



VIRGINIA BEACH CITY PUBLIC SCHOOLS CHARTING THE COURSE

School Board Services

Carolyn T. Rye, Chair
District 5 - Lynnhaven

Kimberly A. Melnyk, Vice Chair
District 7 – Princess Anne

Beverly M. Anderson
At-Large

Sharon R. Felton
District 6 – Beach

Jennifer S. Franklin
District 2 – Kempsville

Dorothy M. Holtz
At-Large

Laura K. Hughes
At-Large

Victoria C. Manning
At-Large

Jessica L. Owens
District 3 – Rose Hall

Trenace B. Riggs
District 1 – Centerville

Carolyn D. Weems
District 4 - Bayside

Aaron C. Spence, Ed.D., Superintendent

School Board Regular Meeting MINUTES **Tuesday, April 26, 2022**

School Administration Building #6, Municipal Center
2512 George Mason Drive
P.O. Box 6038
Virginia Beach, VA 23456
(757) 263-1000

- 1. Administrative, Informal, and Workshop:** Chairwoman Rye convened the administrative, informal, and workshop session at 4:00 p.m. on the 26th day of April 2022 and announced members of the public will be able to observe the School Board meeting through live streaming on vbschools.com, broadcast on VBT Channel 47 and on Zoom. It is the School Board’s protocol to break at 5:30 p.m. to prepare for the Formal Session at 6:00 p.m. At 5:30 p.m., the School Board will conclude unless the School Board votes to continue to no later than 5:45 p.m. to allow the School Board and the School Administration to prepare for the Formal Session of the School Board Meeting at 6:00 p.m.

The following School Board members were present in the School Board chamber: Chair Rye, Vice Chair Melnyk (arrived at 4:42 p.m.), Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens (arrived at 4:06 p.m.), Ms. Riggs, and Ms. Weems. Ms. Franklin was not present at the meeting due to personal illness.
 - A. School Board Administrative Matters and Reports: Chairwoman Rye mentioned upcoming dedications (Princess Anne Middle School, Brock Classroom, Thoroughgood Elementary School), noted dates will be posted on the School Board SharePoint calendar; Teacher of the Year Celebration – May 6; Brickell Scholars – May 19 (virtual); mentioned the superintendent evaluation process and evaluation instrument; noted process continuing for establishment of Legal Department (effective July 1), more information forthcoming; mentioned presentation to City Council on April 19, Chair Rye presented along with Superintendent Spence, Crystal Pate, Chief Financial Officer, and Jack Freeman, Chief Operations Officer; working on a combined meeting with City Council counterparts to discuss sharing additional revenues; and book appeal committee has met and is drafting its recommendation to the School Board.
 - B. Market Study Proposal: Cheryl Woodhouse, Chief Human Resources Officer presented the School Board information regarding the goals, project steps, and timeline for the impending market study in instructional and non-instructional positions; provided a summary and overview of the compensation study; Ms. Woodhouse introduced Ms. Heather Kazemi from Segal; Ms. Kazemin continued the presentation and provided a background of the company; reviewed the project goals: 1) revise and adopt the School Board’s Compensation Philosophy, 2) understand and evaluate the division’s competitiveness in the market, 3) implement a compensation program; reviewed project steps: project initiation, employee communications and survey, Board retreat: compensation philosophy, market assessment, recommendation: pay plan design and cost modeling; reviewed the timeline for project steps; deliverable timelines: June-July – final compensation philosophy delivered, June-July – employee

survey final report delivered, August-September – market study final report delivered, October-November – recommendations delivered, November-December – School Board presentation.

The presentation continued with questions and comments regarding clarification of last study; implementation of previous study; benefits; incentives; equitable accessibility for all staff for the survey; small group meetings; compensation as a priority; clarification of CIP funds, revision funds; liability insurance; pay based on performance not longevity.

- C. Public-Private Education Facilities and Infrastructure Act (PPEA) Update: Jack Freeman, Chief Operations Officer provide a brief explanation and background for the presentation; Melisa Ingram, Executive Director, Facilities Services provided the School Board an update regarding the PPEA (Public-Private Education Facilities and Infrastructure Act) process; reviewed what is a PPEA project; reviewed CIP projects (the three replacement schools): Princess Anne High School Replacement, B.F. Williams Elementary School/Bayside 6th (Grades 4-6) Replacement and Bayside High School Replacement; benefits of the PPEA process: schools open sooner, cost savings, prototype high school plan, financial commitments; reviewed timelines from June 2021-April 2022; discussed next steps/critical milestones: April 2022 – short-list preferred proposer, May-June 2022 – finalize interim agreement with preferred proposer, June/July 2022 – information to School Board, July 2022 – post interim agreement for public (30 days), August 2022 – obtain approvals by School Board and City Council, September 2022-Spring 2023 – design matures through input process, review work performed under interim agreement, negotiate comprehensive agreement for GMP, late Spring 2023 – obtain approvals by School Board and City Council; reviewed staff recommendation – continue the PPEA process to negotiate an interim agreement with the preferred proposer for: Princess Anne High School replacement, B.F. Williams/Bayside 6th replacement, Bayside High School replacement.

The presentation continued with questions and comments regarding the number of offers; input on design of schools; reviewed timeline; clarification of next steps; members on committee; explanation of GMP – guaranteed maximum price; can reach out to Melisa Ingram and Jack Freeman for any other questions.

2. **Closed Session:** None during the administrative, informal, and workshop session. See agenda item #17.
3. **School Board Recess:** Chairwoman Rye adjourned the administrative, informal, and workshop session at 4:57 p.m.
4. **Formal Meeting (School Board Chambers)**
5. **Call to Order and Roll Call:** Chairwoman Rye convened the meeting of the School Board in the School Board chamber at 6:00 p.m. on the 26th day of April 2022 and noted members of the public will be able to observe the School Board meeting through livestreaming on vbschools.com, broadcast on VBTV Channel 47, and on Zoom.

The following School Board members were present in the School Board chamber: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. Ms. Franklin was not present at the meeting due to personal illness.

6. **Moment of Silence followed by the Pledge of Allegiance**

7. **Student, Employee and Public Awards and Recognition**

- A. Advanced Technology Center – State DECA Leadership Conference, Human Resources Management event: The School Board recognized Mariah Kennedy, a junior at Green Run Collegiate (GRC) and a Marketing & Entrepreneurship student at the Advanced Technology Center, for her first-place state win in the Human Resources Management Role-Play event, at the Virginia leadership conference for the Distributive Education Clubs of America, more commonly known as DECA.

8. **Adoption of the Agenda:** Chairwoman Rye noted there was updated information added to agenda item #15C regarding additional grant funding, the information was sent to School Board members and the agenda packet was updated accordingly for both the public and School Board members. Chairwoman Rye called for any modifications to the agenda as presented. Hearing none, Chairwoman Rye called for a motion to approve. Ms. Manning made the motion, seconded by Ms. Hughes. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

- 9. Superintendent's Report:** Superintendent Spence shared the following information: 1) recognized Erin Nye, Library Media Specialist from Kingston Elementary School, who was recently named the Regional Librarian of the Year for the York Region by the Virginia Association of School Librarians, also known as V-A-A-S-L; 2) in April, highlighted our paraprofessionals, classified instructional supports including teacher assistants, job coaches, tutors, preschool and kindergarten assistants and general assistants, as well as our administrative professionals, clerical support staff and our assistant principals for their hard work and dedication; 3) observed in April the Month of Military Child, an annual recognition sponsored by the Department of Defense Military Community and Family Policy, that gives us a chance to acknowledge military families and their children for the daily sacrifices and the challenges they overcome. This April marked the 35th Anniversary of The Month of the Military Child. There are approximately 13,000 military-connected students enrolled in our division; 4) Kindergarten registration begins April 26; 5) Thursday, April 28 from 6-7 pm, a virtual Family Connection session – Earth to VB: Caring for our Community and our Planet; and 6) VB Schools has been honored for the 13th consecutive year as one of the Best Communities for Music Education by the National Association of Music Merchants Foundation. VBCPS is in the top 5% of districts across the nation to receive this prestigious award.
- 10. Approval of Meeting Minutes**
- A. April 5, 2022 Regular School Board Meeting: Chairwoman Rye called for any modifications to the April 5, 2022 regular School Board meeting minutes as presented. Hearing none, Chairwoman Rye called for a motion to approve the April 5, 2022 meeting minutes as presented. Ms. Holtz made the motion, seconded by Ms. Hughes. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.
- 11. Public Comments (until 8:00 p.m.):** Chairwoman Rye announced the School Board will hear public comments on matters relevant to PreK-12 public education in Virginia Beach and the business of the School Board and the School Division from citizens and delegations who signed up with the School Board Clerk prior to the meeting. Chairwoman Rye mentioned information regarding speaker process, decorum and order, and submitting comments via group email. There were four (4) in person speakers; topics discussed were books in schools; administration at Rosemont Elementary School; VSBA dues; School Board members decorum; issue with child's school; Code of Conduct. The public comments ended at 6:27 p.m.
- 12. Information**
- A. Interim Financial Statements – March 2022: Daniel Hopkins, Director of Business Services presented the following financial information as of March 31, 2022 to the School Board: overall revenue trend remains acceptable at this point in the fiscal year; noted General Assembly is in session try to approve the Governor's budget, updates will be forthcoming after final legislative action; federal revenues are showing an acceptable trend; received Impact Aid payments of approximately \$10 million year-to-date; other revenue sources are acceptable at this point in the fiscal year; sales tax receipts are at an acceptable level; year-to-date approximately \$7.8 million higher than the same time last year; noted April sales tax receipts are approximately \$900,000 over last April; expenditures and encumbrances trend continue to remain acceptable at this point in the fiscal year.
- B. General Fees Schedule FY 2022-2023: Crystal Pate, Chief Financial Officer presented the School Board information regarding the proposed FY 2022-23 General Fees Schedule including the rates for student fees for optional/ancillary services or activities; noted no increase in student meal prices for the next school year; may need to raise meal prices for the 2023-24 school year; fee for the new pharmacy tech course; semesters of parenting and child care occupations are combined into a new year-long course with revised associated fees; fee line for dental assisting students is eliminated; student tuition fees for non-resident students; children of VBCPS employees who live outside of Virginia Beach to attend Virginia Beach schools tuition-free.

The presentation continued with comments and questions regarding recommendation of employees' children to attend tuition free; financial impact of tuition free; will provide School Board with information.

- C. Virginia School Board Association Renewal Dues: Chairwoman Rye open the floor for discussion; payments and fees to VSBA; conventions and webinars; last year's amount \$13,184.82; lobbyist group; priorities of VSBA; taxpayer funds; need to vote on topic; professional organization; professional development activities; legislative support to School Board members; politics of organization, does not represent all School Board members; process of VSBA and presenting legislation; vote at next School Board meeting on VSBA renewal.
- D. Policy Review Recommendations: School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney provided the School Board information on the following policies as reviewed by the PRC at its April 7, 2022 meeting
 1. Policy 3-84/School Lunch and Breakfast Program/Generally: The PRC recommends amendments to reflect recent statutory changes; a brief discussion followed regarding collecting unpaid meal bills; clarification of new legislation; use of legal action.
 2. Policy 7-57/Vehicles, Motorized Devices and Animals on School Grounds: The PRC recommends scrivener's changes and correction of a code citation.
 3. Policy 7-61/Relations with Governmental Agencies: Public Safety Agencies and Disaster Agencies: The PRC recommends amendments to add new statutory language
 4. Policy 7-62/Relations with Governmental Agencies: Department of Parks and Recreation: The PRC recommends scrivener's changes.
 5. Policy 7-63/Relations with Governmental Agencies: Voter Registrar's Office: The PRC recommends amending the job title for the Registrar and scrivener's changes.
 6. Policy 7-65/Membership in Educational Associations: Virginia High School League (VHSL): The PRC recommends no changes after completing the required review.
 7. Policy 7-69/Relations with Non-Governmental Organizations: Colleges and Universities: The PRC recommends no changes after completing the required review.
 8. Policy 7-70/Relations with Non-Governmental Organizations: Corporate and Other Private Sponsorship of Interscholastic Activities: The PRC recommends scrivener's changes.

13. Return to public comments if needed: As noted under agenda item #11, public comments ended at 6:27 p.m.

14. Consent Agenda: Before reading the items on the Consent Agenda, Chairwoman Rye called for a motion to approve. Vice Chair Melnyk made the motion, seconded by Ms. Anderson. Chairwoman Rye read the items on the Consent Agenda. It was mentioned that the resolution regarding the Sale of Property of a Portion of Kellam High School Property to the City of Virginia Beach had the incorrect amount, the correct amount is \$1,600.00, updated copies of the resolution were given to the School Board members and the presentation slide was also updated.

- A. Technology and Career Education Carl Perkins SY 2023 Grant: Recommendation that the School Board approve the Local Plan and Budget for Perkins Grant Funding for Career and Technical Education 2022-2023.
- B. Resolution: Teacher Appreciation Week: Ms. Felton read the following resolution:

RESOLUTION

Teacher Appreciation Week May 2-6, 2022

WHEREAS, research shows that classroom teachers have a significant impact on student achievement and success; and

WHEREAS, teachers' efforts in planning, teaching and assessing directly impacts student growth; and

WHEREAS, teachers work in collaboration with school administrators to engage families and the community to create challenging, authentic learning opportunities for children; and

WHEREAS, the School Board appreciates the hard work and time teachers dedicate to support student achievement both inside and outside of the classroom; and

WHEREAS, this dedication contributes to a strong, positive school culture; and

WHEREAS, the school division has partnered with our parents and community members to express our appreciation for teachers through the "#LoveVBTeachers" campaign; and

WHEREAS, the school division uses this campaign to highlight the work of our extraordinary instructional staff throughout the entire school year but especially during Teacher Appreciation Week.

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach officially recognizes May 2-6, 2022 as Teacher Appreciation Week; and be it

FURTHER RESOLVED: That the School Board of the City of Virginia Beach encourages all community members support and participate in activities designed to recognize teachers for their tireless work as educational leaders; and be it

FURTHER RESOLVED: That a copy of this resolution be spread across the official minutes of this Board; and be it

FURTHER RESOLVED: That a copy of this resolution be distributed to each school in the division to be posted in a prominent location.

Adopted by the School Board of the City of Virginia Beach this 26th day of April 2022

- C. Religious Exemption(s): Recommendation that the School Board approve Religious Exemption Case No. RE-21-16 and RE-21-11.
- D. Resolution Regarding the Sale of Property of a Portion of Kellam High School Property to the City of Virginia Beach: Vice Chair Melnyk read the following resolution:

RESOLUTION REGARDING THE SALE OF PROPERTY OF A PORTION OF KELLAM HIGH SCHOOL PROPERTY TO THE CITY OF VIRGINIA BEACH

WHEREAS, the City of Virginia Beach (the "City") has identified the need to purchase certain School Board real property, to-wit: 748 square feet, located on the Kellam High School site and identified as a portion of parcel GPIN 1493-79-0082 (the "School Board Property"), for right-of-way purposes as part of the City's West Neck Road Phase IV Project CIP 100483 (formerly CIP 2-088) (the "Project");

WHEREAS, the Project will provide for the design and construction of paved shoulders for cyclists, pedestrian accommodations, and drainage swales along West Neck Road;

WHEREAS, the City has proposed purchasing the School Board Property for fair market value which will enable the City to complete the Project;

WHEREAS, Virginia Code §22.1-129(B) allows the School Board to convey real property that it determines is surplus of its needs;

WHEREAS, due to the negligible impact the conveyance of the School Board Property will have on the Kellam High School site and the expected benefits to be derived for the citizens of the City of Virginia Beach, the School Board is of the opinion that conveyance of the School Board Property for such right-of-way purposes is a benefit to both parties.

NOW THEREFORE BE IT RESOLVED that:

1. The School Board finds that conveying the School Board Property to the City of Virginia Beach for right-of-way purposes is a benefit to the citizens and that the sale of the area for right-of-way purposes will not adversely impact the residue of the Kellam High School site. Further, in accordance with Virginia Code §22.1-129(B), the School Board does not have further use of the area to be sold.
2. The School Board agrees to accept the fair market value of \$1,600.00 as payment in full for the 748 square feet to be conveyed to the City.
3. The School Board authorizes the Chair or her designee to execute any and all documents desired and necessary to complete the above-referenced transaction and to take all actions necessary to have these funds retained by the School Board.

Adopted by the School Board of the City of Virginia Beach this 26th day of April 2022.

Chairwoman Rye called for a vote to approve the Consent Agenda items as presented. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

15. Action

- A. Personnel Report / Administrative Appointments: Chairwoman Rye Called for a motion to approve the April 26, 2022 personnel report and administrative appointments. Vice Chair Melnyk made the motion, seconded by Ms. Anderson that the School Board approve the appointments and the acceptance of the resignations, retirements, and other employment actions as listed on the April 26, 2022 personnel report along with administrative appointments as recommended by the Superintendent. Without discussion, Chairwoman Rye called for a vote. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.
Superintendent Spence introduced the following: Jennifer V. Corso, Administrative Assistant, Lynnhaven and Rosemont Elementary Schools as Assistant Principal, Rosemont Elementary School; Tara J. Kirsch, Administrative Assistant, Princess Anne Elementary School as Assistant Principal, Pembroke Meadows Elementary School; Taylor M. Loudermilk, Administrative Assistant, W.T. Cooke Elementary School as Assistant Principal, Kempsville Elementary School; Tennille Bowser, Principal, Lynnhaven Middle School as Principal, Green Run High School; Lauren C. Cave, Ed.D., Assistant Principal, Corporate Landing Middle School as Human Resources Specialist, Department of Human Resources; and recognized Robert B. Jamison, Executive Director, Student Support Services, Office of Student Support Services, who was appointed at the April 5, 2022 but could not attend the meeting.
- B. Budget Transfers: Chairwoman Rye called for a motion to approve budget transfers. Ms. Owens made the motion, seconded by Ms. Hughes. Crystal Pate, Chief Financial Officer mentioned the listing of budget transfers listed in the agenda packet; transfers are a result from mid-year spending analysis; without discussion, Chairwoman Rye called for a vote to approve the budget transfers. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.
- C. Resolution Regarding Additional Grant Funding FY 2021-2022: Chairwoman Rye called for a motion to approve the resolution regarding additional grant funding FY 2021-2022. Ms. Riggs made the motion, seconded by Ms. Holtz. Crystal Pate, Chief Financial Officer noted the resolution was brought before the School Board at the April 5, 2022 meeting; there was a revision to the resolution for this fiscal year; on April 15, received notification from the Department of Education that we received an award; award provides incentives of \$2,500 or \$5,000 to an employee hired between August 15, 2021 and November 30, 2021; Human Resources in the process of identifying those employees; need to be a full-time employee, receive a good performance evaluation for this fiscal year, and have a commitment that they will work in the fiscal year 2023; Vice Chair Melnyk read the following resolution:

Resolution Regarding Additional Grant Funding for FY 2021/22

WHEREAS, The City of Virginia Beach's adopted Budget Ordinance for the current fiscal year appropriated funds to the School Board of the City of Virginia Beach; and

WHEREAS, the Schools have budgeted an amount of \$204,198,866 in the current fiscal year FY 2021/22 in the Categorical Grants fund; and

WHEREAS, this budgeted amount in the Categorical Grants fund is \$20,907,617 short of the amount needed to fund five new American Rescue Plan (ARP) awards, a proposed amendment to the Early Reading Initiative state grant as outlined in HB29/SB29, and the new ESSER III Recruitment Incentive for Public Education grant as recently outlined in Superintendent's Memo 083-22; and

WHEREAS, examples of the proposed spending plan for the Early Reading Initiative state grant includes tutoring and related instructional support in the classroom; and

WHEREAS, examples of the proposed spending plan for the ESSER III Recruitment Incentive for Public Education grant includes one-time bonuses for regular and hard to staff teaching positions; and

WHEREAS, examples of the proposed spending plans for the five ARP awards (ARP Coronavirus State and Local Fiscal Recovery Funds, ARP Unfinished Learning, ARP Before and After School Programs, ARP Summer Learning, and ARP Homeless Children and Youth) include HVAC replacement and renovations, stipends for reading and math teachers, instructional materials and supplies, additional instructional staffing before and after school, web-based STEM activities, transportation, summer school staffing, social emotional support through CHKD's bridge program, and case management and school supplies for homeless children and youth respectively; and

WHEREAS, the School Board of the City of Virginia Beach requests an additional appropriation of \$20,907,617 into the Categorical Grants fund; and

WHEREAS, appropriations of funds must be approved by the City Council prior to the expenditure of funds by the School Board of the City of Virginia Beach; and

NOW, THEREFORE, BE IT

RESOLVED: that the School Board of the City of Virginia Beach approves and affirms the necessary appropriation and recommended uses of these funds; and be it

FURTHER RESOLVED: that the School Board of the City of Virginia Beach requests an additional appropriation of \$20,907,617 into the Categorical Grants fund; and be it

FINALLY RESOLVED: That a copy of this Resolution be spread across the official minutes of this School Board, and the Clerk of the School Board is directed to deliver a copy of this Resolution to the Mayor, each member of the City Council, the City Manager, and the City Clerk.

Adopted by the School Board of the City of Virginia Beach this 26th day of April 2022.

Without discussion, Chairwoman Rye called for a vote on the resolution regarding additional grant funding for FY 2021/2022. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

- D. FY 2022-2023 Budget Amended Resolution: Chairwoman Rye called for a motion to approve the FY 2022-2023 budget amended resolution. Ms. Riggs made the motion, seconded by Ms. Owens. Vice Chair Melnyk read the following resolution:

Amended Budget Resolution – FY2022/23

WHEREAS, the mission of Virginia Beach City Public Schools (VBCPS), in partnership with the entire community, is to empower every student to become a life-long learner who is a responsible, productive, and engaged citizen with the global community; and

WHEREAS, the School Board of the City of Virginia Beach approved the FY2022/23 School Board Proposed Operating Budget on March 8, 2022; and

WHEREAS, the current amount budgeted in the Categorical Grants Fund is \$166,137,948; and

WHEREAS, this budgeted amount is \$14,432,365 short of the carryover amount needed to fund the American Rescue Plan (ARP) Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) grant and additional Title I FY22/23 state appropriations; and

NOW, THEREFORE, BE IT

RESOLVED: that the Categorical Grants fund be increased by \$14,432,365; and be it

FURTHER RESOLVED: that the additional funds be used for HVAC replacement and renovations and to raise the achievement of the lowest-achieving students; and be it

FINALLY RESOLVED: That a copy of this Resolution be spread across the official minutes of this School Board, and the Clerk of the School Board is directed to deliver a copy of this Resolution to the Mayor, each member of the City Council, the City Manager, and the City Clerk.

Adopted by the School Board of the City of Virginia Beach this 26th day of April 2022.

Crystal Pate, Chief Financial Officer mentioned this is amending the budget that has not been adopted yet; related to the categorical grants but mainly to the five grants from the American Rescue Plan; noted the Title I grant will be approximately \$4.7 million higher; a clarifying question was asked regarding the additional funding which was for Title I; without further discussion, Chairwoman Rye called for a vote on the FY 2022/23 budget amended resolution. The School Board Clerk announced there were ten (10) ayes in favor of the motion: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. The motion passed, 10-0-0.

- E. Disposition of School Board Owned Property (Laskin Road Annex): Chairwoman Rye called for a motion to approve the disposition of School Board owned property (Laskin Road Annex). Ms. Felton made a motion, seconded by Ms. Anderson. Vice Chair Melnyk read the following resolution:

**RESOLUTION REGARDING THE SALE OF SCHOOL BOARD PROPERTY
LOCATED AT 1413 LASKIN ROAD**

WHEREAS, the School Board of the City of Virginia Beach (the "School Board") is the owner of a parcel of land consisting of approximately 12.41 acres, located at 1413 Laskin Road and identified as parcel GPIN 2417-18-3772, which in recent years was used as the Laskin Road Annex and is more particularly described on Exhibit A, attached hereto and made a part of this Resolution (the "School Board Property");

WHEREAS, a Request for Proposals was issued on June 20, 2021, and after a committee made up of representatives from the City of Virginia Beach and Virginia Beach City Public Schools evaluated all the proposals and conducted interviews among the top four proposals, Franklin Johnston Group Management & Development, LLC ("Franklin Johnston") was selected as the preferred respondent;

WHEREAS, Franklin Johnston's proposal includes purchasing the School Board Property to construct a mixed-use development, including apartments, approximately 50,000 square feet of office, approximately 6,000 square feet of retail, a 5,000 (+/-) square-foot restaurant, structured parking, and related amenities and surface parking (the "Project");

WHEREAS, Virginia Code §22.1-129 allows the School Board to sell real property that it determines it has no future use for, and the School Board has held a public hearing on April 5, 2022 to take public comment on the proposed sale of the School Board Property to Franklin Johnston or its related development company, TFJG Canopy LLC, and retention of the proceeds therefrom; and

WHEREAS, due to the determination that the School Board Property is no longer needed for educational purposes, and the expected benefits that will be derived from the Project for the citizens of Virginia Beach, the School Board is of the opinion that sale of the School Board property to Franklin Johnston would be in the public interest and a benefit to all parties.

NOW THEREFORE BE IT RESOLVED that:

1. In accordance with Virginia Code §22.1-129, the School Board finds that it does not have further use for the School Board Property located at 1413 Laskin Road, GPIN 2417-18-3772, as more particularly described on Exhibit A, and determines that it should be declared surplus and may be sold, so long as the City Council allows the School Board to retain the proceeds from the sale.
2. The School Board Property is authorized to be sold to Franklin Johnston or its related development company, TFJG Canopy LLC, and the total amount of compensation to be paid for the School Board Property for this transaction is \$7,000,000.00.
3. Should the City Council of Virginia Beach authorize the School Board to retain the proceeds from this sale, the funds shall be allocated towards the School Board's capital improvement program.
4. Additionally, the School Board authorizes the Chair or her designee to execute any and all documents necessary to complete the above-referenced transaction, so long as they are substantially consistent with the terms set forth above and have been deemed by the attorney for the School Board to be legally sufficient.

Adopted by the School Board this 26th day of April 2022.

Melissa Ingram, Executive Director, Office of Facilities Services recapped the timeline, March 22nd information was presented to the School Board, April 5th was a public hearing regarding the property; (note: Becky D. Kubin, Deputy City Attorney was present at the meeting to help answer questions); the discussion continued with questions and comments regarding the purchase agreement; escrow deposit; consideration sum; right of entry demolition; rezoning of property; clarification of language in the resolution "substantially consistent"; without further discussion, Chairwoman Rye called for a vote on disposition of School Board owned property (Laskin Road Annex). The School Board Clerk announced there were nine (9) ayes in favor of the motion: Chairwoman Rye, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems. There was one (1) abstention: Vice Chair

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Melnyk, who is part of the Neptune Festival and King Neptune this year is Mr. Taylor Franklin, who is part of the Franklin Johnston Group Management. The motion passed, 9-0-1.

- 16. *Committee, Organization or Board Reports:*** Ms. Riggs shared the Sister Cities Youth Ambassador for 2022-23, Lucia Morton, a student at the Business and Entrepreneurship Academy, Kempsville High School; Ms. Felton mentioned the 2022 graduation for practical nurses, there were 10 graduates; Ms. Felton also attended the VSBA Tidewater Spring Forum, Delegates Davis, Simonds, and Jenkins attended the forum meeting, JT Kessler also presented information at the forum meeting; Ms. Weems mentioned the monthly Special Education Advisory Council (SEAC) meeting will be May 9th at 9:30 a.m. at the Williams Farm Rec Center; Chairwoman Rye mentioned the Governance Committee meeting next week.

The formal meeting concluded at 7:51 p.m.

- 17. *Return to Administrative, Informal, Workshop or Closed Session matters:*** Vice Chair Melnyk made a motion, seconded by Ms. Anderson that the School Board recess into Closed Session to deliberate on the following matters:
1. A closed meeting pursuant to the exemptions from open meetings allowed by Section 2.2-3711, Part A, Paragraphs 7 and 8, as amended,
 - A.7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter and
 - A.8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Namely to discuss:

1. Settlement conference related to pending federal court cases.

There were ten (10) ayes in favor of the motion to recess into closed session: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems.

Individuals present for discussions in the order in which matters were discussed:

A7. CONSULTATION WITH LEGAL COUNSEL

A8. CONSULTATION WITH LEGAL COUNSEL:

1. Settlement conference related to pending federal court cases: School Board members: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems; School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney; Anne C. Lahren, Attorney, Pender & Coward; Superintendent Spence; Regina M. Toneatto, Clerk of the Board.

Note: Ms. Owens recused her from one of the discussions. Ms. Owens left the closed session at 8:03 p.m. and returned to the closed session at 8:45 p.m.

The School Board reconvened at 8:59 p.m.

Certification of Closed Session: Vice Chair Melnyk read the Certification of Closed Session:

WHEREAS, the School Board of the City of Virginia Beach has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this School Board that such closed meeting was conducted in conformity with Virginia law.

School Board of the City of Virginia Beach
School Administration Building #6 Municipal Center
2512 George Mason Drive,
Virginia Beach, VA 23456
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NOW, THEREFORE, BE IT RESOLVED that the School Board of the City of Virginia Beach hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered.

Ms. Manning made the motion for the Certification of Closed Session, seconded by Ms. Anderson. There were nine (9) ayes in favor of the motion: Chairwoman Rye, Vice Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Riggs, and Ms. Weems. There was one (1) abstention: Ms. Owens, she was not present for the entire closed session. The motion passed 9-0-1.

- 18. Adjournment:** Chairwoman Rye adjourned the meeting at 9:01 p.m.

Respectfully submitted:

Regina M. Toneatto, Clerk of the School Board

Approved:

Carolyn T. Rye, School Board Chair