcements regarding the upcoming holidays, the meeting was adjourned.



Dr. Anne White, Chairperson



Tanya Turner, Superintendent