

AGENDA--CITY COUNCIL
CITY OF MARTINSVILLE, VIRGINIA

Council Chambers – Municipal Building
6:00pm Closed Session 7:00pm Regular Session
Tuesday May 25, 2021

6:00 pm - Closed Session

Items to be considered in Closed Session, in accordance with the Code of Virginia, Title 2.2, Chapter 37—Freedom of Information Act, Section 2.2-3711(A)—Closed Meetings, the following:

- A. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, as authorized by Subsection 6.

7:00 pm - Regular Session

Pledge to the American Flag and Invocation by Mayor Lawson

1. Approve minutes from the May 11, 2021 Council Meeting, the May 12, 2021 Work Session and the May 13, 2021 Work Session. (5 mins)
2. Recognize City Employees who are eligible for Service Awards for the period April 1 – June 30, 2021. (5 mins)
3. Present awards to Martinsville Middle School students who recently participated in Virginia Municipal League's "If I Were Mayor" Contest. (15 mins)
4. Conduct a public hearing regarding the need to adopt the real estate tax rate of \$1.0621/\$100 assessed value for the FY22 budget. (5 mins)
5. Conduct a public hearing on the City's FY21-22 budget and consider approval of Budget Ordinance 2021-U-1 on first reading. (20 mins)
6. Consider approval of a bond amendment regarding financing for the Beaver Creek Reservoir Dam repair project. (10 mins)
7. Consider setting a public hearing for Council's June 8, 2021 meeting for the purpose of receiving names of citizens interested in appointments for two 3-year terms ending June 30, 2024 on the Martinsville City School Board. (10 mins)
8. Consider approval of the consent agenda. (5 mins)
9. Business from the Floor - **CANCELLED**
As a result of COVID-19 issues, business from the floor will not occur at City Council meetings until further notice. Citizens desiring to present comments for Council's consideration may do so by emailing the comments to Karen Roberts, Clerk of Council at kroberts@ci.martinsville.va.us, calling in the comments to 276-403-5182, faxing comments to 276-403-5280, or mailing comments to City of Martinsville, attn.: Karen Roberts, P.O. Drawer 1112, Martinsville, VA 24114. Comments must be received by noon, May 25 for consideration by Council at this meeting.
10. Comments by members of City Council. (5 minutes)
11. Comments by City Manager and City Attorney. (5 minutes)

Meeting Date: May 25, 2021

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of minutes

Summary: None

Attachments: May 11, 2021 Council Meeting
May 12, 2021 Work Session
May 13, 2021 Work Session

Recommendations: Motion to approve minutes as presented.

Meeting Date: May 25, 2021

Item No: 2.

Department: Human Resources

Issue: Recognize City Employees who are eligible for Service Awards for the period April 1 – June 30, 2021.

Summary: The Service Award Program is designed to build individual morale and show appreciation to the long-service employee for their faithful service to the City of Martinsville.

**SERVICE AWARD RECIPIENTS
FOURTH QUARTER - FISCAL YEAR 20-21
FOR THE PERIOD OF APRIL 1 – JUNE 30, 2021**

First Name	Last Name	Location Desc	Years of Service
MATTHEW	SHUMATE	ELECTRIC CONSTRUCTION	5
COREY	AGEE	SHERIFF - JAIL	5
CHARLES	CREASY	SHERIFF - JAIL	5
ROY	LINEBERRY	SHERIFF - JAIL	5
CHARLES	GRIFFITH	POLICE DEPT	5
ADAM	PARNELL	POLICE DEPT	5
STEVEN	ROGERS	POLICE DEPT	5
TONY	HALL	CENTRAL GARAGE	5
RICKY	HUNDLEY	SEWER MAINTENANCE	10
ALBERTO	HERRERO	COMMONWEALTH'S ATTORNEY	10
JASON	HAIRFIELD	STREET MARKING & SIGNS	10
HARVEY	YORK	WASTEWATER PLANT	15
MICHAEL	MARTIN	CITY HALL MAINTENANCE	20
CHARLES	ANDERSON	TRAFFIC SIGNALS	25

Attachment: None

Recommendation: The Mayor will read the list.

Date: May 25, 2021

Item No: 3.

Department: City Council

Issue: Present awards to Martinsville Middle School students who recently participated in Virginia Municipal League's "If I Were Mayor" Contest.

Summary: Each fall the Virginia Municipal League (VML) invites all Virginia 7th grade students to participate in its "If I Were Mayor" essay contest. The essays describe what the student would do as mayor to make their cities, towns, and counties great places to live.

Martinsville Middle School's 7th grade class submitted entries to this contest with the eventual winning essay from this region coming from Martinsville Middle School student Marjorie Davis.

To recognize others who participated, City Council reviewed the essays submitted by local students and as a group, selected a 1st, 2nd, and 3rd place winner. Council will recognize the students at the May 25th meeting.

Attachments: None

Recommendation: Read the names of students selected as the 1st, 2nd, and 3rd place winners, and present award certificates.

Date: May 25, 2021

Item No: 4.

Department: Finance

Issue: Conduct a public hearing regarding the need to adopt the real estate tax rate of \$1.0621/\$100 assessed value for the FY22 budget.

Summary: In the proposed FY22 Budget presented to City Council on May 11th, it was noted that the recent reassessment of real estate in the City resulted in more than a 1% increase in property values, with a corresponding anticipated increase in real estate tax revenue. The proposed budget as presented included a \$90,000 increase in real estate tax revenue. In accordance with §58.1-3321 of the Code of Virginia, if the levy exceeds the prior year's levy by more than 1%, a public hearing must be held to adopt a rate that exceeds a 1% levy. As requested at the budget presentation, Council set the Public Hearing for May 25th.

During budget reviews, however, Council adopted a lower tax rate to equalize real estate revenue from FY21 to FY22, and the rate Council adopted is \$1.03975/\$100. Consequently, with the adoption of this rate, the public hearing is no longer required.

Attachments: None

Recommendation: Open the public hearing as advertised and note for the record that with Council's adoption of a lower real estate tax rate of \$1.03975, the hearing is no longer necessary. Inviting public comment is optional, but not necessary. Proceed to close the hearing, with no further action by Council required.

Meeting Date: May 25, 2021

Item No: 5.

Department: City Council

Issue: Conduct a public hearing on the City's FY21-22 budget and consider approval of Budget Ordinance 2021-U-1 on first reading.

Summary: The City's proposed FY22 budget was presented to Council at the May 11, 2021 meeting. Work sessions were held on Wednesday, May 12th with City departments and capital, and Thursday, May 13th with schools and the Sheriff's Dept.

The budget as presented included leaving all tax rates and fees at the FY21 levels, however, due to reassessment of City real estate, an increase in real estate tax revenue of \$90,000 was projected and included in the FY22 budget. From discussions at the work sessions, Council voted to reduce the real estate tax rate to a level that will generate the same amount of estimated real estate tax revenue in FY22, as was generated in FY21 and to do so, the real estate tax rate will decrease from \$1.0621/\$100 to \$1.03975/\$100, with a subsequent reduction of \$90,000 of expenditures from the budget.

Attachments: Ordinance 2021 -U-1, outlining fund details of the proposed City's FY21-22 budget.

Recommendations: Conduct public hearing and approve on first reading (roll call vote), subject to changes or modifications Council desires to make.



Ordinance 2021-U-1

The Budget for Fiscal Year 2021-2022

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session assembled June 8, 2021, that the following sums of money be and hereby are appropriated — by specific Fund — for the City's fiscal year ending June 30, 2022, from the following Fund sources of estimated revenue:

**SUMMARY STATEMENT OF BUDGET ESTIMATES
2021-2022**

FUND	PROJECTED REVENUES	BUDGETED EXPENDITURES	CHANGES FUND BALANCE
General	\$31,318,454	\$34,218,454	(\$2,900,000)
Meals Tax	\$2,472,720	\$2,472,720	\$0
Capital Reserve	\$884,694	\$884,694	\$0
Refuse	\$1,883,000	\$2,764,837	(\$881,837)
Telecommunications	\$2,377,707	\$2,377,707	\$0
Water	\$3,486,750	\$4,670,263	(\$1,183,513)
Sewer	\$4,597,512	\$5,369,637	(\$772,125)
Electric	\$20,100,024	\$20,883,990	(\$783,966)
CDBG	\$22,132	\$1,608	\$20,524
Cafeteria*	\$1,699,679	\$1,739,915	(\$40,236)
School Operating*	\$23,703,197	\$23,703,197	\$0
TOTALS:	\$92,545,869	\$99,087,022	(\$6,541,153)

*Cafeteria and School Operating Funds information provided by School Personnel.

Tax Rates:

Real Estate:	\$1.03975 per \$100 assessed value
Personal Property:	\$2.30 per \$100 assessed value (unchanged)
Machinery & Tools:	\$1.85 per \$100 assessed value (unchanged)

BE IT FURTHER ORDAINED by said Council that this Ordinance shall be effective on and after July 1, 2021.

* * * * *

Attest:

Karen Roberts, Clerk of Council

Date: May 25, 2021

Item No: 6.

Department: Finance

Issue: Consider approval of a bond amendment regarding financing for the Beaver Creek Reservoir Dam repair project.

Summary: In July, 2020, City Council adopted an ordinance authorizing the issuance of up to \$2,500,000 principal amount of water and sewer revenue bonds related to a dam repair project at the City's Beaver Creek Reservoir. The financing agreement, however, between the City and Virginia Resource Authority (VRA) was structured around a maximum principal amount of \$2,208,750 that was based on bids received for the project, leaving additional financing "capacity" of \$291,250.

Since that time, work has progressed on the project and is almost complete. During final stages of work, it was discovered that additional repairs are needed that could push total to \$2,694,000. VRA has indicated use of the additional bond financing capacity (\$291,250) is acceptable, provided the governing body approves an amendment to the Financing Agreement to that effect. The balance of repair cost of \$194,000 will be covered through the City's Water Department budget or other means.

Attachments: Copy of original ordinance adopted on July 28, 2020

Recommendation: Approve amendment (motion, second, roll call vote) to the "Financing Agreement" definition in Section 1 of the ordinance, changing the expected maximum principal amount from \$2,208,750 to \$2,500,000, on an emergency basis in accordance with Chapter 3, Section 2B of the City Code.

CITY OF MARTINSVILLE, VIRGINIA

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,500,000 PRINCIPAL
AMOUNT OF WATER AND SEWER REVENUE BONDS OF THE CITY OF
MARTINSVILLE, VIRGINIA AND PROVIDING FOR THE FORM, DETAILS AND
PAYMENT THEREOF**

Adopted on July 28, 2020

Be it Ordained by the Council of the City of Martinsville, Virginia:

Section 1 Definitions

Unless the context shall clearly indicate some other meaning, the following words and terms shall for all purposes of the Ordinance and of any certificate, resolution or other instrument amendatory thereof or supplemental thereto for all purposes of any opinion or instrument or other documents therein or herein mentioned, have the following meanings:

“Act” shall mean the Public Finance Act, Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended.

“Bond” or “Bonds” shall mean the City’s Water and Sewer Revenue Bond, Series 2020, in the aggregate principal amount of up to \$2,500,000, authorized to be issued hereunder.

“Bond Counsel” shall mean Sands Anderson PC or another attorney or firm of attorneys nationally recognized on the subject of municipal bonds selected by the City.

“City” shall mean the City of Martinsville, Virginia.

“City Charter” shall mean the City Charter of the City of Martinsville, Virginia, as amended.

“Clerk” shall mean the Clerk of the Council or the Deputy Clerk of the Council.

“Commitment Letter” shall mean the commitment letter from VRA to the City dated June 24, 2020, and all extensions and amendments thereto.

“Commonwealth” shall mean the Commonwealth of Virginia.

“Council” shall mean the City Council of the City of Martinsville.

“Financing Agreement” shall mean the Financing Agreement between VRA and the City in the expected maximum principal amount of \$2,208,750 related to issuance of the Bond for the financing of the Project.

“Fund” shall mean the Virginia Water Facilities Revolving Fund.

“Funding Agreement” shall mean the Funding Agreement for principal forgiveness between VRA and the City in the expected maximum principal amount of \$289,710.

“Mayor” shall mean the Mayor or Vice Mayor of the City.

“Paying Agent” shall mean the City Treasurer acting as Paying Agent for the Bond hereunder or the successors or assigns serving as such hereunder.

“Project” shall mean specifically the acquisition, construction, renovation and equipping of repairs, replacements, and capital improvements at the City's Beaver Creek Reservoir Dam as a wastewater treatment facility, including repairs and renovations to the Dam's spillway, to assist in preventing excessive inflow and infiltration in the City's wastewater collection facilities and wastewater treatment system, all for the City’s municipal purposes.

“Registrar” shall mean the Paying Agent, or the successors or assigns serving as such hereunder.

“System” shall mean the City’s water and sewer system.

“VRA” shall mean the Virginia Resources Authority, as administrator of the Fund.

Section 2 Findings and Determinations

The Council hereby finds and determines that (i) the City is authorized to acquire, construct, operate and maintain water and sewer systems in the City (**together, the “System”**), which System is a revenue producing undertaking of the City (ii) the City is in need of funds to be used for the purposes of financing capital improvements, specifically the acquisition, construction, renovation and equipping of the Project, including payment of costs of issuance of the Bond; (iii) the obtaining of such funds will be for municipal purposes of the City, for the welfare of citizens of the City for purposes which will serve the City and its citizens pursuant to the authority of the City to provide funds for and otherwise support the activities of the City and the City’s municipal purposes; (iv) the most effective, efficient and expedient manner in which to provide such funds to the City is through the issuance of a water and sewer revenue bond, Series 2020, in an aggregate original principal amount not to exceed \$2,500,000 to be issued by the City as further described herein to be sold to VRA as administrator of the Fund, which has offered to purchase the same on certain terms and conditions pursuant to a commitment letter dated as of June 24, 2020, and the Financing Agreement and Funding Agreement (each as defined herein); (v) the issuance of the Bond is within the power of the City to contract debts, borrow money and make and issue evidence of indebtedness; (vi) the Project constitutes capital improvements to a wastewater treatment facility, including collection, treatment, disposal and drainage system improvements to assist in preventing excessive inflow and infiltration in the City's wastewater collection facilities and wastewater treatment system, within the meaning of the term "Project" as defined in Section 62.1-224 of Title 15.2, Chapter 51, of the Code of Virginia, 1950, as amended (**the “Virginia Code”**), (vii) the Council desires to issue the Bond under the provisions of the Act and the City Charter, and a duly advertised and conducted public hearing has been held with respect to the Bond on July 28, 2020 prior to the adoption of this Ordinance and, (viii) the issuance of the Bond is in the best interests of the City and its citizens. The maximum length of time that the Bond will be outstanding is thirty years from the date of

issuance of the Bond. The Council further hereby finds and determines that the probable useful life of the Project financed by the Bond is thirty years and that the Bond is payable and shall mature within the probable useful life of the Project.

Section 3 Authorization, Form and Details of the Bond

The Project, which shall constitute a part of the System, is hereby approved and the City is authorized to issue the Bond pursuant to the City Charter and under the Act. The Bond shall mature no later than thirty (30) years from the date of its issuance and the Bond shall bear a Cost of Funds on the disbursed and unpaid principal balance from the date of each disbursement until payment of the entire principal sum at the rate of one-half of one percent (0.50%) per annum as set forth in the Commitment Letter. The Bond shall be issued in fully registered form, shall mature or be subject to mandatory sinking fund redemption on such dates and in such amounts as the City Manager or Assistant City Manager may approve and shall be subject to such optional and other redemption provisions as the City Manager or Assistant City Manager may approve. The proceeds from the sale of the Bond shall be used to finance the Project.

The Bond shall be issued to VRA, as administrator of the Fund, pursuant to the terms, conditions and provisions of this Ordinance and upon such other terms as may be determined in the manner set forth in this Ordinance. The issuance and sale of the Bond in one or more series from time to time in accordance with this Ordinance is authorized. The Bond shall be in substantially the form herein, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance and by the VRA.

The Bond shall be executed, for and on behalf of the City, by the Mayor or the Vice-Mayor of the City, either of whom may act, and shall have the corporate seal of the City impressed thereon, attested by the Clerk or Deputy Clerk of the City. The manner of execution and affixation of the seal may be by facsimile, provided, however that if the signatures of the Mayor or Vice Mayor are by facsimile, the Bond shall not be valid until signed by the manual signature of the Clerk or Deputy Clerk. The Bond shall be in substantially the form herein, with such variations, insertions or deletions as may be approved by the officer executing the Bond on the City's behalf. The City Treasurer is hereby appointed as the Registrar for the Bond.

“FORM OF BOND”

ISSUE DATE: _____, 2020

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA**

**§ _____
Water and Sewer Revenue Bond, Series 2020**

THE CITY OF MARTINSVILLE (the "Borrower"), a public body politic and corporate of the Commonwealth of Virginia, acknowledges itself indebted and for value received, hereby promises to pay, solely from the revenues and other property hereinafter described and pledged to the payment of this Bond, to the order of Virginia Resources Authority (VRA), as Administrator of the Virginia Water Facilities Revolving Fund (the "Fund"), Richmond, Virginia, or registered assigns or legal representatives, the sum equal to the amount of principal advances made hereunder but not to exceed _____ and 00/100 Dollars (\$_____.00), with interest, including the part thereof allocable to the Annual Administrative Fee (the "Cost of Funds") on the disbursed and unpaid principal balance from the date of each disbursement until payment of the entire principal sum at the rate of one-half of one percent (0.50%) per annum, consisting of (i) interest of thirty one-hundredths percent (0.30%) per annum payable for the benefit of the Fund, and (ii) twenty one-hundredths percent (0.20%) per annum payable as an annual Administrative Fee.

The Cost of Funds only on all amounts disbursed under this Bond shall be due and payable on _____ 1, 20___. Commencing on _____ 1, 20___, and continuing semi-annually thereafter on _____ 1 and _____ 1 in each year, principal and Cost of Funds due under this Bond shall be due and payable in equal installments of \$_____, with a final installment of \$_____ due and payable on _____ 1, 20___, when, if not sooner paid, all amounts due hereunder shall be due and payable in full provided, however, that if principal advances up to the maximum authorized amount are not made, the principal amount due on this Bond shall not include such undisbursed amount. However, unless the Borrower and VRA agree otherwise in writing, until all amounts due hereunder shall have been paid in full, less than the full disbursement of the maximum authorized amount hereunder shall not postpone the due date of any semi-annual installment due hereon, or change the amount of such installment.

In addition, if any installment of principal or Cost of Funds is not received by the holder of this Bond within ten (10) days from its due date, the Borrower shall pay into the Fund, a late payment charge in an amount equal to five percent (5.0%) of such overdue installment. Principal is payable in lawful money of the United States.

No notation is required to be made on this Bond of the payment of any principal on normal installment dates. HENCE, THE FACE AMOUNT OF THIS BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING.

THIS BOND IS A LIMITED OBLIGATION OF THE BORROWER AND IS PAYABLE SOLELY FROM CERTAIN REVENUES TO BE DERIVED FROM THE OWNERSHIP OR OPERATION OF THE BORROWER'S WATER AND WASTEWATER SYSTEM AS THE SAME MAY FROM TIME TO TIME EXIST, WHICH REVENUES HAVE BEEN PLEDGED PURSUANT TO THE FINANCING AGREEMENT (HEREINAFTER DEFINED) TO SECURE THE PAYMENT THEREOF. NEITHER THE

COMMONWEALTH OF VIRGINIA NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE BORROWER, SHALL BE OBLIGATED TO PAY THE PRINCIPAL OF OR COST OF FUNDS ON THIS BOND OR OTHER COSTS INCIDENT THERETO EXCEPT FROM THE REVENUES PLEDGED THEREFOR, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE BORROWER IS PLEDGED TO THE PAYMENT OF PRINCIPAL OF OR COST OF FUNDS ON THIS BOND OR OTHER COSTS INCIDENT THERETO.

This Bond is issued pursuant to the terms of the Financing Agreement between the Borrower and VRA dated as of August 1, 2020 (the “**Financing Agreement**”) to evidence a loan by VRA to the Borrower to finance the Project Costs (as defined in the Financing Agreement). The obligations of the Borrower under this Bond and the Financing Agreement shall terminate when all amounts due and to become due pursuant to this Bond and Financing Agreement have been paid in full. Reference is hereby made to the Financing Agreement and any amendments thereto for the definitions and provisions, among others, describing the pledge and covenants securing this Bond, the nature and extent of the security, the terms and conditions upon which this Bond is issued, and the rights and obligations of the Borrower and the holders of this Bond.

The pledge of Revenues, as defined in the Financing Agreement, toward payment of the Bond in accordance with the terms of the Financing Agreement shall be on parity with the pledge of Revenues securing the Existing Parity Bonds, if any, as defined in the Financing Agreement and set forth on Exhibit F thereto. The Borrower may incur additional indebtedness secured by a pledge of the Revenues pursuant to the terms of the Financing Agreement.

Transfer of this Bond may be registered upon the registration books of the Bond Registrar. Prior to due presentment for registration of transfer, the Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and the exercise of all other rights and powers of the owner.

This Bond is subject to optional prepayment to the extent and on the terms set forth in the Financing Agreement.

If an Event of Default (as defined in the Financing Agreement) occurs, the principal of and Cost of Funds on this Bond may be declared immediately due and payable by the holder by written notice to the Borrower.

Notwithstanding anything in this Bond to the contrary, in addition to the payments of the principal and Cost of Funds provided by this Bond, the Borrower shall also pay such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Financing Agreement.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed.

IN WITNESS WHEREOF, the Borrower has caused this Bond to be signed by its Mayor or Vice-Mayor, to be attested by the Clerk of the City Council, its seal to be affixed hereto and to be dated as of the date first set forth above.

CITY OF MARTINSVILLE, VIRGINIA

SEAL

By: [do not sign – form only]

Name: _____

Title: Mayor

ATTEST:

[do not sign – form only]

Clerk of the City Council

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ whose address for registration purposes is _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Tax I.D. No.

Transferee: _____

Signature Guaranteed

(NOTE: the signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.)

SCHEDULE OF PRINCIPAL ADVANCES

The amount and date of principal advances not to exceed the face amount hereof shall be entered hereon by an authorized representative of the Virginia Resources Authority, as Administrator of the Fund, when the proceeds of each such advance are delivered to the Borrower.

Amount

Date

Authorized Signatures

If any Bond has been mutilated, lost, stolen, or destroyed, the City shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon delivery to the Registrar and cancellation of, such mutilated Bond, or in lieu of and in substitution for such lost, stolen, or destroyed Bond; provided, however, that the City shall execute, authenticate, and deliver a new Bond only if its registered owner has paid the reasonable expenses and charges of the City in connection therewith and, in the case of a lost, stolen, or destroyed Bond (i) has filed with the Registrar evidence satisfactory to him or her that such Bond was lost, stolen, or destroyed and that the holder of the Bond was its registered owner and (ii) has furnished to the City indemnity satisfactory to the Registrar. If the Bond has matured, instead of issuing a new Bond, the City may pay the Bond without surrender upon receipt of the aforesaid evidence and indemnity.

Section 4 Pledge of Water and Sewer Revenues

The Bond shall be a limited obligation of the City and, except to the extent payable from the proceeds of the sale of the Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Revenues (as defined in the Financing Agreement) of the City's System which the City hereby pledges to the payment of the Bond pursuant to the terms of the Financing Agreement. The pledge of the Revenues securing the Bond shall be on parity with any Parity Bonds (as defined in the Financing Agreement) secured by such Revenues.

Section 5 Application of Proceeds; Sale of Bond

Proceeds derived from the sale of the Bond together with other monies available therefor shall be used to pay the costs of issuance and for the purposes specified in Section 2 of this Ordinance and otherwise used in accordance with the provisions of this Ordinance or an opinion of Bond Counsel.

Section 6 Further Actions Authorized; Approval of Documents

The Financing Agreement and the Funding Agreement will be in substantially the forms presented to and filed with the minutes of the meeting of this City Council at which this Ordinance is being adopted. The forms of the Financing Agreement and the Funding Agreement, and the terms, conditions and provisions thereof, are hereby approved by this City Council, and the Mayor, or City Manager, any of whom may act, are hereby authorized and directed to execute and deliver to the VRA the Financing Agreement and the Funding Agreement in substantially such forms, with such changes and amendments as the officer executing the same shall approve or as shall be necessary to satisfy VRA requirements, such approval to be conclusively evidenced by his execution and delivery thereof, to pay costs of the Project.

The Mayor, City Manager, City Finance Director, City Treasurer, City Clerk, bond counsel for the City and all other appropriate officers and employees of the City shall take all actions and execute all certificates, documents and agreements as shall be necessary to carry out the provisions of this Ordinance.

All other actions of City officials in conformity with the purposes and intent of this Ordinance and in furtherance of the issuance and sale of the Bond as authorized herein are ratified, approved and confirmed. City officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with the issuance, sale and delivery of the Bond pursuant to this Ordinance, the Financing Agreement and the Funding Agreement and to do all acts and things necessary or convenient to carry out the terms and provisions of such documents.

All ordinances, resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed. This Ordinance shall constitute the “Local Resolution” as such term is defined in Section 1.1 of the Financing Agreement.

Section 7 Invalidity of Sections

If any section, paragraph, clause or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining portions of this Ordinance.

Section 8 Headings of Sections, Table of Contents

The headings of the sections of this Ordinance and the Table of Contents appended hereto or to copies hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of such sections of this Ordinance.

Section 9 Effectiveness and Filing of Ordinance

This Ordinance was presented to the Council and a public hearing concerning this Ordinance was held in accordance with applicable law by the Council at its meeting on July 28, 2020. The Council hereby declares that this Ordinance shall become effective upon its passage as provided for in the Act and pursuant to Section 3 of Chapter 3 of the City Charter. A certified copy of this Ordinance shall be filed by the Clerk with the Clerk of the Circuit Court of the City of Martinsville, Virginia. The filing of this Ordinance with the Clerk of the Circuit Court of the City of Martinsville, Virginia shall be deemed to be the filing of an initial resolution or ordinance with such Court for all purposes of the Act.

The Members of the Council voted as follows:

Ayes

Nays

Absent

Abstentions

Adopted this ____ day of July, 2020.

The undersigned Clerk of the City Council of the City of Martinsville, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on July 28, 2020, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly called meeting and that, during the consideration of the foregoing ordinance, a quorum was present.

Dated this ____ day of _____, 2020.

Clerk, City Council of
City of Martinsville, Virginia

TABLE OF CONTENTS

	<u>Page</u>
Section 1 <u>Definitions</u>	1
Section 2 <u>Findings and Determinations</u>	2
Section 3 <u>Authorization, Form and Details of the Bond</u>	3
Section 4 <u>Pledge of Water and Sewer Revenues</u>	8
Section 5 <u>Application of Proceeds; Sale of Bond</u>	8
Section 6 <u>Further Actions Authorized; Approval of Documents</u>	8
Section 7 <u>Invalidity of Sections</u>	9
Section 8 <u>Headings of Sections, Table of Contents</u>	9
Section 9 <u>Effectiveness and Filing of Ordinance</u>	9

Date: May 25, 2021

Item No: 7.

Department: City Council

Issue: Consider setting a public hearing for Council's June 8, 2021 meeting for the purpose of receiving names of citizens interested in appointments for two 3-year terms ending June 30, 2024 on the Martinsville City School Board.

Summary: Only those citizens whose names are brought up during the Public Hearing can be considered for appointment, and appointments cannot be made until seven days after the Public Hearing. Citizens may appear in person, stating their name, address, and interest in the position; or their name, address, and interest may be offered by another individual. Council typically conducts interviews with candidates after this meeting, with the appointments to be announced at or after Council's second meeting in June.

Attachments: Martinsville School Board current listing.

Recommendations: Set the Public Hearing for June 8, 2021

SCHOOL BOARD

SCHOOL BOARD – The School Board is declared a body corporate. In its corporate capacity, it is vested with all the powers and charged with all the duties, obligations, and responsibilities upon school boards by law. It may sue, be sued, contract, be contracted with, and in accordance with the provisions of this title, purchase, take, hold, lease, and convey school property both real and personal. The School Board has the following powers and duties: 1) to make rules for the governance of the schools within its jurisdiction; 2) to determine the curriculum, methods of teaching, methods of administration and governance, and the length of the school term; 3) to employ and dismiss teachers upon the recommendation of the superintendent; 4) to suspend or expel pupils when necessary; 5) to establish such schools as are necessary in the judgement of the Board to so constitute a complete and efficient system; 6) to control and manage funds made available to the Board for the purpose of conducting free public schools; 7) examine all claims for payment and authorize payment; and 8) to submit annually to City Council a budget request.

TERMS: The Board consists of five members serving **three-year** terms appointed by City Council. **School Board members can serve a maximum of three 3-year consecutive terms.**

Meetings are held on the second Monday of each month.

CONTACT: Dr. Zeb Talley, Superintendent, 403-5820, 746 Indian Trail, Martinsville, VA 24112

Name & Address	Initial Appointment	Term Expires	Full Term
Emily Parker, 1225 Mulberry Road	07/09/19	06/30/22	
Donna Dillard, 912 Forest Lake Dr. (reappt 6/23/20)	8/24/16	6/30/23	1
Tony Jones, 612 Third Street	6/23/20	6/30/23	
Dominique Hylton, 627 Mulberry Rd	9/10/19	6/30/21	
Yvonne Givens, 714 Indian Trail	07/09/19	06/30/21	

NOTE: If a Board or Commission does not specify number of terms a person can serve, then the number of terms defaults to three terms per a policy adopted by City Council December 11, 1990. (per city attorney 4/26/11) Two exceptions (1) if no one is interested (2) no one qualified has applied, then the person holding the position can serve another term if Council chooses.

Meeting Date: May 25, 2021

Item No: 8.

Department: Finance

Issue: Consider approval of the Consent Agenda

Summary:

The attachment amends the FY21 budget with the following appropriations:

General Fund: \$47,114

Attachments:

Consent Agenda 5-25-21

Recommendations: Approve

BUDGET ADDITIONS FOR 05/25/21

ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
BUDGET ADDITIONS				
<u>FY2021</u>				
<u>General Fund:</u>				
01102926	405555	Brownfields Grant - EPA		47,114
01812247	503136	Brownfields - Hazardous - Consultant	35,687	
01812249	503136	Brownfields - Petroleum - Consultant Requisition #16	11,427	
Total General Fund:			47,114	47,114