

January 3, 2025

// A special meeting of the Council of the City of Lynchburg was held on the 3rd day of January, 2025, at 11:00 a.m. in the Council Chamber, City Hall, Alicia L. Finney, Clerk of Council, presiding. The following Members were present:

Present: Curt Diemer, Chris Faraldi, Marty Misjuns, Stephanie Reed, Larry Taylor, Jacqueline Timmer, Sterling A. Wilder	7
Absent:	0

// In the matter of Mayoral Elections, Agenda Item #1, Council held elections for the position of Mayor for a term beginning January 3, 2025 and expiring December 31, 2026. Clerk of Council Ms. Alicia L. Finney reviewed the process and opened the floor for nominations.

Councilmember Faraldi nominated Councilmember Reed for Mayor.

Councilmember Misjuns nominated Councilmember Taylor for Mayor.

With no further nominations, Ms. Finney closed the nomination process and opened the floor for discussion.

Councilmember Wilder thanked Councilmember Taylor for his service on Council, professional service, and faith. He thanked Councilmember Reed for her work as Mayor in the last two years. He stated that he would support Councilmember Reed for Mayor for another term.

Councilmember Misjuns stated his support for Councilmember Taylor for Mayor.

Councilmember Faraldi expressed his support for Councilmember Reed serving another term as Mayor, citing her active service, strong engagement during her first term, and the impactful policies and actions implemented by Council during her time as Mayor.

Councilmember Timmer stated that she would support Councilmember Taylor, praising his consistency, love, and dedication to the City of Lynchburg.

Councilmember Diemer voiced his support for Councilmember Taylor as Mayor, highlighting his dedicated focus on serving the people of Lynchburg.

Councilmember Reed expressed her gratitude and love to the citizens of Lynchburg for the privilege of serving as Mayor over the past two years. She stated the importance of the Mayor providing fulltime attention to the responsibilities of the position.

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With no further discussion from the Council, Ms. Finney closed the discussion and instructed the Council to fill out the mayoral ballots. The following vote was recorded:

Councilmember Diemer voted for Councilmember Taylor.

Councilmember Faraldi voted for Councilmember Reed.

Councilmember Misjuns voted for Councilmember Taylor.

Councilmember Reed voted for herself.

Councilmember Taylor voted for himself.

Councilmember Timmer voted for Councilmember Taylor

Councilmember Wilder voted for Councilmember Reed.

Councilmember Reed received 3 votes; Councilmember Taylor received 4 votes and was elected Mayor and presided over the remainder of the meeting.

// In the matter of Vice Mayoral Elections, Agenda Item #2, Council held elections for the position of Vice Mayor for a term beginning January 3, 2025 and expiring December 31, 2026. Mayor Taylor thanked Councilmember Reed then opened the floor for nominations to the position of Vice Mayor.

Councilmember Timmer nominated Councilmember Diemer for Vice Mayor.

Mayor Taylor expressed his support for Councilmember Diemer as Vice Mayor.

Councilmember Reed nominated Councilmember Faraldi to serve another term as Vice Mayor.

With no further nominations, Mayor Taylor closed the nomination process and opened the floor for discussion.

Councilmember Reed stated she supported Councilmember Faraldi and his ability to assist the Mayor in his responsibilities because of his experience serving as Vice Mayor.

Councilmember Timmer expressed her support for Councilmember Diemer as Vice Mayor, highlighting his listening skills, dedication, and critical thinking abilities.

Councilmember Wilder stated his support for Councilmember Faraldi as Vice Mayor because of his work as Vice Mayor and his leadership in the community. Councilmember Wilder expressed his appreciation for Councilmember Faraldi not attacking him on Facebook unlike Councilmember Diemer.

Councilmember Misjuns stated he supported Councilmember Diemer as Vice Mayor because of his eagerness to be a servant-leader.

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Councilmember Faraldi stated his concern of the Council working as a body of four instead of seven.

With no further discussion from the Council, Mayor Taylor closed the discussion and instructed the Council to fill out the vice mayoral ballots. The following vote was announced:

Councilmember Diemer voted for himself.

Councilmember Faraldi voted for himself.

Councilmember Misjuns voted for Councilmember Diemer.

Councilmember Reed voted for Councilmember Faraldi.

Mayor Taylor voted for Councilmember Diemer.

Councilmember Timmer voted for Councilmember Diemer.

Councilmember Wilder voted for Councilmember Faraldi.

Councilmember Faraldi received 3 votes; Councilmember Diemer received 4 votes and was elected Vice Mayor.

// In the matter of Dais Seating Arrangement, Agenda Item #3, the Council selected seating arrangements on the dais in accordance to Lynchburg City Council Rules of Procedure § Section 2-8. From stage left to right, the seating arrangement is as follows: Councilmember Faraldi, Councilmember Reed, Councilmember Wilder, Mayor Taylor, Vice Mayor Diemer, Councilmember Misjuns, and Councilmember Timmer.

// The meeting adjourned at 11:23 a.m.

Clerk of Council

January 9, 2025

// A special called meeting for the purposes of conducting a retreat of the Council of the City of Lynchburg was held on the 9th day of January, 2025, at 9:00 A.M. at the Point of Honor Carriage House, 109 Norwood Street, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder,

Martin Misjuns, Jacqueline Timmer 7

Absent: 0

// Ron Keith, President of Cross Dynamics, facilitated a DISC assessment for City Council with the intention of fostering team cohesion and creating an opportunity for deeper connection.

// Dr. Hollie Jennings, Special Assistant to the City Manager, and Shaun Conway, Data Analyst, provided Council with a presentation on "Lynchburg by the Numbers". City Council was given an opportunity to debrief and discuss their insights.

// The meeting recessed for lunch at 11:50 a.m.

// The meeting was reopened to the public at 1:00 p.m.

// Greg Patrick, Deputy City Manager, and Donna Witt, Chief Financial Officer, provided Council with a presentation on "Building a Municipal Budget". City Council was again given an opportunity to debrief and discuss their insights.

// The meeting was adjourned at 2:37 p.m.

Clerk of Council

January 14, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of January, 2025, at 4:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder,	
Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of Work Session Agenda Overview, City Manager Wynter Benda informed Council that the closed session item, Agenda Item #5, "*Consideration of closed meeting to discuss the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the topic of the closed session being specific to granting a City franchise*", would be rescheduled to the January 28 meeting. Director of Public Works Gaynelle Hart provided a pop-up presentation regarding how the City prepared for emergency weather events. Mr. Benda provided a pop-up presentation on the Fiscal Year 2026 Budget Calendar and outlined the upcoming meeting schedule. He noted that there was consensus from Council to schedule a joint meeting with the School Board on February 11 at the Lynchburg Regional Business Alliance.

// In the matter of Public Health, Agenda Item #1, Council held a work session on the Warming Center and Sheltering Update. Assistant City Manager Kent White provided the update to Council. During the January 23, 2024 work session, the Virginia Continuum of Care briefed Council on the state of homelessness in Central Virginia. City staff also reviewed the operations of a temporary warming center which operated last January and has opened several times during this winter to assist un-housed residents during extremely cold evenings. Staff will provide an update on the work that is ongoing and what Council and the community can expect in the coming months.

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Councilmember Wilder said that if the City required additional bed space, the gym at Jubilee Family Development Center was an available resource with showers.

// In the matter of the Comprehensive Plan, Agenda Item #2, Council held a work session on the Comprehensive Plan Update. City Planner Rachel Frischeisen provided the update to Council. For the past year, representatives from The Berkley Group have been engaging with City Council, Planning Commission, our community and staff to update Lynchburg's Comprehensive Plan. Staff will provide an overview of the update process and next steps.

Councilmember Wilder asked if they were in discussions with other stakeholders regarding housing needs, like area colleges and universities. Ms. Frischeisen said that they engaged stakeholders in the focus group stage during Phase 1, and they discussed economic development, housing, and other topics. City Manager Mr. Benda said that through the EDA, they worked with developers to determine growth areas and receive feedback.

Councilmember Misjuns clarified that there were only 257 participants in the Community Engagement survey on the Lynchburg Together website. Ms. Frischeisen replied that was correct, and the low participation was why there were other avenues to participate in the process. She said public workshops were conducted during Phase 1 to facilitate in-person discussions, they conducted focus groups, and they coordinated presentations with the budget team during budget pop-up presentations. She said that once the final plan was drafted, there would be an open-house event and an online comment period.

// In the matter of Planning, Agenda Item #3, Council was briefed regarding the 2810 Campbell Avenue - Conditional Use Permit (CUP) - Multi-Family Dwelling. Mayor Taylor stated that the item would appear before Council for action at the January 28 meeting. City Planner Rachel Frischeisen provided the briefing to Council. Juan F. Chicas is petitioning for a CUP to allow the use of an existing structure as a three (3) unit multi-family dwelling in a B-1, Limited Business District at 2810 Campbell Avenue.

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The property is zoned B-1, Limited Business District. In this district, single-household dwellings are permitted by-right and multi-family dwellings are permitted upon approval of a CUP by Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends Mixed Use for the subject property. These areas call for a balanced mix of residential, neighborhood commercial, civic uses, parks, and open spaces. The existing structure was previously used for commercial purposes and is adjoined by residential uses and parking.

On June 28, 2024, a verbal warning was issued and a stop work order was placed on the property for the conversion of the property into multiple residential units without a CUP or building permits. At the time of the stop work order, two (2) dwelling units had already been installed and a third unit was in progress. A notice of violation was issued on July 29, 2024, and the Zoning Division was preparing to pursue the violation in court prior to the submittal of the CUP petition. The units constructed without permits would be subject to applicable building code requirements.

The use of the existing building as a three (3) unit multi-family dwelling should have limited impact on the surrounding area. Approval of the CUP petition would allow for two (2) additional residential units without altering the zoning. This would preserve the opportunity for future commercial uses to occupy the space.

Councilmember Faraldi asked if there were other examples from the corridor where they had converted a storefront property into a residential use. Ms. Frischeisen said that she could not recall an example, but she would follow up with more information. Councilmember Faraldi said that he did not support residential development in B1 zoning, and he suggested that Council should include residential limits in B1 zoning during the comprehensive plan update.

Councilmember Misjuns expressed concerns about the lack of egress from the buildings and emergency access to the site.

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Councilmember Wilder asked if adjoining property owners had submitted comments. Ms. Frischeisen said that they did not receive any correspondence, and there were no speakers at the Planning Commission hearing. Councilmember Wilder stated that there is a lot of mixed-use in the Campbell Avenue corridor.

// In the matter of the Lynchburg Police Department, Agenda Item #4, Council was briefed regarding the City-Wide Youth Curfew. Deputy Chief of Police Ken Edwards provided the briefing to Council.

- The City-Wide Youth Curfew ordinance expired on January 1, 2025.
- The Lynchburg Police Department (LPD) has been collecting data on the curfew since it began on May 26, 2023.
- As of December 31, 2024, forty-nine (49) individuals have been charged with violating the curfew.
- The curfew continues to provide another tool for officers to address delinquent behavior.

Councilmember Faraldi asked how many individuals had been found guilty of violating the curfew. Deputy Chief Edwards said that he did not have figures related to the disposition of the cases. Councilmember Faraldi asked how many of the 49 individuals were charged since January 2024. Deputy Chief Edwards replied that he did not have the exact number, but it was only a few. Councilmember Faraldi said that only three people had been charged since January 2024. Councilmember Faraldi asked why the request was to extend the curfew from six months to one year. Deputy Chief Edwards said that it helped with data collection. He said that the curfew allowed officers to detain people suspected of being under the age of 18 based on suspicion of violating the curfew. He said that without the curfew, any encounter was consensual and voluntary. Councilmember Faraldi said that since January 2024, three people had been stopped, but only one person had been cited. He said that he did not support the

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curfew because the government should not tell parents when children should be wearing masks and when they should be home. He said that the data did not warrant another extension, and he opposed any further extension.

Councilmember Wilder asked if they had received any negative comments from community members or parents regarding the curfew. Deputy Chief Edwards replied that they had not. Councilmember Wilder said he supported extending the curfew because it provided the police department additional resources to address issues in the community.

Councilmember Misjuns asked if officers had observed more juveniles out during curfew hours since it had expired on January 1. Deputy Chief Edwards said that he had not seen an increase, but that may be due to the weather or that people did not know it had expired. Councilmember Misjuns stated that if there a 6 month expiration would take this into the summer, and that's not good because crime tends to go up in the summer. Councilmember Misjuns said he had heard from several community members who supported the curfew. He said that they needed to find ways to address truancy, as well.

Councilmember Timmer suggested changing the language from parents "encouraging or allowing" a minor to break the curfew to "facilitating" breaking the curfew. She said that there may be instances where a minor goes out after curfew against the parents' permission. City Attorney Matthew Freedman explained that the ordinance as written allowed an officer to exercise discretion when charging parents, especially if the minor snuck out or went against the parent's permission. Councilmember Timmer said she believed amending the language would reduce ambiguity in the ordinance. She said that the curfew was not meant to be a long-term solution, and she was concerned about the 12-month timeframe. She said she had received concerns from community members about how the curfew was impacting youth in the City. She said supported either a three-month or six-month timeframe to provide the opportunity to look at other solutions.

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Councilmember Reed stated that the curfew was first implemented as a response to the death of three children. She said she was not concerned about the language of the ordinance.

Vice Mayor Diemer said he supported the extension. He asked if any parents had been charged under the curfew ordinance. Deputy Chief Edwards replied that parents had been charged, and he would follow up with the correct figures. He said that the curfew was a tool for parents in addition to law enforcement. Vice Mayor Diemer said that he would also support a six-month extension if Council did not want to adopt the year-long extension.

Mr. Freedman asked if there was consensus from Council to amend Item C from "knowingly permit, allow, or encourage" to "knowingly facilitate, allow, or encourage". Councilmember Misjuns, Councilmember Timmer, Vice Mayor Diemer, and Mayor Taylor supported amending the language.

City Manager Mr. Wynter Benda asked if there was consensus from Council to include the item under General Business at the 7 p.m. meeting. Councilmember Faraldi said that he did not support adding the item to the evening agenda. Mr. Freedman explained that if the ordinance was not approved at the evening meeting, then the effective date would have to be moved to a later date to accommodate City Charter requirements. He said that the Charter required a minimum of 30 days advertisement for ordinances that imposed certain penalties on the public. He explained that Council could vote on the ordinance at the evening session, but it would have to suspend the rules of procedure to include it on the agenda. Mr. Benda recommended adding the item to the January 28 meeting agenda under General Business. Mayor Taylor stated that there was consensus to include the ordinance on the January 28 agenda under General Business.

// In the matter of Roll Call, Councilmember Faraldi reiterated his request for speed bumps in Richland Hills. He requested Council hold a conversation regarding speeding on Enterprise Drive. He stated that the General Assembly was considering legislation related to collective bargaining, but it was not addressed in the City's legislative agenda. He explained that the

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legislation would remove Council's discretion to adopt collective bargaining and would require the City to enter into collective bargaining if certain conditions were met. He requested that Council take an official stance regarding the legislation considering its implications. He said that the General Assembly voted to adopt House Joint Resolution 1, adding a constitutional amendment related to abortion. He said that Council had a duty to take an official stance against the resolution, because they should recognize the sanctity of life in the City.

Councilmember Reed reflected on the deaths of Malaysia Solomon, Terrion Marshall, and Kingston Campbell. She said that she started the 40 Ways Coalition in response to their deaths. She said that they were still awaiting closure on Terrion's and Kingston's deaths. She noted that there were several unsolved cases in the City, but these children's deaths were particularly devastating. She said that the coalition was having its first meeting of the year on January 27, and they met the fourth Monday of every month. She said that the meeting location was at the Miller Center. She said that meetings were open to anyone, and they focused on non-profits, organizations, and individuals working to keep youth in the City safe, and they focused on prevention, intervention, and rehabilitation. She said that encouraged the community to join the discussion.

Councilmember Wilder announced that the Martin Luther King Breakfast would be hosted on Monday at 8:30 a.m. at the Bella Vista Hotel, and it was sponsored by the Martin Luther King Commission. He said that it was a time to come together and support unity. He said that a 16 year-old was killed last Thursday by a gunshot wound, and he offered his prayers to the family. He offered his prayers to the family of WSET-TV Anchor Mark Spain who died from pancreatic cancer. He commended the police department for the arrest of three suspects in a recent murder.

Councilmember Timmer thanked the frontline workers for responding to the winter weather.

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Councilmember Misjuns congratulated the LCA Bulldog football team for winning the VHSL State Championship. He said that the team should be invited to a Council meeting to be recognized. He said that he used to play on the LCA football team. He said that, regarding HJ-1, Northern Virginia Democrats should not be dictating how the City should treat life. He said that Council should consider options, via zoning ordinances and land use, to protect life in the City. He said that Council never voted on removing or restructuring the Office of DEI into the Office of Civil Rights. He said that he wanted to review how the City was approaching DEI, because he was aware there were committees, and it was part of the EEO plan. He said that the City needed to start considering higher standards, merit, excellence, and opportunity for the workforce.

Vice Mayor Diemer congratulated the LCA football team on winning the VHSL State Championship. He expressed his gratitude for the winter weather response from the City. He thanked the police department for its work on the murder in Ward III and charging three suspects. He thanked his fellow councilmembers for making him feel welcome, and he looked forward to working with them.

Mayor Taylor thanked staff for working with him in preparing to lead the meeting. He thanked Clerk of Council Alicia Finney, City Attorney Matthew Freedman, and City Manager Wynter Benda. He thanked Council for supporting him. He said that after talking with several community members, he brought up the possibility of establishing a permanent curfew. He said that older citizens wanted the curfew to be permanent because they were afraid to be out in the evening.

// On the motion of Councilmember Wilder, seconded by Vice Mayor Diemer, by the following recorded vote, Council elected to hold a closed meeting to discuss appointments to the Community Development Advisory Committee pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no further discussion from the Council, the following vote was recorded:

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Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Misjuns made the following motion:

WHEREAS, the Council of the City of Lynchburg 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 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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 resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// On motion of Councilmember Misjuns, seconded by Councilmember Wilder, Council by the following recorded vote appointed the Councilmember Sterling Wilder as a Chair and Councilmember Jacqueline Timmer as Vice Chair of the Community Development Advisory Committee for terms expiring December 31, 2025.

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// The meeting recessed at 5:48 p.m.

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// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of January, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder,
Martin Misjuns, Jacqueline Timmer 7

Absent: 0

Councilmember Timmer led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Items Not on the Agenda, Vice Mayor Diemer motioned, seconded by Councilmember Misjuns, to amend the agenda to add Shawn Hunter, representing the Peacemakers, to Public Comment. Mayor Taylor stated there was consensus from Council to accept the amendment.

// In the matter of the Consent Agenda, Agenda Item #1, the minutes of the November 19, 2024 Legislative Dinner meeting were pulled by the Clerk for correction.

// In the matter of the Consent Agenda, Agenda Item #2, copies of the minutes of the December 10, 2024 City Council meeting were previously furnished to Council, and on the motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Reed, Faraldi, Wilder, Misjuns 5

Noes: 0

Abstain: Diemer, Timmer 2

// In the matter of Consent, Agenda Item #3, copies of the minutes of the January 3, 2025 Mayoral Election meeting were previously furnished to Council, and on the motion of Councilmember Misjuns, seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Timmer, Misjuns 7

Noes: 0

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// In the matter of Planning, Agenda Item #4, Council held a public hearing in consideration of adopting Ordinance #O-25-001 approving the rezoning of 2712 Concord Turnpike and a portion of 118/120 Spinoza Circle to allow for the construction of a residential subdivision. City Planner Rachel Frischeisen provided a summary of the request to Council. Michael L. Dillard is petitioning to rezone approximately four and fifty-four hundredths (4.54) acres from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional) at 2712 Concord Turnpike and 118/120 Spinoza Circle to allow the construction of a residential subdivision with single-household detached homes.

The property is recommended for Low Density Residential Use on the City's Future Land Use Map (FLUM). These areas are dominated by single family detached housing at densities of up to four (4) dwelling units per acre. Proffers indicate that the property will be subdivided to accommodate up to twenty-two (22) single-household detached homes. The density of the proposed development is similar to that which is recommended by the FLUM.

The proposed development of single-family homes would also adjoin other single-family lots and would align with the development recommendations of the Tyreeanna & Pleasant Valley Neighborhood Plan.

Amy Seipp, Accupoint Surveying and Design, representing the petitioner, provided a presentation to Council. She said that the project would be affordable to build, so they were hopeful that they could make the units affordable to families.

There was no one to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Wilder motioned, seconded by Councilmember Misjuns, to adopt Ordinance #O-25-001.

Councilmember Wilder said that the project represented gradual development for the area. He noted that the Tyreeanna area was an untapped resource in the community, and he was excited to see developers move into the area.

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Councilmember Misjuns said he hoped to see more projects in the area in the future.

Councilmember Timmer motioned, seconded by Vice Mayor Diemer, to call the question.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// In the matter of Planning, Agenda Item #5, Council held a public hearing in consideration of adopting a resolution amending the Future Land Use Map (FLUM), and; adopting an ordinance approving a rezoning, and; adopting a resolution approving a Conditional Use Permit (CUP) to allow the construction of eighteen (18) townhomes, one (1) duplex, and associated parking at 3142, 3146, and 3150 Wards Ferry Road. City Planner Rachel Frischeisen provided a summary of the request. Timberlake Investments, LLC is petitioning to amend the FLUM, to rezone, and for a CUP to allow the construction of eighteen (18) townhomes, one (1) duplex, and associated parking at 3142, 3146, and 3150 Wards Ferry Road.

The petitioner initially wanted to develop townhomes at this location, but did not have enough acreage to meet the two (2) acre minimum and chose to pursue a twenty-four (24) unit apartment complex instead. That petition was withdrawn prior to the City Council public hearing in October 2023 to again explore the possibility of townhomes. The Board of Zoning Appeals approved a variance on May 30, 2024, to reduce the minimum acreage needed for a townhouse development in this instance.

The Future Land Use Map (FLUM) recommends a Neighborhood Commercial use for 3146 and 3150 Wards Ferry Road properties. These areas consist primarily of office, retail, personal service and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. The petitioner proposes to amend the FLUM from Neighborhood Commercial to Medium Density Residential. These areas include small-lot single family detached housing, duplexes and townhomes at densities up to twelve (12) units per acre.

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The Future Land Use Map (FLUM) already recommends a Medium Density Residential use for 3142 Wards Ferry Road.

The proposed townhomes would serve as a transition between the commercially-zoned properties on the opposite side of Copley Place and the single household residences on Adams Drive.

Due to the location near the intersection of Wards Ferry and Timberlake Roads, Copley Place should be restricted to right-in, right-out turning movements due to safety concerns, as noted by the Transportation Engineer. This has been recommended as a condition of the Conditional Use Permit. It is likely that improvements to Copley Place to limit turning movements to right-in, right-out only would be required at the site plan phase of a by-right development at this location as well.

The Wards Ferry Road Corridor Study was adopted by City Council on January 14, 2014. The plan recommended "revising study forecasts if land use development policies in the corridor area are modified to accommodate an increase in dwelling units" and that "It is likely that an increase in density will generate traffic volumes that would need a widened Wards Ferry Road to provide adequate service levels." However, uses such as offices, could be permitted by-right in the existing B-1, Limited Business District zoning that may generate more traffic than the proposed twenty (20) units.

Norm Walton, Perkins and Orrison, representing the petitioner, provided a presentation to Council. He stated that townhomes were the best use for the property because they provided a means of homeownership for City residents. He noted traffic concerns, but compared to a commercial development on the site, the proposed use would generate fewer trips.

Mayor Taylor opened the floor for public input; there was no one to speak in favor.

Rex Hammond, speaking in opposition, requested Council to require a comprehensive traffic study before approving the development. He expressed concerns about the traffic impact

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on Wards Ferry Road, which already lacked adequate infrastructure for the current traffic volume.

Bevin Alexander, an attorney representing Angela Gupta and Sashi Lata, adjacent property owners, speaking in opposition, expressed concerns about traffic safety. He explained that entering and exiting the proposed development would be difficult and dangerous. He said that a traffic study was necessary to determine the impacts of the development, and he requested that Council require a study before approving the development.

Paul McDaniel, adjacent property owner, speaking in opposition, expressed concerns about traffic safety. He said that the development would have negative impacts on the tenants of his property.

Atul Gupta, speaking in opposition, expressed concerns about traffic safety. He requested that Council require a traffic study to address the safety issues.

Mayor Taylor offered the petitioner time for a rebuttal to public input.

Mr. Walton explained that the project did not require a traffic study because of its size. He noted that the City had long-term plans for traffic improvements on Wards Ferry Road, and it was not the responsibility of the developer to solve those traffic issues.

The public hearing was closed and the matter rested with Council.

Vice Mayor Diemer motioned, seconded by Councilmember Timmer, to table the matter until a comprehensive traffic study was conducted.

Vice Mayor Diemer said that traffic safety was one of his top priorities, and since the area had three major roads converge, Wards Ferry, the expressway, and Timberlake Road, and Heritage High School was located nearby, the development deserved a traffic study.

Councilmember Faraldi asked for clarification about the process for requiring a traffic study. He asked who would fund the traffic study and how it would be implemented. He said he was concerned about the financial impact on the developer. Mr. Walton said that the cost of a traffic study would depend on the scope, but if it was limited to the parcel and the intersection,

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the cost would range from \$6,000 to \$10,000. He noted that if it were to include the signalized intersection at Timberlake Road, the cost could increase to \$20,000.

Councilmember Faraldi asked if there were concerns over requiring a traffic study when they did not typically require it of other developers. City Attorney Matthew Freedman said he had some concerns. He suggested that instead of tabling the matter and requiring a traffic study, the motion should be amended to defer the matter to a date specific and have the petitioner and staff work to address concerns.

Councilmember Reed asked what the developer would do if the petition was denied. Mr. Walton said that they had not discussed that as a group. He said they had discussed the viability of a commercial development, and they did not believe it would be successful. He said that they would likely sell the property if the petition was denied. He said that the developer would prefer a decision at the hearing, but they were amenable to a deferment to keep the petition moving forward.

Councilmember Misjuns asked for a friendly amendment to the motion to defer the matter for two months so the petitioner and staff can work to address concerns brought up during the hearing. Vice Mayor Diemer and Councilmember Timmer accepted the amendment.

Councilmember Timmer requested that staff's assessment of the traffic conditions include the high school carpool lanes and bus traffic.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Misjuns, Timmer 5

Noes: Faraldi, Wilder 2

City Manager Wynter Benda suggested that the PDC receive a preliminary report from staff regarding the development as they worked with the petitioner. Councilmember Faraldi advised that the matter should not be presented to PDC, as a recommendation from the committee would not require a second. He suggested that the report from staff should be sent via a memo.

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// In the Planning of Zoning, Agenda Item #6, Council held a public hearing in consideration of adopting Resolution #R-25-002 approving a Conditional Use Permit (CUP) to allow a K-12 private school with a maximum of seventy (70) students at 742 Leesville Road. City Planner Rachel Frischeisen provided a summary of the request to Council. NSS Propco, LLC, d/b/a Rivermont School, is petitioning for a CUP to allow the use of an existing structure as a K-12 private school in an R-1, Low Density Residential District at 742 Leesville Road.

Private schools are permitted in the R-1, Low Density Residential District upon approval of a CUP by City Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends an Institution use for the subject property. Private schools are consistent with this recommendation. Public school transportation will be utilized for most of the students attending this facility. The reuse of the existing structure as a private school should have limited impact on the surrounding area.

Jamey White, White Engineering and Design, representing the petitioner, provided a presentation to Council. He explained that the exterior of the building would not change, and there was more parking than needed for their use. He said they performed a traffic analysis for the project, including an analysis of the morning peak traffic with left- and right-hand turn lane warrants. He noted that the afternoon traffic for the school did not align with the general afternoon peak traffic flow. He said that the turn lane warrants were below the required threshold. He explained the school provided a service for students in need of alternate education, particular for students with autism. He said that the school had outgrown its current facility and needed room to expand.

Audrey Daniel, Principal of Rivermont North School, speaking in favor, addressed the school's positive impact on the community and the need for additional space.

Dr. Beth White, Ward III, speaking in favor, spoke about her experience working with Dr. Ackerman and students with special needs. She asked Council to approve the petition so the school could help more children in the City.

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Beth Ackerman, Senior Vice President of Rivermont Schools, speaking in favor, said that they had outgrown the current facility, and they needed more space in order to provide additional programs.

Katie Lee, a parent of a student at Rivermont School, speaking in favor, addressed the need for a new facility and the need for additional outdoor space.

There was no one to speak in opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to adopt Resolution #R-25-002.

Councilmember Misjuns said he supported the petition and hoped that Council approved the request unanimously.

Councilmember Wilder said he appreciated the work done by the Rivermont School, and he supported its expansion.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// In the matter of Public Comment, Agenda Item #7, Citizen Jamie Maxwell, representing the Lynchburg Firefighters Association, addressed Council regarding welcoming new councilmembers. He said that the fire department required 24 additional staff immediately, better pay and benefits to attract firefighters, and replacement equipment through the Striker Plan.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Shawn Hunter, representing the Peacemakers, addressed Council regarding the City-wide youth curfew. He said that since 2023, the Peacemakers had found full-time jobs for 66 young men and installed 88 cameras for residents free of charge. He spoke in support of the curfew.

// The meeting adjourned at 8:29 p.m.

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Clerk of Council

January 28, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of January, 2025, at 4:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder,	
Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of the Libraries, City Manager Wynter Benda stated that Agenda Item #2, Lynchburg Public Library update, would be moved to a later meeting to accommodate the closed session.

// In the matter of Park View Community Mission, Agenda Item #1, Council held a work session on the Park View Community Mission's Life Skills Institute. Executive Director of the organization Dr. R. Todd Blake presented to Council. The Life Skills Institute partners with local employers, institutions and non-profit organizations to help participants remove barriers to successfully enter and advance in the workplace.

// In the matter of Libraries, Agenda Item #2, Lynchburg Public Library update, the item was deferred to an upcoming meeting not yet identified.

// In the matter of Community Development, Agenda Item #3, Council was briefed regarding the Community Development Block Grant and HOME Program – Housing and Non-Housing Goals for the 2025-2029 Five-Year Consolidated Plan and Fiscal Year 2026 Annual Action Plan. Mayor Taylor stated that the item would appear before Council for a public hearing at the February 25, 2025 meeting. Grants Manager Melva Walker provided the briefing to Council. The U. S. Department of Housing and Urban Development (HUD) requires state and local governments, which receive federal Community Development Block Grant and HOME Program funds, to prepare a Consolidated Plan. The previous Consolidated Plan for Lynchburg was submitted in June 2020 and covered the period from July 1, 2020 through June 30, 2025. With the submittal of the annual Community Development Block Grant (CDBG) and HOME Program

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Action Plan in May 2025, another five-year plan must be prepared and submitted for the period of July 1, 2025 through June 30, 2030. This plan will outline the City's needs, goals, and objectives for community development (both housing and non-housing areas).

City staff conducted public workshops/meetings on January 22nd and January 23rd to receive input and recommendations for the proposed goals, needs, and objectives for community development.

The Community Development Advisory Committee (CDAC) conducted a public meeting on January 23rd to receive input and recommendations for the City's needs, goals, and objectives for community development (both housing and non-housing areas). The CDAC recommendations for the proposed goals will be presented for a public hearing by City Council on February 25th.

// In the matter of Roll Call, Councilmember Reed reported that the 40 Ways Coalition held its first meeting of the year. She noted that Jeff Nitz, Five18 Family Services, was the speaker and addressed the effects of childhood trauma and poverty on children's behavior. She said they covered the available community resources to support children. She said that next month, they would discuss gang activity and how children were recruited into gangs. She said that on January 16, the Teacher of the Year Award was given to Ayanna Stamps-Glover of Heritage Elementary School. She said that the Martin Luther King, Jr. Breakfast was held last Monday, and the event was well attended.

Councilmember Wilder reported that Randolph College held a Martin Luther King, Jr. reception last night at the college, and the guest speaker was Erika Alexander from the TV show *Living Single*. He said that budget sessions were coming up, and there would be forums regarding the CDBG funding. He encouraged residents to stay informed and attend the meetings to make sure their voices were heard.

Vice Mayor Diemer said that he attended the Martin Luther King, Jr. breakfast. He said that a student from Heritage High School won the essay award, which was in Ward III. He also

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noted that the Teacher of the Year was from Heritage Elementary. He said he was proud of their accomplishments. He said he attended the Lakeland Association meeting about upcoming development, and he was able to meet several of his neighbors. He said he planned to have a ride-along with the developer for a project on the other side Heritage, and he hoped to learn more about the project. He said he received a tour of the museum system, which had been the center of life in Lynchburg for many years. He encouraged residents to visit the museum. He said he had a ride-along planned with the Fire Department, and he was excited for it.

Councilmember Misjuns announced that basketball and impact sports had started at Thomas Road, and it was incredible to see the number of children participating. He asked the community to pray for him because he volunteered to be an assistant basketball coach for third graders.

Councilmember Timmer expressed gratitude for being able to participate in several community events. She noted that Ms. Walker had done a lot of work surveying the community, and she encouraged people to reach out to her if they had more input to offer. She said that a survey would be posted online for the replacement superintendent search. She said that people could offer input as to what they should look for and challenges they faced in the community.

// On the motion of Councilmember Misjuns, seconded by Councilmember Wilder, by the following recorded vote, Council elected to hold a closed meeting to discuss the possible resolution of a pending City lawsuit pursuant to Section(s) 2.2-3711(A)(7) and -(A)(8) of the Code of Virginia, 1950, as amended; and

to discuss the disposition of publicly held real property, namely property owned by the City, let by the City, and to be potentially sold for economic development purposes, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended; and

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to discuss the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the topic of the closed session being specific to granting a City franchise; and

to discuss 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, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to negotiations regarding the Campbell County Utilities and Service Authority Sewer Capacity Request; and

to discuss appointments for Council representation to local, regional, and State Boards and Commissions: Virginia First Cities, Virginia Municipal League, Central Virginia Planning District Commission, Central Virginia Transportation Planning Organization, Council of Local Elected Officials, Lynchburg Redevelopment & Housing Authority, Lyn-CAG, and Lynchburg Parking Authority pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg 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 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

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NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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 resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Misjuns, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// On motion of Councilmember Faraldi, seconded by Councilmember Reed, Council by the following recorded vote appointed Councilmember Faraldi to serve on the board of the Virginia First Cities:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

On motion of Councilmember Wilder, seconded by Councilmember Misjuns, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Virginia Municipal League: Vice Mayor Diemer

Central Virginia Planning District Commission: Vice Mayor Diemer

Central Virginia Transportation Planning Organization: Councilmember Timmer

Council of Local Elected Officials: Mayor Taylor

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

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On motion of Councilmember Misjuns, seconded by Councilmember Reed, Council by the following recorded vote appointed Councilmember Reed to the Lynchburg Redevelopment & Housing Authority for a term expiring September 30, 2027.

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

// The meeting recessed at 6:14 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of January, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder, Martin Misjuns, Jacqueline Timmer 7

Absent: 0

// Councilmember Misjuns led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Agenda Item #1, copies of the minutes of the November 19, 2024 Legislative Dinner meeting were previously furnished to Council, and on the motion of Councilmember Misjuns, seconded by Councilmember Reed, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Timmer, Misjuns 7

Noes: 0

Councilmember Faraldi said that Council should be clear in the expectations they set for the public. He noted that in the past, councilmembers who were not present or sworn-in during a meeting would abstain from approving the minutes of that meeting.

Councilmember Timmer stated that she was present for the Legislative Dinner.

// In the matter of Planning, Agenda Item #2, Council held a public hearing in consideration of adopting Resolution #R-25-003 approving a Conditional Use Permit (CUP) to allow a three (3) unit multi-family dwelling at 2810 Campbell Avenue. City Planner Rachel Frischeisen provided

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the presentation to Council. Juan F. Chicas is petitioning for a CUP to allow the use of an existing structure as a three (3) unit multi-family dwelling in a B-1, Limited Business District at 2810 Campbell Avenue. The property is zoned B-1, Limited Business District. In this district, single-household dwellings are permitted by-right and multi-family dwellings are permitted upon approval of a CUP by Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends Mixed Use for the subject property. These areas call for a balanced mix of residential, neighborhood commercial, civic uses, parks, and open spaces. The existing structure was previously used for commercial purposes and is adjoined by residential uses and parking.

On June 28, 2024, a verbal warning was issued and a stop work order was placed on the property for the conversion of the property into multiple residential units without a CUP or building permits. At the time of the stop work order, two (2) dwelling units had already been installed and a third unit was in progress. A notice of violation was issued on July 29, 2024, and the Zoning Division was preparing to pursue the violation in court prior to the submittal of the CUP petition. The units constructed without permits would be subject to applicable building code requirements.

The use of the existing building as a three (3) unit multi-family dwelling should have limited impact on the surrounding area. Approval of the CUP petition would allow for two (2) additional residential units without altering the zoning. This would preserve the opportunity for future commercial uses to occupy the space.

Amy Seipp, Accupoint Surveying & Design, LLC, representing the applicant, provided a presentation to Council. She said that the project would bring three (3) dwelling units to an area that had struggled to provide affordable housing. She said that at a future date, the site could be converted to a business use, if needed.

There was no one to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

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Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Resolution #R-25-003.

Councilmember Misjuns said that the project was a good use of the property and would hopefully revitalize the area.

Councilmember Reed asked if the applicant had considered adding windows to the units to improve fire safety concerns expressed during the previous meeting. Ms. Seipp said that the site would have to undergo a complete building code review, and they would address any issues at that point.

Councilmember Wilder asked if there were plans to change the exterior of the building. Ms. Seipp replied that the applicant wanted to increase the curb appeal, and they proposed removing some vegetation and improving access to the building.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// In the matter of Public Comment, Agenda Item #3, Citizen Sandy Glass addressed Council regarding waste disposal. She expressed concerns about Region 2000's financial management, noting low tipping fees, rising operational costs, and unmet financial obligations.

// In the matter of Public Comment, Agenda Item #4, Citizen Michael Bremer addressed Council regarding the teen curfew. He said that the curfew was not an effective way to address youth crime according to numerous peer-reviewed articles, and Council needed more data before extending the curfew, including how many encounters did not result in an arrest, the demographics of the youth stopped and charged, the final disposition of the 48 cases, and if any were repeat offenders. He said the curfew should only be extended for three months.

// In the matter of the Police Department, Agenda Item #5, Council considered adopting Ordinance #O-25-004 enacting a City-wide youth curfew. The item was previously discussed by Council on January 14 during Business Item Briefings.

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City Council approved a City-wide Youth Curfew Ordinance on May 23, 2023 that went into effect on May 26, 2023 with the goals of protecting the general public through the reduction of juvenile violence and crime, promoting the safety and well-being of those under the age of 18, and fostering and strengthening parental responsibility for children. This ordinance was set to expire on December 1, 2023, but was extended by City Council action on November 28, 2023 and again on May 28, 2024, to sunset on January 1, 2025.

The Lynchburg Police Department (LPD) has been collecting data on the curfew since it began on May 26, 2023. As of December 31, 2024, forty-nine (49) individuals have been charged with violating the curfew. The curfew continues to provide another tool for officers to address delinquent behavior.

Vice Mayor Diemer motioned, seconded by Councilmember Reed, to adopt Ordinance #O-25-004.

Councilmember Reed stated that the curfew was implemented as a response to the deaths of three children. She said that there were other benefits of the curfew for the community. She said that they were trying to keep youth safe and protected, and the goal was not to see high arrest numbers but to give them alternative options. She said that she supported extending the curfew based on the recommendation of the Chief of Police.

Councilmember Timmer motioned to amend to include a review of the curfew from staff, the Commonwealth Attorney, and the Chief of Police in six months in the form of a Business Item Briefing. She said that they could also explore other options to address these issues in the community.

Vice Mayor Diemer accepted the amendment as friendly.

Councilmember Faraldi said that he opposed the curfew for a variety of reasons, and he saw no difference between curfews and mask requirements. He listed statistics about the curfew that were available on the Council's website. He said that notably, there was an 800% increase in juvenile violent crime in the evening, and a 31% increase at night. He said that the

data showed the curfew was not effective in reducing violent crime. He asked Council not extend the curfew.

Councilmember Wilder said he supported the curfew because it provided the Police Department with more tools to address crime.

Councilmember Misjuns asked for Police Chief Ryan Zuidema to provide more information.

Chief Zuidema clarified that though the percentages may seem high, the actual numbers were quite low. For example, for violent crime by juvenile offenders in the night time period, 11 p.m. to 5 a.m., the 31% increase was the difference between 2.7 and 3.5 offenses, less than one offense. He explained that the curfew was another tool to address crime, but it was not intended to solve juvenile crime. He noted that many of the cases which did not result in a conviction were taken under advisement by the courts, which could include community service, essays, and tours of detention facilities.

Councilmember Reed said that they needed more people involved in young people's lives. They needed mentors because children who had meaningful relationships had a greater chance of success. She said that they would not need curfews if they had more people involved in young people's lives.

Councilmember Misjuns called the question, seconded by Vice Mayor Diemer.

With no further discussion from the Council, the following vote was recorded on the amended motion:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of Community Development, Agenda Item #6, Council considered introducing Resolution #R-25-005 amending the FY 2025 General Fund budget and appropriating \$86,160 from the General Fund Reserve for Contingencies to provide additional demolition funding.

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Since January 2024, there have been nine (9) city funded demolitions, fourteen (14) privately funded demolitions, and two (2) private/city demolitions of blighted properties. The City's goal is rehabilitation of blighted properties and there have been eight (8) renovations with an additional thirteen (13) renovations in progress. At the September 24, 2024, Work Session, city staff identified two (2) structures that needed to be demolished for which adequate funding is unavailable: 1106 Jackson Street and 808 Florida Avenue. Since that time, three additional structures have been identified that are in need of demolition: 2021 Campbell Avenue, 1013 Hemlock Street and 900 Florida Avenue.

The following is a brief description of each property with an estimated cost of demolition and land fill fees:

The structure at 1106 Jackson Street has been declared an Emergency. The stability of the structure is compromised. All paperwork and public notices were completed as of September 3, 2024. The owner does not have insurance to cover costs and no permit has been obtained to date. The quote for demolition is \$25,910, not including landfill fees (estimated at \$4,000).

The structure at 808 Florida Avenue is a fire case (January 2024). The original owner had fire insurance, and then sold the property in April 2024. The current owner received a Notice of Violation to demolish and appealed the decision. A demolition permit was applied for on October 9, 2024, but has not been approved. Staff are awaiting an asbestos report, contractor information, and payment for the permit. This property is considered eligible for demolition as of October 25, 2024, unless there is action by the owner. The quote for demolition of the property is \$17,630, not including landfill fees (estimated at \$3,000).

The structure at 2021 Campbell Avenue was damaged by a recent fire. The owner does not have insurance and the structure/yard is in complete disarray. This property is not a case for the derelict program since it has not been vacant for a period of one year. Awaiting a quote for

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demolition, estimated to be \$20,000 for demolition, not including landfill fees (estimated at \$5,000, including cleaning up the yard).

The property at 1013 Hemlock Street is in the Derelict Program. The owner is currently being billed \$500 a month. A previous demolition order was on this property when the current owner purchased it in October 2023. The owner is out-of-state. No permits have been obtained, and no progress has been made to date. Awaiting a quote for demolition, estimated to be \$25,000, not including landfill fees (estimated at \$5,000).

Following staff's presentation to the City's Physical Development Committee, the structure at 900 Florida Avenue was added to this list. The structure was damaged by a recent fire and is adjacent to the structure at 808 Florida Avenue - such that the two structures bookend the White Rock Food Market. It has been condemned since 2008 and has been in the Derelict Program since April 2024. The quote for demolition of the property is \$26,100, not including landfill fees (estimated at \$5,000).

The City uses the funds for demolition to remove structures that are a hindrance to public safety and quality of life. For any funds spent, staff collaborate with the Billings and Collections Department in the collection process to bill owners for the City's expense to demolish and dispose of debris.

At its January 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns said that the Finance Committee left one of the structures off the demolition list because they felt they needed more information, but otherwise, the Committee unanimously approved the request. This brought the total down from \$116,160 to \$86,160. No second was required.

Councilmember Wilder said that they should consider assigning more funds to the program during the budget process.

Vice Mayor Diemer supported the use of the contingency fund, but he would prefer that these types of requests come through the regular budget process.

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City Manager Wynter Benda said that they had increased the Community Development budget proposal to address blighted properties, and they planned to appropriately scale the fund to address the need.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of the Police Department, Agenda Item #7, Council considered introducing Resolution #R-25-006 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$200,380 to purchase night vision equipment for the Police Department. The Police Department was awarded \$200,380 through a competitive grant process from the Virginia Department of Emergency Management, State Homeland Security Program to purchase night vision equipment. This funding will be used to replace equipment that is well beyond its usable lifespan. The total cost is \$200,380 which is fully reimbursable by the grant; no local matching funds are required.

At its January 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of the Police Department, Agenda Item #8, Council considered introducing Resolution #R-25-007 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$35,870 for DUI enforcement activities, equipment, and training.

The DMV Highway Safety Grant Program has awarded the City \$23,056 for DUI enforcement activities, alcohol testing equipment, and annual DMV grant-related training. The grant agreement includes an in-kind match of \$11,528 from the department's fuel and vehicle

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maintenance services budget. The grant excludes reimbursement of \$1,286 in Medicare and Social Security (collectively FICA) benefit costs associated with the allotted overtime. Both the in-kind match and FICA costs are available to transfer from the FY 2025 Police Department General Fund budget.

At its January 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of the Police Department, Agenda Item #9, Council considered introducing Resolution #R-25-008 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$58,885 for speed enforcement activities and equipment.

The DMV Highway Safety Grant Program has awarded the City \$38,400 for speed enforcement activities, along with radar and LiDAR equipment. The grant agreement includes an in-kind match of \$19,200 from the department's fuel and vehicle maintenance services budget. This grant excludes reimbursement of \$1,285 in Medicare and Social Security (collectively FICA) benefit costs associated with the allotted overtime. Both the in-kind match and FICA costs are available to transfer from the FY 2025 Police Department General Fund budget.

At its January 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

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// In the matter of the Police Department, Agenda Item #10, Council considered introducing Resolution #R-25-009 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$89,004 to purchase 79 replacement bulletproof vests for law enforcement officers.

The Police Department applies annually for the Bulletproof Vest Partnership Grant through the Office of Justice Programs. For the 2024 Police Bulletproof Vest Partnership, the City was awarded funding that covers the cost of replacement ballistic vests for both the Lynchburg Police Department and the Lynchburg Sheriff's Office. The vests provide protection to officers in the line of duty and the life of the vest is five years from the manufacturing date. The total replacement cost for 79 vests is \$89,004. The grant requires a 50% local match; these funds are available in the FY 2025 General Fund Police (\$40,827) and Sheriff's Office (\$3,675) operating budgets.

At its January 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required. Councilmember Misjuns said that there was nothing more important the Council could do then ensure that the police and firefighters were given all the resources to get home safe.

Mayor Taylor asked what the old vests were used for. Chief Zuidema said that they were sometimes used at the range for various purposes. There were questions about whether they could be donated because of liability concerns.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// The meeting adjourned at 8:05 p.m.

Clerk of Council

February 6, 2025

// A special called meeting of the Council of the City of Lynchburg was held on the 6th day of February, 2025, at 4:30 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The purpose of the meeting was to review and discuss an incident involving a School Board Member. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Martin Misjuns, Jacqueline Timmer	6
Absent: Stephanie Reed	1

// In the matter of the School Board, Agenda Item #1, Council held a special meeting to receive and discuss information from School Board Chair Dr. Atul Gupta regarding School Board member Christian DePaul's inappropriate conduct as a School Board member and his subsequent statement regarding his voluntary resignation from the Lynchburg School Board.

School Board Chair Dr. Gupta stated that certain matters were discussed during a closed session, so they would only be discussing publicly available information at this meeting.

School Board Vice Chair Dr. Martin Day presented the results of the School Board's investigation. He stated that on Tuesday, January 21, 2025, after a Disciplinary Committee hearing, Mr. DePaul covered the photograph portrait of former Superintendent Dr. Crystal Edwards with an image of Sloth from the movie *The Goonies* and replaced Dr. Edwards name with Interim Superintendent Dr. Ben Copeland's name in the caption area of the frame. He said that Mr. DePaul was forthcoming about committing the act. He stated that on January 27, 2025, there was a training session in the room. He said that none of the participants noticed the picture, but a staff member observed it and reported it to Dr. Copeland, who then took it down and restored it to the original state. He noted that these facts were undisputed. He stated that the School Board held a closed meeting with legal counsel to discuss the matter on February 4, 2025. He said that Mr. DePaul acknowledged and apologized for his actions in an open meeting and stated that if it were the will of Council, he would resign from the School Board. Mr. DePaul was removed from the Student Discipline Committee and the Facilities and Finance Committee. The School Board has not yet taken a position on whether Mr. DePaul should resign.

Councilmember Wilder motioned, seconded by Councilmember Faraldi, to request Christian DePaul voluntarily resign his position as a member of the School Board.

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Councilmember Wilder stated that as a former School Board member, a member of City Council, and a life-long resident of the City, he believed that Mr. DePaul had lost respect from the parents and teachers. He said he had received numerous emails requesting Mr. DePaul's resignation. He said that the City kept making national news for the wrong things, and they had to bring civility back to the community, to City Council, and to the School Board.

Councilmember Faraldi expressed concerns about how events had transpired over the past 24 hours. He accepted Mr. DePaul's apology, but Council should hold itself to a higher standard.

City Attorney Matthew Freedman asked if the motion on the table was to adopt the resolution proposed to Council.

Councilmember Wilder said that the motion was to adopt the proposed resolution.

Councilmember Timmer made a substitute motion, seconded by Councilmember Misjuns, to establish a process for deliberations concerning accusations, resignations, censures, and public admonishments before Council.

Councilmember Timmer said that the current process had created a lot of confusion regarding what actions Council could compel. She proposed creating a process to provide the opportunity for fact finding. She submitted a draft procedure for the proposed process.

Councilmember Misjuns said he supported opportunities to slow the process down to allow for fact finding. He said that incorporating the proposed rules would protect the integrity of Council. He said that they needed to move away from the media attention and chaos. He said that the proposed procedures would provide for public input, fact finding, and due process.

Councilmember Wilder said that he did not support the substitute motion. He said that Mr. DePaul had admitted to the facts, so there was no need for further fact finding. He believed that Mr. DePaul should resign irrespective of Mr. DePaul's own desires.

Interim Superintendent Dr. Ben Copeland addressed Council regarding leadership and the importance of judgement. He said that Mr. DePaul's actions were wrong, and a person in a leadership role who displayed bad judgement typically had a short tenure.

Vice Mayor Diemer said that this matter appeared rushed, and it should have been presented to the School Board for a recommendation first. He supported the substitute motion because it would

increase transparency and not rush the process. He said he wanted to review all of the information before making a decision.

Councilmember Misjuns said that they had received an email from Mr. DePaul stating he would not resign, and Dr. Day was a recipient of that email.

Dr. Day stated that Mr. DePaul had offered to resign in statements made at a School Board meeting, recorded and available to the public.

Councilmember Faraldi called a point of order on the substitute motion. He asked for clarification whether the motion was to adopt the proposed rules of procedure. He said that the substitute motion was not included in the published notice of the meeting, so it could not be considered.

Mr. Freedman stated it was his opinion the substitute motion was proper because it was related to the matter. He said the motion was not to adopt the proposed rules of procedure but rather to delay the matter to deliberate on a process to be made part of the rules of procedure.

Mayor Taylor called the question on the substitute motion.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi 3

Absent: Reed 1

Mayor Taylor called the question on the resolution requesting Mr. DePaul's resignation.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi 3

Noes: Diemer, Misjuns, Timmer 3

Absent: Reed 1

Councilmember Faraldi stated that Councilmember Reed was unable to attend the meeting due to a previously scheduled conflict; he asked the Mayor if Councilmember Reed had communicated her position on the matter. Mayor Taylor stated that Councilmember Reed had communicated her position, and it was in support of requesting Mr. DePaul's resignation.

Mayor Taylor motioned, seconded by Councilmember Misjuns, to adjourn the meeting.

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With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer	4
Noes: Wilder, Faraldi	2
Absent: Reed	1

// The meeting adjourned at 5:17 p.m.

Clerk of Council

February 18, 2025

// A special called meeting of the Council of the City of Lynchburg was held for the purposes of conducting a joint Work Session with the Lynchburg City School Board on the 18th day of February, 2025, at 3:00 p.m. at the I.T. Conference Center, 3550 Young Place, Lynchburg, VA 24501. The following

Councilmembers were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin

Misjuns, Jacqueline Timmer 7

Absent: 0

The following School Board members were present:

Present: Atul Gupta, Martin Day, Anthony Andrews, Gloria Preston, Letitia Lowery, Farid Jalil,

Daryl Conner, Mark Tinsley 8

Absent: Christian DePaul 1

Vice Mayor Diemer provided an invocation.

// In the matter of Introductions, Agenda Item #1, Mayor Taylor and School Board Chair Dr. Atul Gupta opened the joint work session. City Manager Wynter Benda and Interim Superintendent Dr. Ben Copeland provided opening remarks.

// In the matter of Budget, Agenda Item #2, Council held a joint work session with the School Board regarding the LCS FY26 Budget and Capital Improvement Plan Outlook. Interim Superintendent Dr. Ben Copeland provided a presentation on the budget. He provided an explanation on how enrollment figures were calculated and how those figures were used to calculate local and state funding. He reviewed past budget requests and ongoing obligations, and he provided an overview of the FY26 budget request.

School Board Vice Chair Dr. Martin Day provided statements related to funding for LCS and the need for a comprehensive facilities plan to address deteriorating infrastructure.

Vice Mayor Diemer said that Council and the School Board needed to make a commitment to continue joint communications.

School Board Member Letitia Lowery proposed the establishment of a facility where LCS could house alternative behavior education for K-12 and GED education. She said that this could consolidate facilities use. She requested five additional SSO positions to staff the facility, as well as a centralized office.

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Councilmember Wilder asked if there was a plan to renovate Sandusky Elementary.

Dr. Copeland responded that it was dependent on City funding for the proposed options.

Councilmember Wilder asked how the City was planning to address debt capacity to assist school and facility construction.

Mr. Benda said that as they worked through the budget and CIP process, he would propose investment in the aging infrastructure, and he would seek direction from Council and the School Board on how to proceed.

Councilmember Reed stated that the City needed to invest in quality public education to provide the best value to tax payers.

Chair Gupta said that the statements calling for school support were often empty words, noting that last year, LCS received none of the City surplus. He said that they were seeking a shared contribution for a growing community.

Councilmember Misjuns disclosed that his wife was a teacher for LCS, and he was part of a group called Spouses of Lynchburg City Schools Teachers, but he was able to be objective and impartial. He expressed concerns about the decision to close schools during the COVID-19 pandemic because of the detrimental impact on students. He expressed concerns about increasing electricity costs. He said that they needed to consider the impact on single-family homeowners. He asked for clarification about why they were seeing reduced student capacity in school facilities. He suggested consolidating LCS and City government departments in order to increase efficiencies, such as IT, finance, HR, and fleet management. He suggested redirecting the downtown streetscaping funding to LCS. He said that they should consider consolidating schools.

Councilmember Faraldi expressed the need to develop a school funding formula. He said that they needed to form a joint working group that met regularly to review figures, plans, and funding sources to facilitate open communication and develop an infrastructure plan. He requested that the City Manager investigate tax relief for tax payers on fixed incomes in the upcoming budget. He said that Lynchburg education should be LCS, and every parent should be choosing LCS.

Vice Chair Day supported the call for a joint group to focus on long-term planning.

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Chair Gupta proposed creating an ad hoc committee composed of two School Board members and two Council members to address short-term planning and infrastructure needs.

Councilmember Faraldi said they should have three members of each body so that meetings of the committee would constitute a public meeting.

Councilmember Misjuns said he supported the ad hoc committee if the meetings were open and accessible to the public.

Chair Gupta said he supported three members from each body. He proposed two members from each body to start, eventually expanding to three members. He submitted School Board Member Lowery and Vice Chair Day as the School Board representatives.

Mayor Taylor submitted Councilmember Faraldi and Councilmember Reed as the Council representatives.

Chair Gupta said that the plan was for the ad hoc committee to provide a joint report to the School Board and Council by mid-April.

// The meeting adjourned at 4:33 p.m.

// A special called meeting of the Council of the City of Lynchburg on the 18th day of February, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. This meeting was held for the purpose of conducting its regularly scheduled business carried over from a canceled meeting (February 11, 2025) due to inclement weather. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// Vice Mayor Diemer led the invocation followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Agenda Item #1, copies of the minutes of the January 9, 2025 City Council Retreat meeting were previously furnished to Council, and on the motion of Councilmember Reed, seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

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// In the matter of the Consent Agenda, Agenda Item #2, copies of the minutes of the January 14, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Reed, seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// In the matter of Public Comment, Agenda Item #3, Citizen Catherine Bragg addressed Council regarding recognition of SOL scores being shared in the media, a request for future collaborative meetings between Council and the School Board, and highlighting student lives lost in the last year and the need for systemic change. She expressed the need to invest in Lynchburg City Schools.

// In the matter of Public Comment, Agenda Item #4, Citizen Mary Dietrich addressed Council regarding public safety, animal control, and rabies. She expressed concerns about the lack of a response from animal control after a skunk attacked her and her dog. She requested that Council consider staffing and funding increases for animal control.

// In the matter of Public Comment, Agenda Item #5, Citizen Tiona Wilson was not present to address Council.

// In the matter of Public Comment, Agenda Item #6, Citizen Robert Flood, representing Rescuers of the Youth, addressed Council regarding the resignation of the School Board member and street lights in Ward 2. He said that adding streetlights in Ward 2 would increase the efficacy of security cameras. He encouraged the creation of a precinct in Ward 2. He expressed concerns about the recent actions of School Board Member Christian DePaul and called for his resignation.

// In the matter of Public Comment, Agenda Item #7, Citizen Peter Cefaratti addressed Council regarding whether Lynchburg was listed as a Sanctuary City because of regional jail policies. He said it was important to get cooperation from all stakeholders for school funding.

// In the matter of Public Comment, Agenda Item #8, Citizen Sarah Kalafian was not present to address Council.

// In the matter of Public Comment, Agenda Item #9, Citizen Greg Berry, representing City Elders, was not present.

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// In the matter of Public Comment, Agenda Item #10, Citizen Charleta Mason was not present to address Council.

// In the matter of Public Comment, Agenda Item #11, Citizen Aaron Reid addressed Council regarding the resignation of a School Board member. He expressed concerns about School Board Member Christian DePaul's actions and called for his resignation.

// In the matter of Public Comment, Agenda Item #12, Citizen Colleen Larkins, representing Save Our Schools, addressed Council regarding the School Board and our kids. She expressed concerns about School Board Member Christian DePaul's actions, noting how it would negatively impact the search for a new superintendent.

// In the matter of Public Comment, Agenda Item #13, Citizen Anthony Andrews was not present to address Council.

// In the matter of Public Comment, Agenda Item #14, Citizen Jeff Rosner addressed Council regarding the Finance Committee and federal grant guidelines. He explained that the City's Equal Opportunity Plan, including the Diversity and Inclusion plan, did not violate any federal laws, so it did not violate the recent executive order on federal grant guidelines.

// In the matter of Public Comment, Agenda Item #15, Citizen Sarah Bonner addressed Council regarding the need for more public housing in Lynchburg. She noted that between December and January, two community members were found frozen to death. She requested Council work with community partners to address the housing needs.

// In the matter of Public Comment, Agenda Item #16, Citizen Rev. Joshua Pratt, representing Action Mission, addressed Council regarding items on the agenda. He called for a full audit of LCS to identify problems in the school system. He asked Council to consider school choice voucher funding.

// In the matter of Public Comment, Agenda Item #17, Citizen Michael Bremer addressed Council regarding the Finance Committee's attempt to assert a line-item-veto power. He asked Council to reject the revisions to the Finance Committee guidelines.

// In the matter of Real Estate Assessments, Agenda Item #18, Councilmember Faraldi proposed deferring the item to the end of the meeting in consideration of the public's time and the impending

inclement weather. Mayor Taylor stated that there was consensus to defer the item to the end of the meeting.

// In the matter of Planning, Agenda Item #19, Council considered adopting Resolution #R-25-010 amending Future Land Use Map (FLUM), and; adopting Ordinance #O-25-011 approving the rezoning, and; adopting Resolution #R-25-012 approving the Conditional Use Permit (CUP) and allowing for 88 townhomes and associated parking at 750 Leesville Road. Mayor Taylor stated that the item was tabled at the December 10, 2024 meeting.

Maddox and Sons Construction, Inc. is petitioning to amend the FLUM, to rezone, and for a CUP to allow the construction of eighty-eight (88) townhomes, located at 750 Leesville Road. The FLUM currently recommends institutional use for majority of the property, with a small portion along the frontage recommended for Neighborhood Commercial. Institutional areas include the religious, educational, and other nonprofit entities in the City, such as churches, private schools and universities, private nonprofit hospitals, and other nonprofit institutions. The petition proposes to amend the FLUM to Medium Density Residential. These areas are characterized by small lot single- family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type.

The proposed density is below that which is recommended by the requested Medium Density Residential category on the FLUM and would be located adjacent to an existing townhome community. After the public hearing on December 10, 2024, City Council tabled this petition. The developer and engineer attended a Lakeland Homeowners Association meeting on January 21, 2025 to discuss the neighborhood's concerns. Additionally, the developer and the association are negotiating a private agreement to address stormwater concerns related to Lakeland Lake.

Councilmember Wilder motioned, seconded by Councilmember Reed, to amend the FLUM by adopting #R-25-010.

Councilmember Wilder stated that he believed the developer had made efforts to address the concerns of the nearby residents.

Councilmember Reed said that the developer had worked to address the concerns brought up by Council. She asked the petitioner to address the changes that had been proposed.

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Andy Maddox, representing Maddox and Sons Construction, Inc., stated that after receiving feedback from Council and residents, he had entered into an agreement to help maintain the pond by addressing sediment and providing a siphon. He said that in regards to traffic, the City could evaluate reducing the posted speeds or reducing the number of lanes.

Vice Mayor Diemer stated that there are water runoff issues already in that area that have nothing to do with the developer. He thanked the developer for his offer to be part of the solution and recommended the need for additional police presence in the Leesville area, along with reduced speeds.

Councilmember Timmer stated her appreciation the developer's solution-based focus and his concern for preserving the views of the people who live in that area, highlighting his attention to detail.

Councilmember Faraldi suggested that if this project were approved, then the City should consider lighting the intersections at a future date.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to approve the rezoning by adopting #O-25-011.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

Vice Mayor Diemer motioned, seconded by Councilmember Wilder, to approve the CUP by adopting #R-25-012.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of the Physical Development Committee, Agenda Item #20, Council considered approving the City Council's Physical Development Committee (PDC) Guidelines. Mayor Taylor stated that the item was presented to the PDC on January 14, 2025. Every two years when the committee is reformed, the guidelines are reviewed to determine if changes are required.

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At its January 14, 2025 meeting, the PDC recommended approval. As Chair of that committee, Councilmember Timmer brought the committee's recommendation for approval forward as a motion stating that there were no changes, and the proposed guidelines were unanimously recommended by the committee. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// In the matter of Community Development, Agenda Item #21, Council conducted a second reading in consideration of adopting Resolution #R-25-005 amending the FY 2025 General Fund budget and appropriating \$86,160 from the General Fund Reserve for Contingencies to provide additional demolition funding. Community Development Director William Martin provided the presentation to Council. Since January 2024, there have been nine (9) city funded demolitions, fourteen (14) privately funded demolitions, and two (2) private/city demolitions of blighted properties. The City's goal is rehabilitation of blighted properties and there have been eight (8) renovations with an additional thirteen (13) renovations in progress. At the September 24, 2024, Work Session, city staff identified two (2) structures that needed to be demolished for which adequate funding is unavailable: 1106 Jackson Street and 808 Florida Avenue. Since that time, three additional structures have been identified that are in need of demolition: 2021 Campbell Avenue, 1013 Hemlock Street and 900 Florida Avenue. The Finance Committee recommended funding the demolition of all the properties except 1013 Hemlock Street.

The following is a brief description of each property with an estimated cost of demolition and land fill fees:

The structure at 1106 Jackson Street has been declared an Emergency. The stability of the structure is compromised. All paperwork and public notices were completed as of September 3, 2024. The owner does not have insurance to cover costs and no permit has been obtained to date. The quote for demolition is \$25,910, not including landfill fees (estimated at \$4,000).

The structure at 808 Florida Avenue is a fire case (January 2024). The original owner had fire insurance, and then sold the property in April 2024. The current owner received a Notice of Violation to demolish and appealed the decision. A demolition permit was applied for on October 9, 2024, but has not been approved. Staff are awaiting an asbestos report, contractor information, and payment for the permit.

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This property is considered eligible for demolition as of October 25, 2024, unless there is action by the owner. The quote for demolition of the property is \$17,630, not including landfill fees (estimated at \$3,000).

The structure at 2021 Campbell Avenue was damaged by a recent fire. The owner does not have insurance and the structure/yard is in complete disarray. This property is not a case for the Derelict program since it has not been vacant for a period of one year. Awaiting a quote for demolition, estimated to be \$20,000 for demolition, not including landfill fees (estimated at \$5,000, including cleaning up the yard).

The property at 1013 Hemlock Street is in the Derelict Program. The owner is currently being billed \$500 a month. A previous demolition order was on this property when the current owner purchased it in October 2023. The owner is out-of-state. No permits have been obtained, and no progress has been made to date. Awaiting a quote for demolition, estimated to be \$25,000, not including landfill fees (estimated at \$5,000). City Council voted not to fund demolition of this structure at its January 28, 2025 meeting.

Following staff's presentation to the City's Physical Development Committee, the structure at 900 Florida Avenue was added to this list. The structure was damaged by a recent fire and is adjacent to the structure at 808 Florida Avenue - such that the two structures bookend the White Rock Food Market. It has been condemned since 2008 and has been in the Derelict Program since April 2024. The quote for demolition of the property is \$26,100, not including landfill fees (estimated at \$5,000).

The City uses the funds for demolition to remove structures that are a hindrance to public safety and quality of life. For any funds spent, staff collaborate with the Billings and Collections Department in the collection process to bill owners for the City's expense to demolish and dispose of debris.

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to adopt #R-25-005.

Councilmember Reed stated that since the first reading, where they unanimously approved funding for five homes, the Finance Committee reviewed the request and decided to remove one home and reduce the funding.

Councilmember Reed made a substitute motion, seconded by Councilmember Wilder, to restore the original allocation of \$116,160 to demolish all five homes as recommended by PDC.

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Councilmember Misjuns asked for clarification as to why the funding for the property on 1013 Hemlock Street was removed.

Ms. Frischeisen explained that the committee wanted to provide the property owner more time to respond.

Councilmember Misjuns stated his support for demolishing the other properties because they posed a threat to public safety. He stated that the property at 1013 Hemlock Street did not pose a threat, so the City should not allocate funds for its demolition.

Councilmember Faraldi said he supported the substitute motion because it was not the purview of the Finance Committee to decide which homes should be considered. He said the committee was asked whether to approve or deny the entire funding request.

Councilmember Wilder said that he seconded the substitute motion based on the recommendations of staff.

Councilmember Timmer asked for more information about why the property was proposed for demolition. In response, City staff projected images of the property that were included in the meeting materials packet.

Mayor Taylor offered that he had visited the property. He stated that the front and back of the house were sitting on dirt, indicating that the brick foundation was gone. He said that based on his construction experience, the house needed to be demolished. He provided more details on the history of the foundation of the house. He mentioned the danger of people entering the abandoned building to get warm, starting a fire and catching the whole place on fire.

Vice Mayor Diemer highlighted that the house stands out due to its condition and expressed concern about the permanence of demolishing the house, advocating for more time.

Councilmember Misjuns stated that they should not be using reserve for contingency funds to demolish structures. He said that if they wanted to provide funding for demolition, they should appropriate funds through the regular budget process.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Taylor, Wilder, Faraldi, Reed, Timmer

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Noes: Diemer, Misjuns 2

The substitute motion then became the main motion and the following vote was recorded to adopt the full allocation of \$116,160:

Ayes: Taylor, Wilder, Reed, Timmer 4

Noes: Diemer, Faraldi, Misjuns 3

// In the matter of the Police Department, Agenda Item #22, Council conducted a second reading in consideration of adopting Resolution #R-25-006 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$200,380 to purchase night vision equipment for the Police Department.

The Police Department was awarded \$200,380 through a competitive grant process from the Virginia Department of Emergency Management, State Homeland Security Program to purchase night vision equipment. This funding will be used to replace equipment that is well beyond its usable lifespan. The total cost is \$200,380 which is fully reimbursable by the grant; no local matching funds are required.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to adopt #R-25-006.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of the Police Department, Agenda Item #23, Council conducted a second reading in consideration of adopting Resolution #R-25-007 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$35,870 for DUI enforcement activities, equipment, and training.

The DMV Highway Safety Grant Program has awarded the City \$23,056 for DUI enforcement activities, alcohol testing equipment, and annual DMV grant-related training. The grant agreement includes an in-kind match of \$11,528 from the department's fuel and vehicle maintenance services budget. The grant excludes reimbursement of \$1,286 in Medicare and Social Security (collectively FICA) benefit costs associated with the allotted overtime. Both the in-kind match and FICA costs are available to transfer from the FY 2025 Police Department General Fund budget.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to adopt #R-25-007.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of the Police Department, Agenda Item #24, Council conducted a second reading in consideration of adopting Resolution #R-25-008 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$58,885 for speed enforcement activities and equipment.

The DMV Highway Safety Grant Program has awarded the City \$38,400.00 for speed enforcement activities, along with radar and LiDAR equipment. The grant agreement includes an in-kind match of \$19,200 from the department's fuel and vehicle maintenance services budget. This grant excludes reimbursement of \$1,285 in Medicare and Social Security (collectively FICA) benefit costs associated with the allotted overtime. Both the in-kind match and FICA costs are available to transfer from the FY 2025 Police Department General Fund budget.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt #R-25-008.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of the Police Department, Agenda Item #25, Council conducted a second reading in consideration of adopting Resolution #R-25-009 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$89,004 to purchase 79 replacement bulletproof vests for law enforcement officers.

The Police Department applies annually for the Bulletproof Vest Partnership Grant through the Office of Justice Programs. For the 2024 Police Bulletproof Vest Partnership, the City was awarded funding that covers the cost of replacement ballistic vests for both the Lynchburg Police Department and the Lynchburg Sheriff's Office. The vests provide protection to officers in the line of duty and the life of the vest is five years from the manufacturing date. The total replacement cost for 79 vests is \$89,004. The grant requires a 50% local match; these funds are available in the FY 2025 General Fund Police (\$40,827) and Sheriff's Office (\$3,675) operating budgets.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to adopt #R-25-009.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes:

0

// In the matter of Real Estate Assessments, Agenda Item #18, Council received an overview of Real Estate Projections for Fiscal Year 2026. City Assessor Jeffrey Bandy provided the presentation to Council. He provided the following summary:

- Real Estate Market remains strong
- Townhouses are the product of choice for the residential market
- Price points are moving up (significantly for most property types)
- Multi-family appears to remain strong (even with many new projects coming on-line)
- Existing industrial owners are experiencing a building expansion cycle (due to increased demand for products)
- Unknowns- Additional Fed Rate Cuts, Federal & State policy changes due to changes in leadership, construction costs stabilize, potential recession on the horizon.

Councilmember Misjuns expressed concerns about increases in assessment values.

Councilmember Faraldi stated that the assessments matched his observations from his work experience.

Vice Mayor Diemer shared his experience purchasing a home with foundational issues and was able to fix the issues and resell the house for a profit. He asked the City Assessor if that is something that the assessment would be able to determine. Mr. Bandy replied that the assessment would not be able to make that determination and used that as an example as a factual error that a citizen could bring before the Assessor's Office to be challenged as the assessment is based on the outside of the home.

Councilmember Misjuns asked Mr. Bandy to explain the difference in percentages in different parts of the city. Mr. Bandy explained that the differences are due to the greater rates of return when flipping a house at a lower starting value versus somewhere else in the City where the starting value of the home is more.

Councilmember Timmer asked when the new assessment data goes into Parcel Viewer. Mr. Bandy noted that the information will go live once the notices go out.

// On the motion of Councilmember Wilder, seconded by Councilmember Timmer, by the following recorded vote, Council elected to hold a closed meeting to discuss the disposition of publicly held real

property, namely property owned by the City that may sold for economic development purposes, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended; and

to discuss the investment of public funds in connection with a project with a private party, where competition or bargaining will be involved, where if made public initially, the financial interest of the City would be adversely affected, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; and

to discuss the possible resolution of two pending City lawsuits pursuant to Section(s) 2.2-3711(A)(7) and -(A)(8) of the Code of Virginia, 1950, as amended; and

to discuss appointment for Council representation to a Board or Commission: Central Virginia Transportation Planning Organization pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg 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 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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 resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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The motion was seconded by Councilmember Faraldi, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Timmer 6

Noes: Misjuns 1

// On motion of Councilmember Wilder, seconded by Councilmember Timmer, Council by the following recorded vote appointed Councilmember Martin Misjuns to serve as its liaison on the Central Virginia Transportation Planning Organization.

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// The meeting adjourned at 9:36 p.m.

Clerk of Council

February 25, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of February, 2025, at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of the Budget, Agenda Item #1, Council conducted a work session regarding the Presentation of the FY 2026 - 2030 Capital Improvement Program - City and Schools. City Manager Wynter Benda gave opening remarks. Chief Financial Officer Donna Witt provided the presentation on the Capital Improvement Program (CIP) process and how it is funded. Ms. Witt highlighted City and Schools capital projects that are proposed as part of the FY 2026 - 2030 CIP funded by the general fund.

Councilmember Misjuns highlighted that the costs for the downtown streetscape have increased.

Data Analyst Shaun Conway introduced the CIP Dashboard and reviewed how to use it.

Councilmember Misjuns asked if revenues could be included on the dashboard. Mr. Conway said that the dashboard currently only focused on the CIP, but revenues could be considered for a future iteration.

Vice Mayor Diemer suggested including a feedback link on the dashboard, along with an option to save favorite sections for easier access.

// In the matter of the General Registrar Office, Agenda Item #2, Council was briefed regarding Polling Place Changes: Third Precinct of Second Ward & First Precinct of Third Ward. The matter will appear before Council for action at the March 11, 2025 meeting. Registrar Daniel Pense reviewed the request. On March 11, 2025, the Lynchburg City Council, after a public hearing, will be asked to consider the adoption of an ordinance that would 1) change and relocate the polling place of the Third Precinct of the City's Second Ward from the Jubilee Family Development Center, 1512 Florida Avenue, to the Greater Brookville Church, 1916 Florida Avenue and would 2) change and relocate the polling place of the First Precinct of the City's Third Ward from the Lynchburg Public Library, 2315 Memorial Avenue, to the West Lynchburg Baptist Church, 3031 Memorial Avenue. The reasons for the changes being as follows: the Jubilee Family Development Center is no longer available as a polling place for the Third Precinct of the

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City's Second Ward, and the West Lynchburg Baptist Church is now available as a polling place for the First Precinct of the City's Third Ward and is preferred because it is located inside the said precinct (versus the Lynchburg Public Library being outside the said precinct). A Certification of No Objection from the Virginia Attorney General's Office will be required for these changes.

Councilmember Faraldi inquired where the proposed changes were approved unanimously by the board. Mr. Pence confirmed the unanimous approval.

Vice Mayor Diemer stated his support for the changes in Ward 3.

Councilmember Wilder noted his conflict due to his employment at Jubilee Family Center and running for office.

// In the matter of Planning, Agenda Item #3, Council was briefed regarding 1600 and 1602 McVeigh Road - Rezoning - Residential. Mayor Taylor stated that the matter will appear before Council for action at the March 11, 2025 meeting. City Planner Rachel Frischeisen presented the item to Council. Deborah H. Dolan is petitioning to rezone approximately one and one hundredth (1.01) acres from R-1, Low Density Residential District to R-2, Low-Medium Density Residential District at 1600 and 1602 McVeigh Road to allow the subdivision of the existing two (2) lots into three (3) lots to allow the construction of a new home. The petitioner previously requested a rezoning from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional) to allow the construction of up to three (3) duplexes. This change would not have aligned with the recommendation for Low Density Residential uses and may have set precedence for further densification in the neighborhood. The Planning Commission recommended denial of the petition to rezone to R-3C. Following the Planning Commission meeting, the petitioner submitted a request to revise the petition for a rezoning to R-2, Low-Medium Density Residential District. Per Sec. 35.2-11.6 (d), City Council may approve a change to a less intensive land use category, zoning district or use.

Rezoning the properties to R-2, Low-Medium Density Residential District would align with the Future Land Use Map (FLUM) recommendation and would allow an additional home to be constructed between the two (2) existing residences. The petitioner anticipates that the new home could have an accessory dwelling unit, if the home is owner-occupied. In the R-2 district, one accessory dwelling unit

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may be established in addition to the principal dwelling unit on lots on which the owner resides, subject to certain standards.

// In the matter of Planning, Agenda Item #4, Council was briefed regarding 815, 825, 832, 833, 903, 903 A, and 906 Wiggington Road - FLUM & Rezoning - The Village at WestPoint. Mayor Taylor stated that the item will appear before Council at the March 11, 2025 meeting. City Planner Rachel Frischeisen presented the item. JAM89, LLC and Langley Land, LLC are petitioning to amend the Future Land Use Map (FLUM) from Low Density Residential and Medium Density Residential to High Density Residential and to rezone approximately fifty-three and thirty-three hundredths (53.33) acres from I-3, Heavy Industrial District; R-2, Low-Medium Density Residential District; and R-3C, Medium Density Residential District (Conditional) to R-4C, High Density Residential District (Conditional) to allow the construction of 750 total residential units consisting of condominiums, patio homes, and townhomes with associated parking and amenities located at 815, 825, 832, 833, 903, 903 A, and 906 Wiggington Road.

The Planning Commission recommended approval of the petition, citing the need for housing within the City, but noted that approval of the petition would require the allocation of City funds toward road improvements.

The City's Future Land Use Maps (FLUM) recommends Low Density Residential and Medium Density Residential uses for these properties. Low Density Residential uses are dominated by single family detached housing at densities of up to four (4) dwelling units per acre. Medium Density Residential uses are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. The petition proposes to amend the FLUM to High Density Residential. These areas are developed or planned to be developed into high density townhouse or multifamily housing. Densities can range up to thirty (30) units per acre.

The petitioner submitted six (6) proffers, three (3) related to traffic. A traffic study indicates the development will more than double road trips in the area, requiring improvements at three locations: a signal or roundabout at Wigginton and 501 Southbound Ramp, an extended left turning lane at Wigginton and Old Forest Road, and left turn lanes into the site. The proffers presented to the Planning Commission were unclear on timing and the petitioner's commitment to these traffic improvements, raising staff concerns about timing, costs, and completion.

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Councilmember Faraldi noted there was a petition attached with the presentation expressing opposition, which was not typical.

Councilmember Timmer asked if there are any ancillary developments were planned due to this project.

Ms. Frischeisen replied that there are none at this time, though a large commercial lot exists across from Wiggington Road that proffers restricted to just an office lot which is not currently in play.

Councilmember Timmer inquired about the precedent for bonding road improvements with development tax dollars specifically for infrastructure. City Manager Wynter Benda responded that he is not aware of any current projects that leverage that. Councilmember Timmer inquired whether tax revenues go directly to the general fund or if they can be earmarked for development areas. Mr. Benda explained that the project must generate revenue to rebuild necessary infrastructure to complete the project. Deputy City Manager Greg Patrick explained how Tax Increment Financing (TIF) typically works, noting that the City doesn't consider TIF for residential projects, as the goal is for growth to support the general fund. Community Development Director Tom Martin provided an example of leveraging TIF in the Rosedale development, a commercial-only project. In that case, an agreement was made to use increased tax revenue for road improvements, with the developer paying upfront and the City reimbursing them.

Councilmember Faraldi pointed to the example of Council suggesting to include regional meal taxes in the legislative agenda, which he believes is somewhat similar.

Ms. Frischeisen clarified that the current discussion in the proffers revolves around a cost-sharing formula between the City and developer, but no specific numbers are available yet.

Councilmember Misjuns asked about the Economic Development Authority's (EDA) involvement, to which Ms. Frischeisen responded that the EDA put out a request for projects and is evaluating the responses.

Councilmember Misjuns further inquired whether the units at The Village at WestPoint would be owner-occupied. Ms. Frischeisen confirmed they would be for sale.

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Vice Mayor Diemer questioned whether it's typical for traffic studies to include traffic improvements not directly near the property. Ms. Frischeisen responded that while it's uncommon, this area is unique in that the impacted intersections area is easier to identify given the traffic patterns.

Councilmember Timmer asked about the development timeline, phases, and intersection improvements. Ms. Frischeisen stated the project is expected to span ten years, with construction starting within two years of approval.

// In the matter of Water Resources, Agenda Item #5, Council was briefed regarding Proposed Zoning Ordinance Amendments - Floodplain Management. Mayor Taylor stated the item will appear before Council for action at the March 11, 2025 meeting. Water Quality Manager Erin Hawkins briefed Council. Sections 35.2-59 et seq. are the portion of the City's Zoning Ordinance that addresses properties that are within (or partially within) a Special Flood Hazard Area (SFHA). The attached ordinance establishes what land uses can occur in these areas and the requirements to develop them. The adoption of the proposed ordinance amendments will not substantially change the way that the Special Flood Hazard Area (SFHA) has been managed to date. The proposed amendments can be summarized in three parts:

- Aligning the Flood Hazard Ordinance to the FEMA Model Ordinance ensures consistency in meeting the National Flood Insurance Program requirements. Continued participation in the NFIP by the City is important so that property owners can purchase flood insurance to protect improvements located on the properties whether they are within or outside of the SFHA.
- The current ordinance restricts allowable uses of property located in a regulatory floodway by a Conditional Use Permit to that of marinas, boat rentals, docks, piers, and wharves. Unless otherwise prohibited by the amended ordinance, the underlying zoning would control the permissible uses in the regulatory floodway. This would allow for several properties to become eligible for adaptive reuse, whereas the current ordinance prohibits other underlying uses.
- The current freeboard requirement for flood-proofing structures is twelve inches (12") above the Base Flood Elevation and is proposed to be increased to eighteen inches (18"). Freeboard is "a factor of safety usually expressed in feet above a flood level for purposes of floodplain management" (FEMA). This would apply to any new construction or substantially improved structure through elevation of the structure of height of flood-proofing. In addition to greater

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protection from flooding damage, other benefits of an increased freeboard are faster recovery time after a flooding event and potentially lower insurance premiums for policyholders.

Vice Mayor Diemer asked about lower end properties completing significant work would that trigger the need for the new freeboards.

Ms. Hawkins explained that any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of the construction improvement. She shared that it is unlikely that the lower-end structure wouldn't encounter this scenario, as it has not happened yet.

Councilmember Misjuns expressed concerns about the ordinance due to his experience in Roanoke County with a house fire. He said that the substantial improvement threshold could prevent people from repairing their homes and moving back in. He noted that it was likely there were several structures in the City where the assessed value was substantially lower than the repair costs after a fire. He asked Council to consider an exception for repairs to restore the property to a prior state after damage.

Ms. Hawkins said she could investigate an exception prior to the public hearing. She said that there may be differences when the property was a total loss and required a complete rebuild versus a partial loss that required repairs.

Mayor Taylor raised concerns about historical homes in the area under this restriction when they have to be restored to the original structure.

Ms. Hawkins noted that there are variances for historical specifications for different circumstances.

Mayor Taylor asked about a specific structure in the floodplain that has steps that are only 16 inches and inquired if they would have to raise it to meet the code.

Ms. Hawkins explained that there is a differentiation between elevating a structure versus flood proofing a structure. There are things that could be done to the structure to flood proof it while maintaining the historical structure. Providing an opportunity to bring older homes up to code.

Councilmember Misjuns said he supported giving people the option to flood proof structures rather than elevating them where possible.

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// In the matter of Water Resources, Agenda Item #6, Council was briefed regarding VDH Lead Service Line Funding and Water Capital Appropriation. Mayor Taylor stated that the item will appear before Council at the March 11, 2025 meeting. Director of Water Resources Timothy Mitchell briefed Council. The Environmental Protection Agency's (EPA) Lead and Copper Rule Revisions (LCRR) and Lead and Copper Rule Improvements (LCRI) laid out a series of new actions for all water utilities in the United States. The goal of this initiative is to identify lead sources in a water system, implement and/or optimize corrosion control treatment, and establish a plan to eliminate all sources of lead in the water supply system. As required by the new Lead and Copper Rule Revisions, we developed an initial Lead Service Line (LSL) Inventory and submitted it to the State by the required deadline of October 16, 2024. The LSL Inventory is required to identify all service line materials on both public and the private side. Lynchburg has over 26,000 public and private service lines. After the initial inventory approximately 19,000 service line materials remain unknown most of which are on the private side. Any service line that is an unknown service material is assumed to be lead and must be treated as lead until the material is confirmed. By 2027 all service lines and galvanized lines requiring replacement must be identified and a replacement plan developed, then by 2037 all lead service lines and galvanized service lines requiring replacement must be replaced. The total estimated cost for this effort is over \$30 million.

On November 8, 2024, the Virginia Department of Health (VDH) awarded the City \$10,025,194 in additional funding for continued inventory efforts and replacement of lead service lines and galvanized service lines requiring replacement. This additional funding includes \$3,659,196 as principal forgiveness through the Bipartisan Infrastructure Law (BIL) and \$6,365,998 as a loan with optional 20-year and 30-year terms which will be administered by the Virginia Resources Authority (VRA) and be funded through the Virginia Drinking Water State Revolving Fund. Interest rate will be determined based on market rate in the month before loan closing, subject to the required minimum interest rate of 1.00% per annum for a 20-year loan or a 1.50% per annum for a 30-year loan.

This combination of low interest financing and \$3,659,196 in principal forgiveness, provides the City with the most affordable option to meet the LCRR and LCRI regulations and eliminate lead service lines from our drinking water system.

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Vice Mayor Diemer asked is that places where lead has been identified on the City GIS mapping system.

Mr. Mitchell confirmed that known cases are on the GIS mapping system.

Mr. Mitchell noted that they would normally make the request during the CIP process, but VDH wanted an answer sooner than the process would allow so that they could reappropriate the funding if the City did not accept it.

// In the matter of the Finance Committee, Agenda Item #7, Councilmember Reed motioned, seconded by Councilmember Faraldi, to temporarily suspend the rules of procedure to refer all agenda items pertaining to the Finance Committee back to the Finance Committee for further review and discussion and then immediately reinstate the rules once the motion was adopted.

Councilmember Reed explained that more information had been presented by staff and Davenport, so she would like to discuss those matters. She requested to continue holding Finance Committee meetings at 3 p.m. until Council could review the guidelines.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to include the items on the agenda for debate at the regular meeting.

Councilmember Misjuns said that they should honor the citizens who signed up to speak on the matter at the regular meeting, otherwise he believes that Council would be silencing them.

Vice Mayor Diemer said he supported the guidelines, and they should have debate in a public forum at the regular meeting. He said that sending the matter back to the Finance Committee was not transparent and open.

Councilmember Faraldi asked if the members of the public who signed up to speak on the item would be removed from the agenda if the matter was referred back to the Finance Committee.

Clerk of Council Alicia Finney replied that they would still be able to speak on the item at the regular meeting.

City Attorney Matthew Freedman noted that since Council had the final decision on matters, referring the items to the Finance Committee would provide citizens more opportunities for input when the matter was finally addressed.

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Councilmember Faraldi noted that Finance Committee meetings were open to the public, and by referring the items back to committee, citizens would have another opportunity to comment on the matter.

Councilmember Timmer said she found value in having the debate at the regular meeting. She said she was still reviewing staff recommendations, and she did not oppose the matter returning to the Finance Committee.

Councilmember Wilder emphasized that no one is being silenced and reaffirmed that the concerns raised will be heard.

Councilmember Misjuns discussed the importance of budgeting within the city's means, moving towards priority-based budgeting, and ensuring that essential services like public safety are properly funded, while reassuring that the proposed policy could be adjusted in the future.

Mayor Taylor noted there were only two people signed up to discuss the Finance Committee.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Reed, Faraldi, Wilder 4

Councilmember Misjuns expressed concerns about having Finance Committee meetings at 3 p.m. because of time constraints.

Councilmember Timmer expressed her opposition to the original motion, preferring not to refer the matter back to the Finance Committee, as she believed there is value in having the discussion in a Council meeting.

Vice Mayor Diemer emphasized the importance of allowing citizens to hear Councilmembers discuss the topic directly in the meeting, in alignment with the agenda that had been published.

Councilmember Faraldi referenced a previous item that was discussed in the Finance Committee, where ample time was allocated for debate and decision-making. He expressed his support for referring the guidelines back to the Finance Committee, noting that additional information has been presented since the initial discussion.

With no further discussion from the Council, the following vote was recorded on the motion to refer the matters back to the Finance Committee:

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Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of the Finance Committee, Agenda Item #8, Finance Committee Revision of Policy III: Budget of Financial Management Policies, the matter was referred back to the Finance Committee for review following a vote on the previous item.

// In the matter of Boards and Commissions, Agenda Item #9, Boards and Commissions Quarterly Reporting (Q1), the matter was deferred. Clerk of Council Alicia Finney stated she would provide the information to Council prior to the March 11 meeting.

// In the matter of Roll Call, Councilmember Faraldi stated that he received a letter from the owners of The Summit, and he requested for it to be presented to Council and scheduled for a work session. He said it was important they consider the development impacts on the surrounding area.

Councilmember Timmer said she would follow up with the City Attorney about the rules of procedure and potential amendments.

Councilmember Misjuns said he received a report about the status of Fire Department equipment that was reaching the end of its lifecycle. He said that Council needed to consider options and alternatives to replace the equipment, and they needed to ensure the equipment was operational.

Councilmember Wilder thanked those who attended the Unity Day held on Saturday at 5th and Federal. He said that they needed more unity in the community.

// The meeting recessed at 6:28 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of February, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin

Misjuns, Jacqueline Timmer 7

Absent: 0

// Mayor Taylor led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Agenda, Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to amend the agenda, adding an item to consider broadcasting committee meetings.

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Councilmember Misjuns said that it would be good for public transparency.

Vice Mayor Diemer said he had addressed the request with staff, and they had the necessary equipment to broadcast the meetings. He said that it would promote open and transparent government.

Councilmember Wilder asked staff if they had the ability to broadcast the committee meetings.

City Manager Wynter Benda noted that they had the capability, but he had not consulted the necessary staff on what would be required. He requested that staff be provided a grace period to prepare and implement the necessary systems.

Councilmember Wilder said he supported the request because it would increase transparency for the public.

Councilmember Faraldi said he supported the concept, but the Rules of Procedure prevented items requiring action from being introduced and considered at the meeting. He supported the City Manager's request to provide a grace period for implementation, and he requested that Council, by consensus, agree to pursue the request and provide staff time for implementation.

Councilmember Timmer expressed support for the motion. She said that given the upcoming budget process, it would be valuable to broadcast the meetings as soon as possible.

Mr. Benda said he expected they would be able to broadcast committee meetings by March 25. He said that staff would brief Council on the implementation at its Work Session on March 11.

Councilmember Misjuns amended his motion to implement committee meeting broadcasts by the next Finance Committee meeting on March 25.

Councilmember Faraldi said he did not want to hold staff to a specific deadline due to the potential for unforeseen delays. He said that they should instruct staff to implement broadcasts as expeditiously as possible.

City Attorney Matthew Freedman clarified that instead of the matter being included on the agenda for action, it would appear as a Business Item Briefing at the March 11 Work Session.

Councilmember Misjuns stated his motion was to amend the agenda to include an item for Council to consider broadcasting committee meetings. He said he made an amendment that would make Council's decision go into effect now and have broadcasting implemented by March 25. He said that if Council did not want to consider that route, he would revert to his original motion.

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Mayor Taylor stated that there was consensus from Council to implement broadcasting by March 25.

// In the matter of the Consent Agenda, Agenda Item #1, copies of the minutes of the January 28, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Misjuns, seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Community Development, Agenda Item #2, Council conducted a public hearing in consideration of adopting Resolution #R-25-013 approving goals for the Community Development Block Grant (CDBG) and HOME Program for the Five-Year Consolidated Plan and 2025 Annual Action Plan. Grants Manager Melva Walker briefed Council. The U.S. Department of Housing and Urban Development (HUD) requires state and local governments, which receive federal Community Development Block Grant and HOME Program funds, to prepare a Consolidated Plan. The previous Consolidated Plan for Lynchburg was submitted in May 2020 and covered the period from July 1, 2020, through June 30, 2025. With the submittal of the annual Community Development Block Grant (CDBG) and HOME Program Action Plan in June 2025, another five-year plan must be prepared and submitted for the period from July 1, 2025, through June 30, 2030. This plan will outline the City's needs, goals, and objectives for community development (both housing and non-housing areas).

On January 22 and 23, 2025, City staff and the professional consulting team at Mullin & Lonergan Associates (M&L), who are assisting the Grants Administration Team with the development of the five-year plan and annual action plan, conducted several stakeholder meetings with the public to allow for input on the community development needs and goals of the community.

On January 23, 2025, the Community Development Advisory Committee (CDAC) conducted a public meeting to hear citizens' comments on the proposed housing and non-housing goals for the Consolidated Plan. At the meeting, the citizens spoke to the Committee regarding the proposed goals. The comments made to the Committee carried general themes of the need for goals that would provide programs and activities that support housing affordability in both rental and homeownership markets;

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services that help youth, adults, and families with housing and economic opportunities; services for homeless citizens; and improvements to public facilities and infrastructure. At the conclusion of the meeting, the members of the CDAC discussed the comments presented to them in relation to the proposed goals. The Committee's discussion included wanting to ensure that the proposed goals would provide a funding avenue for programs that would support affordable housing and economic opportunities for all income levels; improved neighborhoods and public infrastructure; supportive services for homeless persons; and support efforts for improvements to rental housing and blighted properties. At the end of the discussion, the Committee members unanimously agreed to recommend to the City Council that the proposed goals be approved as presented.

M&L President Bill Wasielewski provided a presentation summarizing the input received at the stakeholder meetings and CDAC public meeting.

There was no one to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Wilder motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-013.

Councilmember Wilder said that the program made a difference in the community in terms of housing needs. He said that they were thankful to partner in the project.

Councilmember Timmer said she was impressed how staff structured its goals to obtain the maximum amount of funding and putting the needs of the community first.

Councilmember Faraldi expressed concerns about the use of public funds to demolish private property. He said that Council should find other ways to address blight and incentivize demolition and redevelopment.

Vice Mayor Diemer expressed support for efforts that help people own homes and create long-term financial stability.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

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// In the matter of Public Comment, Agenda Item #3, Citizen Susan Stengel addressed Council regarding DEI policies being legal. She said that she spent her career in US companies, where she faced discrimination for being a woman. She expressed support for DEI policies, which enhanced merit hiring practices. She asked Council to continue to support DEI policies in local government and public schools.

// In the matter of Public Comment, Agenda Item #4, Citizen Megan Huffman addressed Council regarding the misconduct of Ward 1 School Board Representative Mr. Christian DePaul. She said that Mr. DePaul's actions violated the School Board's non-discrimination policy and code of conduct. She asked Council to revisit the resignation of Mr. DePaul with all members present. She asked Council to approve the \$5.5 million request from the School Board.

// In the matter of Public Comment, Agenda Item #5, Citizen Zachary Karnavas was not present to address Council.

// In the matter of Public Comment, Agenda Item #6, Citizen Beth White addressed Council regarding appreciation and recognition of two specific departments. She commended the Public Works Department and Director Gaynelle Hart. She noted the multiple decades of experience in the Finance Department and commended them for their work.

// In the matter of Public Comment, Agenda Item #7, Citizen Greg Berry, representing City Elders, addressed Council regarding the School Board and other issues. He said it was not necessary for Council to address issues on the School Board, and they should focus on correcting and forgiving. He demanded that funding stop for the Downtown Lynchburg Alliance because the organization promoted LGBTQ events. He said that tax dollars should not support such events because it was an abomination before God. He expressed concerns about rising real estate assessments. Mr. Berry said that Council needed to ensure they received a fair return on their taxes. He asked for a full audit of the City's finances and called for the create of a local Department of Government Efficiency (DOGE).

// In the matter of Public Comment, Agenda Item #8, Citizen Peter Cefaratti addressed Council regarding ideas for generating revenue. He supported Councilmember Misjuns' proposal to merge LCS and City government departments. He suggested that Council solicit revenue generation ideas from the public. He expressed concerns about the decline of the education system.

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// In the matter of Public Comment, Agenda Item #9, Citizen John Vassar, representing Lynchburg Republican City Committee, addressed Council regarding management policies concerning taxpayer funds. He asked Council to estimate revenues and provide a working figure of expenditures, ordered in priority. He said the process should be transparent and open to public comment.

// In the matter of Public Comment, Agenda Item #10, Citizen Andrea Hurtt was not present to address Council.

// In the matter of Public Comment, Agenda Item #11, Citizen Joshua Pratt addressed Council regarding financial management policies. He called for a full audit of Council, all departments, and all non-profits that receive tax payer funds, including the Boys and Girls Club of Central Virginia, the Jubilee Center, the Downtown Lynchburg Association, the Academy of Arts, and the Beacon of Hope. He expressed concerns about Councilmember Wilder's involvement in the Jubilee Center as Executive Director and Councilmember Reed's involvement in the Boy and Girls Club as CEO.

// In the matter of Public Comment, Agenda Item #12, Citizen Gary Woodson was not present to address Council.

// In the matter of Engineering, Agenda Item #13, Council considered adopting Resolution #R-25-014 to increase the lane mileage for street maintenance entitlement funds from the Commonwealth. Mayor Taylor stated that the item was previously presented to the Physical Development Committee.

At its February 18, 2025 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Timmer brought the committee's recommendation for approval forward as a motion stating that the resolution would allow the City to capture more state funding for road maintenance, and the item was recommended unanimously by the committee. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of the Fire Department, Agenda Item #14, Council considered introducing Resolution #R-25-015 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$75,000 to fund equipment for the Fire Department Technical Rescue Team. Mayor Taylor stated that the item was previously presented to the Finance Committee.

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At its February 25, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion stating that the Finance Committee unanimously recommended adopting the resolution. He noted that a local match was not required.

No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of the Fire Department, Agenda Item #15, Council considered introducing Resolution #R-25-016 amending the FY 2025 Fleet Fund budget and appropriating \$2,400,000 to purchase a Ladder Truck for Fire Station 9. Mayor Taylor stated that the item was previously presented to the Finance Committee.

At its February 25, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion stating they were saving money by appropriating the funds for the ladder truck. He noted that the costs continued to increase, and the lead-time for new ladder truck orders was 51 months.

No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of the Finance Guidelines, Agenda Item #16, the item was referred to the Finance Committee during the 4 p.m. Work Session.

// In the matter of the Finance Committee Policy III, Agenda Item #17, the item was referred to the Finance Committee during the 4 p.m. Work Session.

// The meeting adjourned at 8:02 p.m.

Clerk of Council

March 11, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of March, 2025, at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of Work Session Agenda Overview, City Manager Wynter Benda introduced the new Director of the Lynchburg Regional Airport, Cedric Simon, who had previously served as the Assistant Director for Operations and Maintenance and as the Acting Director.

// In the matter of the FY 2026 Budget, Agenda Item #1, Council conducted a work session regarding the Capital Improvement Program (CIP) Discussion.

Director of Parks and Recreation Wyatt Woody provided a presentation to Council regarding the public pool renovation and replacement projects in the CIP.

Vice Mayor Diemer asked about water loss in the pool, specifically how much is due to evaporation versus leakage through the liner. Mr. Woody noted that evaporation is minimal in the off-season due to lower heat and sunlight, but the pool water level has dropped significantly despite the cover.

Councilmember Misjuns asked what the cost would be to only address the privacy fence and leaks in the pool rather than the entire project.

Mr. Woody said that they were awaiting cost estimates from the contractor. He noted that attempting to only repair the leaks would likely not solve the problem, as the leaks required much more comprehensive repairs.

Councilmember Misjuns stated that he wants to focus on the needs versus the wants in the matter of the pool. He requested a cost comparison between fixing the leak and install privacy fencing, which he stated is a safety concern, versus a full pool rebuild; Mr. Woody said he'd be happy to get those numbers.

Councilmember Faraldi raised the question of whether an economic partnership with an organization like the YMCA could be a more cost-effective alternative to the City's investment in pool

March 11, 2025

construction, maintenance, and staffing. City Manager Wynter Benda said that he was mainly familiar with partnership models related to health centers. He said that there was a certain level of revenue capture with the pools through a \$3 fee, and they also issued season passes. He said staff could bring back options to consider, such as a private partnership or increasing attendance fees.

Councilmember Reed shared appreciation for the proposed design and emphasized the need for the City to invest in upgrading the pool to provide a safe, enjoyable space for all visitors who rely on it as their only option.

Library Director Beverly Blair provided a presentation to Council regarding the main library renovation project in the CIP.

Councilmember Faraldi asked if the City had considered other commercial property for the library or expanding to two locations. Mr. Benda said that the City preferred to own the property it operated so that it would not be impacted by leases or lease restrictions. He said that they had already disbursed funds for design of the building, but they were not excluding other opportunities. Councilmember Faraldi asked staff to follow up with information about what the expected operational cost increases were for the library.

Chief Financial Officer Donna Witt provided a presentation to Council. The City Capital and Schools Capital projects proposed in the FY 2026 - FY 2030 Proposed Budget were presented at the February 25th Work Session. This work session is to respond to City Council questions regarding the CIP. Ms. Witt explained CIP adjustments, including moving the Miller Park Pool project to 2026, removing already appropriated funds for the Hollins Mill Road Bridge Replacement and Lynchburg Center for Industry Phase II, resulting in a \$9.2 million decrease in the five-year CIP.

Councilmember Misjuns asked for an update on the Florida Avenue sidewalk project. Deputy City Manager Greg Patrick explained that the funds were appropriated, and the scope of the project changed substantially. He said that due to issues with the railroad crossing, sidewalks would be installed from James Crossing to the railroad trestle. He said that a written update would be provided to Council.

Mr. Benda discussed leveraging revenue share funds for a project near Florida Avenue to create safe access, with updates and designs to be shared in future communications.

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Councilmember Faraldi raised a discussion on prioritizing funding for blighted structure demolition, question whether it should be reallocated to school infrastructure. He requested a list of past uses of the Street Utility Extensions over the last five years to evaluate potential reallocation of the money. He sought clarification on whether the Property Toolkit's operational impact involves hiring a full-time staff or increased workload. Mr. Benda responded that only one new full-time employee is proposed due to the state-mandate of having a pharmacist. However, more staff may be needed for blighted structure enforcement. Councilmember Faraldi encouraged Council to consider whether the funding allocated is the best use of the funds, especially with potential future staffing needs. Mr. Benda shared that the Property Toolkit supports neighborhood revitalization by redeveloping key areas, improving infrastructure, and promoting homeownership. Councilmember Faraldi expressed his concern with deciding on demolition of properties. He urged Council to think about how that money could be better spent on urgent school needs.

Councilmember Wilder stated that blighted properties posed a health and safety risk to neighboring properties. He said that Council needed to consider a balanced approach.

Councilmember Misjuns said he believed it was not the role of the City to demolish private structures, and they should use the funds for other priorities. He pointed out that keeping Real Estate taxes low encouraged private investment, as seen in areas like Fairview Heights.

Vice Mayor Diemer stressed the need for prioritizing limited resources, focusing on public schools and infrastructure. He wants to explore consolidation efforts with city buildings.

// In the matter of City Council, Agenda Item #2, Council conducted a work session regarding Televising Committee Meetings. City Manager Wynter Benda provided an update on televising committee meetings. He said that staff had reviewed the request, and they indicated it would be possible to start televising committee meetings by March 25, so long as committee meetings and Council's Work Session are held in the same room.

// In the matter of City/School Joint Committee, Agenda Item #3, Council conducted a work session regarding a City/Schools Joint Meeting Update. Deputy City Manager Greg Patrick provided the update to Council. The first City/Schools joint committee took place on February 27th. The committee adopted guidelines and a meeting schedule. The guidelines are attached to this agenda item. This update will

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provide City Council with an overview of the guidelines and the request for a joint meeting of the full City Council and School Board on April 29th for the Committee to present its findings and recommendations.

Councilmember Reed expressed concerns about the addition of new members to the committee and the change of its scope. She said that the committee made the changes without a decision from the full Council. She asked City Attorney Matthew Freedman to clarify committee formation rules. Mr. Freedman stated that the committee was originally formed by consensus. Any changes to membership or purpose would require Council action to approve or redirect the committee's work. Councilmember Reed opposed the committee's involvement in the budget process, stating it oversteps Council's role. She suggested a vote in General Business. Mr. Freedman suggested discussing the issue to reach a consensus or provide direction to staff, and if agreed, bring it to General Business for a vote.

Councilmember Misjuns said that the committee could only make recommendations that required approval from Council, so he did not agree with the concerns. He noted that according to Robert's Rules of Order, the presiding officer had the authority to control the membership of committees, so the changes to the committee were in order since the Mayor approved of the changes.

Councilmember Misjuns stated that he believed what was proposed was in line with what was agreed upon during the Joint Meeting.

Councilmember Timmer stated that she believed that, under Robert's Rules, the authority to form and adjust the ad hoc committee lies solely within the discretion of the person in charge.

Vice Mayor Diemer stated that he believed that the committee defaults to Robert's Rules and inquired if the committee was ad hoc in structure. Mr. Freedman shared that he does not believe it is ad hoc because Council approved it at the Joint Meeting, so the committee was not created solely at the will of the Mayor. Vice Mayor Diemer shared that he believed the committee is an ad hoc committee since its not meant to be permanent. He supports the committee as a recommending body and not directing funds. He expressed confidence in the committee to do the work as already outlined and does not want to delay the work any longer.

Mr. Freedman suggested that Council could suspend its Rules of Procedure and ratify the committee, as presented, to clarify any uncertainty about its status since the issues presented by Council were predominantly procedural.

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Councilmember Timmer asked Councilmember Reed if her primary concern about the committee was the scope. Councilmember Reed stated that while she initially agreed to the formation of the Lifelong Learning Committee that night, she later realized it was different from what she had understood. Councilmember Timmer clarified confusion about forming a committee, with two members initially appointed and now a third added, seeking clarification on whether the third member is opposed. Councilmember Reed opposed the committee's current direction, feeling misled about its purpose and responsibilities, and believes it is not conducive to positive outcomes or aligned with the budget process. Councilmember Timmer indicated she understood the committee structure to be ad hoc when she voted to approve it at the Joint Meeting.

Councilmember Wilder expressed confusion over the changes, including shifts in guidelines, leadership, and immediate discussions about closing schools.

Councilmember Faraldi said that when he proposed the creation of the committee, he outlined three specific items for it to consider, including a school funding formula and infrastructure. He said that the geographic location of students and school closures were not included in the original scope of work. He expressed concerns about the committee arbitrarily changing its membership and scope of work without a decision from Council.

Mr. Freedman explained that, according to Council's Rules of Procedure, Section 7.1, members of boards, authorities, commissions, and committees shall be appointed by an affirmative vote of the majority of Council to serve specified terms as deemed appropriate by Council and that ad hoc committees may be created by Council for specific purposes as determined by the Council.

Vice Mayor Diemer said he believed they needed to let the committee proceed and complete its work, and it was not the role of Council to micromanage the committee or the schools. He said that they should support the Mayor's decision to include three members on the committee.

Councilmember Faraldi said that he would resign his position on the committee if Councilmember Misjuns remained a member. Mayor Taylor said he believed that Councilmember Faraldi and Councilmember Misjuns could work together. Councilmember Faraldi resigned his position on the committee.

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Vice Mayor Diemer recommended that Council fill the vacant position on the committee so that it could continue its work.

Mr. Freedman said it was his position that the committee was created by the Mayor with consensus from Council at the joint meeting with a limited scope and two members from Council. He said that if Council desired, it could suspend its rules of procedure and vote to ratify the committee as presented or return to its original construction.

Councilmember Misjuns motioned, seconded by Councilmember Reed, to suspend the Rules of Procedure, ratify the committee as presented, and immediately restore the rules of procedure.

Councilmember Reed withdrew her second.

Councilmember Timmer seconded the motion.

Councilmember Faraldi noted that there had been no public input or oversight on the new direction of the committee.

Councilmember Reed said that the committee was duplicating work that had already been done for the past two years, and Council should not be doing the work of the School Board.

Councilmember Timmer said she was happy to do the extra work, and it was important to have those conversations transparently.

Councilmember Misjuns said he did not mind doing the extra work, which he had been doing for only two weeks. He said that the majority of the School Board members on the committee supported the direction of the committee.

Mayor Taylor asked Mr. Patrick if all of the items were discussed with the School Board.

Mr. Patrick noted that while the language in the draft guidelines differed slightly from the initial discussion, most items were similar, except for the student population and system capacity item.

Councilmember Timmer called the question.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Wilder 3

// In the matter of Parks and Recreation, Agenda Item #4, Council was briefed regarding the Heritage Park Improvements. Director of Parks and Recreation Wyatt Woody provided a presentation to Council.

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Parks & Recreation is requesting acceptance of a former Heritage High School athletic facility as part of Heritage Park. The facility would be renovated using existing capital funding to provide a much-needed multipurpose field in an area of the City that has limited public recreation options. As part of the renovations, field lighting would be added to extend the availability of the field's use. The Lynchburg City School Board unanimously approved the return of real estate at their March 4, 2025 meeting.

Vice Mayor Diemer shared his excitement for the people of Ward 3 to enjoy this park, along with all the people of the city.

Mayor Taylor asked Mr. Woody about outreach to specific neighborhoods and transportation for those neighborhood children. Mr. Woody stated that they are aiming to have local teams in the area and are considering holding practices in nearby locations that would be walkable for families.

Councilmember Misjuns suggested that the City partner with churches to provide transportation for events.

// In the matter of Finance, Agenda Item #5, the Virginia Opioid Abatement Authority Grant Award briefing was referred to the Finance Committee meeting on March 25.

// In the matter of Roll Call, Councilmember Misjuns announced that Thomas Road Baptist Church had closed out its impact sports season. He said that Council had not yet recognized the LCA football team on its championship victory. Clerk of Council Alicia Finney stated that staff were working with the school to find a good time to present an official recognition.

Vice Mayor Diemer highlighted the Citizens Academy he was attending. He said they had a great first meeting, and he looked forward to his participation. He said he was a strong proponent of the Mayor's Red Cross Blood Drive, and he looked forward to the scheduled events.

Councilmember Wilder reported that the Business Alliance held its annual breakfast, and he commended it for the work it did for business in the City. He said that the Legacy Museum held a centennial celebration for residents over 100 years old, recognizing five women.

Councilmember Reed thanked the Liberty University School of Medicine for hosting a science fair for the Boys and Girls Club.

// City Manager Wynter Benda stated that the closed session item relating to the discussion of the award of a public contract involving the expenditure of public funds, where discussion in an open session would

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adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia, 1950, as amended, the subject of the closed meeting being specific to a future contract between the City and CertainTeed, could be moved to a later meeting in the interest of time. The Mayor noted there was consensus from Council.

On the motion of Councilmember Timmer, seconded by Vice Mayor Diemer, by the following recorded vote, Council elected to defer the closed session to consult the City Attorney, or his designee, regarding specific legal matters requiring the provision of legal advice, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to a legal analysis of Virginia and other relevant laws applicable to the conduct of Councilmember Martin Misjuns and Councilmember Chris Faraldi.

Councilmember Timmer stated that the Council had developed a punishment culture that was unnecessary to perpetuate.

Vice Mayor Diemer said he did not condone the behavior, but he believed the closed session was unnecessary.

Councilmember Reed shared confusion over procedural rules and past agreements, with some advocating for private discussions while others emphasized transparency. Concerns were raised about ongoing behavioral issues and the need for a clear approach to handling such matters.

Councilmember Timmer expressed that policing colleagues' behavior is not their role, emphasizing that such actions create conflicts rather than focusing on policy. She advocated against a closed session, stressing the importance of serving the city rather than engaging in personal disputes.

Councilmember Faraldi stated that since the closed session was related to himself he would be abstaining.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Misjuns, Timmer	5
Noes: Reed	1
Abstain: Faraldi	1

// The meeting recessed at 6:06 p.m.

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// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of March, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// Councilmember Wilder led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Agenda Item #1, Council considered adopting Resolution #R-25-015 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$75,000 to fund equipment for the Fire Department Technical Rescue Team.

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-015.

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// In the matter of the Consent Agenda, Agenda Item #2, Council considered adopting Resolution #R-25-016 amending the FY 2025 Fleet Fund budget and appropriating \$2,400,000 to purchase a Ladder Truck for Fire Station 9.

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-016.

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// In the matter of the Consent Agenda, Agenda Item #3, the minutes of the February 18, 2025 City Council meeting were pulled by Councilmember Faraldi in order to propose clarifications.

// In the matter of the Consent Agenda, Agenda Item #4, copies of the minutes of the February 6, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Faraldi, seconded by Councilmember Timmer, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Faraldi, Misjuns, Timmer	6
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Noes:	0
Abstain: Reed	1

// In the matter of General Registrar Office, Agenda Item #5, Council conducted a public hearing in consideration of adopting Ordinance #O-25-017 to change and relocate the polling places of the Third Precinct of Ward II and the First Precinct of Ward III. Registrar Daniel Pense provided the presentation to Council. After the public hearing, Council considered the adoption of an ordinance that would 1) change and relocate the polling place of the Third Precinct of the City's Second Ward from the Jubilee Family Development Center, 1512 Florida Avenue, to the Greater Brookville Church, 1916 Florida Avenue and would 2) change and relocate the polling place of the First Precinct of the City's Third Ward from the Lynchburg Public Library, 2315 Memorial Avenue, to the West Lynchburg Baptist Church, 3031 Memorial Avenue. The reasons for the same being as follows: the Jubilee Family Development Center is no longer available as a polling place for the Third Precinct of the City's Second Ward, and the West Lynchburg Baptist Church is now available as a polling place for the First Precinct of the City's Third Ward and is preferred because it is located inside the said precinct (versus the Lynchburg Public Library being outside the said precinct).

A Certification of No Objection from the Virginia Attorney General's Office will be required for these changes.

There was no one to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Faraldi motioned, seconded by Vice Mayor Diemer, to adopt Ordinance #O-25-017.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// In the matter of Planning, Agenda Item #6, Council conducted a public hearing in consideration of adopting Ordinance #O-25-018 approving the rezoning of 1600 and 1602 McVeigh Road to allow the construction of a new home. Community Development Director William Martin provided the presentation to Council. Deborah H. Dolan is petitioning to rezone approximately one and one hundredth (1.01) acres

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from R-1, Low Density Residential District to R-2, Low-Medium Density Residential District at 1600 and 1602 McVeigh Road to allow the subdivision of the existing two (2) lots into three (3) lots to allow the construction of a new home.

The petitioner previously requested a rezoning from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional) to allow the construction of up to three (3) duplexes. This change would not have aligned with the recommendation for Low Density Residential uses and may have set precedence for further densification in the neighborhood. Planning Commission recommended denial of the petition to rezone to R-3C. Following the Planning Commission meeting, the petitioner submitted a request to revise the petition for a rezoning to R-2, Low-Medium Density Residential District. Per Sec. 35.2-11.6 (d), City Council may approve a change to a less intensive land use category, zoning district or use.

Rezoning the properties to R-2, Low-Medium Density Residential District would align with the Future Land Use Map (FLUM) recommendation and would allow an additional home to be constructed between the two (2) existing residences. The petitioner anticipates that the new home could have an accessory dwelling unit, if the home is owner-occupied. In the R-2 district, one accessory dwelling unit may be established in addition to the principal dwelling unit on lots on which the owner resides, subject to certain standards.

Amy Seipp, Principal Engineer of Accupoint Surveying and Design, representing the petitioner, provided a presentation to Council. She noted that they were trying to maximize the parcels, and all houses would be connected to City utilities.

There was no one to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Diemer motioned, seconded by Councilmember Misjuns, to adopt Ordinance #O-25-018.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer	6
Noes: Faraldi	1

// In the matter of Planning, Agenda Item #7, Council conducted a public hearing in consideration of adopting Resolution #R-25-019 amending the Future Land Use Map (FLUM), and; adopting Ordinance #O-25-020 approving the rezoning of 815 through 906 Wiggington Road to allow for the construction of The Village at WestPoint. Community Development Director William Martin provided the presentation to Council. JAM89, LLC and Langley Land, LLC are petitioning to amend the Future Land Use Map (FLUM) from Low Density Residential and Medium Density Residential to High Density Residential and to rezone approximately fifty-three and thirty-three hundredths (53.33) acres from I-3, Heavy Industrial District; R-2, Low-Medium Density Residential District; and R-3C, Medium Density Residential District (Conditional) to R-4C, High Density Residential District (Conditional) to allow the construction of 750 total residential units consisting of condominiums, patio homes, and townhomes with associated parking and amenities located at 815, 825, 832, 833, 903, 903 A, and 906 Wiggington Road.

The Comprehensive Plan 2013-2030 recommends Low Density Residential and Medium Density Residential uses for this area on the City's Future Land Use Map (FLUM). Low Density Residential uses are dominated by single family detached housing at densities of up to four (4) dwelling units per acre. Medium Density Residential uses are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. The petition proposes to amend the FLUM to High Density Residential. These areas are developed or planned to be developed into high density townhouse or multifamily housing. Densities can range up to thirty (30) units per acre.

The Planning Division recommended denial of the petition due to traffic impacts and concerns over the voluntarily submitted proffers related to traffic. Approval of the proffers would commit the City to assisting with road improvements based on existing conditions, while it is the proposed development that causes the levels of service to degrade below acceptable levels. The proffers have been revised since the Planning Commission meeting, and while the revised proffers are more specific regarding the developer's monetary contribution to the road improvements, staff's concerns about sharing the cost, as well as overall impacts to Wiggington Road, remain.

The Planning Commission recommended approval of the petition, citing the need for housing within the City, but noted that approval of the petition would require the allocation of City funds toward road improvements.

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Greg Lester, Partner with Elevate Communities, speaking in favor, noted the lack of surrounding residential uses, the existing water and sewer infrastructure, and the location between two parks. He said the development would provide affordable housing for sale, and it would reduce urban sprawl. He requested Council approve the petition.

Jill Rufus, EXP Realty Team Rufus, speaking in favor, noted that she was the realtor for Elevate Communities. She said that the product types offered by the development were needed in the City.

Sue Stengal, Ward III, speaking in favor, noted how the development would benefit seniors looking to downsize their homes and prepare for retirement.

Carter Leverette, speaking in favor, expressed the need for affordable, safe, and low-maintenance housing for his family. He noted the lack of affordable housing for sale and the negative impacts of renting. He requested Council approve the development.

Matt Holley, CEO of Homebuilders Association of Central Virginia, speaking in favor, addressed Council regarding missing-middle housing. He said that the petition would provide affordable home ownership, and he requested Council approve the petition.

Amy Seipp, City resident, speaking in favor, addressed Council regarding changing housing needs in the City. She said that the development would bring tax revenue, families, and connectivity to the City.

Kevin Foster, general contractor for the development, speaking in favor, addressed Council regarding the positive impacts of the petition, including affordability and workforce development.

Jeff Helgeson, Ward III, speaking in favor, noted the extensive proffers from the petitioner, including traffic improvements a mile away from the development. He requested Council approve the petition.

Richard Oldham, speaking in opposition, expressed concerns about the traffic impacts given the density of the development.

Brian Haibach, speaking in opposition, requested that Council refer the matter back to the Planning Commission. He said there were several aspects of the petition that needed reviewed, including traffic impacts, utility infrastructure needs, and available housing types.

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Trish Cerulli, speaking in opposition, expressed concerns regarding the traffic impacts of the development on Wiggington Road.

Stephen Despina, speaking in opposition, noted that he moved to Lynchburg from Northern Virginia to get away from traffic. He addressed Council regarding concerns about traffic impacts.

Michael Collado, speaking in opposition, requested that Council deny the petition to rezone the parcel. He expressed concerns about traffic safety.

Cynthia Seng, speaking in opposition, expressed concerns about traffic impacts. She questioned the need for high density development on the site.

Jason Cholewa, representing a group of 266 residents on Wiggington Road, speaking in opposition, questioned whether the proposed units would be truly affordable. He expressed concerns about traffic impacts and pedestrian safety. He noted that Mayor Taylor, Vice Mayor Diemer, and councilmembers Reed, Timmer, and Misjuns accepted multiple thousands of dollars in campaign donations from the Langleys.

John Romano, representing a group of residents off of Wiggington Road, speaking in opposition, addressed Council regarding concerns over traffic impacts, whether the units would be truly for sale or for rent, and demands on City services. He asked Council to deny the petition or table the matter indefinitely.

Cassandra Taylor, speaking in opposition, expressed concerns about traffic impacts on Wiggington Road.

Abby, a high school student at EC Glass, speaking in opposition, expressed concerns about traffic impacts.

There was no one else wishing to speak, either in person, by phone, so the Mayor provided the petitioner five minutes for rebuttal.

Trent Warner, Elevate Communities, representing the petitioner, provided the rebuttal and addressed concerns brought up during public comment. He noted the existing water and sewer infrastructure. He said that they had proffered for-sale units, ensuring home ownership. He said that they were including traffic improvements to address safety concerns.

Mayor Taylor closed the public hearing and the matter rested with Council.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to deny the petition.

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Councilmember Faraldi expressed concerns about the proposed pricing for the units. He noted that the median sale price for a comparable three bed/two bath condo unit in the City ranged from \$215,000 to \$256,700, which was lower than the proposed cost range of \$300,000. He noted that 266 residents signed a petition opposed to the development, and he only heard those associated with the project speak in favor.

Councilmember Reed noted the concerns brought up by residents, especially traffic concerns. She said she was concerned about the funding expected from the City to facilitate the development. She said that the proposed development was not affordable housing, though it may be lower in cost compared to other developments.

Councilmember Wilder asked City staff if it was normal procedure for a developer to ask the City to do additional road development. Community Development Director Tom Martin stated that the City typically does not incentivize such projects and expressed the importance of timing and implementation if approved. Councilmember Wilder noted his support for the development, but he was concerned about the comments from residents.

Councilmember Misjuns inquired about the average annual daily traffic (ADT) on Wiggington Road both before and after the proposed development. Mr. Warner responded that the ADT on Wiggington Road is 3,857, expected to increase to 4,923 at full buildout in 10 years. Ultimately, traffic is projected to double to 8,780. Councilmember Misjuns asked for clarification about the Request for Proposal issued by the Economic Development Authority (EDA). Mr. Martin said that the EDA had issued an RFP for development of the property adjacent to the petition, but they had not awarded any contracts. He noted that they had received bids from developers.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to approve the petition. Councilmember Misjuns said that they needed to develop the City, and they needed new development. He said that the City needed to prioritize Wiggington Road improvements in the CIP.

Councilmember Timmer requested a verbal commitment from Council to include Wiggington Road improvements in the CIP.

Vice Mayor Diemer expressed the need to improve Wiggington Road. He said that the petition would provide relative affordability, job creation, and home ownership opportunities.

Councilmember Reed expressed concerns about the traffic safety impacts. She said that the City should not contribute tax dollars for the development. She said that they should reconsider aspects of the petition before approving it.

Councilmember Faraldi expressed concerns about the commitment of City tax revenue for a development that would not achieve full buildout for another eight years. He requested that Council table the matter to provide the petitioner time to commit to the final design of the development.

Councilmember Misjuns said that they should use the funding in the CIP for blighted property demolition to address the traffic improvements on Wiggington Road. He called the question.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Taylor, Diemer, Misjuns, Timmer	4
Noes: Reed, Faraldi, Wilder	3

Vice Mayor Diemer motioned, seconded by Councilmember Misjuns, to adopt Resolution #R-25-019.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer	4
Noes: Wilder, Faraldi, Reed	3

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Ordinance #O-25-020.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Misjuns, Timmer	5
Noes: Faraldi, Reed	2

// In the matter of Planning, Agenda Item #8, Council conducted a public hearing in consideration of adopting Ordinance #O-25-021 amending the zoning ordinance by revising and updating the City's Floodplain Management Regulations. Water Quality Manager Erin Hawkins provided the presentation to Council. Sections 35.2-59 et seq. of the Lynchburg City Code are the portions of the City's Zoning Ordinance that addresses properties that are within (or partially within) a Special Flood Hazard Area (SFHA). The attached ordinance establishes what land uses can occur in these areas and the

requirements to develop them. The adoption of the proposed ordinance amendments will not substantially change the way that the Special Flood Hazard Area (SFHA) has been managed to date. The proposed amendments can be summarized in three (3) parts:

- Aligning the Flood Hazard Ordinance to the FEMA Model Ordinance ensures consistency in meeting the National Flood Insurance Program requirements. Continued participation in the NFIP by the City is important so that property owners can purchase flood insurance to protect improvements located on the properties whether they are within or outside of the SFHA.
- The current ordinance restricts allowable uses of property located in a regulatory floodway by a Conditional Use Permit to that of marinas, boat rentals, docks, piers, and wharves. Unless otherwise prohibited by the amended ordinance, the underlying zoning would control the permissible uses in the regulatory floodway. This would allow for several properties to become eligible for adaptive reuse, whereas the current ordinance prohibits other underlying uses.
- The current freeboard requirement for flood proofing structures is twelve inches (12") above the Base Flood Elevation and is proposed to be increased to eighteen inches (18"). Freeboard is "a factor of safety usually expressed in feet above a flood level for purposes of floodplain management" (FEMA). This would apply to any new construction or substantially improved structure through elevation of the structure or height of flood proofing. In addition to greater protection from flooding damage, other benefits of an increased freeboard are faster recovery time after a flooding event and potentially lower insurance premiums for policyholders.

Mayor Taylor opened the floor for public input. Doyle Allen, speaking in opposition, expressed concerns about raising the requirements above the national standard. He said that the property owner would bear the costs of these improvements, even though potential cost savings were presented.

There was no one else wishing to speak, either in person, by phone, so the public hearing was closed and the matter rested with Council.

Councilmember Misjuns inquired about the cost savings. Ms. Hawkins explained the Community Rating System program that gives flood insurance discounts to areas in flood zones. The City plans to join this program, but it only applies to buildings in the flood zone, not those above it. Councilmember

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Misjuns expressed concerns that increasing floodproofing requirements above the national average could burden citizens, especially in the event of a hazard in their home.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to deny Ordinance #O-25-021.

Councilmember Misjuns amended his motion to adopt Ordinance #O-25-021 as presented, striking the 18-inch freeboard condition. Vice Mayor Diemer agreed to the amendment.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

// Mayor Taylor called a five-minute recess.

// The meeting reconvened at 9:58 p.m.

// In the matter of Water Resources, Agenda Item #9, Council conducted a public hearing in consideration of introducing Ordinance #O-25-022 amending the FY 2025 Water Capital Projects Fund Budget and appropriating \$10,025,194 for the Lead and Copper Water Service Line Project. Director of Water Resources Timothy Mitchell provided the presentation to Council. On January 15, 2021, the Environmental Protection Agency (EPA) published the Lead and Copper Rule Revisions, which later took effect on December 16, 2021. These revisions laid out a series of new actions for all water utilities in the United States. The goal of this initiative is to identify lead sources in a water system, implement and/or optimize corrosion control treatment, and establish a plan to eliminate all sources of lead in the water supply system. As required by the new Lead and Copper Rule Revisions, we developed an initial Lead Service Line (LSL) Inventory and submitted it to the State by the required deadline of October 16, 2024. The LSL Inventory is required to identify all service line materials on both public and the private side. Lynchburg has over 26,000 public and private service lines. After the initial inventory approximately 19,000 service line materials remain unknown most of which are on the private side. Any service line that as an unknown service material is assumed to be lead and treated as lead until the material is confirmed. By 2027 all service lines and galvanized lines requiring replacement must be identified and a replacement plan developed, then by 2037 all lead service lines and galvanized service lines requiring replacement must be replaced.

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On November 8, 2024, VDH awarded the City \$10,025,194 in additional funding for continued inventory efforts and replacement of lead service lines and galvanized service lines requiring replacement. This funding can be used to replace both the public side and private side service lines. This additional funding includes \$3,659,196 as principal forgiveness and \$6,365,998 as a loan with optional 20-year and 30-year terms. Interest rate will be determined based on market rate in the month before loan closing, subject to the required minimum interest rate of 1.00% per annum for a 20-year loan or a 1.50% per annum for a 30-year loan.

There was no one wishing to speak in favor or opposition, either in person or by phone so the public hearing was closed and the matter rested with Council.

Councilmember Wilder motioned, seconded by Councilmember Reed, to adopt Ordinance #O-25-022.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer	6
Noes: Faraldi	1

// In the matter of Water Resources, Agenda Item #10, Council conducted a public hearing in consideration of adopting Resolution #R-25-023 approving the Virginia Department of Health Drinking Water State Revolving Fund FY 2023 Bipartisan Infrastructure Law Lead Service Line Inventory Funding. Director of Water Resources Timothy Mitchell provided the presentation to Council. On January 15, 2021, the Environmental Protection Agency (EPA) published the Lead and Copper Rule Revisions, which later took effect on December 16, 2021. These revisions laid out a series of new actions for all water utilities in the United States. The goal of this initiative is to identify lead sources in a water system, implement and/or optimize corrosion control treatment, and establish a plan to eliminate all sources of lead in the water supply system. As required by the new Lead and Copper Rule Revisions, we developed an initial Lead Service Line (LSL) Inventory and submitted it to the State by the required deadline of October 16, 2024. The LSL Inventory is required to identify all service line materials on both public and the private side. Lynchburg has over 26,000 public and private service lines. After the initial inventory approximately 19,000 service line materials remain unknown most of which are on the private side. Any service line that as an unknown service material is assumed to be lead and treated as lead until the material is confirmed.

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By 2027 all service lines and galvanized lines requiring replacement must be identified and a replacement plan developed, then by 2037 all lead service lines and galvanized service lines requiring replacement must be replaced.

On November 8, 2024, VDH awarded the City \$10,025,194 in additional funding for continued inventory efforts and replacement of lead service lines and galvanized service lines requiring replacement. This funding can be used to replace both the public side of the service line or private side through a certified plumber and reimbursement process. This additional funding includes \$3,659,196 as principal forgiveness and \$6,365,998 as a loan with optional 20-year and 30-year terms. Interest rate will be determined based on market rate in the month before loan closing, subject to the required minimum interest rate of 1.00% per annum for a 20-year loan or a 1.50% per annum for a 30-year loan.

There was no one wishing to speak in favor or opposition, either in person, by phone, so the public hearing was closed and the matter rested with Council.

Councilmember Timmer motioned, seconded by Councilmember Wilder, to adopt Resolution #R-25-023.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Public Comment, Agenda Item #11, Citizen Amanda Smithson addressed Council regarding economic development investment. She expressed support for the Downtown Lynchburg Association.

// In the matter of Public Comment, Agenda Item #12, Citizen Phala Bowles was not present to address Council.

// In the matter of Public Comment, Agenda Item #13, Citizen Samantha Citty addressed Council regarding the Downtown Lynchburg Association. She expressed support for the Downtown Lynchburg Association and emphasized its importance.

// In the matter of Public Comment, Agenda Item #14, Citizen Katie Yergler decided not to address Council at this time.

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// In the matter of Public Comment, Agenda Item #15, Citizen Cynthia Capps addressed Council regarding council member intimidation tactics. She said that Councilmember Misjuns had harassed and intimidated the Save Our Schools group, and she requested that he be held accountable for his harassment and intimidation of Lynchburg parents. She requested that the City prioritize school funding.

// In the matter of Public Comment, Agenda Item #16, Citizen Corey Thomas addressed Council regarding materials in the Public Library. She expressed concerns about books covering LGBTQ+ topics in the children and teen sections of the public library. She said that the books were inappropriate and displayed a political bias. She requested that Council establish a Library Board.

// In the matter of Public Comment, Agenda Item #17, Citizen Jamie Maxwell, representing the Lynchburg Firefighters Association, addressed Council regarding fire department equipment. He shared about the Striker Plan, which would upgrade and maintain essential firefighter equipment. He highlighted that much of the current equipment is outdated and requires a significant budget for replacement. He criticized relying on grants and state funds for critical equipment, emphasizing that the plan has been successfully adopted by other cities and towns.

// In the matter of Public Comment, Agenda Item #18, Citizen Colleen Larkins, representing Save Our Schools, addressed Council regarding the City School Budget. She said that Councilmember Misjuns had threatened legal action against her and told his social media followers to find her. She said she was not scared or intimidated, and she would not stop advocating for education in the City. She requested that Council fund the schools.

// In the matter of Public Comment, Agenda Item #19, Citizen Ryan Thomas addressed Council regarding library considerations. He expressed concerns about books on gender theory, Neo-Marxism, and other political issues being included in the children's section of the library. He said that the library should serve the community without bias. He requested that Council establish a Library Board.

// In the matter of Public Comment, Agenda Item #20, Citizen Greg Berry, representing City Elders, addressed Council regarding the library and following the rules. He expressed concerns about books that promoted the LGBTQ+ lifestyle being included in the library. He said that he felt intimidated by Councilmember Faraldi regarding his past public comments. He said that Councilmember Faraldi owed the City an apology.

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// In the matter of Public Comment, Agenda Item #21, Citizen Alexandra Abbott was not present to address Council.

// In the matter of Public Comment, Agenda Item #22, Citizen Beth White addressed Council regarding a citizen's view of the Finance Committee. She said that Councilmember Misjuns' lawsuit against the City represented a conflict of interest. She questioned whether the Finance Committee Chair disclosed this conflict of interest prior to committee meetings.

// In the matter of Public Comment, Agenda Item #23, Citizen Deborah Tosi addressed Council regarding the City and the people. She said that Council represented all citizens and asked that they consider issues with a non-partisan lens.

// In the matter of Public Comment, Agenda Item #24, Citizen Peter Cefaratti addressed Council regarding budget priorities. He raised concerns about the City Council's lack of open communication, citing transparency issues in decision-making, budget allocations, and public involvement, with a call for improved accountability and citizen engagement.

// In the matter of Public Comment, Agenda Item #25, Citizen Jenna Sosa addressed Council regarding the Lynchburg Public Library. She expressed concerns about books being available at the library that promoted LGBTQ+ ideologies.

// In the matter of Public Comment, Agenda Item #26, Citizen Sara Beck addressed Council regarding Lynchburg City Schools. She emphasized the importance of stories and books that showcased different perspectives. She said that they did not need to censor books, and parents should be able to have conversations with their children about the books they are reading.

// In the matter of Public Comment, Agenda Item #27, Citizen Carly Eccles Sheaffer addressed Council regarding the library. She said that funding public schools allowed localities to thrive. She requested Council to fully fund the schools. She emphasized the importance of the library and expressed the need for renovations to the facility.

// In the matter of Public Comment, Agenda Item #28, Citizen Maggie Millard addressed Council regarding the importance of the library. She said the library should be reflective of the community, and she was proud of the selection it offered. She said that parents should supervise their children and what

they read, but it was not the role of the government to do so. She emphasized the importance of the libraries.

// In the matter of Public Comment, Agenda Item #29, Citizen Jan Willinger addressed Council regarding City services. She said that no one's religion had a bearing on City governance, as enshrined in the First Amendment separation of church and state. She requested that the Council uphold the separation of church and state in every action.

// In the matter of Public Comment, Agenda Item #30, Citizen Marge Brown addressed Council regarding library considerations. She emphasized the importance of libraries. She said that they should guard against the control of information.

// In the matter of Public Comment, Agenda Item #31, Citizen Ellen Nygaard, representing The Friends of the Public Library, addressed Council regarding the support of Council for keeping library renovations a priority in the CIP this budget cycle. She emphasized the importance of the library to the community. She encouraged everyone to get a library card.

// In the matter of Public Comment, Agenda Item #32, Citizen Jennifer Williams addressed Council regarding the Lynchburg Public Library. She emphasized the importance of the library. She said that parents were responsible for what their children read, not the library. She requested that Council fully fund LCS.

// In the matter of Public Comment, Agenda Item #33, Citizen Chris Quigg addressed Council regarding the return to common sense values. He said that public schools were failing because they were no longer connected to God, the Bible, and Christianity. He expressed concerns about the library stocking books on LGBTQ+ topics. He asked that Council lead according to their Christian faith. He requested that Council establish a Library Board and conduct a financial audit.

// In the matter of Public Comment, Agenda Item #34, Citizen Sarah Kalafian addressed Council regarding the public library. She expressed concerns about the books available for young teens, which she believed had an aggressive ideological tone. She said that her concerns were about representation, and the library should benefit the collective values of tax payers. She requested that Council establish a Library Board.

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// In the matter of Public Comment, Agenda Item #35, Citizen Gary Taylor, representing Citizens for a Better Lynchburg, addressed Council regarding CIP funds and the state of local schools. He emphasized the need to allocate the \$10 million in CIP funds effectively, highlighting that 11 of 12 elementary schools require financial support. He questioned whether funds should be concentrated on one school or distributed across the district for maximum impact. Taylor also advocated for an elected school board, noting that Lynchburg is one of only 13 localities in Virginia without one. He argued that an elected board would prevent City Council from having to intervene in school board matters. He announced his intent to push for this issue to be placed on the agenda. Additionally, he publicly apologized for previous remarks in which he compared a group to Nazis, acknowledging that his frustration led to an inappropriate comment. He reaffirmed the necessity of school closures as a "brutal factor of reality" and urged the community to approach these discussions with respect.

// In the matter of the FY 2026 Budget, Agenda Item #36, Council was presented with the FY 2026 Budget. City Manager Wynter Benda provided the presentation to Council.

Councilmember Misjuns asked what the proposed Real Estate tax rate was. Mr. Benda said that the real estate tax rate was \$0.89. He said that the equalization rate was between \$0.77 and \$0.78. Councilmember Misjuns asked if they were restoring trash fees. Mr. Benda said that they were restoring the \$10 collection fee. Councilmember Misjuns asked if they were restoring the DMV license fees. Mr. Benda said that they were restoring the fee. Councilmember Misjuns expressed concerns about the cumulative impact of the fees on single-family property owners.

// In the matter of Planning, Agenda Item #37, previously tabled from the January 14, 2025 City Council meeting, Council considered adopting a resolution amending the Future Land Use Map (FLUM), and; adopting an ordinance approving a rezoning, and; adopting a resolution approving a Conditional Use Permit (CUP) to allow the construction of eighteen (18) townhomes, one (1) duplex, and associated parking at 3142, 3146, and 3150 Wards Ferry Road. Mayor Taylor stated that the item was tabled at the January 14 meeting. Community Development Director William Martin provided the presentation to Council. Timberlake Investments, LLC is petitioning to amend the FLUM, to rezone, and for a CUP to allow the construction of eighteen (18) townhomes, one (1) duplex, and associated parking at 3142, 3146, and 3150 Wards Ferry Road.

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The petitioner initially wanted to develop townhomes at this location, but did not have enough acreage to meet the two (2) acre minimum and chose to pursue a twenty-four (24) unit apartment complex instead. That petition was withdrawn prior to the City Council public hearing in October 2023 to again explore the possibility of townhomes. The Board of Zoning Appeals approved a variance on May 30, 2024, to reduce the minimum acreage needed for a townhouse development in this instance. The Future Land Use Map (FLUM) recommends a Neighborhood Commercial use for 3146 and 3150 Wards Ferry Road properties. These areas consist primarily of office, retail, personal service and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. The petitioner proposes to amend the FLUM from Neighborhood Commercial to Medium Density Residential. These areas include small-lot single family detached housing, duplexes and townhomes at densities up to twelve (12) units per acre. The Future Land Use Map (FLUM) already recommends a Medium Density Residential use for 3142 Wards Ferry Road.

The proposed townhomes would serve as a transition between the commercially-zoned properties on the opposite side of Copley Place and the single household residences on Adams Drive. Due to the location near the intersection of Wards Ferry and Timberlake Roads, Copley Place should be restricted to right-in, right-out turning movements due to safety concerns, as noted by the Transportation Engineer. This has been recommended as a condition of the Conditional Use Permit. It is likely that improvements to Copley Place to limit turning movements to right-in, right-out only would be required at the site plan phase of a by-right development at this location as well.

The Wards Ferry Road Corridor Study was adopted by City Council on January 14, 2014. The plan recommended "revising study forecasts if land use development policies in the corridor area are modified to accommodate an increase in dwelling units" and that "It is likely that an increase in density will generate traffic volumes that would need a widened Wards Ferry Road to provide adequate service levels." However, uses such as offices, could be permitted by-right in the existing B-1, Limited Business District zoning that may generate more traffic than the proposed twenty (20) units.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to deny the petition. Councilmember Misjuns expressed concerns about the traffic impacts and sight distance issues related to the entrance.

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Vice Mayor Diemer said that he was concerned about the traffic safety issues.

Councilmember Reed noted that safety was a concern for this project, but Council did not take into consideration the 300 people who expressed similar concerns about the Wiggington Road project. She said she shared the same concerns for both projects.

Councilmember Faraldi said he did not understand the reasoning behind the safety concerns when Council approved the previous project on Wiggington Road under similar circumstances. He expressed concerns that the City would be sued if they did not maintain a clear process for zoning.

Councilmember Wilder inquired with City staff about the number of units that could be built under the current zoning.

City planning Mr. Tom Martin stated that most of the property is zoned B-1, allowing only a few residential units through a conditional use permit.

Councilmember Timmer expressed concerns about the line of sight issue in this project.

Norm Walton, Perkins and Orrison, representing the petitioner, clarified that the line of sight issue relates to a proposed entrance on the triangular property, not Copley Place. He pointed out that while Copley Place has adequate sight distance.

Councilmember Timmer expressed additional concern about the right-in, right-out traffic flow, and the proximity of a left turn to Timberlake, which cannot be adjusted.

With no further discussion from the Council, the following vote was recorded:

Ayes: Diemer, Reed, Misjuns, Timmer 4

Noes: Taylor, Faraldi, Wilder 3

// In the matter of Finance, Agenda Item #38, the item titled "*Consideration of adopting Resolution #R-25-___ to authorize the City Manager to execute a Memorandum of Understanding (MOU) with Roads to Recovery, Inc. (R2R); and consideration of introducing Resolution #R-25-___ amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$193,422 for purposes of providing funds to establish and deliver withdrawal management services*", was referred to the Finance Committee meeting on March 25, 2025.

// In the matter of Economic Development, Agenda Item #39, Council considered adopting Resolution #R-25-024 requesting the Commonwealth Transportation Board provide Economic Development Access

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Program Funding. The Economic Development Authority (EDA) of the City of Lynchburg is seeking Council approval for a resolution to apply for funding from the Commonwealth Transportation Board Economic Development Access Program (EDAP). These funds will support the construction of a road to Ivy Creek Innovation Park Sites A & B, enhancing site readiness and positioning the City for industrial growth. City Council has already appropriated Capital Improvement Plan (CIP) funds to extend utilities and construct a road to these sites. If needed, these funds can serve as a match for EDAP. Under the program:

- Up to \$700,000 is available with no local match required.
- An additional \$150,000 is available with a dollar-for-dollar match requirement.

In addition to the EDAP request, the EDA has reapplied for funding from the Virginia Economic Development Partnership's Virginia Business Ready Sites Program to further support site development. With due diligence completed and road construction set to begin, leveraging state funding accelerates site readiness, enhances Lynchburg's competitiveness, and strengthens its long-term economic growth and job creation prospects.

At its March 11, 2025 meeting, the Physical Development Committee (PDC) recommended approval. As Chair of that committee, Councilmember Timmer brought the committee's recommendation for approval forward as a motion, noting that the item was unanimously recommended by the PDC. No second was required, and Council, by the following recorded vote approved the motion:

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// The meeting adjourned at 12:15 a.m.

Clerk of Council

March 25, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of March, 2025, at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of FY2026 Budget, Agenda Item #1, Council conducted a work session regarding the Water, Sewer, and Stormwater FY 2026 Operating and Capital Budgets and Proposed Rates Presentation. Director of Water Resources Timothy Mitchell provided an overview of the Water, Sewer, and Stormwater Enterprise Funds FY 2026 Operating Budgets and Capital Improvement Program as well as the recommended Water, Sewer, and Stormwater rate increases needed to fund ongoing expenses and capital needs while taking into account increasing personnel, contractual, and inflationary expenses.

Councilmember Wilder asked what would happen if Council did not approve the rate increases. Mr. Mitchell replied that the first thing they would do would be to scale back capital improvement projects.

Councilmember Misjuns asked how they were equipped to handle the water plant experiencing a massive power outage. Mr. Mitchell said they had stand-by generators at all critical facilities, and they performed regular exercises. He said there were two water treatment plants in the City, so there was redundancy in the system. He said they were reviewing the recent events in Richmond to ensure they did not face a similar situation. He said he was confident in the backup systems because they performed regular exercises.

Chief Financial Officer Donna Witt provided updates and addressed questions regarding the FY 26 Budget.

Councilmember Reed expressed concerns about spending nearly \$3 million on Wiggington Road improvements to benefit a single development when the development stood to generate over \$225 million from the sale of the units. She asked if Council has ever been asked to contribute millions for road improvements tied to a development. Ms. Witt could not recall such an instance, and Community Development Director Tom Martin confirmed it was highly unusual, noting that while there were projects like Rosedale involving payback over time, none matched this scale.

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Councilmember Faraldi noted that the total cost of the Wiggington Road improvements would be more because of the interest on the bonds.

Councilmember Timmer shared appreciation for City staff prioritizing this project as it has been neglected for decades. She asked the staff whether SMART SCALE funding could be reallocated to other road priorities to potentially free up funding for the project. Deputy City Manager Greg Patrick explained that SMART SCALE funding is not flexible, and revenue sharing is limited each year. Redirecting funds would impact other projects. External funding through earmarks is highly unlikely.

Councilmember Misjuns asked if the inability to move funds between projects means the \$14 million roundabout on Vassar Street and Langhorne Road is the only option moving forward. Mr. Patrick noted that the project is mainly funded by SMART SCALE. The relocation of a water line from the Peddler Reservoir adds costs, which are covered by revenue sharing in this year's budget. Councilmember Misjuns asked if there is a way to shift the funds from the Vassar Street/Langhorne Road project to the 501/221 project. Mr. Patrick replied that it is unlikely but staff would look into it. Councilmember Misjuns questioned the feasibility of completing the Bedford Avenue Bridge replacement within one year, as well as the timeline for the Hollins Mill Bridge. Ms. Witt explained that the cash flow for the project may extend beyond 12 months. However, once the contract is signed, the project is appropriated within that fiscal year. Councilmember Misjuns raised concerns about both bridges being closed simultaneously and requested staff consider delaying projects to avoid overlapping closures.

Councilmember Reed suggested that any canceled project funds should be reappropriated to the Schools due to their underfunding.

Councilmember Timmer acknowledged that road infrastructure is a primary city responsibility and has been neglected since annexation. She highlighted the city's broader deferred maintenance issues.

Councilmember Faraldi inquired about the Bedford Avenue improvements. Mr. Patrick answered that the focus is primarily on pedestrian safety. Councilmember Faraldi expressed disappointment in removing \$1.4 million for traffic safety improvements in the Bedford Avenue area, especially given the ongoing development and investment in the area.

Councilmember Misjuns inquired about the funding sources for past infrastructure projects, specifically Greenview Drive and Enterprise Drive. Staff agreed to research the funding for Greenview

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Drive and confirmed that VDOT funded the Enterprise Drive project. Councilmember Misjuns highlighted that public funds have historically supported major developments and emphasized that Wiggington Road, which serves multiple city subdivisions, is in need of long-overdue improvements.

Ms. Witt provided clarified details of the Property Toolkit.

Councilmember Misjuns inquired about a new state law allowing penalties on commercial structures. Mr. Martin noted the Ordinance would need to be updated to include it. Councilmember Misjuns also asked about the City's progress in recovering demolition costs from property owners. Ms. Witt replied that the City often recovers demolition costs through tax sales and aims to avoid writing off these expenses.

Ms. Witt provided information about tax relief for the elderly and disabled.

Councilmember Wilder asked how someone would qualify for the tax relief program.

Commissioner of the Revenue Mitch Nuckles explained that the income limit for qualification is \$48,200, with the primary restriction being income. Councilmember Wilder inquired about whether there is a specific time period for submitting applications. Mr. Nuckles responded that renewal applications are sent in June and due by August 1st. Staff uses various methods to notify applicants and considers hardship cases.

Vice Mayor Diemer asked if there is verification on net worth. Mr. Nuckles said the department has access to income tax information to verify.

Ms. Witt shared that staff is compiling responses to questions from the Budget & Brews events and plans to publish them on the City's website next week.

// In the matter of Planning, Agenda Item #2, Council was briefed regarding 2811 Campbell Avenue - CUP - Pawn Shop. City Planner Rachel Frischeisen provided the presentation to Council. LPP, LLC, is petitioning to amend the conditions of the Conditional Use Permit (CUP) for the existing pawn shop at 2811 Campbell Avenue. A CUP was previously issued for the pawn shop in 2014. The petitioner has requested that the conditions of that CUP be modified to adjust operating hours and allow the sale/pawn of firearms.

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The property is zoned R-3, Medium Density Residential District. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Traditional Residential use for the subject property. Small retail uses can be consistent with this land use designation.

The Planning Commission motion to approve the petition failed in a tie vote. The Planning Commission Bylaws, Article VII - Voting, 7.2 states: "A tie vote shall be a rejection of the motion presented."

Councilmember Faraldi asked if the ATF issued a license for the business. Ms. Frischeisen replied that the ATF issued a firearms license in 2021, but the zoning administrator at the time was not aware there was a CUP in place that specifically prohibited firearm sales. Councilmember Faraldi asked if using a CUP to limit business operations is still practiced. Ms. Frischeisen explained it is not. Councilmember Faraldi asked if resuming a discontinued zoning practice would violate the current ordinance or set a new precedent. Ms. Frischeisen explained that due to changes in authority, Council – not the Board of Zoning Appeals – must now handle requests to amend conditions for lawful non-conforming uses. This case is considered unique, and not intended to set a precedent.

City Attorney Matthew Freedman confirmed that any amendments to the conditional use permit would need City Council approval. Ms. Frischeisen explained that rezoning could create challenges, including setbacks, buffers, and the potential for undesirable uses near residential areas. Councilmember Faraldi asked what staff's recommendation was. Ms. Frischeisen explained that staff recommended approval of the amended conditions based on the fact that the business has been operating since 2021 without issue. Councilmember Faraldi asked if this were to stay in, if they would forbid the sale of knives anywhere. Mr. Freedman responded that he supposed they could as part of a CUP, but he was not aware of that. Councilmember Faraldi said that he hoped Council would adopt staff's recommendations as he understands them, and hopefully this would not turn into anything more than a simple approval. He said he would not be at the next meeting and reiterated that he hoped Council would adopt this.

Councilmember Misjuns asked staff to follow up with information on any other properties that may have similar restrictions. Ms. Frischeisen said that it would likely be through a CUP, and staff could look into it. Councilmember Misjuns asked staff to also look into whether the City restricted people from obtaining federal firearms licenses for their personal residences, as they would need to reverse that if it

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was the case. He clarified that it is a license to be a firearms dealer, as sometimes you needed that license just for antiques, collectibles, etc., and he wanted to ensure they weren't restricting that.

// In the matter of Roll Call, Councilmember Wilder announced that Beacon of Hope was hosting an event during the first week of April called HOPEX. He said that he was thankful for the work done by Beacon of Hope.

Councilmember Timmer said she had three encounters with the fire department in the past two weeks. She said that an ambulance was on fire, and the fire department responded. She said that she received a text message from a constituent containing images depicting an open flame fire, and the fire department responded. She said that the fire department recently drove down her street, and she recognized the driver of the fire truck. She gave a shout-out to the fire department and acknowledged its frequent activity in the City. She said she wanted to shout-out Jevon, who helped her clean out brush and bulk waste from her yard. She said that people at Park View Mission had a tour opportunity, and she appreciated the work they were doing. She asked that staff look into providing councilmembers a work space in City Hall to meet with constituents, print materials, and work with staff.

Councilmember Misjuns said he appreciated staff addressing assessments being sent to the wrong addresses. He said that the City was not adequately communicating the proposed tax rate to residents, and he suggested more emphasis on the proposed tax rate when materials were sent out to residents. He said that he wanted to see more information regarding the maintenance plan for EMS equipment. He said that the equipment was in a poor state, and they should reconsider CIP allocations to meet the equipment maintenance needs.

Vice Mayor Diemer said he wanted to provide an update on the visits he had been having with different City departments. He said that he almost lost his hearing visiting the bell tower in the courthouse. He said that the fire department ride along was the least eventful. He said he visited the new airport director, but the visit was cut short due to an emergency landing. He said he had to postpone a tour of the water department, but he wanted to reschedule it. He said he agreed with the confusion over assessments, and he believed the City could improve communications. He said that regarding the budget dashboard, they should have a graph or chart that showed a breakdown of revenues by ward. He said that he wanted to highlight the Habitat for Humanity team who recently completed a residence in Ward 3.

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He said he attended the unveiling and saw the family move in. He said that it was important to help families achieve homeownership and generational wealth.

Mayor Taylor said that Vietnam Veterans Remembrance Day was upcoming, where they recognized the veterans' courage, sacrifice, and dedication that helped shaped the freedoms they enjoyed. He said an event would be held on Friday at Monument Terrace, and he offered thanks to Dr. Beth White for initiating the proclamation request in honor of her late husband.

// On the motion of Councilmember Timmer, seconded by Councilmember Faraldi, by the following recorded vote, Council elected to hold a closed meeting to discuss the award of a public contract involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia, 1950, as amended, the subject of the closed meeting being specific to a future contract between the City and CertainTeed; and for the purpose of a briefing by staff to Council on public safety and vulnerability, pursuant to Section 2.2-3711(A)(19), of the Code of Virginia, 1950 as amended; and to discuss appointments for vacancies to the following Boards and Commissions: Economic Development Authority, Historic Preservation Committee, Lynchburg Redevelopment and Housing Authority, and Planning Commission, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

The motion did not include Item #6, in consideration of a closed session to review and/or evaluate the performance of the City Attorney pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended. Councilmember Timmer suggested Council consider a rules change, and there was an opportunity to move away from premature action and establish a process of deliberation.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Misjuns made the following motion:

WHEREAS, the Council of the City of Lynchburg 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

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WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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 resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Vice Mayor Diemer, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// Councilmember Misjuns made the motion, seconded by Vice Mayor Diemer, to appoint Gary Woodson to the Planning Commission for a term expiring December 31, 2027. Councilmember Faraldi stated that he would be voting in opposition due to the fact that he felt there were other candidates more qualified.

With no other discussion from Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Faraldi, Reed, Wilder 3

On motion of Councilmember Misjuns, seconded by Councilmember Timmer, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Name	Board Name	Appointment Date	Term End Date
Mark Cox (Ward 1)	Planning Commission	03/25/2025	12/31/2027
Kevin Pietrzak (Ward 1)	Economic Development Authority	03/25/2025	06/30/2028
Jacqueline Eubanks (Ward 2)	Lynchburg Redevelopment and Housing Authority	03/25/2025	09/30/2025
Austin Englund (Ward 2)	Historic Preservation Commission	03/25/2025	06/30/2027

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// The meeting was recessed at 6:35 p.m.

March 25, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of March, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// Councilmember Reed led the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Agenda Item #1, Mayor Taylor recognized the LCA Bulldogs for winning the VHSL Class III State Championship. He congratulated Head Coach Frank Rocco, his staff, and team captains Gideon Davidson, Easton Ware, Ryan Sissney, and James Deyo. He said that Coach Rocco was named Region 3C and Seminal District Coach of the Year.

// In the matter of Consent Agenda, Agenda Item #2, copies of the minutes of the February 18, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Wilder, seconded by Councilmember Timmer, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer	6
Noes: Faraldi	1

In the matter of Consent Agenda, Agenda Item #2, copies of the minutes of the February 25, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Wilder, seconded by Councilmember Timmer, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// In the matter of Public Comment, Agenda Item #4, Citizen Deborah Trefzger addressed Council regarding the City Budget. She expressed concerns about books in the public library for attacking the image of God.

// In the matter of Public Comment, Agenda Item #5, Citizen Katie Yergler addressed Council regarding building a stronger community through civil discussion.

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// In the matter of Public Comment, Agenda Item #6, Citizen Jamie Maxwell, representing The Lynchburg Firefighters Association, addressed Council regarding the aging fire department infrastructure. He said he would provide a presentation showing the deteriorating conditions. He displayed ceiling tiles from Station 1 and 8 covered in black mastic asbestos and asked if it was worth the risk to the health of firefighters. He said it was urgent that Council fund fire station improvements.

// In the matter of Public Comment, Agenda Item #7, Citizen Greg Berry, representing City Elders, addressed Council regarding support for Councilmember Misjuns. He called for a full audit of City finances and the establishment of a Library Board.

// In the matter of Public Comment, Agenda Item #8, Citizen Joshua Pratt, representing Action Mission, addressed Council regarding moral and ethical direction of the City of Lynchburg in regards to leadership from the City Council.

// In the matter of Public Comment, Agenda Item #9, Citizen Margaret Johnson addressed Council regarding public safety. She said that on February 7, 2019, a Lynchburg Police Officer assaulted her, causing her to lose all of the teeth on the left side of her mouth. She asked that Council examine this matter.

// In the matter of Public Comment, Agenda Item #10, Citizen Ronald Storer addressed Council regarding wisdom for City Council. He said that councilmembers who were Christian should meditate on God's word when making decisions.

// In the matter of Public Comment, Agenda Item #11, Citizen William Maxson addressed Council regarding the West Point Village rezoning decision. He said that the decision left him with a feeling of corruption from Council because it was inconsistent with previous decisions. He requested that Council consider a traffic circle to mitigate traffic impacts.

// In the matter of Public Comment, Agenda Item #12, Citizen Peter Cefaratti addressed Council regarding an agenda item. He called for an audit of City finances.

// In the matter of Public Comment, Agenda Item #13, Citizen Jason Cholewa, representing Opposition Group to the Rezoning of 805-916 Wiggington Road, addressed Council regarding voting inconsistencies related to rezoning by Councilmembers. He criticized City Council for inconsistent rezoning decisions and prioritizing corporate interests over community concerns, demanding transparency and accountability.

March 25, 2025

// In the matter of Public Comment, Agenda Item #14, Citizen Chris Adams was not present.

// In the matter of Public Comment, Agenda Item #15, Citizen Jon Fallen addressed Council regarding the Lynchburg Public Library in the CIP. He expressed support for the Lynchburg Public Library and encouraged Council to fund the library renovations.

// In the matter of Public Comment, Agenda Item #16, Citizen Dierdra Flavin addressed Council regarding support for the Lynchburg Public Library. She said that the library was professionally managed by the City Manager, and the establishment of a Library Board would be an unnecessary expansion of City government. She said that parents were responsible for monitoring their children's library access. She said that the library had an established process to review books of concern, initiated by a simple form submission, but zero books had been challenged in the last decade. She asked Council to support investment in the library.

// In the matter of Public Comment, Agenda Item #17, Citizen Hope McRorie, representing We the People, addressed Council regarding property value. She expressed concerns about her increasing property values, and she requested an audit of City finances.

// In the matter of Public Comment, Agenda Item #18, Citizen Gary Taylor was not present.

// In the matter of City Council, Agenda Item #19, Council considered adopting Resolution #R-25-025 approving the relocation of Lynchburg City Council's Work Session meetings to the Second Floor Training Room for the remainder of the 2025 calendar year. Mayor Taylor said that the item was discussed during a previous work session. Clerk of Council Alicia Finney briefed Council on the request. To ensure seamless streaming of City Council committee meetings, all Council work sessions must be held in the same location. Since the 2025 City Council meeting calendar has already been set, City Council must suspend their Rules of Procedure relating to the location of meetings to allow for a new schedule to be set for the remainder of 2025.

The resolution will be effective for a time period of May 13, 2025 - December 9, 2025.

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-025 and amend the end date to July 31, 2025.

March 25, 2025

City Attorney Matthew Freedman explained that the resolution was essentially correcting the actions of Council from July 2024. He said that this resolution would not impact the decisions of Council to set the 2026 calendar in July.

Councilmember Misjuns said that he did not want to make changes to the rules of procedure if they were going to make changes later in the year.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Parks and Recreation, Agenda Item #20, Council considered adopting Resolution #R-25-026 accepting the return of real estate from Lynchburg City Schools specific to Heritage Elementary and Heritage High Schools. Mayor Taylor stated that the item was previously discussed during the March 11 work session. Parks & Recreation is requesting acceptance of a former Heritage High School athletic facility as part of Heritage Park. The facility would be renovated using existing capital funding to provide a much-needed multipurpose field in an area of the City that has limited public recreation options. As part of the renovations, field lighting would be added to extend the availability of the field's use.

The Lynchburg City School Board unanimously approved the return of real estate at their March 4, 2025 meeting.

Councilmember Timmer motioned, seconded by Councilmember Misjuns, to adopt Resolution #R-25-026.

Councilmember Misjuns expressed the need for a public park and investment in parks and recreation in Ward 3.

Vice Mayor Diemer thanked staff and noted that the park would fulfill standing promises.

Councilmember Wilder emphasized the importance of investing in community assets like Heritage Park to enhance quality of life and attract people to Lynchburg.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

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// In the matter of Recovery Court, Agenda Item #21, Council considered introducing Resolution #R-25-027 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$17,490 for support of the Lynchburg Adult Recovery Court docket to address public health crisis. Mayor Taylor stated that the item was previously presented to the Finance Committee. Adult Recovery Court Program Director Taylor Jones provided the presentation to Council. The Lynchburg Drug/Recovery Court is a court docket within the existing Circuit Court that is designed to enhance public safety by providing an integrated system of treatment and judicial supervision that results in a reduction in substance use/dependency and recidivism. The Lynchburg Drug/Recovery Court began in March 2017 as the result of a grant from the Supreme Court of Virginia.

The Department of Behavioral Health and Developmental Services State Opioid Response (SOR) team has awarded the Lynchburg Adult Recovery Court a grant of \$17,490 to address the public health crisis caused by escalating opioid misuse, opioid use disorder (OUD), and opioid-related overdose across the nation. These funds can be used to: (1) increase access to U.S. Food and Drug Administration (FDA)-approved medications for the treatment of opioid use disorder (MOUD); (2) support the continuum of prevention, harm reduction treatment, and recovery support services for OUD and other concurrent substance use disorders; and (3) support the continuum of care for stimulant misuse and use disorders, including those involving cocaine and methamphetamine.

At its March 25, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Financial Services and Roads to Recovery, Agenda Item #22, Council considered adopting Resolution #R-25-028 to authorize the City Manager to execute a Memorandum of Understanding (MOU) with Roads to Recovery, Inc. (R2R); and consideration of introducing Resolution #R-25-029 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$193,422 for purposes of providing funds to establish and deliver withdrawal management services. Mayor Taylor stated that the item was previously presented before the Finance Committee. Chief Financial Officer

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Donna Witt provided the presentation to Council. The City receives funds from the OAA through direct distributions and grants. R2R has applied to utilize City grant funds to establish and deliver withdrawal management services for individuals with opioid and other substance-use disorders in the City. The OAA has awarded R2R \$193,421.31 for this purpose. In order to accept the grant funds and transfer the funds to R2R, City Council is requested to authorize the City Manager to sign the MOU between R2R and the City and also adopt the resolution to appropriate the funds.

At its March 25, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required.

Mayor Taylor disclosed that he was a contractor for Roads to Recovery, so he would abstain from the vote.

Councilmember Faraldi disclosed he was on the Board of Horizon Behavioral Health, but he was able to engage on the matter independently. He expressed concerns that they did not go through an RFP process for the request. Ms. Witt explained that the funds had to be used specifically for opioid abatement and recovery. She said that if they issued an RFP, there were several national non-profits who could be awarded the funds, but then the funds would not be used within the community. She said their goal was to work with local non-profits.

Deputy City Manager Greg Patrick explained that the City partnered with Roads to Recovery in an application process reviewed by the state to access the pool of funds; it was not the City unilaterally allocating the funds. He said that this was more akin to a grant application process.

Ms. Witt noted that another non-profit had reached out to her, and she was investigating whether they could apply these rules to their request.

Councilmember Misjuns asked what would happen if they did not use the funds. Ms. Witt replied that there was no guidance as to what would happen if the funds were not spent.

Councilmember Timmer acknowledged citizen concerns about the audit committee, and supported exploring it as a long-term solution while emphasizing the value of leveraging available funds.

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Councilmember Faraldi clarified for the record that the MOU on page two includes a warehouse clause authorizing a grant application for FY25 programming service costs totaling \$193,000, confirming the MOU's financial relevance.

Vice Mayor Diemer expressed the need for fairness and broader outreach to other organizations, expressed support for the project and its current participant, and advocated for reestablishing the audit committee to strengthen financial oversight.

Ms. Witt confirmed that staff will review the use of funds to ensure compliance, following the same procedures used for CDBG and Horizon funds.

Councilmember Timmer called the question.

With no further discussion from the Council, the following vote on the MOU was recorded:

Ayes: Diemer, Wilder, Reed, Misjuns, Timmer	5
Noes: Faraldi	1
Abstain: Taylor	1

At its March 25, 2025 meeting, the Finance Committee recommended approval of Resolution #R-25-029, appropriating the funds. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required.

With no further discussion from the Council, the following vote was recorded:

Ayes: Diemer, Wilder, Reed, Misjuns, Timmer	5
Noes: Faraldi	1
Abstain: Taylor	1

// In the matter of the Police Department, Agenda Item #23, Council considered introducing Resolution #R-25-030 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$36,705 to purchase computer equipment for the Lynchburg Police Department, the Lynchburg Sheriff's Office, and the Lynchburg Office of the Commonwealth's Attorney. Mayor Taylor stated that the item was previously presented to the Finance Committee. Chief of Police Ryan Zuidema provided the presentation to Council. The City of Lynchburg was awarded \$36,705 in Edward Byrne Memorial Justice Assistance Grant funding. The Lynchburg Police Department will use this funding to purchase computers and computer memory upgrades (\$31,070). The Lynchburg Sheriff's Office will use funds to purchase a Toshiba

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Document Output and Management Station (\$3,795). The Lynchburg Office of the Commonwealth's Attorney will use funds to purchase a laptop computer and computer accessories (\$1,840). No local matching funds are required.

At its March 25, 2025 meeting, the Finance Committee recommended approval of Resolution #R-25-030. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. Councilmember Misjuns said that the Finance Committee unanimously recommended approval. No second was required.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Water Resources, Agenda Item #24, Council conducted a second reading and considered adopting Ordinance #O-25-022 amending the FY 2025 Water Capital Projects Fund Budget and appropriating \$10,025,194 for the Lead and Copper Water Service Line Project. Director of Water Resources Timothy Mitchell provided the presentation to Council. On January 15, 2021, the Environmental Protection Agency (EPA) published the Lead and Copper Rule Revisions, which later took effect on December 16, 2021. These revisions laid out a series of new actions for all water utilities in the United States. The goal of this initiative is to identify lead sources in a water system, implement and/or optimize corrosion control treatment, and establish a plan to eliminate all sources of lead in the water supply system. As required by the new Lead and Copper Rule Revisions, we developed an initial Lead Service Line (LSL) Inventory and submitted it to the State by the required deadline of October 16, 2024. The LSL Inventory is required to identify all service line materials on both public and the private side. Lynchburg has over 26,000 public and private service lines. After the initial inventory approximately 19,000 service line materials remain unknown most of which are on the private side. Any service line that as an unknown service material is assumed to be lead and treated as lead until the material is confirmed. By 2027 all service lines and galvanized lines requiring replacement must be identified and a replacement plan developed, then by 2037 all lead service lines and galvanized service lines requiring replacement must be replaced.

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On November 8, 2024, VDH awarded the City \$10,025,194 in additional funding for continued inventory efforts and replacement of lead service lines and galvanized service lines requiring replacement. This funding can be used to replace both the public side and private side service lines. This additional funding includes \$3,659,196 as principal forgiveness and \$6,365,998 as a loan with optional 20-year and 30-year terms. Interest rate will be determined based on market rate in the month before loan closing, subject to the required minimum interest rate of 1.00% per annum for a 20-year loan or a 1.50% per annum for a 30-year loan.

Councilmember Timmer motioned, seconded by Vice Mayor Diemer, to adopt Ordinance #O-25-022.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer	6
Noes: Faraldi	1

// The meeting adjourned at 8:34 p.m.

Clerk of Council

April 8, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of April, 2025, at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Stephanie Reed, Martin Misjuns 5

Absent: Chris Faraldi, Jacqueline Timmer 2

// In the matter of the Work Session Agenda Overview, City Manager Wynter Benda announced that on Monday, April 14 at 3 p.m., the first steel structures of the Riverfront Park Amphitheater would be raised. He said that the Kiwanis Centennial Riverfront Playground would open on Friday, May 2 at 3 p.m. with a ribbon cutting ceremony.

// In the matter of the Budget, Agenda Item #1, Council conducted a work session regarding the FY 2026 Budget. Fire Chief Greg Wormser provided a presentation to Council on the state of the Fire Department infrastructure and equipment.

Councilmember Misjuns asked how much of the Striker equipment was past its service life and what the service life was. Chief Wormser replied that none of the stretchers or stair chairs were beyond the service life. He said that the service life for the stretchers was 15 years. Councilmember Misjuns said that documentation from Striker indicated the service life was seven years for stretchers, and 51 pieces of equipment stocked by the Fire Department was beyond the service life, including 11 stretchers. He expressed concerns about exposure to PFAS in turnout gear, so he encouraged establishing a replacement plan to get PFAS-free gear. He asked if there had been asbestos tests of the flooring material in fire stations. Chief Wormser replied that in 2019, OSHA performed asbestos tests, which indicated less than 2% of the glue used had mastic asbestos. He said that they had started replacing flooring in the stations, and there were only a couple of stations that had not yet had flooring replaced, Station 1 and Station 8. Councilmember Misjuns requested information on the schedule for completing the floor replacements for Station 1 and Station 8. He requested information on how many people had been accepted into the paramedic school and how many had completed the program.

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Councilmember Reed requested information regarding how many times over the past two years councilmembers had expressed concerns about the flooring in fire stations and gear for firefighters and requested funding for replacement.

Councilmember Misjuns requested an audit of the \$132,500 dollars appropriated in FY 24 for Station 8 renovations, which included floor replacement.

Vice Mayor Diemer asked how the Fire Department managed equipment not covered by maintenance agreements. Chief Wormser stated that the team which serviced the equipment would be available later in the month, and the department paid for the costs out of its budget. He said that last year, the department spent about \$160,000 on the maintenance agreement and items not covered by the maintenance agreement.

Data Analyst Sean Conway provided a presentation on the City's structure inventory.

Deputy City Manager Greg Patrick provided a presentation on the public services that the City provided.

Councilmember Misjuns requested information regarding how the City compared in terms of public school enrollment. He said that the City needed to work on lobbying the state to increase state funding for human services, which was based on population. He said that the City's caseload was comparable to Virginia Beach despite a drastically smaller population.

Chief Financial Officer Donna Witt provided a presentation on transportation projects.

// In the matter of Community Development, Agenda Item #2, Council was briefed regarding FY26 Community Development Advisory Committee recommendations for Community Development Block Grant and HOME Program Entitlement funds. Grants Manager Melva Walker briefed Council on the matter. The Community Development Advisory Committee (CDAC) met on April 3, 2025 and reviewed the applications that were submitted. The attached worksheets provide the project requests and CDAC recommendations.

// In the matter of the School Board, Agenda Item #3, Council was briefed regarding the 2025 School Board Appointment Process. Clerk of Council Alicia L. Finney briefed Council on the matter. Outlined below is the 2025 proposed schedule:

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- May 13, 2025 - Conduct a public hearing to receive citizen input regarding potential candidates
- May 27, 2025 - Continuation of a public hearing to receive citizen input regarding potential candidates. At the close of the public hearing and while remaining in open session, Council will review and discuss applications filed with the Clerk of Council to determine those individuals to interview.
- June 10, 2025 - Finalization of choosing candidates during General Business
- June 11 - June 23, 2025 - Hold a slate of special meetings for the purpose of conducting interviews with candidates. These will be live-streamed as well as open to the public.
- June 24, 2025 - City Council will discuss candidates during General Business and appoint three members to the School Board for new terms commencing July 1, 2025 and expiring June 30, 2028.

Councilmember Misjuns expressed support for Council using a ballot method for School Board appointments. He also stated that he would like staff to conduct residency checks.

Ms. Finney noted that Councilmember Faraldi had indicated to her that he would not support a ballot process. She said that if Council wanted to consider a ballot process, they could schedule a vote on it at the June 10 meeting under General Business.

Vice Mayor Diemer said he supported proof-of-residency requirements and a ballot process, but he wanted to review a specific process.

Ms. Finney said she could compile options for Council to consider and vote on.

// In the matter of the Hillcats, Agenda Item #4, Council was briefed regarding the New Hillcats Baseball Franchise and Amendment to Local Amusement Tax Exceptions. Deputy City Manager Greg Patrick briefed Council on the matter. The City administration and the new ownership group of the Lynchburg Hillcats have been negotiating a new franchise agreement for the use of the city-owned Bank of the James baseball stadium. The proposed franchise will see the future of baseball in Lynchburg secured for the next 15 years. The agreement will see the city make a \$5.2 capital investment in the stadium facility. This investment is based on the expected local revenue the Hillcats will generate for the city over the next 15 years through, rent payments, sales and meals tax, and admissions tax.

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Currently the Hillcats do not pay admissions tax based on local code exemption for sporting events that take place in a city owned facility. The new franchise will require that this exemption be removed so that the expected admissions tax revenue will help fund the improvements to the facility.

// In the matter of Budget, Agenda Item #5, Council was briefed regarding FY 2025 Third Quarter Adjustments. Chief Financial Officer Donna Witt briefed Council on the matter. The General, City/Federal/State Aid, Forfeited Assets, Children's Services Act (CSA), Water, Sewer, Airport, Risk Management, City Capital Projects, Stormwater Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2025 Third Quarter Adjustments.

// In the matter of Water Resources, Agenda Item #6, Council was briefed regarding the CertainTeed Water and Sewer Contract. Director of Water Resources Tim Mitchell briefed Council on the matter. Historically, the City of Lynchburg has entered into Water and Sewer Contracts with very large industrial water users. For the past several decades, there has been a contract in place for the industry located at 1801 Concord Turnpike. Previous contracts were with RockTenn and Westrock. Currently, CertainTeed, a subsidiary of Saint-Gobain North America, owns and operates the facility specializing in a specific building product. CertainTeed is Lynchburg's single largest water and sewer user, providing critical revenues to the Water and Sewer Funds. Our Water and Sewer contracts are based on a cost of service methodology that looks at the specific infrastructure that provides service to the facility and the specific treatment costs for the volume of water purchased and volume of sewer used including high-strength waste in the form of Total Suspended Solids (TSS) and Biological Oxygen Demand (BOD). The methodology is also consistent with the terms of our CSO Consent Order which includes certain financial requirements associated with contract customers. This cost of service study is performed by an independent outside consultant and is updated every five years.

// In the matter of Roll Call, Councilmember Misjuns requested clarification regarding the ordinances requiring a super majority for Council votes, specifically regarding department appropriations and aid to various associations, including public libraries.

Mayor Taylor announced that April was Child Abuse Prevention Month, a time to reaffirm the City's commitment to protecting children. He said that child abuse, maltreatment, and neglect had lasting

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impacts, and prevention required the effort of the entire community. He said that Lynchburg stood united against violence towards children. He said the City should work together to create a safe and nurturing environment for all. He thanked the Exchange Club for bringing attention to this cause, as well as the local and regional organizations which worked towards this cause.

// The meeting recessed at 6:23 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of April, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Stephanie Reed, Martin Misjuns 5

Absent: Chris Faraldi, Jacqueline Timmer 2

// Mayor Taylor led the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Agenda Item #1, Mayor Taylor introduced a proclamation recognizing Telecommunicators.

Police Chief Ryan Zuidema accepted the proclamation.

Deputy Director of Emergency Services Amy McDaniel provided remarks to Council honoring Telecommunicators Week.

// In the matter of the Agenda, Vice Mayor Diemer motioned, seconded by Councilmember Misjuns, to amend the agenda to include Citizen Jamie Maxwell under Public Comment.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns 3

Noes: Wilder, Reed 2

Absent: Faraldi, Timmer 2

// In the matter of Consent, Agenda Item #2, Council considered adopting Resolution #R-25-027 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$17,490 for support of the Lynchburg Adult Recovery Court docket to address public health crisis.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Resolution #R-25-027.

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Ayes: Taylor, Diemer, Wilder, Reed, Misjuns	5
Noes:	0
Absent: Faraldi, Timmer	2

// In the matter of Consent, Agenda Item #3, Council considered adopting Resolution #R-25-030 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$36,705 to purchase computer equipment for the Lynchburg Police Department, the Lynchburg Sheriff's Office, and the Lynchburg Office of the Commonwealth's Attorney.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Resolution #R-25-027.

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns	5
Noes:	0
Absent: Faraldi, Timmer	2

// In the matter of Consent, Agenda Item #4, copies of the minutes of the March 11, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Misjuns, seconded by Vice Mayor Diemer, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns	5
Noes:	0
Absent: Faraldi, Timmer	2

// In the matter of Planning, Agenda Item #5, Council conducted a public hearing in consideration of adopting Resolution #R-25-031 amending previously approved conditions for an existing pawn shop at 2811 Campbell Avenue. City Planner Rachel Frischeisen provided a presentation to Council. LPP, LLC, is petitioning to amend the conditions of the Conditional Use Permit (CUP) for the existing pawn shop at 2811 Campbell Avenue. A CUP was previously issued for the pawn shop in 2014. The petitioner has requested that the conditions of that CUP be modified to adjust operating hours and allow the sale/pawn of firearms.

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The property is zoned R-3, Medium Density Residential District. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Traditional Residential use for the subject property. Small retail uses can be consistent with this land use designation.

The Planning Commission motion to approve the petition failed in a tie vote. The Planning Commission Bylaws, Article VII - Voting, 7.2 states: "A tie vote shall be a rejection of the motion presented."

Ryan Somers, LLP LLC, representing the petitioner, presented comments to Council.

There was no one to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Resolution #R-25-031.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns	5
Noes:	0
Absent: Faraldi, Timmer	2

// In the matter of Public Comment, Agenda Item #6, Citizen Dahn Carey was not present to address Council.

// In the matter of Public Comment, Agenda Item #7, Citizen Theresa O'Dell was not present was not present to address Council.

// In the matter of Public Comment, Agenda Item #8, Citizen Jamie Plank addressed Council regarding Lynchburg Public Library children's materials. She expressed concerns about books in the public library that promoted gender fluidity, gender transitioning, and homosexual relationships. She requested that Council establish a Library Board to control the books available in the public library.

// In the matter of Public Comment, Agenda Item #9, Citizen Karen Quigg addressed Council regarding common sense values. She said that any public school book which advocated sexual perversion and deviancy must be removed.

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// In the matter of Public Comment, Agenda Item #10, Citizen Deborah Armstrong addressed Council regarding deficiencies inherent in Wiggington Road to handle the deluge of traffic along its corridor. She requested Council improve traffic safety through sidewalks, bike lanes, and road widening. She suggested the consideration of an additional entry and exit on Chapel Lane.

// In the matter of Public Comment, Agenda Item #11, Citizen Cora Cefaratti addressed Council regarding the budget. She expressed concerns about the proposed real estate tax rate of \$0.89. She asked for more information about the cost of fixing the leaks in the public pool and the renovations for the library. She said that the City should set an equalized real estate tax rate and consider alternative methods to generate revenue, such as selling property.

// In the matter of Public Comment, Agenda Item #12, Citizen Peter Cefaratti addressed Council regarding the development on Wiggington Road. He said Council should encourage the development of large, vacant parcels to expand the tax base.

// In the matter of Public Comment, Agenda Item #13, Citizen Beth White, representing Citizens United for Lynchburg, addressed Council regarding double standards. She expressed concerns for citizens who felt threatened by councilmembers and feared bullying and harassment from other citizens. She expressed concerns that a Library Board would serve as a further extension of government bureaucracy.

// In the matter of Public Comment, Agenda Item #15, Citizen Denise McDonald addressed Council regarding support for Lynchburg Public Library renovation CIP. She emphasized the importance of reading.

// In the matter of Public Comment, Agenda Item #14, Citizen Greg Berry, representing City Elders, addressed Council regarding Church and State. He said that the words, "separation of church and state" were nowhere in the Constitution, which was a lie to diminish the influence of God on the United States. He emphasized the greatness of the United States. He suggested Council establish a Faith Board comprised of faith leaders appointed by Council.

// In the matter of Public Comment, Agenda Item #16, Citizen Thomas Brennan addressed Council regarding supporting our Public Library. He emphasized the importance of the public library.

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// In the matter of Public Comment, Agenda Item #17, Citizen Michael Bremer addressed Council regarding protecting the CIP for schools. He said that Council should only consider transportation CIP projects for reappropriation. He said that Council should not disrupt the CIP for deferred maintenance of school buildings to fund Wiggington Road improvements.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Jamie Maxwell, representing the Lynchburg Firefighters Association, addressed Council regarding a matter. He expressed concerns about the conditions of fire stations and the carcinogens that firefighters were regularly exposed to via their equipment. He presented ceiling tiles covered in black mastic asbestos to Councilmember Reed.

Councilmember Reed called a point of order. She said that Mr. Maxwell was threatening her, and she did not feel safe. She said she was not threatened by the ceiling tiles but by the comments directed at her by Mr. Maxwell.

Vice Mayor Diemer called a point of order. He said that public comment should not engage councilmembers directly or leave the podium.

// In the matter of Finance, Agenda Item #18, Council conducted a second reading in consideration of adopting Resolution #R-25-029 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$193,422 for purposes of providing funds to establish and deliver withdrawal management services. The City receives funds from the OAA through direct distributions and grants. R2R has applied to utilize City grant funds to establish and deliver withdrawal management services for individuals with opioid and other substance-use disorders in the City. The OAA has awarded R2R \$193,421.31 for this purpose. In order to accept the grant funds and transfer the funds to R2R, City Council is requested to authorize the City Manager to sign the MOU between R2R and the City (adopted by City Council on March 25, 2025) and also adopt the resolution to appropriate the funds.

Councilmember Misjuns called a point of order. He asked counsel if there was still a quorum since Councilmember Reed left the meeting and Mayor Taylor intended to abstain from the vote.

Deputy City Attorney Hope Townes replied that Council had a quorum so long as four members were present, which they were, so they were able to vote on the matter.

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Clerk of Council Alicia Finney explained that Councilmember Faraldi had requested to defer the matter to the second meeting in April; however, there was no second regularly scheduled meeting in April, so the matter would be deferred to May 13th and staff indicated that the matter was time sensitive.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to adopt Resolution #R-25-029.

With no further discussion from the Council, the following vote was recorded:

Ayes: Diemer, Wilder, Misjuns 3

Noes: 0

Abstain: Taylor 1

Absent: Faraldi, Reed, Timmer 3

// The meeting adjourned at 8:07 p.m.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 22nd day of April, 2025, at 6:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// Vice Mayor Diemer led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Budget, Agenda Item #1, Council held a public hearing regarding the Real Property Tax Rate. Mayor Taylor opened the hearing for comments from the public.

Citizen Beth White, Ward 3, addressed increasing property assessments, hers increased 50%, yet she advocated for not reducing the real estate property tax rate. She said that living in a City came with expected services, which all residents benefited from, while only a minority of residents owned property. She expressed concerns about the need to cut City services if the tax rate was reduced.

Citizen Hope McRorie, representing We the People, expressed concerns about the availability of information related to City business. She emphasized the universal need for housing and expressed the need to focus on the basics. She suggested that the private sector should provide services, rather than the City.

Citizen Peter Cefaratti, Ward 1, expressed support for an equalized tax rate. He said that the City should focus on needs rather than wants. He suggested Council find other avenues for revenue generation, and property owners were welcome to pay extra taxes on their bill.

Citizen Carl Hutcherson, Ward 2, requested that Council not lower the tax rate any more so the City can keep pace with other cities in the state. He said that some residents were willing to pay a higher tax rate to see the City move forward, otherwise, future generations may suffer.

Citizen Charles Gammon, Ward 3, representing Chestnut Hill and Fort Hill homeowners, expressed concerns about the erosion of private property rights and the proposed tax rate. He said that real estate assessments will never decrease, and the City had grown inappropriately. He requested that Council lower taxes.

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Citizen Greg Berry, Ward 3, expressed concerns about the amount of taxes he had paid on his home. He said that Council should protect the rights of residents, and they should stop taking from them. He requested that Council refuse the tax increase.

Citizen Steven Jordan, Fort Hill, said that as a property owner, he did not want Council to increase taxes. He asked Council to keep the tax rate low.

Citizen Jan Willinger, Ward 1, questioned, as a homeowner, what Council proposed to help the over 50% of residents who rented in the City. She said that landlords were realizing additional profits from reduced taxes, yet renters were not experiencing a reduction in rents.

Citizen Lisa Liston, Ward 1, expressed concerns about the increases in real estate assessments, of which hers increased by 35%. She said that she could not sustain a 35% tax increase as a retired person. She suggested that Council implement different real property tax rates for long-term residents and new residents.

Citizen Jeff Helgeson explained that lowering taxes would allow assessments to increase and enable the City to grow. He requested that Council set the tax rate at the equalization rate.

Citizen Andrea Hurtt, Ward 2, expressed concerns about waste, fraud, and abuse in local government and the increasing costs of living in the City. She requested Council set a tax rate below the equalization rate.

Citizen Jill Rufus said she currently owned 23 rental units in the City, and her son mowed the lawns and her husband performed repairs to keep the costs down. She said that the proposed tax rate would result in about a \$3,500 tax increase, and they would likely pass the cost down to their renters because they did not have a buffer to otherwise afford the costs.

Citizen Kari Bohrnstedt said that she was tempted to move her family and business into the county to reduce their tax burden. She requested Council set an equalized tax rate to reduce her tax burden.

Citizen Steve Troxel, Ward 4, said that his property value increased \$80,000, and his taxes increased 31%, and with an equalized rate, his taxes would increase by 13%. He said that he was still working at 73 years old to afford to live in the City, and if he wanted to retire, he would probably have to

move. He said that the City should focus on needs, and he requested Council set a rate so his taxes did not increase at all.

Citizen Michael Kalafian addressed Council regarding the need to lower taxes, reduce the government, and cut fraud and waste. He said that they should not have to debate the tax rate every two years.

Citizen Zach Melder, Ward 1, said that collecting more taxes than necessary was legalized theft, and real estate taxes were the most wicked form of tax policy. He said that real estate taxes were regressive, aided gentrification, and discouraged investments.

Citizen Joan Menge, Ward 1, expressed concerns about the increasing cost of living, which made it difficult for her to afford the proposed tax increase. She stated her support for a \$0.76 tax rate.

Citizen Ryan Thomas, Ward 2, believed that any taxation beyond the point of consumption represented a taking by the state enforced by violence. He expressed concerns about his increasing tax burden. He requested that Council equalize the tax rate.

Citizen Salvatore Petros was not present.

Citizen Rebekah Taylor, Ward 1, said she was unable to sustain a tax increase because she operated with slim margins for her rental properties. She said she would have to raise rents on her tenants if the tax rate was increased, and she was looking to move out of the City due to increasing taxes. She asked Council to lower the tax rate.

Citizen Harold Hail did not speak.

Citizen Ms. Waller asked Council to raise taxes. She said that if they did not raise taxes, services such as ambulances and trash collection may not be able to continue, and emergency repairs, such as water main breaks, may not be fixed.

Citizen Risa Hayes, Ward 1, said she had experienced homelessness growing up, and even though she recently lost her job, her property value had doubled, and every day expenses had increased, she still supported increasing the tax rate. She said that cutting taxes would destroy families who could not afford things like groceries, and it would harm the community. She criticized self-proclaimed Christians who were choosing money over their community.

Citizen Megan Huffman, Ward 1, said that the City needed to fund the services it provided. She requested that Council adopt a budget and set a tax rate which allowed the City to thrive, and the proposed budget and tax cuts would not further this goal.

Citizen Kimberly Dyke-Harsley, Ward 2, addressed Council regarding economic impacts on consumer spending if the real estate tax rate was set too high and how this would impact other tax revenues. She said they needed to find a tax rate in the middle and find alternative revenues.

Citizen David Wickline, Ward 1, said he was unable to afford to pay the taxes on his property because he was on a fixed income. He said there had to be a better and different way to address the problems in the City.

Citizen Sarah Kalafian, Ward 1, expressed concerns about the amount of taxes they paid. She asked City staff to re-examine the budget to find cuts that would not impact the schools, libraries, pools, or other necessary services. She said that the City could solicit donations to account for a reduced tax rate.

Citizen Jen Stayton, Ward 1, asked Council to increase taxes. She said that she chose to move to Lynchburg because of the great services it offered, including emergency response times, numerous AP classes for high schoolers, and parks. She said that people had been saying for years they would move to the counties if taxes were not reduced; yet, they still lived in the City, and people continued to move to the City.

Citizen Chris Quigg, Ward 3, asked Council to do its job. He said that public safety, transportation, public utilities, and education were the duty of Council. He said that Council should equalize the tax rate and not do more than its duty, such as renovations and maintenance.

Citizen Karen Quigg, Ward 3, expressed frustration about her property taxes, and she asked Council to abolish them. She suggested increasing sales taxes. She called for a detailed audit of City finances. She said that if taxes were reduced, then citizens would have money available to perform the services the City provided for themselves.

Citizen Mario Calabretta, Ward 1, said that his family came from Calabria in Italy, which was the poorest part of Italy. He said that he would pass any tax increases to his tenants. He asked Council to reconsider the tax increases.

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Citizen Dante Calabretta, Ward 2, expressed concerns about his ability to purchase property and the increasing cost of living. He requested that Council lower the tax rate.

Citizen David Ray Boven, expressed concerns about his increasing property value assessments. He said he did not mind paying taxes, but he was concerned about the over inflation of his property values.

Citizen Josh Eager, Ward 1, said he bought his home two years ago, and he wanted to see the tax rate increased to \$0.89. He said he wanted the schools and the library to be fully funded, and he wanted to see City services increased. He encouraged the City to build more houses so that prices remained low, which would enable more people to buy homes in the City.

Citizen Catherine Golden, Ward 4, requested that Council reduce the tax rate. She said that her rent increased every year, and her water rates increased as well. She said she was considering getting a roommate to afford her rent.

Citizen Reggie Williams, Ward 4, expressed concerns about the current national economic climate. He said he was not willing to make any cuts to City services, but they should be more careful in how funds were spent.

Citizen Katrina Ing, Ward 2, encouraged people to volunteer their time or make donations rather than raising taxes. She said that people should not be forced to use their money for things they did not use, and the City should spend money for the good of all residents.

Citizen David Ream, Ward 3, expressed concerns about increasing property taxes. He said he was considering moving out of the City. He expressed concerns about the increasing property value assessments. He said that Council had to do something to help him stay in the City.

Clerk of Council Alicia Finney stated there were 13 voicemails. She played the voicemails into the record.

Citizen David Turner, via voicemail, addressed Council regarding property assessments and the tax rate. He urged Council to set the rate at \$0.795 instead of \$0.89.

Citizen Pat O'Hara, via voicemail, said that keeping the tax rate where it was would enable the City to invest more in parks, schools, and the library. He said that taxes should be kept at the current rate.

Citizen James Jones, via voicemail, said he opposed the City Manager's proposed tax rate.

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Citizen Dennis Toothman, via voicemail, said he was not in favor of increasing the tax rate if it would be used to build the amphitheater.

Citizen Leslie Irving, via voicemail, requested that Council set an equalized tax rate. He expressed concerns about the increased tax burden from setting the tax rate at \$0.89. He suggested Council allocate the necessary funding for public safety and for schools, taking into account decreasing enrollment. He asked the City Manager to reduce budget requests by 5% for each department.

Citizen Larry Bell, via voicemail, opposed any tax rate increases upward of 25% to 30%. He encouraged Council to conduct an audit of City finances. He said he would support a 5% tax increase.

Citizen Gwen Davis, via voicemail, said she did not see how increased property taxes would benefit the City. She expressed concerns about the impacts on her fixed income. She asked Council to reconsider the tax rate.

Citizen Jonathan Jeffery, via voicemail, noted that housing costs had skyrocketed due to private equity buying houses and keeping them vacant to artificially increase scarcity. He said housing was a human necessity, and he encouraged the City to implement a people-first housing policy and support a strong-towns model.

Citizen Joe Turk, via voicemail, said that the City Manager's proposed tax rate was too high. He encouraged Council to adopt the equalized rate.

Citizen Charlie Hesse, via voicemail, asked Council to adopt the equalized tax rate. He said that the tax increases would require him to increase rent for his tenants.

Citizen Sherry Burnette, via voicemail, asked Council to adopt the equalized rate. She said that the City Manager's proposed rate would create an economic burden for her.

Citizen Christina Allen, via voicemail, asked Council to reduce the budget. She expressed concerns about the increased tax burden.

Citizen Richard Allen, via voicemail, asked Council to lower taxes and balance the budget.

There was no one else wishing to speak, either by phone or in person, so the public hearing was closed.

Councilmember Misjuns motioned, seconded by Councilmember Timmer to set the real property tax rate to the equalization rate of \$0.767 per \$100 of assessed value for Fiscal Year 2026, effective July

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1, 2025; and to direct the City Attorney to prepare and present this ordinance for Council review on May 6, 2025, with a subsequent vote on May 13, 2025; and to direct the City Manager to align the proposed FY 2026 Operating Budget and the FY 2026 – 2030 Capital Improvement Program with this rate.

Vice Mayor Diemer made a substitute motion to lower the tax rate to \$0.75 per \$100 of assessed value for Fiscal Year 2026, effective July 1, 2025; and to direct the City Attorney to prepare and present this ordinance for Council review on May 6, 2025, with a subsequent vote on May 13, 2025; and to direct the City Manager to align the proposed FY 2026 Operating Budget and the FY 2026 – 2030 Capital Improvement Program with this rate. There was no second so the substitute motion died.

The Mayor stated that the meeting was to hear from the citizens and ruled the motion out of order.

// The meeting was recessed at 8:10 p.m.

// The meeting reconvened at 8:23 p.m.

// Council continued discussion on Agenda Item #1 regarding the Real Property Tax Rate.

Councilmember Misjuns said that the City Manager would need time to adjust the budget to the equalized tax rate, and waiting until the May 13 meeting would only provide a narrow window to accomplish the task. Councilmember Misjuns made a motion to amend the agenda to discuss adopting a real estate tax rate at the end of all of the scheduled public hearings for the night. The motion was seconded by Vice Mayor Diemer.

Mayor Taylor made a substitute motion to continue with the scheduled public hearings and discuss the real property tax rate at the May 13th meeting. Councilmember Reed seconded the motion.

Councilmember Timmer said she believed they had plenty of time to speak with staff and with citizens, and they would need time to adjust the budget appropriately. She said that they needed to have a discussion after setting the rate to ensure priorities were met. She said Council needed to consider creative approaches to addressing the needs of the City. She said it was more than appropriate to vote on the tax rate after the public hearings.

Vice Mayor Diemer said he was opposed to delaying the vote on the tax rate. He said that staff needed time to adjust the budget to the equalized tax rate. He said he was willing to compromise by adopting the equalized rate, even though it would mean some people would still pay more in taxes.

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Councilmember Misjuns said that Council heard from 49 citizens tonight and 36 of those people asked Council not to increase taxes, so his request to equalize the tax rate was representative of those citizens' request. He noted that in 2024, the cost to replace the downtown parking deck was over \$51 million in the CIP; however, after considering the cost to restore the parking deck, the cost was brought down to only \$600,000 for restoration. He said that Council should consider other restoration efforts to reduce budget costs. He said that staff would need time to adjust the budget to accommodate the equalized rate, and he opposed the substitute motion. He requested that the Mayor withdraw his motion.

Councilmember Wilder said he supported the Mayor's motion. He said staff would need to elaborate on what the consequences would be of lowering the tax rate for the public.

Mayor Taylor asked City Manager Wynter Benda whether postponing the rate decision would allow sufficient time to make necessary budget adjustments.

Mr. Benda stated that while he couldn't give a definitive answer, he and City staff are committed to supporting whatever decision Council makes on the budget.

Vice Mayor Diemer stated that more time would help the City Manager adjust to a likely lower tax rate and emphasized a disconnect between the proposed rate and public concerns, especially from those on fixed incomes and small business owners.

Mr. Benda emphasized that his budget proposal was based on professional experience, input from Councilmembers, and the City's long-term needs. He acknowledged concerns about a disconnect but reiterated his commitment to staying connected with Council and addressing priorities such as public safety, infrastructure, and support for residents on fixed incomes. He stated he is prepared to help implement whatever direction Council chooses.

Vice Mayor expressed confidence in the City Manager's ability to adjust the budget to a lower rate while preserving key priorities like public safety and education.

Councilmember Reed said that two years ago, Council lowered taxes significantly. She said she appreciated the 49 people who provided public comments; however, there were 79,950 other people in the City who did not, and she had to represent those people as well. She said she supported the Mayor's motion because it provided Council time to discuss the tax rate and listen to public comment before making decisions.

Councilmember Wilder thanked the City Manager for budget efforts and questioned why school funding hasn't increased like the fire departments'.

Councilmember Timmer clarified a point from the City Manager's remarks, noting that the \$17 million referenced was not a cut from the previous budget but rather a reduction from the proposed budget.

Mr. Benda confirmed the \$17 million was tied to the penny amount, not a budget cut, and noted that new investments, especially in public safety, increased overall spending.

Councilmember Timmer stressed that homeownership and affordability are crucial issues, not political ones. She called for protecting homeowners, creatively funding community projects, and equalizing the tax rate to ensure stability.

Councilmember Faraldi called the question on the substitute motion.

Councilmember Misjuns stated he supported reallocating funds from administration for the schools and opposed the substitute motion, urging immediate action.

With no further discussion from the Council, the following vote was recorded on the substitute motion to proceed with the agenda and return at a later date to discuss the tax rate.

Ayes: Taylor, Reed, Wilder 3

Noes: Diemer, Faraldi, Misjuns, Timmer 4

Councilmember Faraldi called the question on the primary motion.

Councilmember Misjuns clarified that the primary motion was to amend the agenda to discuss setting the tax rate after the public hearings.

With no further discussion from the Council, the following vote was recorded on the primary motion to amend the agenda to discuss setting the tax rate after the public hearings.

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Reed, Faraldi, Wilder 4

// In the matter of the Budget, Agenda Item #2, Council held a public hearing regarding the Water, Sewer, and Stormwater Rates. Mayor Taylor opened the hearing for comments from the public.

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Citizen Katrina Ing, Ward 2, expressed concerns about the water rates and suggested that people should review their water bills to ensure they were accurate. She encouraged individuals to conserve their water usage.

Citizen Andrea Hurt, Ward 2, noted that the majority of her water bill was fees, not usage. She expressed concerns about fluoride in the water and suggested the City remove it to reduce costs. She noted that Robert F. Kennedy, Jr. was looking to remove fluoride from water systems.

Citizen Rebecca Taylor was not present.

Citizen Risa Hayes, Ward 1, said that as an autistic person, Council should not be taking medical advice from Robert F. Kennedy, Jr., someone who wanted to create a national registry of autistic people and establish labor farms.

Citizen Josh Eager, Ward 1, said that his water bill was lower in the City than when he lived in Blacksburg. He said that the City's water rate was extremely low, and it provided quality services for the rate level. He said he supported fluoride in the water because it supported dental health.

Citizen Peter Cefaratti, Ward 1, suggested that the City provide each residence a free allotment of water, and any usage above that was charged at a higher rate. He said that this could reduce anxieties about water usage.

There was no one else wishing to speak, either by phone or in person, so the public hearing was closed.

// In the matter of the Budget, Agenda Item #3, Council held a public hearing regarding the FY 2026 Budget, Operating and Capital. Mayor Taylor opened the hearing for comments from the public.

Citizen Beth White, representing the MLK LCC, addressed Council in support of library renovations. She said that it would be a strategic economic investment that would yield long-term benefits for the community.

Citizen David Levy, representing the Woodland Neighborhood, addressed Council regarding support for the CIP funding for streetscape and sidewalk improvements on Bedford Avenue. He noted the significant improvements done to the corridor over the decades and the need to continue the trend.

Citizen Ben Copeland, representing Lynchburg City Schools, said that the City Manager's proposed allocation to LCS was a step in the right direction, bringing funding to the highest level in five

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years. He noted how the funding would help LCS improve services and remain competitive. He expressed concerns about how a lower tax rate historically led to a reduction in school funding.

Citizen Jim Quattlebaum expressed concerns about the timing of the budget process. He suggested that Council pause the process and reexamine how much they were spending on each item.

Citizen Peter Cefaratti, representing Lynchburg City Elders, expressed concerns about budget items that represented wants, not needs. He was concerned about changes in the scope of projects that he felt were being snuck under the radar, and the public should be fully informed of what projects would include. He said they needed to think futuristically, like how artificial intelligence will impact education in three to five years.

Citizen Michael Bremer was not present.

Citizen Maegan Fallen, representing Friends of the Library, addressed Council in support of the library renovations in the CIP. She noted the importance of modernizing the library building to reduce future maintenance costs. She cited that every \$1 invested in public libraries yielded \$4 to \$5 in economic returns.

Citizen Erik Nygaard, representing the LCS Education Foundation, addressed Council in support of the LCS CIP proposal, Miller Park Pool renovations, and library improvements. He spoke about how the schools, pool, and library created an ecosystem of services that benefitted the community.

Citizen Teresa Brennan was not present.

Citizen JoAnn Martin, representing the NAACP, addressed Council regarding concerns about the impact of budget cuts on Black and Brown community members in the City, people who were disproportionately affected. She spoke in support of the public pool and library renovations. She expressed concerns about the long-term impacts and costs of reducing the budget.

Citizen Molly McClennan, Ward 1, asked Council to adopt the budget as presented, and she supported the necessary tax increases. She said she wanted Lynchburg to continue being a place that looked to the future.

Citizen Paul Kee, Ward 1, asked Council to invest in the City's youth. He said that compromising the education budget would harm students' outcomes and limit societal progress.

Citizen Greg Berry was not present.

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Citizen Desmond Mosby, Ward 2, addressed Council in support of prioritizing LCS in the City Manager's proposed budget. He said that a strong public school system was critical for the City's long-term success. He encouraged Council to continue the momentum of funding LCS.

Citizen Andrea Hurt, Ward 2, suggested that the City form a group similar to the federal DOGE to find waste, fraud, and abuse in local government. She called for the City to conduct a detailed audit of government finances. She said that she had not reviewed the whole budget, but she believed they could find creative solutions. She said that City staff should not all receive raises; instead, the raises should be based on merit.

Citizen Karl Loos, representing the Lynchburg Education Association, said that wealthy landowners and landlords benefitted the most from tax cuts, not the average family who would lose services. He asked Council to fully fund the LCS budget request, and the City was most prosperous when Council fully funded LCS.

Citizen Johanna Derrenbacher, Ward 1, expressed concerns about the conditions of LCS buildings. She spoke in support of the proposed CIP funding for school facility improvements.

Citizen Beverly McCloskey, representing Embrace Our Schools, expressed concerns about how equalizing the tax rate would negatively impact the school system. She said that without quality schools, the City's future growth would be harmed. She requested that Council fully fund LCS.

Citizen Colleen Larkins, representing Save Our Schools, expressed concerns about the impacts of continued cuts to education funding. She noted that year after year, promised funding and improvements were never delivered. She said that teachers deserved the funding, facilities, and raises.

Citizen Aaron Reid was not present.

Citizen Risa Hayes, Ward 1, spoke about the importance of public schools, having grown up in an area that did not have public schools. She addressed the importance of libraries in expanding imaginations and improving literacy. She asked how they could find creative solutions to the City's funding needs without creative people.

Citizen Josh Eager, Ward 1, spoke in support of the proposed budget at the \$0.89 tax rate. He noted the costs of deferred maintenance, and he asked Council to fund the library and school maintenance requests to prevent future cost increases. He said that if Council wanted his continued tax

contributions, it needed to fund school and library improvements; otherwise, he, and people like him, would leave the City.

Citizen Zach Melder, Ward 1, expressed concerns about the budget schedule, where the budget and tax rate appeared to be set on the same day, May 13. He said that Council should address this apparent conflict.

Citizen Cindy Capps requested that Council approve the proposed CIP funding for LCS and maintain the current project schedule. She asked Council to approve the full \$5.5 million budget increase from LCS and prioritize school infrastructure.

Citizen Emily Kelly addressed Council regarding teacher salaries, which on average, only increased about 1.5% each year. She said that this increase did not keep up with inflation, which over the past few years had exceeded 1.5%. She said that surrounding jurisdictions offered higher salaries and step increases, which made it more difficult for the City to attract and retain talent.

Citizen Selina Morgan, representing the Young Women's Empowerment Academy, asked Council not to remove funding for LCS, pay raises for City employees, library renovation, and pool renovation. She emphasized the importance of meeting community needs. She said that 49% of the City's population received public assistance, relying heavily on the services provided by the City, and she supported increased taxes to support those services.

Citizen Kathleen Davis, Ward 2, said that public services and facilities were investments in the community, and caring about the community was not a partisan issue. She expressed concerns about privatizing public services and facilities, which would eliminate access for members of the community. She asked Council to invest in families.

Citizen Jordan Nesbitt, Ward 4, expressed concerns about the conduct of Council earlier in the meeting and how the public felt unheard. She supported the City Manager's proposed budget.

Citizen Veronica Bratton, Ward 4, addressed Council regarding its support of children in the City. She said that they needed to ensure parents had enough money to pay for food and childcare by making sure taxes were not too high.

Citizen Jan Willinger, Ward 1, requested Council to approve the City Manager's proposed budget.

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Citizen Hope McRorie noted that the school building conditions deteriorated over a long period of time under previous councils. She expressed concerns about the status of education in the City. She said that they needed to help parents to support their children, particularly fathers.

Clerk of Council Alicia Finney stated there were 10 voicemails. She played the voicemails into the record.

Citizen Connor Kenaston, via voicemail, requested that Council fully fund LCS, the public library, and the proposed cost of living adjustments for City employees. He said that cheap solutions would result in higher costs in the future. He said that he wanted good government, quality schools, and modern libraries, not cheap ones. He supported a fair tax rate to make the City a vibrant and thriving place for the future.

Citizen Julie Hemstreet, via voicemail, expressed support for library funding in the CIP.

Citizen Sue Stengel, via voicemail, opposed reduced taxes and asked the City to find ways to support low-income residents. She suggested rent control and subsidy programs to provide assistance. She expressed support for library and pool renovation funding.

Citizen Ellen Nygaard, via voicemail, expressed support for the City Manager's proposed CIP. She requested that Council fully fund LCS, library renovations, and pool renovations. She asked Council not to lower the tax rate.

Citizen Patrick Earl, via voicemail, addressed Council regarding the history of public pool closures in the City. He said that in 1961, the public pools were closed and filled with dirt and trash in defiance of federal court orders to integrate the pools. He said that the Lynchburg Democratic Committee made a social media post referencing this history, under which Vice Mayor Diemer commented laughing emojis and blamed the closures on an African-American wade-in demonstration. He said that Vice Mayor Diemer's comments were racist and dismissive, and he asked Council to support funding for the library and the pool.

Citizen Emily Muenez, via voicemail, expressed support for the public library renovations.

Citizen Dr. Karin Warren, via voicemail, addressed Council in support of funding for the public library.

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Citizen Anne Wilson, via voicemail, expressed support for the City Manager's proposed budget and CIP. She said she specifically supported funding for the schools, library modernization and renovations, and pool renovations.

Citizen Trudy McDaniel, via voicemail, requested that Council cease reducing taxes at the expense of public schools and the library. She encouraged Council to adopt full funding for library renovations and the Superintendent's budget request. She expressed concerns about some councilmembers' negative views towards minority groups in the City, particularly members of the LGBTQ community.

Citizen John Fees, via voicemail, addressed Council in support of the City Manager's proposed budget, particularly the infrastructure projects for Bedford Avenue.

There was no one else wishing to speak, either by phone, email, or in person, so the public hearing was closed and the matter rested with Council.

Councilmember Misjuns suggested that Council reschedule the first reading of the budget on May 13 so that Council could set a tax rate before the budget presentation. He asked to amend the budget calendar to move the first reading of the budget to June 10 and the second reading to June 24. He expressed concerns about holding the budget public hearing prior to setting a tax rate.

Councilmember Faraldi said no councilmember had submitted questions in writing to staff regarding the impacts of setting an equalized tax rate on the budget. He said that all of the questions councilmembers had asked were publicly available as part of the record. He expressed disappointment in Councilmember Misjuns for taking up so much time during the meeting because the meeting was intended to hear from the public.

Councilmember Faraldi motioned to adjourn the meeting.

Mr. Benda acknowledged concerns about moving too quickly and emphasized the intent is not to rush the process. He committed to supporting Council and ensuring the upcoming work session is thorough.

// The meeting adjourned at 11:32 p.m.

Clerk of Council

April 29, 2025

// A special called meeting of the Council of the City of Lynchburg was held for the purposes of conducting a joint Work Session with the Lynchburg City School Board on the 29th day of April, 2025, at 4:00 p.m. at the I.T. Conference Center, 3550 Young Place, Lynchburg, VA 24501. The following Councilmembers were present:

Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns,

Jacqueline Timmer 7

Absent: 0

The following School Board members were present:

Atul Gupta, Martin Day, Anthony Andrews, Gloria Preston, Letitia Lowery, Farid Jalil, Daryl

Conner, Mark Tinsley 8

Absent: Christian DePaul 1

// Vice Mayor Diemer led the invocation, followed by the Pledge of Allegiance.

// In the matter of Introductions, Agenda Item #1, Councilmember Wilder, Co-Chair of the Joint Committee, thanked Council and the School Board for their work on the Committee.

// In the matter of Lynchburg City Schools, Agenda Item #2, Council held a joint work session with the School Board regarding the City and Schools Joint Committee's Recommendations. School Board Vice Chair Dr. Martin Day, Co-Chair of the Joint Committee, provided a presentation on the recommendations. The City Council & School Board Joint Committee ("The Committee") was formed by the Lynchburg Mayor and School Board Chair on Feb. 12, 2025.

Vice Chair Day stated that the purpose of the Joint Committee was to explore policy matters and funding that concerned both governing bodies. The Committee will provide a collaborative review, analysis, and recommendations regarding the use of infrastructure funds. The Committee met bi-weekly, to work on topics including, but not limited to, the following:

- Identify long-term goals and develop a short-term action plan
- Identify the location of the student population and determine system capacity
- Overview of building conditions and major maintenance needs
- Budget and capital improvement program
- Ongoing revenue and efficiency considerations

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The Committee met on Feb. 27, Mar. 12, Apr. 3, and Apr. 10 and discussed everything except "student location and capacity", which the Committee decided it could not reasonably address, and the Committee did review and discuss information on all the topics listed. The Committee considered over 30 possible recommendations based on information provided by both City and Schools staff, and ultimately decided on eight recommendations to be presented to the full bodies of both the School Board and City Council.

Vice Chair Day noted that the Committee believes these recommendations will help Lynchburg better provide for its schools and the students it serves, as well as initiating more constructive relations between the City Council and School Board in the future. The Committee understands that its role is not to make binding decisions but to provide recommendations.

Vice Chair Day reported that the Committee's first recommendations concern the City's CIP plan, including rearranging the order of planned CIP allocations so that their order is reversed—reflecting a new order of \$30 million, \$20 million, and \$10 million to provide more funding available to work with up front. Once the City adopts the CIP through 2028, the Committee recommends not altering its school-related CIP plans through FY2030 without prior consultation with the School Board. The Committee recommends that the City support the full requested increase in the operating budget of \$5.5 million, which is beyond the City Manager's proposed CIP plan.

The Committee recommends retaining repairs to the track at E.C. Glass High School as a high priority; adopting the plan from the Facilities and Finance Committee, which includes the repurposing of T.C. Miller to an alternative education facility; making a decision to close a second elementary school in FY26-27; recommending that no school facilities be constructed through the CIP cycle ending in 2030; and continuing to meet at least quarterly to discuss cost-savings for both City and School resources, including possible department mergers in FY2027.

Councilmember Wilder said the City Manager and acting Superintendent were not in favor of the CIP because of the time involved for planning and design, and the City Manager proposed that cycle based on capital projects already in place and what could be accomplished based on available funding and the funding formula. He did not support the proposed funding schedule for the CIP since the projects required time for planning and design.

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Board Member Conner supported the reorder to the CIP schedule because some of the work that was required in the schools did not require a great deal of planning, such as roof and field replacements, which he believed did not require architectural plans. He said that the proposed \$30 million in funding would enable LCS to begin urgent repairs, whereas the \$10 million would not enable them to address projects concurrently.

School Board Chair Dr. Atul Gupta said that the needs of LCS totaled \$109 million, so the funds could be spent. He noted that six out of 11 elementary schools were rated below 70, meaning they were in dire need of repairs. He said that E.C. Glass cannot even be used beginning this fall semester, and he sees that less than one third of needs are being fulfilled.

Councilmember Faraldi asked what the reorder of the funding schedule would look like and why.

Vice Chair Day stated that they are just asking for a reorder of the funding schedule.

Councilmember Faraldi asked if the Superintendent had indicated if it would be possible to spend \$30 million within the first year of the CIP.

School Board Chair Gupta said that the need is \$109 million today and is already existing—not for future plans.

Councilmember Faraldi asked again if the Superintendent had indicated he could spend the \$30 million within the first year.

Superintendent Dr. Ben Copeland explained that after reviewing the timing of the CIP and what was brought up at the task force meeting, it would be challenging to expend \$30 million in the first year. He said that the \$60 million was roughly half of the total needed. He said that the \$10 million allocation for the first year was a better schedule because the primary window for school projects was from the first week of June to the end of August, allowing only 10 to 12 weeks for major work to be done. He cited an example of replacing HVAC units while students were in class, which would be uncomfortable for them. He said that anything to be done in 2025 would need to come in for bid now, with some of this not even billing until the fourth year. He said that the first round of funding would not become available until July 1, which made it challenging to spend the funds, even \$10 million, during the summer of 2025. He reiterated that the order of 10, 20, 30 works out best.

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Councilmember Faraldi noted that if the \$30 million appropriation was not expended fully, it would carry over into later years; furthermore, the City would likely issue bonds to finance the \$30 million allocation. He asked how much of this was financed versus cash up front, and how the proposed rescheduling would impact the rest of the CIP.

Chief Financial Officer Donna Witt replied that it would be bonded, stating that they would need to reorganize at least \$20 million in projects to create capacity. She said if they were transportation projects, that would impact their revenue-sharing agreements.

Councilmember Reed expressed support for the original CIP project schedule. She said the best time to do school projects was during the summer break, and there is no question of need and how much is needed immediately—it was just a question of timing.

Board Member Conner said that if the \$30 million was not allocated this year, it was not guaranteed that Council would allocate the rest of the funds in subsequent years. He said that even if they could not break ground on school projects in the summer of 2025, they could begin the necessary planning and design, which would prepare them for projects to begin in the summer of 2026.

School Board Chair Gupta said he understands the Superintendent's concern about work during summer, but there is a front-end summer in June and July where work could be done versus the backend part in August.

Councilmember Misjuns asked what they would do with the \$10 million now, which he understood would be design and engineering. He said that they don't need those steps for roofs, and there was about \$6.5 million identified for roof repairs, which could also prevent damage to the floors, and he wanted to prioritize roof repairs and replacements. He said that he was flexible on the \$30 million but was not flexible on the \$10 million, as water entering these buildings can cause damage and create mold.

Superintendent Copeland noted that replacing roofs on commercial buildings required architectural planning, and it was not similar to replacing a roof on a personal residence. He mentioned that the process often required significant tear-offs of roofing and insulation, as well as mitigation measures needed for water drainage.

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Councilmember Misjuns agreed with Dr. Gupta that there's no reason the roof repairs couldn't commence by the beginning of next summer or even sooner, reiterating his concern about water entering the buildings.

Councilmember Timmer expressed the need to address as many concerns of LCS as quickly as possible in a sustainable manner. She pointed out that deferred maintenance costs increase over time, and they should work with the schools to prioritize funding allocation for school building maintenance in the CIP.

Vice Mayor Diemer stated that he also wanted to prioritize roof replacements, noting that he wants to make sure there is enough money there to really fix them. He said that he appreciated the School Board's need for clear direction, and he heard the Committee's concerns that money from City Council can be fickle, so they should act now. He emphasized that these issues didn't happen overnight, and the sooner they addressed them, the better.

Vice Chair Day explained that the motivation for changing the CIP schedule was to secure funding as early as possible so that LCS could follow through on projects. He said that if the City did not follow through on projects, it becomes a deferred maintenance situation, which was his understanding of the reordering rationale.

Councilmember Faraldi noted that City Council could not make a decision that would bind the actions of a future Council.

Vice Chair Day said that if Council finds itself in a situation where they cannot fulfill a prior commitment, they should consult with the School Board.

Councilmember Wilder emphasized the importance of consistent communication and meetings between Council and the School Board.

Board Member Jalil suggested continuing the Joint Committee to facilitate communications, and the final recommendation presented was to either keep the continuance of this Committee periodically or create a new body.

School Board Chair Gupta cautioned that convening three members of a public body necessitated a public meeting.

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Councilmember Misjuns said he did not support allocating the full \$5.5 million increase for LCS operational funding, noting that the recommendation from the City Manager was \$2.7 million. He said that they should instead find efficiencies within the school division, such as consolidating the City and LCS IT departments.

Councilmember Wilder expressed support for allocating the \$5.5 million increase, stating that he also wants them to look at their real estate tax rates. He said that the public balks at suggested increases but also wants better schools, roads, etc. He stated that when he was on the School Board many years ago, a plan for Sandusky Elementary was shifted back then, and they needed to address these school needs. He also mentioned the Fire Department budget increasing by \$10 million, whereas school funding had remained flat. He emphasized that they need to find funds for their children, as that is a priority.

School Board Chair Gupta stated that efficiencies need to be across the board, and students needed to be treated equitably. He stated that every family will make sacrifices for their children, and the school division has been efficient for a long time—with 80% of their budget allocated to human resources, including teachers. He noted that behavioral issues have continued to increase, meaning that teachers require additional support.

Councilmember Faraldi said that they incorporated a step increase for firefighters, and he emphasized the need to increase step increases for veteran teachers and reduce pay compression. He said that the City needed to focus on retaining teachers to remain the premier educators in Central Virginia, and he wanted to ensure where the money was going.

Superintendent Copeland reported on what comprises the \$5.5 million, explaining that it starts with the local component match for the Governor's 3% pay raise, step increases for all employees who are at the point in their careers, increases starting minimum wage from \$15 to \$17 an hour, increases starting teacher salaries to \$50,000, and includes required components for VRS and other benefit supports such as health insurance cost increases, as well as 10 bus aides on the highest-need buses with student behavior issues, and a building-level substitute teacher in every building. He stated that it also makes a meager attempt to keep up with inflation for bills such as electricity and water. He noted that the initial requested increase was about \$10 million, but they worked to get that down to the \$5.5 million.

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Councilmember Misjuns stated that actual monies spent for LCS in 2015 were \$87,351,955; actual revenues in 2024 were \$111,052,271, which was a substantial difference. He agreed with Councilman Faraldi's statements and the need to increase pay for veteran teachers. He noted that the step increases for LCS were not funded for a long time, which created an issue. He stressed the importance of increasing administrative and classroom support so that they retained those veteran teachers, who are leaving in droves for reasons besides just money. He said that Superintendent Copeland was working overtime to address the issues that are driving them out, and he urged the School Board to select a permanent superintendent who would back up the teachers.

School Board Chair Gupta noted that they increased law enforcement entry pay to \$50,000 a year, and they needed to mirror that with the schools. He noted that entry-level positions for the City are \$20, whereas school bus drivers were paid \$15. He stated that the younger teachers can switch to the county system and make a few thousand more, so they do.

Board Member Lowery stated that she was one of those veterans teachers, and they went 10 years without a pay increase. She stated that the reason teachers were leaving because they were frustrated.

Board Member Conner stated that he worked in the Transportation Department, and bus drivers made \$10.35 an hour for five years straight. He said there were some gaps that needed to be addressed.

Councilmember Reed agreed with Dr. Gupta that they made changes across other department such as police and fire for the purposes of recruitment and retention, and they needed to do the same with schools. She said they were losing teachers for many reasons, and people were not going into education as a career, and schools were having to incentivize. She encouraged everyone to watch the 40 Ways Coalition meeting, where a panel of high school students addressed safety concerns and requested the installation of metal detectors at the high schools. She said that they also expressed concern about numerous fights at the schools, stating that they were the number one place where the students did not feel safe and emphasized the need to listen to students and address safety.

Board Member Tinsely stated that this is not just a pay problem, as there have been leadership and administrative issues that need to be addressed. He said the \$5.5 million is bare bones in his mind, and a large portion of it would be assigned to raising salaries to get to \$17 an hour entry-level pay

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increase and the \$50,000 minimum for starting teachers. He emphasized that they can work on efficiencies and hopefully realize savings in future years - but right now, they needed to “pay the mortgage”.

Councilmember Misjuns asked the School Board to pursue the installation of metal detectors at LCS high schools. He stated that he knew there were parents who complained about it, but it was up to the schools to protect their students.

Councilmember Faraldi asked what the strategy was for the increased school administrative costs, which was needed for planning purposes, and he noted that the City is currently contemplating eight cents on the dollar for real estate. He suggested the implementation of a school funding formula in combination with the rest of the Committee's recommendations. He said that agreeing to an increase locks Council in, with unknown future variables such as enrollment levels. He added that he hoped the School Board was having capacity discussions now, regardless of the funding, and he wasn't sure why the Committee was tasked with this. He said that there should be a public body that met regularly, established by a vote of Council, to ensure communication between Council and the School Board.

Board Member Preston said that there would always be disagreement, with two different factions here—so ongoing conversation was needed, and she commended the Committee's work and said they shouldn't stop now. She said that she supported regular meetings between the School Board and Council.

Board Member Jalil expressed concern about “partial information,” stating that the work was often long and tedious and required a commitment to learning all aspects. He said the reason they were requesting more funding is because they were always behind, adding that the ongoing turnover was severe and citing prior Council decisions as a primary factor. He expressed his support for funding the \$30 million first, noting broad public support for repairs to the EC Glass track and opposition to the commitment not to build new school buildings.

Councilmember Reed requested that when the School Board addresses school closures, they make the decision at the beginning of the year to provide families and staff time to process the proposed plan. She also asked that the School Board stick to whatever plan was decided and not change it late into the process.

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Councilmember Misjuns stated that he did not support the establishment of a funding formula due to how a funding formula directed by that City Council had impacted the Norfolk school division related to school closures and consolidation. He noted that there was about \$70 million in waste related to surplus schools, as the funding formula encouraged the budget to grow even if enrollment was slowing. He stated that the Lynchburg School Board needed to do its due diligence in observing enrollment trends. He also said that the primary issue he received commentary on during the Committee process was the E.C. Glass track improvements.

Vice Chair Day clarified that the recommendations presented were not formal motions, but suggestions for City Council and the School Board to consider.

Chair Gupta suggested that the School Board and City Council hold a retreat to facilitate planning.

Mayor Taylor declared the Committee to be resolved.

// The meeting adjourned at 5:13 p.m.

Clerk of Council

May 6, 2025

// A special budget work session meeting of the Council of the City of Lynchburg was held on the 6th day of May, 2025, at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Larry Taylor, President, presiding.

The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// Councilmember Wilder led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Budget, Agenda Item #1, Council conducted a work session regarding the FY 2026 Budget.

Councilmember Reed requested that Councilmember Misjuns remove a sign he was displaying at the work session decrying the City Manager's proposed tax rate and claiming it was the largest tax increase since FY 1998. She said that the sign was a distraction from the work session and an attack on the City Manager.

City Attorney Matthew Freedman said that Councilmembers were not permitted from engaging in intimidating or disruptive behavior during meetings, so if the Mayor ruled that the sign was intimidating or distracting, he could order it to be taken down.

Mayor Taylor requested that Councilmember Misjuns replace the sign with another one depicting a graph; Councilmember Misjuns replaced the sign with one showing a line graph.

Deputy City Manager Greg Patrick and Chief Financial Officer Donna Witt provided a presentation reviewing answers to questions from Councilmembers on a number of items, including structure inventory, the cost of the new police headquarters, 10-year historical police and school funding, department funding submissions, radio funding for the Fire Department, lodging and personal property tax rates, fund balance financial policies, FY 2024 year-end finances and potential budget surpluses, FY 2026 Real Property Tax equalization, Debt Management Financial Policies, and Federal funding concerns.

Vice Mayor Diemer requested a spreadsheet of the property inventory to make it easier to review. He said that the map was helpful, but it was difficult to account for individual properties.

Councilmember Timmer asked why the police headquarters increased in cost by \$15 million.

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Ms. Witt replied that when the police department was first included in the CIP nine years ago, the cost was simply a place-holding value. She said that after numerous redesigns, a space requirement study, and the substantial increase in the cost of materials, they arrived at the current figure.

Mr. Benda noted that the location of the headquarters had changed because of siting issues, and that contributed to the cost.

Ms. Witt added that about \$2 million of the total cost was related to the purchase of the property.

Councilmember Faraldi clarified that the police funding presented by staff included funding from the state, but the school operation funding that was presented only included the local contribution.

Councilmember Reed stated that in the 2024 budget process, Council adopted the rate first which then required working backwards, which ultimately forced a choice between departmental services and school funding. She noted that a correction was made to clarify that what was initially referred to as localized school funding included state funds, and the reference was intended to reflect the local funding level. She also stated that in 2023, local school funding decreased below levelized funding.

Councilmember Timmer said that since there were so many revenue streams for LCS, isolating one did not provide a complete picture.

Councilmember Misjuns added that if state funding for LCS were taken into account, the overall increase over the years would be significant, reflecting a substantial rise in funding from fiscal year 2015 to fiscal year 2024.

Vice Mayor Diemer said that school enrollment was trending downwards.

Councilmember Wilder emphasized the importance of investing in the school system to provide for all children in the City.

Ms. Witt explained that in FY 2015, the 599 funding from the state was \$2,653,798, and the proposed funding in FY 2025 was \$3,250,000.

Councilmember Misjuns asked why the radio replacements for the Fire Department and the CAD replacement for 911 operations were pushed back.

Ms. Witt said that the department had informed her they were not ready to purchase a CAD system, and it could be postponed. She said she was working with the department to set aside any year-

end savings to fund the CAD replacement. She said that regarding the radios, they typically cash-funded them instead of bond-funding or leasing them. She said that they usually contributed some dollar amount annually to accumulate Pay-Go funding to be used when they were ready for replacement.

Councilmember Faraldi said that only reducing the Real Estate Tax rate would not benefit the constituents he represented who rented. He said that they could provide broader impacts by revisiting the lodging, personal property, and other taxes available to Council. He asked why they only had a \$1 per room per night fee when other localities, such as Richmond, charged \$30 per room per night. He said that the overwhelming majority of this tax was paid by people who were not City residents and would thereby reduce the tax burden on City residents.

Ms. Witt said that a \$30 per room per night fee would generate \$12 million in revenue.

Mr. Patrick explained that raising the per room per night fee, the bed tax, past a certain level would impact a lodging's ability to charge a room rate, and it could drive down the lodging tax revenue, which was based on the room rate. He said other than that consideration, Councilmember Faraldi's suggestion made sense.

Councilmember Misjuns requested information about what other cities were doing with the lodging tax rate and bed tax.

Councilmember Reed asked if they could request the state to amend the charter to enable a four-year property assessment cycle.

Mr. Patrick said that staff would suggest reducing the period between assessments to annually. He said that the difficulty with two-year assessments was that it produced significant increases for property owners, while an annual assessment would reduce the year-over-year increases. He said that City expenses also increased annually, so they could align revenue growth with expenditure growth by performing assessments annually.

Councilmember Faraldi said he was opposed to equalizing the Real Estate Tax rate without making adjustments to other rates. He said that the debt payment remained the same no matter how they reduced the budget or cut rates, and reducing the budget would only make it more difficult for Council to repay that debt. He noted that the debt was incurred from decisions of previous councils. He requested that Council adopt a resolution containing a sunset clause which specifically allocated dollars to debt

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payments. He said that year after year, the single issue he saw that plagued Council, regardless of which political party was in the majority, was the major debt service payment obligation. He said that they should consider an approach similar to Virginia Beach, where funds were allocated to a surplus account to facilitate cash payments for projects, which reduced spending, reduced year-over-year debt payments, improved debt capacity, and increased the capacity to improve teacher, police, and firefighter salaries. He said that it took a vision that the public could understand and that Council could use to illustrate their goals. He said that it took multiple budgets to get to this point.

Councilmember Timmer said she would support increases on consumption taxes if the revenue was earmarked to reduce debt payments. She said that she would support a larger fund to facilitate Pay-Go, but she wanted more specific information.

Councilmember Misjuns said that he believed the debt issue was coming from projects that were not needed, and they should have been maintaining their buildings instead. He said that the James River Parkway project in the comprehensive plan was not needed. He speculated that consultants were driving these projects, and he suggested reducing allocations to consultants and discretionary professional development by 50% across the board. He suggested a hiring freeze as well to slow spending.

Vice Mayor Diemer said that he supported any efforts to reduce the debt capacity. He said that personally, he tried his best to avoid credit card debt. He said that long-term planning was important.

Councilmember Wilder emphasized the importance of quality of life for City residents. He said that investments in infrastructure and community drew people to the City and helped it grow. He said that if they lost sight of those investments, the City would die.

Councilmember Faraldi suggested setting the Lodging Tax rate to 10%, and increasing the per room per night fee by the necessary amount to address any budget shortfalls. He said that they should reconsider items in the capital spending program to find any additional savings.

Councilmember Misjuns expressed concerns about raising taxes on the hotels and lodgings in the City because it could deter business. He lamented about the lack of car dealerships in the City because they had moved to Bedford County. He said that this was because of the lack of a gross receipts tax in the county.

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Mr. Patrick said that the Mercedes and BMW dealership was in the City, along with a Honda dealership, and a Toyota dealership. He said that space availability was the major consideration. He said that staff would have to research the impact of the gross receipts tax.

Councilmember Misjuns said that they should primarily focus on reducing spending.

Councilmember Timmer emphasized the need to distinguish rising home values from inflation, noting that inflation is a challenge for households and highlighting the importance of keeping housing affordable to help residents manage overall costs.

Councilmember Wilder requested that staff reach out to the car dealerships to find out why they were not located in the City. He noted that dealerships typically wanted to expand, but space was limited in the City.

Mayor Taylor noted high home sales on Washington Street, stressing that such prices raise surrounding property values, driven by out-of-town buyers.

Councilmember Reed suggested using one-time funds to pay for the pool and library in cash, removing them from the budget and splitting \$14 million between the projects to avoid debt.

Ms. Witt explained that \$13 million could be reallocated by pulling funds from maintenance projects, but warned this would leave a two-year gap in maintenance. The amount isn't enough to fully fund both the pool and library, but Council could choose to split it or reduce bond funding for each.

Councilmember Misjuns cautioned that reallocating \$13 million would cut critical projects like school funding, radio replacements, and building repairs, emphasizing the need to prioritize maintenance and establish a long-term reserve.

Councilmember Wilder suggested that Council compromise on a Real Estate Tax rate and consider setting it at \$0.80 while also increasing other revenues, such as the Lodging Tax rate. He said that this would enable Council to keep the budget as proposed and reduce stresses on staff and City services.

Councilmember Reed inquired whether the Fire Department has submitted any new funding requests for Council consideration.

Ms. Witt responded that new radios and an alert system is needed, requiring cash funding as they are not eligible for bond financing.

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Councilmember Reed noted that one-time funds could be used to provide additional school building repair funding beyond the current \$60 million budgeted for the next five years.

Councilmember Misjuns expressed concerns about the impact on the hotel industry by increasing the per room per night charge. He said that he could not remember the last time he stayed in a hotel in the City, so he did not know what the cost was. He asked how Councilmember Faraldi's proposal would impact the short-term rental market.

Mr. Patrick noted that cutting all CIP projects wouldn't affect debt service in 2026, as debt impacts occur 18-24 months after spending. Increasing the lodging tax would raise costs, likely causing hotels to adjust room rates.

Councilmember Faraldi noted that there would be a sunset clause associated with the increased fees and taxes.

Councilmember Misjuns asked for clarification about the 150% allowable billing to Medicare and Medicaid for ambulance service fees.

Ms. Witt said that staff met with the provider, but she had not had a chance to review the meeting.

Vice Mayor Diemer expressed concerns about kicking the can down the road regarding debt. He said that at some point, they had to stop and switch to a Pay Go plan and reduce the proverbial credit card debt. He believed that consumer debt was not much different from municipal debt, noting that his wife would chide him if he told her they would not have to pay off debt for a number of years, because it was not wise, fiscally. He said there was a philosophical part, which was that they could not borrow or tax themselves into prosperity, and they should focus on reducing spending. He supported the idea of a tariff on people coming into the City.

Mr. Patrick explained that if they were to reduce the capital program to create savings in the general fund, it would not have an impact in FY 2026. He said that if they were to equalize the Real Estate Tax rate, staff would strongly recommend lowering the number of projects in the CIP. He explained that municipal debt was not necessarily bad, but too much debt could be. He said that municipal debt allowed for the cost of large infrastructure projects to be spread over a number of years, which made it so that the people who actually used the infrastructure ended up paying for it through the debt service.

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Councilmember Faraldi agreed with prior points, noting projects are often replaced once paid off, and advocated phasing out debt by focusing on cash-funded projects to stabilize finances and expectations.

Ms. Witt explained that as a city, it was important that they maintained transportation infrastructure to ensure it did not need replaced any sooner than necessary. She explained that due to the high cost of transportation projects, even with VDOT providing 50% assistance, it was still a substantial cost to fund with cash, and there would always be more roads and bridges. She saw no other way to fund transportation projects other than with debt.

Councilmember Faraldi emphasized prioritizing infrastructure and projects, noting that as debt capacity improves over time, new initiatives like an elementary school could be funded through debt.

Councilmember Timmer said that it was important to tighten spending in the CIP and on operations. She said that if they lost sight of that, they would derail any efforts to improve the debt. She said that there were several opportunities for cost-effective private partnerships to expand outreach into the community. She suggested moving the libraries into community centers.

Councilmember Misjuns believed they needed to reduce operational expenditures. He expressed concerns that the FY 2025 budget showed 10 FTEs in the Department of Communications and Public Engagement, however, in the salary spreadsheet that was provided to him of all City employees, there were 15 FTEs. He asked for clarification on how this was possible.

Mr. Benda explained that when they performed a communications audit, they found some departments had a public information officer and others did not. He said that they moved those positions from other departments into the Communications Department to centralize staff resources. He emphasized that they were not expanding the number of positions.

Councilmember Misjuns asked who had authority to add more FTEs to a department when Council only approved 10.

Mr. Benda explained that as the City Manager, he had the authority to reorganize his existing personnel, in this case, to achieve efficiencies.

Councilmember Misjuns asked if they moved any enterprise fund FTEs into the general fund.

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Ms. Witt replied that they moved one FTE from Water Resources into Communications. She said that the position would now be partially funded by the indirect cost program.

Councilmember Misjuns said that Council did not approve those changes.

Mr. Patrick explained that if no new FTEs were created, it did not require approval from Council.

Mr. Freedman explained that if Council created the position, as long as the funding remained in place, personnel decisions related to organization and job duties were at the discretion of the City Manager.

Councilmember Misjuns asked where the four dispatcher positions went. He said that the personnel summary for the general fund showed four dispatcher positions were eliminated.

Mr. Benda said that one position went to the IT Department. He explained that there were vacancies that had not been filled, and they were trying to address staffing needs using existing FTEs. He explained that the new police headquarters required a dedicated IT staff member.

Councilmember Misjuns expressed interest in a hiring freeze with an exception for public safety.

Mr. Patrick said that unless they stopped providing certain services and moved the remaining personnel into the services where they lost staff, then the City's ability to provide its current level of service would diminish, and they would end up providing those services less efficiently. He explained that once they implemented a hiring freeze, they would then need to find additional funds to unfreeze the positions. He said that in practice, a hiring freeze resulted in a permanent reduction in services. He said that hiring freezes were typically done as an effort to meet budget obligations when projected revenues fell drastically under expectations. He said that as a budgeting strategy, hiring freezes created significant difficulties in delivering services in the future, and it was more effective to identify and eliminate the services they should not be providing. He said that a hiring freeze would hollow out the organization and lower quality and efficiency across the whole organization.

Councilmember Misjuns requested that City staff provide a monthly report on personnel similar to the School Board's reports of the same nature. He said he was interested in knowing if there were any other positions that had not been filled that could be reorganized to other departments. He asked if they had performed a buy-out for employees who were eligible for retirement in the past.

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Ms. Witt replied that she could think of one instance during her tenure, and it resulted in the wrong people retiring. She said that the intention was to fill the position with a lower salary employee, but they found that people were retiring from critical positions, so they had to replace them at essentially the same salary. She said that it did not benefit the City as intended.

Councilmember Misjuns expressed interest in a buy-out, noting that there were about 100 employees who had worked with the City for over 25 years, and their salaries accounted for about 10% of payroll. He said that this could provide the opportunity to bring in new leadership. He suggested using one-time funds to incentivize people to retire.

Mr. Patrick explained that if the intent was to create cultural changes in the organization and provide leadership opportunities to younger employees, then, from his experience, a voluntary retirement incentive program was the wrong strategy. He explained that the wrong people tended to leave, being those who already brought the workplace culture they were seeking. He said it was not a long-term savings strategy because the salaries of the new employees would not be any less than the people who were leaving. He said that long-term, sustainable savings strategies included performing fewer services.

Councilmember Misjuns said that they should focus on funding the services mandated by federal and state code, as well as the City charter and other regional and grant agreements. He said that anything that was not mandated should be the first thing Council considered when reducing expenses.

Councilmember Reed clarified for the public that the City Manager had the authority over all City employees, and he did not have to report to Council regarding personnel organization. She explained that the City Manager only came before Council out of courtesy or to request amendments to the budget. She expressed concerns about how councilmembers treated, patronized, and communicated with staff, via email, in person, or in public meetings. She said that councilmembers made such statements on camera to sow doubt amongst the public and make them question the acts of staff and other councilmembers.

Vice Mayor Diemer asked for staff to follow up regarding the 33 positions for the emergency communication center.

Councilmember Wilder expressed concerns about micromanaging staff and the need to respect their tenure. He said that CDBG funds were used to redevelop several community centers, and most already had computer labs. He said that the City had several infrastructure needs due to its age, and debt

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funding through capital projects enabled them to address these needs effectively. He asked staff to provide information about the impacts of an \$0.80 Real Estate Tax rate, maintaining the currently proposed CIP. He said he agreed with the suggestion to draw revenue from other sources, such as the meals tax and lodging tax.

Councilmember Misjuns said he appreciated the passion and emotions that Councilmember Reed used to defend staff, but they should remain objective and logical. He said that they should not be emotional about every little thing. He said that Council was supposed to hold staff accountable.

Councilmember Faraldi requested that Council take a poll on his concept regarding the lodging and bed tax. He requested information from staff regarding the impacts of a \$0.76 and \$0.80 Real Estate Tax rate. He requested that staff provide a memo outlining the budget impacts of his concept.

Councilmember Timmer requested that Council conduct a special meeting to discuss the Real Estate Tax rate further.

Councilmember Faraldi said that he would not vote on a tax rate without a full consideration of the budget impacts. He said that he did not trust councilmembers to properly manage or address the impacts.

Vice Mayor Diemer motioned to hold a special meeting to discuss the tax rate and receive more information on Councilmember Faraldi's proposal.

Councilmember Misjuns called a point of order. He said that Council could not make a motion at a work session without a super-majority vote to allow the motion. He said that this rule should be removed from the rules of procedure.

Councilmember Faraldi explained that the Mayor could call a special meeting without a motion from Council. He explained that the rule regarding motions at work sessions was adopted because councilmembers were abusing the privilege by bringing up motions without providing Council time to review them.

Councilmember Reed requested that if Council were to hold a special meeting, it be scheduled for Monday, May 12.

Councilmember Faraldi said he did not want to consider equalizing the Real Estate Tax rate at all without meeting the objectives he campaigned on, which were increasing salaries for teachers, firefighters, and police, and increasing funding for LCS.

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Councilmember Wilder said he would prefer to address these matters at the regular meeting on Tuesday.

Councilmember Misjuns supported holding a special meeting and amending the budget calendar as appropriate. He said that he was not comfortable with the first reading of the budget being conducted at the Tuesday meeting, but he was happy to have a discussion on the tax rate at the meeting.

Councilmember Faraldi emphasized that setting the rate and adopting the budget minutes apart is procedurally sound. He expressed concern that creating a separate special meeting could lead to unnecessary complications or attempts to derail the process.

Councilmember Timmer supported addressing these matters at the Tuesday meeting and amending the budget calendar.

Councilmember Reed suggested discussing the tax rate at the work session.

Councilmember Faraldi expressed concerns that staff would not have time before the regular meeting to make any necessary amendments if Council were to request changes to the budget during the work session or special meeting.

Mr. Freedman noted that if they were to change the fees associated with the lodging tax or nightly fee, a public hearing may be required.

Councilmember Misjuns said he was comfortable not holding a special meeting if the budget calendar was pushed back by two weeks. He asked staff if an additional two weeks to adjust the budget would be helpful. He said that he was asking objectively for staff's feelings.

Mr. Benda said more time would help, but staff was able to meet Council's needs, whether they needed more or less time.

Mayor Taylor said that they would discuss these matters at the meeting on Tuesday, May 13, and in two weeks, they would conduct the first reading of the budget.

Mr. Benda clarified that Council would discuss the tax rates and budget at the Tuesday work session, then the first reading of the budget would be conducted at the May 27 regular meeting.

Councilmember Misjuns accepted the apology from Councilmember Reed.

Mayor Taylor said that there was consensus from Council to amend the budget calendar.

// The meeting adjourned at 6:57 p.m.

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// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of May, 2025, at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of Horizon Behavioral Health, Agenda Item #1, Council conducted a work session regarding the Horizon Behavioral Health Annual Report. Chief Executive Officer of Horizon Behavioral Health Melissa Lucy presented the report. Horizon Behavioral Health's mission is to support and promote the health, independence and self-worth of individuals and families in Central Virginia by providing a continuum of community-based treatment, prevention, early intervention, and aftercare services for persons affected by mental health, intellectual disabilities, substance use and co-occurring disorders.

// In the matter of Engineering, Agenda Item #2, Council conducted a work session regarding the Rosedale Encroachment Franchise Bid Review, Call, and Acceptance. Clerk of Council Alicia Finney announced that as a result of an advertisement placed in the *The News and Advance* on April 23 and April 29, one bid was received on May 8 from Rosedale Investments, LLC, Rosedale Owner's Association, Inc, and Thomas P. Bell. She read the sole bid into the record. The City proposes granting Rosedale Investments, LLC and Rosedale Owner's Association, Inc., as part of the development and subdivision at 1600 Graves Mill Road (i.e. Rosedale), a non-exclusive franchise right to maintain an improperly installed culvert in a soon-to-be dedicated right of way of the City. The general purpose of the franchise is to ensure the culvert is properly inspected, maintained, and owned by Rosedale Investments, LLC and/or Rosedale Owner's Association, Inc. and not the City unless certain criteria in the franchise have been met. There were no other bids, so the Mayor closed the bidding process.

Vice Mayor Diemer motioned, seconded by Councilmember Timmer, to accept the sole bid.

Councilmember Faraldi asked for clarification about the purpose of the franchise.

Mr. Freedman explained there were issues with the installation of the culvert on the Rosedale property, and because of those issues, the City wanted to avoid certain liabilities associated with

ownership of the culvert. He said that the franchise would allow the property to be subdivided without the City taking ownership of the culvert in the right-of-way.

Councilmember Faraldi expressed concerns about the various DEQ issues the development was experiencing.

Mr. Freedman noted that one of the intentions with the franchise was to prevent the City from being liable for the various regulatory issues.

Vice Mayor Diemer inquired whether the agreement would help mitigate flooding impacts. City Engineer Lee Newland clarified that flood mitigation is not the purpose of the agreement.

Councilmember Misjuns asked whether a creek had been buried and if the agreement would prevent the City from assuming ownership of it. Mr. Newland confirmed both points.

Councilmember Timmer asked for clarification about Section F on page 6 of the contract related to responsible parties. Mr. Freedman replied that an HOA would take over when the development was complete. He explained that the section ensured there was always a party responsible for maintaining the culvert until the issues with the regulatory agencies were resolved. Councilmember Timmer asked if traffic would be impacted if the culvert needs work. Mr. Freedman read part of the agreement that if any work on the encroachment interferes with City operations, as determined in good faith by the City, Rosedale and the HOA must cover any extra costs caused by that interference. Councilmember Timmer asked for clarification about the transfer of successors stipulation on page 11 of the contract. She asked why authority fell to the City Manager to adjust the contract rather than Council. Mr. Freedman explained it was typically done for simplicity. He said that the City did not use automatic assignments, so even though the terms of the franchise would follow with the land, administrative approval was required to update the assignment.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

Ms. Finney announced that a public hearing would be held at the 7:00 p.m. meeting regarding the adoption of an ordinance granting the franchise.

// In the matter of Lynchburg Hillcats Baseball, Agenda Item #3, Council conducted a work session regarding the Hillcats Franchise Bid Review, Call, and Acceptance. Clerk of Council Alicia Finney announced that as a result of an advertisement placed in *The News and Advance* on April 23 and April 29, one bid was received on May 9 from Hillcats, LCC. She read the sole bid into the record. The Lynchburg Hillcats baseball team is under new ownership and is seeking a new 15-year franchise agreement with the city, through the 2029 season, to allow the Hillcats to use public infrastructure (Bank of the James Stadium) to operate a minor league baseball team.

Under the proposed franchise, the city will collect annual rent, parking rights fee, naming rights fee, and local taxes (sales, meals, amusement) as a result of baseball operations. This revenue will support \$5.25M in up-front investment for improvements to the city-owned Stadium. The improvements are primarily fan experience amenities and required MLB stadium requirements. It also includes a \$150K annual maintenance reserve to ensure completion of basic maintenance needs and on-going compliance with MLB stadium requirements.

This agreement is contingent upon two other Council actions tonight. The first is an amendment to the City code to eliminate an exception to the city's Amusement Tax. The second is a budget amendment to add the \$5.25M capital improvement project to the city's FY 2025 CIP. There were no other bids, so the Mayor closed the bidding process.

Vice Mayor Diemer asked whether the franchise agreement includes a clause regarding successors. Mr. Freedman explained that the City must approve any franchise transfers, and the original owners until the transfer is approved. Council must give consent for any transfer.

Councilmember Reed motioned, seconded by Councilmember Wilder, to accept the sole bid.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

Ms. Finney announced that a public hearing would be held at the 7:00 p.m. meeting regarding the adoption of an ordinance granting the franchise.

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// In the matter of the Budget, Agenda Item #4, Council conducted a work session regarding the FY 2026 Budget. Deputy City Manager Greg Patrick and Chief Financial Officer Donna Witt provided responses to questions from Council from previous budget work sessions.

Councilmember Misjuns expressed concerns about the City's increased level of spending. He noted that the budget line item for subscriptions had increased in FY 25, up from FY 24. He said he supported the suggestions presented by staff, and he still supported equalizing the Real Estate Tax rate to \$0.767. He said that they should reconsider their expenditures, such as funding for employee training and conference attendance or legal services.

Councilmember Reed noted that the impact of inflation raising necessary budget items.

Councilmember Wilder noted that prices had increased substantially due to the several lawsuits the City was dealing with and because of inflation. He said that realistically, they would not be able to get the same services at the same cost as two years ago.

Councilmember Faraldi requested feedback from Council regarding his proposal to increase the Lodging Tax rate to 12.5% and the per night room fee to \$10.

Councilmember Wilder said he wanted to find a compromise between lowering the Real Estate Tax rate and increasing the Lodging Tax rate. He said he wanted to reduce the impact on any specific tax paying group.

Mr. Patrick said they had examined setting the Lodging Tax rate at 9% and the bed fee at \$3, however, the required Real Estate Tax rate to meet revenue requirements would be around \$0.84.

Councilmember Reed expressed concerns about removing the changes to the Elderly and Disabled Tax Relief Program. She believed Councilmember Faraldi's proposal was a good compromise without increasing taxes on City residents. She noted that hotels were typically a luxury, not a necessity, for those using them. She also noted that hotel owners would likely realize a benefit from lowering the Real Estate Tax rate.

Vice Mayor Diemer asked staff how many unique taxes were increasing under the proposed budget. Ms. Witt replied that the Water, Sewer, and Stormwater rates were increasing. Mr. Patrick said that the Sewer rate was being increased as required by the consent order the City was under. Vice Mayor Diemer asked what the impacts would be of increasing the lodging rates. Mr. Patrick explained that when

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staff reviewed various academic studies, they found the increases were limited to 2% to 3%. He said the studies found that generally, there was little material impact, but one study showed that group travel would be impacted more, due to events such as conferences.

Councilmember Misjuns reiterated his concerns about the increased spending on subscriptions. Ms. Witt explained that software subscriptions were moved under the subscriptions budget line item. She said that the technology fund typically paid for the software maintenance, however, they had not had the necessary funds recently, so those expenditures were moved back into the generally fund.

Councilmember Misjuns asked Ms. Witt where the money was coming from to pay for the new Fire Department radios. Ms. Witt replied she is looking into possible savings in the Fire Department's budget.

Councilmember Misjuns said he had done work to find cuts in non-personnel spending. He said that if they set aside one-time funds to invest in software and tools for the Finance Department, they could increase accuracy and efficiency. He said that he would not support a Real Estate Tax rate higher than the equalization rate, but he was open to other proposals and holding public hearings on the Lodging Taxes.

Mr. Patrick advised that if Council wanted to hold the public hearings, it would make the most sense to advertise an up to 1% increase in Meals Tax, an up to 12.5% increase in Lodging Tax, and an up to \$10 bed fee.

Councilmember Faraldi and Councilmember Reed did not support increasing the Meals Tax.

Councilmember Misjuns said he wanted to consider the entire staff proposal.

Councilmember Timmer said she supported only advertising increases to the Lodging Tax and bed fee.

Mr. Freedman clarified that Council would advertise the 12.5% Lodging Tax and the \$10 bed fee.

Councilmember Misjuns said he did not agree to that. He said he agreed to advertising the staff proposal.

Vice Mayor Diemer, Councilmember Faraldi, Councilmember Reed, Councilmember Wilder, and Councilmember Timmer supported advertising the 12.5% Lodging Tax and \$10 bed fee.

Councilmember Misjuns said he supported advertising the staff proposal.

Mr. Patrick said that staff would advertise the Lodging Tax rate and bed fee.

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Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adjourn.

City Manager Wynter Benda noted that the Leesville Road project, Agenda Item #5, had a time constraint.

Councilmember Faraldi called a point of order. He said that a motion to adjourn could not be recognized during a work session.

Mayor Taylor ruled that the motion to adjourn was out of order.

// In the matter of Planning, Agenda Item #5, Council was briefed regarding the Cedar Ridge Townhomes Rezoning - 665, 667, 669 Leesville Road. City Planner Rachel Frischeisen provided the briefing to Council. Mr. Carl Martin, of Martin Ridge Homes LLC, is petitioning for a rezoning from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of fifty-four (54) townhomes.

The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Medium Density Residential use for the portion of the properties where the proposed townhomes would be located. A small other portion adjoining Burton Creek is recommended for Resource Conservation use. Medium Density Residential areas are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type.

At the time that the Planning Commission report was written, the petitioner had not submitted proffers. Prior to the Planning Commission public hearing, the petitioner submitted the following voluntary proffers:

1. The site will be developed in substantial compliance with the site plan as submitted.
2. Parking will exceed requirements for the number of units shown.

The Planning Commission recommended denial of the petition due to concerns about traffic and preserving R-1, Low Density Residential District, zoning.

Councilmember Timmer asked how many projects were being developed on Leesville Road. Ms. Frischeisen replied that in addition to this project, she recalled two. She said that one, 715 Leesville Road, was graded and preparing for construction, and the other, 750 Leesville Road, had been presented

to Council a couple of months ago. Ms. Frischeisen would provide a complete review in a follow-up memo.

Councilmember Misjuns asked if there is a reason that the zoning is not less intensive. Ms. Frischeisen explained that the proposed 54-unit development has a density of 12.7 units per acre, which exceeds R-3 limits but is allowed under R-4 zoning, so no Conditional Use Permit is required.

Councilmember Misjuns inquired about neighborhood feedback. Ms. Frischeisen replied that no speakers attended the meeting, and one neighbor left a voicemail expressing opposition.

// In the matter of City Council, Agenda #6, Council was briefed regarding Lynchburg City Council Rules of Procedure Amendments. City Attorney Matthew Freedman briefed Council on the matter. At the request of the Mayor, a proposed amendment to the City Council's Rules of Procedure is being presented for discussion. In summary, the amendment would prohibit speakers from approaching the dais during the Public Comment section of meetings. Speakers who wish to provide Councilmembers with materials during the Public Comment section of a meeting will be permitted to do so through the Clerk of Council. At the request of the Vice Mayor, a proposed amendment to the City Council's Rules of Procedure is being presented for discussion. In summary, except by consent of a majority of the Councilmembers present, the amendment would prohibit Councilmembers from leaving the dais during the Public Comment section of meetings to interact with speakers or the general public.

Councilmember Faraldi said he believed the rules needed to be redone, and he did not support the amendments. He explained that in the past, Councilmember Misjuns and former Councilmember Helgeson would bring up motions on the fly without prior notification to Council, which was what precipitated the rule regarding motions during work sessions. He said that in terms of leaving the dais to talk to citizens, he would continue to do so regardless of the rules because he could not be prevented from talking to his constituents. He said that the rule about citizens approaching the dais did not prevent them from approaching during public hearings.

Councilmember Misjuns expressed concerns about the rule limiting councilmembers from leaving the dais to talk to speakers or members of the public. He asked if the rule would prevent him from stepping away to talk to his wife.

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Mr. Freedman said he did not believe it would. He said that the intent was to keep councilmembers at the dais to listen to public comment.

Councilmember Misjuns said he did not support the amendments. He said that the Mayor already had the authority to prevent disruptive behavior.

Mayor Taylor said that the rules would prevent unruly citizens from approaching the dais; however, people could still be permitted to approach for recognitions or to provide gifts to councilmembers.

// The meeting recessed at 6:50 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of May, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin

Misjuns, Jacqueline Timmer 7

Absent: 0

// Councilmember Reed led the invocation followed by the Pledge of Allegiance led by Scout Troop 180.

// In the matter of Recognitions, Agenda Item #2, Mayor Taylor introduced a proclamation recognizing National Economic Development Week. Clerk of Council Alicia Finney read the proclamation into the record.

Andrew Marks, Sales Manager of the Office of Economic Development and Tourism, accepted the proclamation.

// In the matter of Recognitions, Agenda Item #3, Mayor Taylor introduced a proclamation recognizing National Travel and Tourism Week. Clerk of Council Alicia Finney read the proclamation into the record.

Andrew Marks, Sales Manager of the Office of Economic Development and Tourism, accepted the proclamation.

// In the matter of Recognitions, Agenda Item #4, Mayor Taylor introduced a proclamation recognizing Recovery Court Month. Clerk of Council Alicia Finney read the proclamation into the record.

Rhonda Turner, Horizon Behavioral Health, and Bethany Harrison, Commonwealth's Attorney, accepted the proclamation.

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// In the matter of Recognitions, Councilmember Reed requested a moment of silence in honor of Dr. Owen Cardwell, who passed away the night before.

// In the matter of the Agenda, Councilmember Faraldi motioned, seconded by Councilmember Reed, to amend the agenda to include at the conclusion of General Business a closed meeting to discuss 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, pursuant to Sections 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to negotiations regarding the Campbell County Utilities and Service Authority (CCUSA) Water Purchase Contract; and to discuss the performance of City Council's three (3) full-time appointees, how such performance has been affected by the behavior of a Councilmember, and how to resolve the same, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

Councilmember Timmer made a substitute motion, seconded by Vice Mayor Diemer, to amend the agenda to include at the conclusion of General Business a closed meeting to discuss 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, pursuant to Sections 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to negotiations regarding the Campbell County Utilities and Service Authority (CCUSA) Water Purchase Contract.

Councilmember Timmer believed it was not the role of Council to police the actions of its members. She said that they were accountable to the constituents. She said she did not intend to participate in the closed meeting related to how staff's performance had been impacted by a Councilmember, and she read a prepared statement into the record which she had already provided to the media.

Vice Mayor Diemer said he agreed with Councilmember Timmer's statement and had signed it, as well. He said that they were responsible to the citizens, and if there were issues with the conduct of councilmembers, there were ways for the citizens to address that through elections. He expressed concerns over the legality of entering into a closed session for such purposes, and he did not believe it met any of the criteria for a closed session. He said he did not intend to participate in the closed session.

Councilmember Misjuns said that the language for the closed session was not what he had previously discussed with the Mayor, and he did not like surprises. He said that they were accountable to the citizens, not to other councilmembers or staff. He expressed concerns about a number of obstructions he had encountered from staff during the budget process related to information requests.

Mayor Taylor said staff members had expressed to him that they felt intimidated and harassed by Councilmember Misjuns, and he called for the closed session to discuss Councilmember Misjuns' behavior towards staff. He said that Councilmember Misjuns' behavior to staff was unacceptable.

Councilmember Misjuns said that every year in June, Council received a letter from the City Auditors, Brown Edwards, which included questions concerning fraud.

Councilmember Faraldi called a point of order. He said that discussion had to be germane to the purpose at hand.

Vice Mayor Diemer called a point of order. He said that the Mayor's comments towards Councilmember Misjuns were out of order, and the response to them continued a lack of decorum. He said that they should not have this discussion in public.

Mayor Taylor said he called a closed session to not discuss these matters in a public meeting.

Councilmember Misjuns said that he sent a survey to staff with the questions from the City Auditor. He apologized if staff was offended or intimidated by the survey. He said that if staff was uncomfortable with him sending emails at 11 p.m., then they did not have to look at the email, and he should not be policed on when he can send emails.

Councilmember Faraldi called the question.

With no further discussion from the Council, the following vote was recorded on the substitute motion.

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

Councilmember Misjuns called the question on the main motion.

With no further discussion from the Council, the following vote was recorded on the motion to enter into closed session for the single purpose.

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed

4

Councilmember Faraldi called a point of personal privilege. He expressed concern regarding the voting process and commented on Mayor Taylor’s recorded vote.

Vice Mayor Diemer called a point of order, stating that he found the comments to be inappropriate and disruptive.

// In the matter of Consent, Agenda Item #5, copies of the minutes of the March 25, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Reed, seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer

7

Noes:

0

// In the matter of Consent, Agenda Item #6, copies of the minutes of the April 8, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Reed, seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer

7

Noes:

0

// In the matter of Community Development, Agenda Item #7, Council held a public hearing in consideration of adopting Resolution #R-25-032 approving the Community Development Advisory Committee (CDAC) project recommendations for FY 2026 CDBG and HOME Program entitlement funds to be included in the 2025 Annual Action Plan. Grants Manager Melva Walker provided the presentation to Council. The U.S. Department of Housing and Urban Development (HUD) funds the CDBG and HOME Programs. The City has available the following estimated entitlement and reprogrammed funds to use for eligible CDBG and HOME activities during FY 2026 (PY 2025).

CDBG AVAILABLE FUNDING/SOURCE	AMOUNT
HUD Entitlement Allocation	\$722,622
Total CDBG Funding Available	\$722,622
HOME AVAILABLE FUNDING	AMOUNT
HUD Entitlement Allocation	\$302,774
Recaptured Funds	\$100,000

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Total HOME Funding Available

\$402,774

The public was notified of the public hearing through a public notice advertisement published in The News and Advance on April 28, 2025, and through various sources of social media. The Community Development Advisory Committee (CDAC) met on April 3, 2025, and reviewed the applications that were submitted. Attachment C provides the CDAC recommendations for funding amounts and a brief description of the projects.

All CDBG and HOME Program entitlement and reprogrammed funds will be expended in accordance with the primary objectives of these programs. The City estimates that over 70 percent of the CDBG FY 2026 funding will benefit low-to-moderate income persons according to HUD regulations. All applications submitted for funding consideration are available for review in the Grants Administration Office, Second Floor, City Hall.

At the conclusion of the public hearing, the City Council will review the recommendations of the CDAC and approve the funding allocations to be included in the FY 2026 CDBG and HOME Fund Budgets and PY 2025 CDBG and HOME Program Annual Action Plan.

There was no one to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Wilder motioned, seconded by Councilmember Reed, to adopt Resolution #R-25-032.

Councilmember Wilder thanked the various partner agencies who worked to improve the lives of City residents.

Councilmember Reed expressed strong support for CDAC's work, highlighting its role in providing life skills and training that help individuals improve their lives and contribute to the community.

Councilmember Timmer thanked Council for the opportunity to serve, expressed gratitude for fellow committee members and acknowledged Ms. Walker and her team for their efforts.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Engineering, Agenda Item #8, Council held a public hearing in consideration of adopting Ordinance #O-25-033 granting a non-exclusive limited franchise to Rosedale Investments, LLC and Rosedale Owners Association, Inc. for use, maintenance, and work on certain encroachments in the public rights-of-way at 1600 Graves Mill Road. City Engineer Joseph Newland provided a summary of the request. The City proposes granting Rosedale Investments, LLC and Rosedale Owner's Association, Inc., as part of the development and subdivision at 1600 Graves Mill Road (i.e. Rosedale), a non-exclusive franchise right to maintain an improperly installed culvert in a soon-to-be dedicated right of way of the City. The general purpose of the franchise is to ensure the culvert is properly inspected, maintained, and owned by Rosedale Investments, LLC and/or Rosedale Owner's Association, Inc. and not the City unless certain criteria in the franchise have been met.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Diemer motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-25-033.

Councilmember Misjuns clarified that the Rosedale item involves transferring ownership and liability of a buried creek structure to the developers, with the city being released from responsibility under an expected EPA and DEQ consent decree.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Amusement Tax and City Code, Agenda Item #9, Council conducted a public hearing in consideration of adopting Ordinance #O-25-034 amending Section 36-270 of the City Code for purposes of changing an exception to the City's Amusement Tax. Deputy City Manager Greg Patrick provided a summary of the request. Currently the Hillcats pay no amusement tax on ticket sales based on an exception in the local code. Proposed investment in the city-owned stadium in the new franchise is significantly funded by amusement tax revenue.

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Current Exception Language: *“No tax shall be payable under this division for admission to the following amusements or entertainments: (b) Athletic events that are held at a municipal facility or any amusement or entertainment that is sponsored by the city”*

Proposed Exception Language: *“No tax shall be payable under this division for admission to the following amusements or entertainments: (b) Youth athletic events that are held at a municipal facility or any amusement or entertainment that is sponsored by the city. “Youth athletic events” shall mean athletic events involving a majority of players who are under eighteen (18) years of age.”*

Additional admissions tax will only be paid by those who attend Hillcats games.

Dylan Narang, Hillcats owner, spoke in support of the item.

There was no one else to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Reed motioned, seconded by Councilmember Timmer, to adopt Ordinance #O-25-034.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Hillcats Baseball, Agenda Item #10, Council conducted a public hearing in consideration of adopting Ordinance #O-25-035 granting Hillcats Baseball, LLC an exclusive franchise right to use the City of Lynchburg's / Bank of the James Stadium for its baseball games, events, and related uses. Deputy City Manager Greg Patrick provided a summary of the request to Council. The Lynchburg Hillcats baseball team is under new ownership and is seeking a new 15-year franchise agreement with the city, through the 2029 season, to allow the Hillcats to use public infrastructure (Bank of the James Stadium) to operate a minor league baseball team.

Under the proposed franchise, the city will collect annual rent, parking rights fee, naming rights fee, and local taxes (sales, meals, amusement) as a result of baseball operations. This revenue will support \$5.25M in up-front investment for improvements to the city-owned Stadium. The improvements are primarily fan experience amenities and required MLB stadium requirements. It also includes a \$150K

annual maintenance reserve to ensure completion of basic maintenance needs and on-going compliance with MLB stadium requirements.

This agreement is contingent upon two other Council actions tonight. The first is an amendment to the city code to eliminate an exception to the city's amusement tax. The second is a budget amendment to add the \$5.25M capital improvement project to the city's FY 2025 CIP.

Citizen Peter Cefaratti, Ward 1, speaking in opposition, addressed Council regarding concerns about the \$5.25 million cost of the project.

There was no one else to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Faraldi clarified that this item is only approving the franchise agreement, not the allocation of funds, which will be addressed later in the agenda.

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-25-035.

Councilmember Wilder emphasized the importance of providing amenities for the community.

Vice Mayor Diemer emphasized that the user fee applies only to attendees and will fund infrastructure improvements, praising it as a strong public-private partnership.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// In the matter of Water Resources, Agenda Item #11, Council conducted a public hearing in consideration of adopting Ordinance #O-25-036 authorizing a Water & Sewer Contract between the City of Lynchburg and CertainTeed, LLC that, among other terms, will set fixed rates for water and wastewater services. Director of Water Resources Timothy Mitchell provided a summary of the request. Historically, the City of Lynchburg has entered into Water and Sewer Contracts with very large industrial water users. For the past several decades, there has been a contract in place for the industry located at 1801 Concord Turnpike. Previous contracts were with RockTenn and Westrock. Currently, CertainTeed, LLC, a subsidiary of Saint-Gobain North America, owns and operates the facility specializing in a specific building product. CertainTeed, LLC is Lynchburg's single largest water and sewer user, providing critical

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revenues to the Water and Sewer Funds. Our Water and Sewer contracts are based on a cost of service methodology that looks at the specific infrastructure that provides service to the facility and the specific treatment costs for the volume of water purchased and volume of sewer used including high-strength waste in the form of Total Suspended Solids (TSS) and Biological Oxygen Demand (BOD). The methodology is also consistent with the terms of our CSO Consent Order which includes certain financial requirements associated with contract customers. This cost of service study is performed by an independent outside consultant and is updated every five years.

There was no one to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Faraldi asked what would happen if CertainTeed ceased its water usage and whether there were contingencies for if that happened.

Mr. Mitchell replied that they would have to increase residential rates by about 10%. He said that the contract had a termination clause requiring 2-years advance notice, however, there was no other recourse if the business closed.

Mr. Freedman asked Council to include in the motion authority for the Clerk to add a title to the ordinance reading, "An ordinance approving a water and sewer contract, dated May 13, 2025, between the City of Lynchburg and CertainTeed, LLC".

Councilmember Wilder motioned, seconded by Councilmember Timmer, to adopt Ordinance #O-25-036 and to authorize the Clerk to add a title to the ordinance reading, "An ordinance approving a water and sewer contract, dated May 13, 2025, between the City of Lynchburg and CertainTeed, LLC".

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of the Budget, Agenda Item #12, Council conducted a public hearing in consideration of introducing Ordinance #O-25-037 approving the FY 2025 Third Quarter Adjustments. Chief Financial Officer Donna Witt provided a summary of the request. The General, City/Federal/State Aid, Forfeited Assets, Children's Services Act (CSA), Water, Sewer, Airport, Risk Management, City Capital Projects,

Stormwater Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2025 Third Quarter Adjustments.

There was no one to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Ordinance #O-25-037.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of School Board Appointments, Agenda Item #13, Council conducted a public hearing to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2025, in School Board Districts I, II, III. Clerk of Council Alicia Finney provided a summary of the request. Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year. Section §22.1-29.1 of the Code of Virginia requires City Council to hold a public hearing on school board appointments at least seven days prior to making the appointments. It also provides that no nominee or applicant whose name has not been considered at a public hearing can be appointed to the school board.

Additionally, due to a voluntary resignation effective June 30, 2025 from a member in District II, a forthcoming vacancy has been created that will also need to be filled.

Ms. Finney read the names of the following candidates into the record: For District 1: Dr. Karin Warren, Patrick Earl, Selina Morgan, Taran Johnson, Dr. Laura Morrison-Hussein, Dr. Tony Ryals, Marques Bush, Nigel Alleyne, Liza Gijanto, and Deborah Trefzger. For District 2: Diane Sillaman, Earl Kennedy, Paula Mills, Rodney Hubbard, Jibri Poe, Jack Collins, April Watson, Karen Storer, Ronald Storer, Todd Williams, Dr. Harvey Klamm, and Myke Barron, For District 3: Taormina Howard, Tiona Wilson, Dr. Brenda Farmer, Corey Thomas, Gloria Preston, and Jackie Randolph.

Mayor Taylor opened the public hearing for statements from candidates.

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Patrick Earl, District 1, outlined his 20-year experience in education. He addressed the need for individualized learning and the importance of building trust.

Nigel Alleyne, District 1, emphasized his ties to the community as a resident for 43 years, a local pastor for 17 years, and an adjunct professor at Virginia University of Lynchburg for 13 years.

Dr. Liza Gijanto, District 1, spoke about her experience as an LCS parent, her 20-year background in higher education, and her experience developing history curriculums for 2nd and 4th graders.

Dr. Karin Warren, District 1, spoke about her support of public-school education. She noted her 30-year experience in higher education, her career as a scientist, and her non-profit leadership experience. She had taught at Randolph College for 22 years and at the Virginia Summer Governor's School.

Marques Bush, District 1, addressed Council regarding his deep involvement with the community and schools. He said he was a father of two LCS students and a former PTO president.

Todd Williams, District 2, said he was a US Navy veteran and currently worked as a USPS postal carrier. He spoke about his volunteer service with church ministries and his love for working with children.

Selina Morgan, District 1, emphasized her experience working for the City and at a nonprofit, as a local business owner, and as a parent of LCS students.

Paula Mills, District 2, noted her 20 years of teaching experience, including in LCS. She said she had been a City resident for over 40 years, and she and her husband regularly performed volunteer community service.

Dr. Harvey Klamm, District 2, said he had resided in the City for 52 years, and he taught at Liberty Christian Academy for 16 years, was principal for 12 years, and superintendent for 6 years. He said he started the Liberty University Online Academy, and he was currently a professor at Liberty University.

Myke Barron, District 2, said he was a parent of LCS students, and he was invested in the policies and decisions that shaped the lives of his children. He said he had worked as a teacher, and he was a local business owner. He said that currently, he drove a school bus for LCS which provided him insight into the daily realities of students.

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Jack Collins, District 2, said he had lived in the City for seven years, and he held a master's degree in public policy from Liberty University. He said he had worked in the House of Delegates, and he had the opportunity to collaborate with leaders locally and across the Commonwealth.

Jibri Poe, District 2, said he was a father, served on the School Health Advisory Board, and was a member of the Martin Luther King, Jr. Board. He said he was employed at the Lynchburg Group Home and was experienced in working with troubled children. He noted that he was a native resident of Lynchburg and graduated from EC Glass High School.

April Watson, District 2, said she was born and raised in the City, and she graduated from Heritage High School. She was an LCS parent and had nearly 20 years of experience as a licensed clinical social worker. She served on two PTOs, regularly attended Board meetings, and was familiar with parliamentary procedure.

Corey Thomas, District 3, noted her 9 years of experience in higher education teaching at Liberty University and Longwood University. She emphasized the need to build students' reading, writing, and time management skills. She said there needed to be a focus on school-wide mental health.

Tiona Wilson, District 3, said she was the parent of LCS students. She said her experience included early childhood education and special education, and she had experience in the healthcare industry through marketing, sales, and operations.

Dr. Laura Morrison-Hussein, District 1, via voicemail, noted her over 25 years of experience in education. She emphasized the need to ensure educational equity and opportunity.

Mayor Taylor opened the floor for comments from the public.

Jeff Rosner, Ward 1, asked Council to consider the following topics when interviewing candidates: legislative advocacy, conduct of board members, budgeting, and the allowance of corporeal punishment in schools. He asked Council to ask candidates if they were parents of LCS students.

Kate Goodman, Ward 4, expressed her support for candidates Patrick Earl, Karin Warren, and April Watson. She said she knew them through her association with Randolph College and as a member of the Social Services Advisory Board.

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Dr. Beth White, Ward 3, endorsed Dr. Harvey Klamm, who she had known for at least 20 years. She endorsed Jibri Poe based on her experience serving with him on the Martin Luther King, Jr. Community Council and on the 40 Ways Coalition.

Marc Ordower expressed support for his wife, Karin Warren. He emphasized her impressive career, establishing a department at Randolph College.

Colleen Larkins, Ward 4, asked Council to consider candidates who understood the community and acted with integrity, and she asked Council to disregard political affiliations. She endorsed Gloria Preston for reappointment to the School Board to maintain consistency in membership.

Brandon Arthur, Ward 4, endorsed Jibri Poe. He said he regularly interacted with Mr. Poe and saw how he supported the community.

Bob Armock, via voicemail, endorsed Karin Warren based on her role as a faculty member at Randolph College and as an engaged LCS parent.

Councilmember Faraldi requested to hold over the public hearing until the next meeting to provide more time for applications and public input.

Mayor Taylor noted there was consensus from Council to hold over the public hearing.

// In the matter of Public Comment, Agenda Item #14, Citizen Joshua Pratt was not present.

// In the matter of Public Comment, Agenda Item #15, Citizen Theresa O'Dell addressed Council regarding fears LGBTQ+ members encounter. She expressed concerns about Councilmember Misjuns' statements regarding LGBTQ+ people, and she noted the numerous instances of violence experienced by members of the LGBTQ+ community.

// In the matter of Public Comment, Agenda Item #16, Citizen Gregory Berry was not present.

// In the matter of Public Comment, Agenda Item #17, Citizen Crystal Howell addressed Council regarding capital improvements at the library. She emphasized the need for library renovations to improve structural safety.

// In the matter of Public Comment, Agenda Item #18, Citizen Susan Stengel addressed Council regarding Councilmember Misjuns' inappropriate email to City employees. She said that Council should adopt a policy which prevented a councilmember from unilaterally impacting staff.

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// In the matter of Public Comment, Agenda Item #19, Citizen Peter Cefaratti addressed Council regarding what was happening in Lynchburg. He expressed concerns about the expanded scope of the library pool renovation projects.

// Council recessed at 9:31 p.m. and reconvened at 9:36 p.m.

// In the matter of Public Comment, Agenda Item #19, Citizen Peter Cefaratti continued his public comment. He said that Council should require the City Manager to draft a budget based on the equalized tax rate. He encouraged Council to investigate any fraud, waste, and abuse. He encouraged councilmembers to host town hall meetings open for public input.

// In the matter of Public Comment, Agenda Item #20, Citizen Colin Plank addressed Council regarding needed oversight of the Lynchburg Public Library. He asked Council to establish a library board or replace the City Manager. He said that preventing the library from circulating specific books was not censorship but rather a form of curation.

// In the matter of Public Comment, Agenda Item #21, Citizen Stacey Cheatham addressed Council regarding support of the current tax rate and funding for the library, schools, and pool. She noted the several renovations and repairs necessary to keep the library, pool, and schools operational.

// In the matter of the Awareness Garden, Agenda Item #22, Council considered introducing Resolution #R-25-038 amending the FY 2025 City Capital Projects Fund budget and appropriating \$125,000 to improve parking at the Ed Page entrance to the Blackwater Creek Trail. The item was previously presented to the Finance Committee on April 22, 2025. Deputy City Manager Greg Patrick provided the presentation to Council. In January 2024, City Council appropriated \$250,000 to add additional parking at the Ed Page entrance of the Blackwater Creek Trail off Langhorne Road. This funding is being matched by a \$125,000 gift from The Awareness Garden Foundation. The Awareness Garden is a public green space for people to gather and reflect on lives impacted by Cancer. The Garden is also located at the Ed Page entrance to the Blackwater Creek Trail. This gift is part of a larger capital campaign to expand the Garden's footprint and enhance its amenities.

At its April 22, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation to adopt Resolution #R-25-038 forward as a motion. No second was required.

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Councilmember Wilder stressed the importance of improving the quality of life of the community.

Councilmember Timmer expressed excitement for the project and praised the public-private partnerships as key to achieving community improvements.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: 0

Absent: Faraldi 1

// In the matter of Hillcats Baseball, Agenda Item #23, Council considered introducing Ordinance #O-25-039 amending the FY 2025 City Capital Projects Fund budget and appropriating \$5,250,000 to create a fan experience project at the City of Lynchburg's Bank of the James Stadium in conjunction with the 2025 Hillcats Franchise Agreement. The item was previously presented to Council on April 8, 2025 during its Business Item Briefings. Deputy City Manager Greg Patrick provided the presentation to Council. This item will amend the FY 2025 City Capital Projects Fund budget to add a new \$5.25M project to improve the Bank of the James Stadium, home of the Lynchburg Hillcats. The improvements will primarily include fan experience amenities. This project will be funded with the city's line of credit and repaid with new revenues based on the new 15-year franchise agreement between the city and the Lynchburg Hillcats.

Vice Mayor Diemer motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-25-039.

Councilmember Wilder said that enhancing the experience at the stadium would draw more attendees.

Vice Mayor Diemer expressed support for the public-private partnership model.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Timmer 5

Noes: Misjuns 1

Absent: Faraldi 1

// In the matter of City Council, Agenda Item #24, Council considered adopting a resolution amending the Lynchburg City Council's Rules of Procedure to amend subsection B(12) and include a new subsection B(15) under Section 5-3 - Public Comment. The item was previously presented to Council on May 13,

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2025 during its Business Item Briefings. At the request of the Mayor, a proposed amendment to the City Council's Rules of Procedure is being presented for discussion. In summary, the amendment would prohibit speakers from approaching the dais during the Public Comment section of meetings. Speakers who wish to provide Councilmembers with materials during the Public Comment section of a meeting will be permitted to do so through the Clerk of Council.

Councilmember Timmer motioned, seconded by Councilmember Misjuns, to table the matter until the organizational meeting on July 8, 2025.

Councilmember Timmer noted that councilmembers had expressed concerns about the proposed amendments, so they should wait until they had a more focused discussion on the rules of procedure.

Mr. Freedman said that he would combine the amendments into one resolution for consideration. He noted that if Council decided to table the matter, the Mayor still had the authority to require the stanchions dividing the gallery from the dais to remain to maintain order until the issue was resolved.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer	6
Noes:	0
Absent: Faraldi	1

// The meeting adjourned at 9:45 p.m.

Clerk of Council

May 27, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of May, 2025, at 4:00 p.m. in the Council Chamber, City Hall, Mr. Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of Personnel, Agenda Item #1, Council conducted a work session regarding the Employee Survey results. Special Assistant to the City Manager for Data & Innovation Dr. Hollie Jennings provided a presentation of the results to Council. The City Manager's Office data team conducts a biannual employee survey to gather valuable insights into employee sentiment, engagement, and satisfaction, allowing for data-informed decision-making and improvement initiatives. An overview will be provided of the results of the 2024 employee survey and the strategies implemented in response to the survey results.

Vice Mayor Diemer asked if they had done a similar survey before. Dr. Jennings explained that the City conducted a biennial employee survey, and it had been conducted twice so far, with the next one scheduled for the following summer. She said the survey remained largely unchanged, with the primary goal of maintaining longitudinal results. The only addition was a new set of questions focused on communication preferences, such as preferred methods for receiving emergency information, and this was the only difference between the first and second years of the survey. Vice Mayor Diemer asked if there were any trends, surveys, or graphics that had been developed since they had done this before. Dr. Jennings said the City-wide results were the same as two years ago, showing positive outcomes, with some departments experiencing improved employee morale.

Councilmember Wilder asked whether the hiring practices of the police and fire departments reflected the community's demographics. Dr. Jennings explained that the City was required to submit information every two years to the Office of Civil Rights through the Department of Justice due to certain grant requirements. She highlighted their efforts to diversify and recruit in multiple ways, including expanding outreach to places they had not recruited before. She said that as a result, they had seen a decrease in vacancies, and they were continuing to make progress. Councilmember Wilder asked about

the demographics of upper-management in City government. Dr. Jennings said they must analyze job codes and categories based on the Department of Labor's standards, including an administrative level category, and they had to provide this information every two years.

Councilmember Misjuns pointed out that the fire department was fully staffed, but the position vacancy report indicated there were four Firefighter BLS vacancies, three Firefighter ALS vacancies, one Master Firefighter vacancy, and one Captain vacancy. Dr. Jennings mentioned that there may be a two-week delay in reporting for vacancies, particularly for the new fire station, due to the time it takes for a full pay period to be updated. She also noted that recent graduations and promotions may not be reflected in the report due to this delay.

// In the matter of Community Development, Agenda Item #2, Council was briefed regarding the Draft 2025-2029 Five-Year Consolidated Plan and Fiscal Year 2026 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. Mayor Taylor stated that the item would appear before Council for action at the June 10 meeting. Grants Manager Melva Walker briefed Council. The Department of Housing and Urban Development requires local governments, which receive Federal Community Planning and Development formula block grant funds, to prepare a Five-Year Consolidated Plan and an Annual Action Plan. These Plans outline the City's needs, goals, and objectives for community development (both housing and non-housing areas). The plans have been prepared and consist of the following required components:

1. Executive Summary - A description of the purpose of the Consolidated Plan, summary of the objectives and outcomes identified in the Plan Needs Assessment, evaluation of past performance, summary of citizen participation and consultation process, and a summary of the public comments.

2. Citizen Participation Process - This section is composed of the citizen participation process utilized in the development of the Consolidated Plan.

3. Identified Needs and Market Analysis - This section consists of: a. needs for housing, public housing, and homeless and special needs population, public facilities and Infrastructure housing;

b. an analysis of the housing opportunities available and other services that serve low-to-moderate income persons; and

c. housing and non-housing goals for housing and community development.

4. Housing and Community Development Strategic Plan - The goals identified by City Council form housing priorities for this Plan and guide the direction of City funds and other available resources. This section includes the priorities and strategies to reach them.

5. Action Plan - This section is composed of the required Action Plan components and the CDBG and HOME projects that will be initiated in the first year (PY 2025; [FY 2026]) of the Plan to begin addressing the identified needs and objectives.

Mayor Taylor thanked Ms. Walker for all her hard work for managing the funds and helping take care of the community.

// In the matter of Community Development, Agenda Item #3, Council was briefed regarding the Derelict Buildings Ordinance amendment. Mayor Taylor stated that the item would appear before Council for action at the June 10 meeting. Director of Community Development Tom Martin briefed Council. The City of Lynchburg's 2025 Legislative Agenda requested that the General Assembly amend the Code of Virginia (§15.2-907.1) to remove the civil penalties exemption for derelict commercial or industrial buildings. Delegate Wendell Walker introduced HB2128 Derelict Buildings, removing the exemption for derelict commercial and industrial buildings and allowing cities to impose a civil penalty of \$500 per month as is currently allowed for residential properties. The Bill was passed by the General Assembly and signed by Governor Glen Youngkin. The amendments will become effective July 1, 2025.

Councilmember Faraldi asked how the ordinance would be used in combination with the \$750,000 in demo funds proposed in the budget. Mr. Martin said the \$500 monthly penalty was returned to the general fund and used to offset the costs. On the residential side, they had a very good response from derelict property owners. Once they knew that they were going to get a \$500 monthly bill, they either submitted a plan to renovate the building, or they sold it to someone who will. Councilmember Faraldi said he would support pursuing alternative routes before using tax dollars to demolish buildings, but he was fully behind the amendment. Mr. Martin noted that if adopted, the City could impose a penalty up to the cost of demolition, and since demolishing commercial properties was more expensive than residential, it would take a long time to do that. He reiterated that their goal was to rehabilitate buildings, making it an incentive to get the buildings into the ownership of people who actually would use it. Councilmember

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Faraldi stated that \$750,000 was too much and suggested that the funds could be better utilized by removing it from the capital improvement plan or reallocating it to schools.

Councilmember Wilder asked how negotiable the \$500 fee was. Mr. Martin explained that to declare a building derelict, it must be vacant, boarded up, and secured according to the building code, and disconnected from utilities. Once declared derelict, the owner was notified, and they had 90 days to submit a plan for demolition or renovation. He said that if the plan was approved, no \$500 penalty was imposed. Councilmember Wilder asked if the City referred property owners to contractors. Mr. Martin said that the City maintained a list of contractors who were willing to renovate derelict properties.

Councilmember Wilder asked if that was an official list and how contractors could be added to it. Mr. Martin clarified that the list was not an official City list, but rather a compilation of contractors staff had identified over the years who were likely to purchase and renovate properties. He emphasized that the City was not trying to force anyone to sell their property, but rather, there were potential buyers willing to purchase it if the owners decided to sell.

Councilmember Timmer suggested the possibility of a public dashboard where people can engage with the process in a transparent manner. Mr. Martin said they had a good start on the dashboard, and they were currently working to ensure the data interacted with it correctly. Councilmember Timmer mentioned the challenge of managing wills, particularly when multiple individuals had equal access to a property, leading to unclear right of way and inheritance issues. She expressed interest in exploring potential partnerships with local nonprofits to create clarity and facilitate property transitions.

Vice Mayor Diemer asked how the 90-day renovation plan would impact commercial properties and Real Estate Taxes. Mr. Martin noted that a meeting was scheduled between the City assessor and the City attorney to discuss the issue. He said it was his understanding that if a plan to renovate or demolish the property was presented, the demolition cost or renovation amount could be abated from the new tax assessment over a 15-year period, serving as an incentive for renovation. He said that the abatement applied to the building, and it was transferable.

// In the matter of School Board Appointments, Agenda Item #4, Council was briefed regarding the School Board appointment voting process. Clerk of Council Alicia L. Finney briefed Council on the matter.

Current Method: Motion / Second / Substitute Motion / Vote

- A Councilmember makes a motion to appoint a nominee.
- Another Councilmember must second the motion.
- The Council then votes on the motion.
- Only one substitute motion may be made at a time.

Proposed Method (1): Ballot Voting

- Councilmembers nominate candidates.
- Discussion is held among Councilmembers.
- Each member casts a single written ballot vote.
- Ballots are read aloud, and each member's vote is publicly announced.
- A majority of votes is required to appoint a candidate.

Proposed Method (2): Ranked-Choice Voting

- Voters rank candidates in order of preference (1st choice, 2nd choice, etc.).
- First round: All the first-choice votes are counted, but each member's vote is not publicly announced.
 - If a candidate receives a majority (more than 50%), they win.
 - If no candidate gets a majority, the candidate with the fewest votes is eliminated.
 - Voters who chose the eliminated candidate as their first choice have their votes reallocated to their next preferred candidate who is still in the race.
- This process continues in rounds, eliminating the lowest candidate and redistributing votes, until one candidate has a majority.

Proposed Method (3): Roll Call Voting

- Nominations are made from the list of interviewed candidates
- Council votes yes or no on each nominee, one at a time (not using ballots).
- Voting is done by roll call, and each vote is recorded publicly.
- Each Councilmember may vote "yes" on as many candidates as they wish, or none.
- A candidate must receive a majority of votes (4 out of 7) to be considered eligible for appointment.

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- If only one candidate receives a majority, they are declared appointed.
- If multiple candidates receive majorities, then the candidate with the highest number of "yes" votes is appointed.

Vice Mayor Diemer asked for the City Attorney to advise on ranked choice ballots in terms of public voting record requirements. City Attorney Matthew Freedman said he had an issue with the second proposed method, only because it did not publicly announce the vote. He said that normally, written ballots were not typically permitted in public body voting processes. He noted that the reason for the exception to the mayor and vice mayor elections was that each individual member's vote was recorded in the minutes, and this information was kept as part of the records. He said he wanted to avoid a secret ballot to appoint School Board members.

Ms. Finney said that these issues could be alleviated by making a public motion and taking a vote in public after a consensus was determined by Council. Mr. Freedman noted that Council could also discuss the appointments in a closed session and make a motion during the public meeting.

Councilmember Misjuns said they should establish a process to consider the merits of each candidate, and it was not right to have councilmembers speak against candidates.

Councilmember Faraldi asked why they needed to change the process.

Vice Mayor Diemer said he aimed to design a process for elections that avoided past downfalls, such as bias and systemic animosity, in order to promote civility and cooperation between elected officials. He wanted to create a system where he could make informed decisions without fear of repercussions, and where he could maintain a collaborative relationship with the School Board. He said that he did not want to end up in a situation where he had to explain to a candidate why he did not vote for them.

Councilmember Faraldi asked how ballot voting would achieve that goal.

Vice Mayor Diemer said he did not know that it would, but he wanted to have a discussion about it. He asked if they had to make a decision at the meeting.

Ms. Finney said she was willing to bring this matter back for a vote on June 10.

Councilmember Misjuns said that in a ballot voting process, votes were cast for candidates, not against candidates.

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Councilmember Faraldi emphasized the importance of being able to vote against School Board appointments, as it was a necessary check and balance on the system. He argued that the current method, where four votes were required to win, was sufficient and allowed for public discussion and debate. He said that the proposed ballot voting process was very similar to convention rules, which were historically used to manipulate the process. He said that they should keep the process unchanged.

Councilmember Reed suggested leaving the current process in place. She said that the proposed changes overcomplicated the process.

Ms. Finney said she would bring back the current method and the ballot method which was Proposed Method (1), for a vote on June 10.

Mayor Taylor said the current method worked, and they should continue with it.

Councilmember Timmer asked how this process had worked in the past.

Ms. Finney replied that it was only in recent years that Council began to make the debate public, as it was previously handled in closed session, and they only ratified appointments with a public motion.

// In the matter of Boards and Commissions, Agenda Item #5, Council was briefed regarding the Boards and Commissions quarterly reporting (Q2). Mayor Taylor stated that the item would appear before Council for action at the June 24 meeting. Clerk of Council Alicia L. Finney briefed Council. The following volunteer opportunities either currently exist or are upcoming:

- Central Virginia Community College Board
- City Employee Appeals Board
- Economic Development Authority
- Historic Preservation Commission
- Martin Luther King, Jr./Lynchburg Community Council
- Museum Advisory Board
- Lynchburg Redevelopment and Housing Authority
- Building Code & Appeals Board

Interested candidates are encouraged to apply by completing our online application at <https://lynchburgva-prod-cityclerk-citymgr.app.transform.civicplus.com/forms/boards-and-commissions-application>. Applications will be taken through Monday, June 16, 2025, and will be kept on file for one

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year for any future Council consideration unless advised otherwise by the applicant. City Council is scheduled to discuss appointments to these boards and commissions during a closed session on June 24, 2025.

// In the matter of Budget and Fire Department, Agenda Item #6, Council was briefed regarding the increase in rates for ambulance and related services. Mayor Taylor stated that the item would appear before Council for action at the June 10 meeting. Chief Financial Officer Donna Witt briefed Council. Medicare allows for ambulance billing of up to 150% of Medicare rates. The City of Lynchburg has not changed ambulance rates since 2018 and currently charges well below the 150% allowed. These rate changes were provided by the third-party billing company contracted by the Lynchburg Fire Department and are being provided at the request of members of the City Council.

Vice Mayor Diemer asked who decided on the categorization and determination of whether an ambulance ride was a specialty care advanced practice paramedic call.

Councilmember Misjuns explained it was determined based on the level of service provided.

// In the matter of Roll Call, Councilmember Faraldi said it was not lost on him the impact Dr. Cardwell made on the City over the course of his life, and the achievements he was now taking to the folks above. He was humbled to have known Dr. Cardwell, proud to have disagreed with him on several things, but thankful that their conversations were always productive and driven by the interests of the City. He said he will miss Dr. Cardwell and hoped there were other ways to honor his legacy at the appropriate time.

Councilmember Reed said she knew Dr. Cardwell in several ways, and she respected his courage and contributions to the City's history. She regretted not having more conversations with him about his accomplishments. She recalled their collaboration on the 40 Ways Coalition, which was formed in response to the deaths of three young people, and how they worked together to bring the community together. She congratulated the graduates of 2025, encouraging them to have the same courage and conviction as Dr. Cardwell, and to stand up for what was right.

Councilmember Wilder said he attended memorial services for Dr. Cardwell, who was an amazing legend in the community. He said that as one of the first African-Americans to attend EC Glass, Dr. Cardwell endured persecution just to get an education. He noted that Dr. Cardwell was his dissertation chair, and he was grateful for the support, as he would not have made it otherwise. He

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announced that Rev. Chris Roussel of St. John's Episcopal Church had passed away. He said Rev. Roussel was 54 years old and a devoted man to the community. He offered his prayers to Rev. Roussel's family. He noted the community came together to support the Memorial Day Celebration downtown, honoring those lost in combat, and he was thankful for the community leaders and veterans who participated.

Councilmember Timmer said she did not know Dr. Cardwell, but she was thankful for his legacy.

Councilmember Misjuns said he was grateful for the Downtown Lynchburg Business Coalition's efforts to display flags. He offered congratulations to the new superintendent, Dr. Kristy Somerville-Midgette.

Vice Mayor Diemer expressed his appreciation for the Lynchburg Citizens Academy, which he enjoyed and thought was a great opportunity for citizens to learn about the City. He congratulated the graduates, particularly those in Ward 3, and brought attention to the impressive number of graduates from Liberty University, over 36,000 people. He praised the University for its role in preparing them for their next steps in life.

Mayor Taylor said he had the chance to visit Diamond Hill Church with the City Manager, Police Chief, and others. He said that Dr. Cardwell had shared a message of unity and encouraged him to be a good statesman, focusing on the community's well-being. He expressed gratitude to Lynchburg's Public Works employees for their hard work, recognizing National Public Works Week. He thanked the Public Works Department for keeping the City clean, safe, and running well. He commended Clerk of Council Alicia Finney for her dedication, expertise, and for receiving a state award.

// On the motion of Councilmember Timmer, seconded by Councilmember Wilder, by the following recorded vote, Council elected to hold a closed meeting to discuss 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, pursuant to Sections 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to negotiations regarding the Campbell County Utilities and Service Authority (CCUSA) Water Purchase Contract; and to discuss appointments for vacancies to the following Boards and Commissions: Lyn-CAG, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

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With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, and Timmer	7
Noes:	0

// The meeting was reopened to the public.

// Vice Mayor Diemer made the following motion:

WHEREAS, the Council of the City of Lynchburg 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 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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 resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Faraldi	1

// On motion of Councilmember Timmer, seconded by Mayor Taylor, Council by the following recorded vote appointed Councilmember Martin Misjuns to the Lyn-CAG Board of Directors.

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Faraldi	1

// The meeting recessed at 5:49 p.m.

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// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of May, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// Councilmember Timmer led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Agenda, Councilmember Wilder requested to include Citizen Dave Henderson at the end of the Public Comment section. Mayor Taylor said there was consensus from Council to amend the agenda.

// In the matter of Recognitions, Agenda Item #1, Mayor Taylor recognized the 20th Citizens Academy Graduation. Sarah Blankenship, class spokesperson, offered brief remarks to Council. Mayor Taylor presented the following participants with a certificate: Sarah Blankenship, Rebecca Boyer-Andersen, Chris Byerly, Stephanie Cox, Charmaine Davis, Kathleen Davis, Louise Dawson, Wendy DeJager, in absentia, Curt Diemer, Carmela Dyke, Kimberly Dyke-Harsley, Rise Hayes, Kim Hogan, Peg Hunt, Dave Hunt, Desmond Mosby, Jordan Nesbitt, Davor Pantner, Towana Polk, MaryAnn Racin, Niro Rasanayagam, Patty Richardson, Suzanne Rodemann, Jeanell Smith, Margi Vaughn, in absentia, and Evan Wingfield.

// In the matter of the Consent Agenda, Agenda Item #2, Council conducted a second reading in consideration of adopting Resolution #R-25-038 amending the FY 2025 City Capital Projects Fund budget and appropriating \$125,000 to improve parking at the Ed Page entrance to the Blackwater Creek Trail, and on the motion of Councilmember Misjuns, seconded by Councilmember Wilder, Council, by the following recorded vote, adopted the Resolution:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// In the matter of the Consent Agenda, Agenda Item #3, copies of the minutes of the April 22, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Misjuns,

seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of the Consent Agenda, Agenda Item #4, copies of the minutes of the April 29, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Misjuns, seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Planning, Agenda Item #5, Council conducted a public hearing in consideration of adopting Ordinance #O-25-040 rezoning 665, 667, 669 Leesville Road to allow the construction of townhomes. City Planner Rachel Frischeisen provided a presentation to Council. Mr. Carl Martin, of Martin Ridge Homes LLC, is petitioning for a rezoning from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of fifty-four (54) townhomes.

The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Medium Density Residential use for the portion of the properties where the proposed townhomes would be located. A small other portion adjoining Burton Creek is recommended for Resource Conservation use. Medium Density Residential areas are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type.

At the time that the Planning Commission report was written, the petitioner had not submitted proffers. Prior to the Planning Commission public hearing, the petitioner submitted the following voluntary proffers:

1. The site will be developed in substantial compliance with the site plan as submitted.
2. Parking will exceed requirements for the number of units shown.

The Planning Commission recommended denial of the petition due to concerns with traffic and preserving R-1, Low Density Residential District, zoning.

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Mr. Russ Nixon, Nixon Land Surveying, LLC, representing the petitioner, Martin Ridge Homes, LLC, provided a presentation to Council. He said that the project followed all of the requirements in the City Ordinance, meeting all traffic and entrance requirements. He noted that the neighboring parcels were zoned R4. He said they required the extension of City sewer and water infrastructure, with a project cost estimate of \$9 million. He said his client had purchased over 60 homes in the City, renovated them, and resold them, so they were familiar with the City. He said that the people who did the renovations were Liberty University graduates, and the company was founded by their father. He asked Council to consider rezoning the property to R4.

Dawson Martin, Martin Ridge Homes, LLC, speaking in favor of the petition, said that he moved to the City five years ago, which was when his father started the real estate company. He said they employed several contractors, and their goal was to bring affordable housing to the City.

Tim Bushnell, realtor for Keller Williams, speaking in favor of the petition, said he had worked with Martin Ridge Homes, LLC before because they were the only company to work with properties that were affordable for his first-time homebuyers.

Bradley Shaner, owner of Shenandoah Tires, speaking in favor of the petition, addressed Council regarding concerns over housing affordability. He said that the project would build affordable houses in the City. He asked Council to approve the petition.

Adam Stinespring, speaking in favor, noted the growing demand for housing. He said that approving the petition would create opportunities for families.

There was no one to speak in opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Reed asked for clarification about the traffic concerns. Mr. Nixon replied that they worked with the City Traffic Engineer to perform an ITE, which determined the development would generate a daily trip count of 361. He said the AM peak volume was 30 vehicles, and the PM peak volume was 36 vehicles. He said the proposed entrance was designed to be as safe as possible onto Leesville Road. Councilmember Reed noted the growing demand for affordable homeownership and the desire for townhome-style homes. She asked what the price point would be for the homes. Mr. Nixon said the homes would be in the range of \$270,000.

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Councilmember Reed motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-25-040.

Vice Mayor Diemer asked for insight on why the Planning Commission voted no on the project.

Mr. Nixon listed the reasons provided in the Planning Commission minutes.

Vice Mayor Diemer made a substitute motion that Council not support the project.

Councilmember Misjuns asked if the motion was to deny the petition.

Vice Mayor Diemer said that the substitute motion was to table the matter.

Councilmember Faraldi called a point of clarification on the motion. He said that not supporting the project and tabling it were two different things. He said that "not supporting the project" was ambiguous, because they could vote to not support it and still approve the petition.

Vice Mayor Diemer withdrew his motion.

Councilmember Wilder noted the petitioner had addressed his concerns about traffic impacts. He said that the City was growing, so they needed to address housing demands, and he tended to favor townhomes over apartments.

Councilmember Misjuns expressed concerns about rezoning the property because it would open the door to other uses.

Vice Mayor Diemer expressed concerns about the number of existing developments on Leesville Road.

Councilmember Timmer shared Vice Mayor Diemer's concerns. She said that the Leesville Road corridor was becoming congested and difficult to address.

Councilmember Faraldi called the question. He noted that the motion included adoption of the for-sale proffers recently submitted by the petitioner.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed, Misjuns, Timmer 6

Noes: Diemer 1

// In the matter of the School Board Appointments, Agenda Item #6, Council continued a public hearing to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2025, in School Board Districts I, II, III. Clerk of Council Alicia Finney briefed Council on the procedure for

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School Board appointments. Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year. Section §22.1-29.1 of the Code of Virginia requires City Council to hold a public hearing on school board appointments at least seven days prior to making the appointments. It also provides that no nominee or applicant whose name has not been considered at a public hearing can be appointed to the school board.

Additionally, due to a voluntary resignation effective June 30, 2025 from a member in District II, a forthcoming vacancy has been created that will also need to be filled.

Ms. Finney read the names of the following candidates into the record. For District 1: Dr. Karin Warren, Patrick Earl, Selina Morgan, Taran Johnson, Dr. Laura Morrison-Hussein, Dr. Tony Ryals, Marques Bush, Nigel Alleyne, Liza Gijanto, and Deborah Trefzger. For District 2: Diane Sillaman, Earl Kennedy, Paula Mills, Rodney Hubbard, Jibri Poe, Jack Collins, April Watson, Karen Storer, Ronald Storer, Todd Williams, Dr. Harvey Klamm, Myke Barron, and Sheron Simpson. For District 3: Taormina Howard, Tiona Wilson, Dr. Brenda Farmer, Corey Thomas, Gloria Preston, and Jackie Randolph.

Deborah Trefzger, candidate for District 1, addressed Council regarding her qualifications for the School Board.

Sheron Simpson, candidate for District 2, addressed Council regarding her qualifications for the School Board.

Rodney Hubbard, Sr., candidate for District 2, addressed Council regarding his qualifications for the School Board.

Karen Storer, candidate for District 2, addressed Council regarding her qualifications for the School Board.

Dr. Brenda Farmer, candidate for District 3, addressed Council regarding her qualifications for the School Board.

Taormina Howard, candidate for District 3, addressed Council regarding her qualifications for the School Board.

Sarah Blankenship endorsed Myke Barron for School Board based on her experience working with Mr. Barron.

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Rise Hayes spoke against the nomination of Rodney Hubbard due to Mr. Hubbard's advocacy for the reinstatement of corporeal punishment.

A citizen who did not give her name endorsed Paula Mills for School Board based on Ms. Mills' teaching experience.

Desmond Mosby spoke against the nomination of Rodney Hubbard due to Mr. Hubbard's support for corporeal punishment, including paddling, in the public schools.

Dr. Samantha Foster endorsed Myke Barron for School Board based on his work in and commitment to the community.

Jessica Hipskind endorsed Dr. Liza Gijanto for School Board based on Dr. Gijanto's experience working in LCS.

Sharon Davies endorsed Dr. Liza Gijanto for School Board due to Dr. Gijanto's professional experience, practical skills, and investment in LCS.

Katrina Marple endorsed Deborah Trefzger and Myke Barron for School Board. She said that Ms. Trefzger was her mother, and Mr. Barron was a family friend.

Karen Quigg supported corporal punishment in LCS.

Vice Mayor Diemer motioned, seconded by Councilmember Timmer, to close the public hearing.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

Ms. Finney said Council could select candidates for interview, and they would finalize the list of interviewees on June 10. She said residency checks would be performed on those who Council interviewed.

Councilmember Faraldi chose Dr. Harvey Klamm, Jibri Poe, Jack Collins, April Watson, Myke Barron, and Sheron Simpson to be interviewed. He said he would be asking each candidate, yes or no, if they would vote to close Sandusky Elementary School.

Councilmember Reed chose Dr. Liza Gijanto and Dr. Brenda Farmer to be interviewed.

Councilmember Wilder chose Selina Morgan and Gloria Preston to be interviewed.

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Vice Mayor Diemer chose Nigel Alleyne, Marques Bush, Dr. Karin Warren, and Deborah Trefzger to be interviewed.

Councilmember Misjuns chose Karen Storer and Taormina Howard to be interviewed.

Councilmember Timmer chose Corey Thomas to be interviewed.

Mayor Taylor chose candidates who had already been selected to be interviewed.

Ms. Finney said Council could select additional candidates until June 10.

// In the matter of Lodging Tax, Agenda Item #7, Council conducted a public hearing in consideration of adopting an ordinance to amend Section 36-223 of Division 3 of Article V of Chapter 36 of the Code of the City of Lynchburg and increase the City's Transient Lodging Tax. Deputy City Manager Greg Patrick provided a summary of the request. At the request of the City Council, the City's Transient Lodging Tax on each transient is proposed to increase from 6.5% to 12.5% of the total amount paid for lodging and from \$1 to \$10 per room per night, excluding any other taxes levied thereon, by or for any transient to any hotel.

These increases are to provide additional revenue from visitors to Lynchburg and reduce the Real Estate Tax burden on citizens.

Council recessed at 9:00 p.m. and reconvened at 9:09 p.m.

Mayor Taylor opened the floor for public input.

Amy Corbitt, speaking in opposition, said she owned a company that managed 20 short-term rentals within the City. She said the increased lodging tax would cause her to lose revenue, noting that the proposed lodging taxes were higher than anywhere in the state.

Meryl Thornhill, IV, speaking in opposition, said the proposed lodging tax would impact everyone in the City, such as people traveling to the City to attend conferences and events. He said that a study should be done to understand the full impacts of the tax increase.

Mike Bremmer, speaking in opposition, expressed concerns about the impacts of the increased lodging tax on sports tourism.

Adam Hall, speaking in opposition, said he owned a short-term rental company in the City. He expressed concerns about the unknown impacts of increasing the lodging taxes. He asked Council to defer the matter until it fully understood the economic impacts.

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Wanda Crocker, speaking in opposition, said she was the owner of the Acorn Hill Lodge. She expressed concerns about how the increased taxes may impact her business.

George Stanley, speaking in opposition, said he was the owner and developer of the Virginian Hotel. He said the proposed tax increase would raise the average price of a hotel room by 13%, and it would raise prices at the Virginian Hotel by \$665,000 per year, based on 2024 figures. He expressed concerns about the potential negative impacts of the lodging tax increase. He asked Council to deny the increase.

Danielle Bifulco, speaking in opposition, said she operated her house as a short-term rental in the City. She expressed concerns about how the increased Lodging Tax would impact her income.

Richard Palazzo, speaking in opposition, said he operated a bedroom short-term rental out of his home. He noted that short-term rental property owners constantly maintained the properties, which benefitted the City.

Kristin Fox, speaking in opposition, said she opposed the tax increase based on the facts presented by previous speakers.

Tommy Herbert, Director of Government Affairs for the Virginia Restaurant Lodging and Travel Association, speaking in opposition, said the Lodging Tax increase would make the City an outlier compared to other localities in the state. He said the proposal lacked a plan for what the City would do to increase and develop tourism in the City, noting that 8% of the workforce in the City depended on tourism.

Toby Tomko, General Manager of the Virginian Hotel, speaking in opposition, said the increased Lodging Tax would impact employee incomes through lower occupancies and reduced hours. He said that 13,500 room nights were purchased by local businesses in 2024, so the tax increase would negatively impact local businesses. He expressed concerns that the revenue was not earmarked for a specific purpose. He asked Council to deny the proposal.

Thomas Bradner, speaking in opposition, said he owned a local business in the Downtown District across from the Virginian Hotel. He said that the tax increase would ruin his business because he relied on the revenue from hotel patrons.

Mark Corbitt, speaking in opposition, expressed concerns about the Lodging Tax increase.

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Bryan Runk, owner of the Bella Vista Hotel, speaking in opposition, agreed with the comments made by representatives of the Virginian Hotel. He noted that increasing the Lodging Taxes would impact the local industry's ability to competitively bid for conferences and events.

David Marple speaking in opposition, said his family owned several short-term rentals. He said that tourism was a vital part of the City, and he had helped many visitors eventually purchase homes in the City. He said that local businesses owners and short-term rental operators would be impacted.

Michael Nevarez, Regional Director for Parry Restaurant Group, speaking in opposition, said he operated two restaurants in the Virginian Hotel. He said the Lodging Tax increase would impact all local businesses through a trickle-down effect. He asked Council to find another way to raise revenue.

Megan Lucas, Lynchburg Regional Business Alliance, speaking in opposition, said the proposed Lodging Tax increases were unprecedented. She said that the tax increases would impact business travelers, such as corporate decision makers, and it may impact future investment decisions in the City. She said that increasing the taxes would have wide ramifications, resulting in decreased spending at local businesses.

Evan Wingfield, speaking in opposition, expressed concerns about the impacts of the Lodging Tax increases on local businesses.

Chris Boswell, speaking in opposition, encouraged a compromise on the Lodging Tax but noted that the increase was masking a larger issue related to the Real Estate Tax rates. He said that they had already reduced the real estate rate below equalization two years ago, so maintaining the current rate, or even offering a two-cent reduction, would be good. He encouraged Council to invest in the City.

Jenae Davis, Interim Executive Director of the Lynchburg Historical Foundation, speaking in opposition, said she owned a lounge downtown, and they relied on revenue from tourist traffic. She said that increasing the Lodging Taxes would negatively impact her business revenue. She encouraged Council to consider ways to increase tourism to the City.

Katrina Marple, speaking in opposition, said she and her husband owned several short-term rental properties. She said that she would have to lower her per-night costs in order to absorb the tax increase. She said they were considering transitioning their properties to long-term rentals, but if they did, they would not be able to care for the properties to the same degree.

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Colin Jennings, speaking in opposition, said he owned SuperRad. He expressed concerns about the impacts of increasing the Lodging Tax.

Deborah Trefzger, speaking in opposition, said that Council should consider a detailed audit to determine where funds were being spent. She said she knew for a fact that money was wasted in the City.

Ms. Finney played 15 voicemails into the record.

Angel Voggenreiter, speaking in opposition by voicemail, said she would like the Lodging Taxes to remain unchanged.

Drake Rufus, speaking in opposition by voicemail, expressed concerns about the impacts of raising the Lodging Taxes on growth. He said the tax increase would drive business to surrounding localities, and he asked Council to deny the proposal.

Eric George, LTG Associates, speaking in opposition by voicemail, said he was a short-term rental owner, and he expressed concerns about the impacts of the tax increase on his profit margins. He expressed concerns about the lack of data regarding the increase.

Danielle George, speaking in opposition by voicemail, said she was a short-term rental owner. She expressed concerns about the impacts on her profit margins. She said that increasing the taxes could discourage travel, further reducing revenue. She expressed concerns about the lack of data and research regarding the increase.

Tom Vigalero, speaking in opposition by voicemail, said he was a short-term rental owner. He expressed concerns about the impact of the tax increase on his profit margins. He said that increasing the taxes could discourage travel, further reducing revenue. He expressed concerns about the lack of data and research regarding the increase.

Steven Willis, speaking in opposition by voicemail, said the Lodging Tax increase was an outlier compared to other localities in the state. He expressed concerns about how the tax increase would impact his short-term rental business.

Kelly Ayers, speaking in opposition by voicemail, said she owned multiple short-term rental properties in the City. She said that increasing the tax could negatively impact travel and the local economy.

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Joshua Dowdy, speaking in opposition by voicemail, said he was a short-term rental property owner. He expressed concerns about the impact of the tax increase on his profit margins. He said that increasing the taxes could discourage travel, further reducing revenue. He expressed concerns about the lack of data and research regarding the increase.

Raymond Bromley, speaking in opposition by voicemail, said he was a short-term rental property owner. He expressed concerns about the impact of the tax increase on his profit margins. He said that increasing the taxes could discourage travel, further reducing revenue. He expressed concerns about the lack of data and research regarding the increase.

Linda Purey, speaking in opposition by voicemail, said she was a short-term rental property owner. She expressed concerns about the impacts on her profit margins. She said that increasing the taxes could discourage travel, further reducing revenue. She expressed concerns about the lack of data and research regarding the increase.

Roxanne Bromley, speaking in opposition by voicemail, said she was a short-term rental property owner. She expressed concerns about the impacts on her profit margins. She said that increasing the taxes could discourage travel, further reducing revenue. She expressed concerns about the lack of data and research regarding the increase.

Michelle Dowdy-McCormick, speaking in opposition by voicemail, said she was a short-term rental property owner. She expressed concerns about the impacts on her profit margins. She said that increasing the taxes could discourage travel, further reducing revenue. She expressed concerns about the lack of data and research regarding the increase.

Samuel Patrick Lavar, speaking in opposition by voicemail, said he was a short-term rental property owner. He expressed concerns about the impact of the tax increase on his profit margins. He said that increasing the taxes could discourage travel, further reducing revenue. He expressed concerns about the lack of data and research regarding the increase.

Terry Evans, speaking in opposition by voicemail, noted that the proposed increases to the Lodging Tax would make the City have the highest rate in the state.

Cam Colquitt, speaking in opposition by voicemail, said he was a short-term rental property owner. He noted that the proposed rate was higher than any other jurisdiction in the state. He said the

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increase would disproportionately affect short-term rental owners and budget travelers. He expressed concerns about the impacts on the tourism and short-term rental industries.

There was no one else to speak, so the public hearing was closed and the matter rested with Council.

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to deny the ordinance.

Councilmember Misjuns noted the proposed increase could cause hotel rates to increase from \$15 to \$30 per night. He said that the industry would likely absorb the cost of the increase, which could impact profits and possibly personnel. He said it would impact the local businesses and residents who relied on tourism revenue. He opposed increasing the tax burden, suggesting that the City should rather reduce discretionary spending. He expressed concerns about the chance the proposed increase would deter conferences and events from lodging in the City.

Councilmember Timmer said the Lodging Tax increase was to support a 16% tax increase, not to meet revenue needs. She said she opposed the tax increase because it would drive people away from the City to the counties. She noted the concerns about thin profit margins as a reason she did not support the increase. She said the City should work to reconsider its priorities in order to address budget needs.

Councilmember Faraldi questioned whether hoteliers would rather pay increased costs on the real estate rate or through lodging rates. He was disappointed in the Lynchburg Regional Business Alliance for not supporting any increase in the lodging rates. He noted that, regarding the requests for a detailed audit, one was performed every year, and it could be accessed via a direct link on his website under the "Resources" tab. He said that if they did not approve a Lodging Tax increase, it would make it more difficult to equalize the real estate rate. He was not negotiable on budget items related to teacher pay, public safety, and keeping Sandusky Elementary open, but he was open to proposals on any other budget item. He said that no councilmember had provided him with information about what proposed budget items they would remove to enable an equalized real estate rate.

Councilmember Reed said the Lodging Tax rate was proposed to balance the budget and equalize the real estate rate, otherwise they would have to make significant cuts to the budget. She said they had to find ways to compromise on the tax rates, and while they focused on the real estate rate, only

49% of residents were property owners. She said that they had to work together and consider all of the tax rates.

Councilmember Timmer questioned the cost of rebuilding the city pool, citing vendor input suggesting renovation is viable, and advocated for creative, cost-effective solutions like public-private partnerships while opposing the Lodging Tax increase.

Councilmember Wilder made a substitute motion to set an 8.5% Lodging Tax rate and a \$7 per night fee.

The motion was not seconded and failed.

Vice Mayor Diemer said that there were a lot of ways the City could reduce expenditures. He said he did not support the use of scare tactics. He promised that equalizing the real estate rate would result in more tax dollars coming into the City.

Councilmember Faraldi reiterated his willingness to support equalization if specific budget cuts are identified, noting repeated unanswered requests for clarity from Council on what would be removed to balance the budget.

Councilmember Misjuns emphasized that equalizing the tax rate prevents a net tax increase on citizens and the lodging industry.

Mayor Taylor made a substitute motion to table the matter to the next meeting.

The motion was not seconded and failed.

Mayor Taylor called the question on the motion to deny the ordinance.

With no further discussion from the Council, the following vote was recorded:

Ayes: Diemer, Faraldi, Reed, Misjuns, Timmer 5

Noes: Taylor, Wilder 2

Councilmember Faraldi motioned to reconsider the matter under Agenda Item #22, *Consideration of adopting an ordinance to set the Real Estate Tax Rate effective July 1, 2025*, in conjunction with the real estate discussion. Councilmember Wilder seconded the motion.

Councilmember Misjuns called a point of order because the motion to reconsider was a manipulation of the rules of procedure to tie together two agenda items and prevent consideration of each item on its own.

Councilmember Faraldi said that consideration of the Lodging Tax rate could be added to the agenda as a separate item after the Real Estate Tax rate item.

Mayor Taylor ruled against the point of order.

Mayor Taylor called the question on the motion to reconsider.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed, 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of Public Comment, Agenda Item #8, Citizen Diva Garland, representing Shifting The Narrative, LLC, addressed Council regarding how to identify trouble entities, probable solutions, and target corrective actions before they manifest into critical mass for the youth in the City. She operated a business called Shifting the Narrative, which hosted seminars to help at-risk youth.

// In the matter of Public Comment, Agenda Item #9, Citizen Dr. Beth White addressed Council regarding appreciation of two specific city departments. She recognized the work of City Manager Wynter Benda and his team. She acknowledged Marjette Upshur and the Office of Tourism and Economic Development.

// In the matter of Public Comment, Agenda Item #10, Citizen Thomas Bradner, representing Eight O One Raw Bar, LLC, addressed Council regarding the embarrassment of the City Council, and how the parking authority made it difficult to enforce parking rules. He suggested parking enforcement at night.

// In the matter of Public Comment, Agenda Item #11, Citizen John Wolhfort was absent.

// In the matter of Public Comment, Agenda Item #12, Citizen Barbara Mays was absent.

// In the matter of Public Comment, Agenda Item #13, Citizen John Fees addressed Council regarding the budget and taxes. He asked Council to find a way to work together and reach a consensus. He expressed concerns about the budget impacts of setting an equalized real estate rate.

// In the matter of Public Comment, Agenda Item #14, Citizen Daryl Calfee addressed Council regarding the current Council behavior, and small business and development concerns. He said that Councilmember Misjuns' recent actions on Council were unacceptable, and Council's behavior was driving away business and residents. He expressed concerns about the fearful work environment Council had created for City staff.

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// In the matter of Public Comment, Agenda Item #15, Citizen Peter Cefaratti addressed Council regarding the future of Lynchburg. He expressed concerns about the City's finances and increasing the Real Estate Tax rate. He asked Council to equalize the Real Estate Tax rate.

// In the matter of Public Comment, Agenda Item #16, Citizen Greg Berry, representing City Elders, addressed Council regarding lightening the burden. He expressed concerns about raising taxes, and he begged Council to establish a City-wide period of fasting and prayer according to 2 Chronicles.

// In the matter of Public Comment, Agenda Item #17, Citizen Ryan Thomas, representing Common Sense Lynchburg, addressed Council regarding the tax rate. He supported equalizing the Real Estate Tax rate, and he encouraged that the City reduce spending.

// In the matter of Public Comment, Agenda Item #18, Citizen Ellen Nygaard was absent.

// In the matter of Public Comment, Agenda Item #19, Citizen Karen Jacobson was absent.

// In the matter of Public Comment, Agenda Item #20, Citizen Bill Hawkins addressed Council regarding taxes. He expressed concerns about increasing taxes and spending.

// In the matter of Public Comment, Agenda Item #21, Citizen Dave Henderson addressed Council regarding concerns about its behavior and how it drove away local business.

// In the matter of Real Estate Tax, Agenda Item #22, Council considered adopting an ordinance to set the Real Estate Tax Rate effective July 1, 2025.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to set the Real Estate Tax rate to \$0.761 per \$100 of assessed value.

Councilmember Misjuns said that setting the equalization rate was preventing a tax increase. He expressed concerns about the proposed budget because several items increased above inflation. He proposed capping expenditures based on twice the rate of inflation. He said that equalization was a compromise given the increases to the water, sewer, and trash collection rates.

Vice Mayor Diemer said that they could never pull themselves up by their own bootstraps and tax themselves into prosperity. He said that business investment in the City had grown due to the City's tax policies. He said that Council could balance the budget by reducing spending, which would allow them to reduce taxes and increase revenues.

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Councilmember Wilder made a substitute motion, seconded by Mayor Taylor, to set the Real Estate Tax rate to \$0.83 per \$100 of assessed value.

Councilmember Wilder said he proposed the \$0.83 rate as a compromise. He noted that Council would still have to find ways to balance the budget.

Mayor Taylor said that an \$0.83 rate was a tax rate decrease from \$0.89.

Councilmember Faraldi said he wanted to make a substitute motion, but he could not since one was already on the floor.

Mayor Taylor withdrew his second, and Councilmember Wilder withdrew his motion.

Councilmember Faraldi made a substitute motion, seconded by Councilmember Wilder, to direct City staff to produce a budget at an equalized Real Estate Tax rate.

Councilmember Wilder said that the community needed to see the impacts of an equalized Real Estate Tax rate on the budget.

Councilmember Misjuns called a point of order. He said the substitute motion was out of order because it was not germane to the matter at hand, which was to adopt an ordinance, not direct staff to draft a budget.

Mr. Freedman said he believed the substitute motion was germane. He said that if Council was considering an equalized rate, it should be able to see what the budget would look like. He advised that the substitute motion was in order.

Vice Mayor Diemer called a point of order. He said that the substitute motion was not germane.

Mayor Taylor ruled that the substitute motion was germane to the original motion.

Councilmember Misjuns said he did not support the substitute motion because Council should be adopting a tax rate.

Councilmember Reed said there was a reason certain councilmembers did not want the public to see the budget at an equalized rate, because it removed essential operations of the City. She said she campaigned for education and schools, and Council was yet to deliver on those promises because of budget constraints. She said Council had already delivered on its promise to reduce taxes, and it was time to have a sincere discussion about the impacts of further reductions.

Councilmember Timmer expressed concern over rising government spending, emphasized the importance of healthy disagreement, advocated for fiscal restraint and transparency, and opposed the current motion – citing unaddressed cost-saving opportunities and calling for a vote on the tax rate.

Councilmember Faraldi urged colleagues to specify proposed budget cuts, questioned opposition to key funding priorities, and called for a vote – citing concerns over political motives.

Councilmember Misjuns argued that elected officials – not staff – should drive budget decisions, advocated for capping non-personnel spending, consolidating overlapping city and school departments, and using one-time funds more efficiently, while expressing frustration that cost-saving ideas have been ignored.

Mayor Taylor called the question on the substitute motion.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

The substitute motion became the main motion.

With no further discussion from the Council, the following vote was recorded on the main motion:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of Lodging Tax, Item Not on the Agenda, Council considered adopting an ordinance to amend Section 36-223 of Division 3 of Article V of Chapter 36 of the Code of the City of Lynchburg and increase the City's Transient Lodging Tax.

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to table the matter to the next meeting.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to table the matter indefinitely.

Councilmember Misjuns said that this would prevent a procedural issue regarding public hearing requirements. He said that this would prevent the 12% Lodging Tax rate and \$10 fee from being reintroduced, but it did not prevent a lower rate or fee from being considered.

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Vice Mayor Diemer expressed frustration over efforts to delay a vote on the Real Estate Tax rate, and supported passing the motion by indefinitely to signal strong opposition to the proposal.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

The substitute motion became the main motion.

With no further discussion from the Council, the following vote was recorded on the main motion:

Ayes: Diemer, Reed, Faraldi, Misjuns, Timmer 5

Noes: Taylor, Wilder 2

// In the matter of Budget, Agenda Item #23, Council conducted a second reading in consideration of adopting Ordinance #O-25-037 approving the FY 2025 Third Quarter Adjustments. The General, City/Federal/State Aid, Forfeited Assets, Children's Services Act (CSA), Water, Sewer, Airport, Risk Management, City Capital Projects, Stormwater Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2025 Third Quarter Adjustments.

Vice Mayor Diemer motioned, seconded by Councilmember Timmer, to approve Ordinance #O-25-037.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of Hillcats, Agenda Item #24, Council conducted a second reading in consideration of adopting Ordinance #O-25-039 amending the FY 2025 City Capital Projects Fund budget and appropriating \$5,250,000 to create a fan experience project at the City of Lynchburg's Bank of the James Stadium in conjunction with the 2025 Hillcats Franchise Agreement. This item will amend the FY 2025 City Capital Projects Fund budget to add a new \$5.25M project to improve the Bank of the James Stadium, home of the Lynchburg Hillcats. The improvements will primarily include fan experience amenities. This project will be funded with the city's line of credit and repaid with new revenues based on the new 15-year franchise agreement between the city and the Lynchburg Hillcats.

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Councilmember Wilder motioned, seconded by Councilmember Reed, to adopt Ordinance #O-25-039.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Timmer 5

Noes: Faraldi, Misjuns 2

// The meeting adjourned at 12:58 a.m.

Clerk of Council

June 10, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of June, 2025 at 4:00 p.m. in the 2nd Floor Conference Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of Budget, Agenda Item #1, Council conducted a work session on the FY 2026 Budget. Deputy City Manager Greg Patrick introduced the work session items, including a discussion on reducing the vehicle personal property tax rate as proposed by Councilmember Faraldi. Special Assistant to the City Manager for Data Analytics and Innovation Hollie Jennings and Data Analyst Shaun Conway provided a presentation on the tax proposal, which would reduce the vehicle personal property tax to \$1.30 per \$100 of assessed value and provide 100% tax relief to the first \$20,000 of a vehicle's value. To offset the loss in revenue, staff considered increasing the Real Estate Tax rate to \$1.025 per \$100 of assessed value, increasing the Lodging Tax rate to 8.5%, and increasing the per-night lodging fee to \$3.

Mr. Patrick said that the key takeaways of the plan were that more Lynchburg residents would benefit from a reduction of the vehicle personal property tax than they would from a reduction in the Real Estate Tax rate. He said that renters would benefit the most in the short-term, however, rent increases would likely slowly offset the savings. He said that homeowners, especially those who owned multiple or expensive vehicles, would see the most benefit. He said that commercial property owners and multifamily residential property owners would not see a benefit. He said that overall, the proposal shifted the tax burden from residents to commercial property owner.

Councilmember Faraldi said the proposal met the City's budget needs and provided tax relief to residents. He noted that some people had already started paying tax bills, and he asked how the proposal would impact those people. Mr. Patrick said that a challenging aspect of the proposal was related to procedural issues, specifically regarding how vehicles were assessed annually and the budget was on a fiscal calendar. He said that the City would have the opportunity to find other temporary avenues for tax relief in the FY 2026 budget to offset the additional revenue collected from people who had already paid the tax bill.

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Councilmember Misjuns raised a question about whether the impact of rising property values is fully reflected in the analysis. Mr. Patrick responded that the analysis uses current property values. Councilmember Misjuns asked whether higher costs for developers could reduce the housing supply. Mr. Patrick responded that he does not believe there would be any impact on supply or demand. Councilmember Faraldi asked about how recent car tax payments might affect the plan and what opportunities that could create in the next year. Mr. Patrick explained that the car tax is based on the calendar year, but the budget uses a fiscal year. This means the city gets some car tax money early, which could help extend tax relief.

Councilmember Faraldi said that it would offer an opportunity to waive the trash fee and vehicle tag fee for the next year, resulting in estimated savings of \$170.

Councilmember Timmer asked what the projected revenue would be at an equalized Real Estate Tax rate and at the proposed tax rates. Mr. Patrick said the proposed tax plan provided the same level of revenue as the proposed budget, and the equalized Real Estate Tax rate resulted in \$10 million less in revenue. Councilmember Timmer asked if the proposal would impact the composite index formula to determine state funding for schools. Councilmember Faraldi clarified that the City would still receive the state funding because the generated revenue was the same. Mr. Patrick explained that the local composite index was based on the assessed value of real properties, not the tax rate, so the proposal would have no impact.

Vice Mayor Diemer asked Commissioner of the Revenue Mitch Nuckles about his perspective of the plan. Commissioner Nuckles expressed concern that changes to the car tax and possible elimination of the license fee could reduce local revenue and lead to unexpected tax bills for some vehicle owners. Vice Mayor Diemer said that there was a lot of uncertainty, especially with the upcoming gubernatorial race, so it may not be the best time to consider the proposal. He asked if changing the Real Estate Tax rate would impact the City's credit rating. Mr. Patrick said that it would not change the credit rating. Vice Mayor Diemer asked the Commissioner if now is a good time to add what he perceives as a more complicated plan that shifts the car tax to homeowners and businesses. Commissioner Nuckles said he will carry out the council's plan but worry that lower car tax revenue could cause problems.

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Councilmember Wilder said he was supportive of the proposal. He asked if it could be implemented in the necessary timeframe, before July 1. Mr. Patrick said there were some process concerns, and they needed to work with the City Attorney's office to determine a plan of action. He said that first, staff needed to determine if Council would support the proposal, after which they could work on implementation.

Councilmember Misjuns expressed concerns about shifting tax revenue away from vehicles. He noted that if people could not afford the tax bill on a vehicle, it was easier to sell the vehicle when compared to selling a house. He asked the Commissioner about whether a state-driven formula or funding could replace the \$122.2 million in revenue if the tax were eliminated. Commissioner Nuckles responded that it might cover some lost car tax revenue, but finding that money is hard. He expressed concerns about the impact on renters of increasing the Real Estate Tax rate, because landlords would likely pass the increased tax burden to renters rather than absorb the cost.

Councilmember Faraldi suggested reducing the proposed Lodging Tax rate and per-night fee to accommodate the hotel industry. He said that the proposal offered an opportunity to provide relief to thousands of residents while meeting budget needs.

Councilmember Reed said she agreed with the suggestion to reduce the Lodging Tax rate and the per-night fee. She suggested reducing the Lodging Tax rate to 7.5% and the per-night fee to \$2.

Vice Mayor Diemer expressed frustration with the Council's focus on massive tax increases, feeling that they had wasted too much time discussing this topic and not enough on reducing spending. He emphasized the need to have a conversation about cutting expenses, citing his own approach to managing household finances as an example.

Councilmember Timmer emphasized that a true compromise required a reduction in the request for spending, not just a reduction in the proposed increase. She highlighted the importance of evaluating spending based on policy, rather than allowing spending to drive policy decisions. She stressed the need to prioritize and assess spending, comparing it to how businesses and individuals make decisions about their own finances.

Councilmember Faraldi said that three members of the Council expressed support for this concept, two of whom indicated a lower lodging and per night bed fee. He believed that the adjustments

were not traumatic. He said that if a fourth member of Council supported the proposal, a majority of Council would support moving forward.

Councilmember Misjuns said that they should take a formal vote on whether to pursue the proposal.

Councilmember Faraldi said that his suggestion was to get a consensus from Council that staff should prepare the proposal for a formal action.

Mayor Taylor said that he supported the tax proposal.

Councilmember Timmer requested that Council hear Councilmember Misjuns' presentation on proposed budget reductions.

Councilmember Reed asked staff if they had received enough direction from Council in consideration of the tax proposal given that four councilmembers supported it. Mr. Patrick said that if four members wanted to move forward with the proposal, they could determine a path forward to enact the plan.

Mayor Taylor expressed frustration with the ongoing budget discussions, stating that they had been debating for months. He emphasized the need to move forward and take care of the citizens, particularly those in low-income neighborhoods who will benefit from tax relief on vehicles. He gave Councilmember Misjuns 10 minutes to provide his presentation.

During Councilmember Misjuns' presentation, Mayor Taylor, Councilmember Reed, and Councilmember Faraldi temporarily exited the room. Shortly thereafter, Councilmember Wilder also departed, resulting in a loss of quorum. Mayor Taylor later rejoined, reestablishing quorum. Councilmember Misjuns moved, with a second from Vice Mayor Diemer, to suspend the rules of procedure to allow consideration of the tax proposal. No vote was taken on the motion.

Councilmember Misjuns continued with his presentation on City revenue based on an equalized Real Estate Tax rate. He proposed several options to close the revenue gap from setting an equalized Real Estate Tax rate, including increasing the ambulance service fee, adjustments to the meals and lodging tax revenue projections, removing the \$500,000 in funding for tax relief, delaying the 3% pay increase for City employees to January, eliminating managed vacancy savings, defunding current vacancies (excluding public safety and mission critical positions in Water Resources and Public Works),

capping discretionary non-personnel spending to 110% of actual spending in 2024, and adjusting the fund balance to 10% of the general fund revenue. He said that this plan would allow the City to equalize the Real Estate Tax rate.

Councilmember Reed asked if Councilmember Misjuns' proposal was viable.

Ms. Witt said that she would not trust the presented figures until she could evaluate them herself.

Councilmember Misjuns said that he derived the figures from the proposed budget and submissions of actual costs from 2024.

Mr. Patrick said that Councilmember Misjuns' proposal would violate Council's financial policies by about \$4.6 million by using one-time funds to balance an ongoing budget. He said that this would make the City's budget structurally unbalanced. He explained that if they delayed salary increases to January, it would cause issues in the next fiscal year as they would have to fund the annual cost, not just half. He said they were already projecting complications for the FY 2027 budget, and these would be exacerbated by delaying salary increases.

Mr. Patrick noted that Councilmember Faraldi asked staff one week ago to vet the vehicle personal property tax reduction. He said that staff was able to do that and spent a significant amount of time vetting the proposal. He said that this was the first time staff had reviewed Councilmember Misjuns' proposal.

Councilmember Reed noted that they had several months to review a plan, but it was only now just being presented. She asked if Councilmember Misjuns' proposal would impact the City's credit rating. Ms. Witt said that the rating agencies would not look favorably on using one-time funds to address operating needs.

Councilmember Timmer asked about the primary revenue source for the adjusted fund balance in the revised general fund revenue. Mr. Patrick emphasized that using one-time funds, or fund balance, for ongoing expenses was a violation of Council's financial policies, and it was the worst financial decision Council could make.

Vice Mayor Diemer expressed concerns about considering the tax proposal without a formal vote. He said that the hotel industry deserved an open discussion and a vote. He said that he was not able to

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provide spending proposals because he had not received the necessary information from staff. He said they should be open to all proposals to make the budget work, which should include spending reductions.

Councilmember Faraldi said a vote on eliminating the car tax is coming, highlighting its impact on residents, and believes staff now have direction to prepare for it.

// In the matter of Roll Call, Councilmember Wilder congratulated the recent graduates, and he expressed gratitude for the hard work of teachers, principals, and staff in helping the kids succeed. He announced the Juneteenth celebration details for June 21 from 11 a.m. to 2 p.m. at Miller Park. He thanked staff for their work during the budget session.

Councilmember Misjuns expressed concern that Council was considering a Real Estate Tax rate increase beyond the advertised rate without a public hearing or new reassessment notices to property owners, which he stated was not compliant with state law. He noted that consensus among all seven Councilmembers had not been reached to consider a rate of \$1.025 per \$100 of assessed value. He further stated that the Rules of Procedure required a formal vote on questions before Council, and no vote had been taken on the tax proposal. He expressed that the plan lacked transparency and public input, would shift the tax burden, and could negatively affect the local economy, particularly the real estate industry.

Vice Mayor Diemer said he believed the tax proposal should be addressed during a public hearing to comply with state code. He read a statement acknowledging and apologizing for defamatory remarks made against Sean Hunter of the Peacemakers during the November 28, 2023 Council meeting. He requested that duplicative copies of the defamatory remarks under City control must be redacted or removed. He introduced a resolution for Council to direct City staff to take all legally permissible actions to protect the rights and dignity of Sean Hunter, including reviewing City-controlled digital content and enforcing the Council's Rules of Procedure; to formally acknowledge that defamatory statements were made against Sean Hunter at the November 28, 2023 Council meeting and violated the Council's Rules of Procedure; and to direct staff to propose updates to the Rules of Procedure to strengthen enforcement procedures regarding personal attacks and to establish ethical standards for broadcast and camera control; and the City Manager should report back to Council within 30 days of adoption with a summary of actions taken.

Vice Mayor Diemer motioned to adopt the proposed resolution.

Councilmember Misjuns called a point of order. He said that making motions during a work session were out of order.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to suspend the Rules of Procedure.

Mr. Freedman noted that part of the resolution included language about the Parliamentarian enforcing the Rules of Procedure. He explained that according to the Rules of Procedure, under Section 3.3, the Parliamentarian interpreted the Rules of Procedure as directed by the presiding officer or as required as a point of order. He said that it did not require the Parliamentarian to enforce the Rules of Procedure. He continued that, regarding the motion to suspend the Rules of Procedure, a two-thirds majority vote of Council was required to suspend the rules, but he had never enforced that rule because realistically, Council controlled the rules, so a simple majority could decide to suspend the two-thirds majority requirement. He said that staff should be able to review the resolution before it was adopted, because he had not had the chance to review it, nor had the Clerk.

Councilmember Misjuns called the question on the motion to suspend the Rules of Procedure.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer	4
Noes: Wilder, Reed	2
Absent: Faraldi	1

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt the resolution proposed by Vice Mayor Diemer.

Councilmember Misjuns apologized to Sean Hunter. He said that it should not have happened.

Vice Mayor Diemer emphasized that the issue still deserved justice and respect, and they should remove any copies of the defamatory remarks from social media.

Councilmember Wilder said that over the past two years, City Council had been the talk of the country because of its behavior, and they had been anything but nice to people, including dedicated staff members. He believed the motion was out of order.

Councilmember Reed said that the City Attorney had warned about discussing this matter at all, so she was not comfortable moving forward.

Councilmember Timmer expressed concerns that there was no way for people to respond when accusations were made against them. She said she supported the resolution.

Vice Mayor Diemer called the question.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer	4
Noes: Wilder, Reed	2
Absent: Faraldi	1

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to direct staff to set a public hearing regarding the vehicle personal property tax proposal and send out revised assessment notices.

Councilmember Misjuns said it was important to hold a public hearing to maintain transparency.

Vice Mayor Diemer stated that raising taxes without a public hearing was a clear violation of state code and emphasized the importance of compliance with the law.

Councilmember Wilder said he believed they were only directing staff to prepare the necessary materials, not to formally adopt the proposal.

Mr. Freedman stated that he did not believe City staff intended to violate any notice laws regarding the tax proposal. He anticipated that the public hearing and potential vote on the Transient Lodging Tax would occur that evening, and if the Real Estate Tax rate was not addressed, a budget would be brought forward in the near future to comply with Virginia law, with Council adopting a budget before July 1. He said that the plan would be noticed and presented before the public on July 8 or soon thereafter.

Mr. Patrick clarified that staff was aware that it would be illegal to adopt a Real Estate Tax rate above \$0.89 without proper notice. He explained that staff was asking for direction from Council to develop a plan that would meet Council's goals and the requirements of state code.

Councilmember Misjuns expressed concerns about the lack of revised assessment notices being sent to property owners. He said that they needed to resend the assessment notices with information advertising the new tax rate.

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Councilmember Faraldi called the question.

With no further discussion from the Council, the following vote was recorded:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

Councilmember Faraldi motioned to stand in recess until 7 p.m.

// The meeting recessed at 6:30 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of June, 2025 at 7:00 p.m. in the Council Chamber, City Hall, Mr. Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin

Misjuns, Jacqueline Timmer 7

Absent: 0

// Councilmember Misjuns led the invocation followed by the Pledge of Allegiance.

// In the matter of Consent Agenda, Agenda Item #1, copies of the minutes of the May 6, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Timmer, seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Budget, Agenda Item #2, Council conducted a public hearing in consideration of adopting an ordinance amending Section 36-223 of the Lynchburg City Code to increase the Transient Lodging Tax to 8.5% of the total amount paid for lodging and \$3.00 per room per night, excluding any other taxes levied thereon, by or for any transient to any hotel. Deputy City Manager Greg Patrick provided a summary of the request. At the request of the City Council, the City's Transient Lodging Tax on each transient is proposed to increase from 6.5% to 8.5% of the total amount paid for lodging and from \$1 to \$3 per room per night, excluding any other taxes levied thereon, by or for any transient to any hotel. These increases are to provide additional revenue from visitors to Lynchburg and reduce the real estate tax burden on citizens.

Adam Hall, Ward 4, speaking in opposition, said he was a small business owner in the City. He expressed concern that a proposed transient occupancy tax hike would hurt local businesses, deter tourism, and penalize the short-term rental industry, which employed his family. He questioned why the City was targeting one industry to make up for budget shortfalls, rather than exploring ways to decrease spending. He urged Council to vote no on the proposal and work towards a sustainable solution for Lynchburg's future.

Ed Virtue, representing Cornerstone Hospitality and speaking in opposition, wanted to remind Council that 3,000 of their constituents depended on hospitality and tourism in Lynchburg, with 7.9% of the workforce directly related to the industry. He noted that that Lynchburg was a declining occupancy town, with a 56% decline in occupancy compared to other cities like Roanoke, Charlottesville, and statewide. He said the proposed tax would put an undue burden on average daily rates and reduce the competitiveness of the City. He asked Council to work with the hospitality industry to find a solution that benefitted both the constituents and the industry.

Eric Terry, President of the Virginia Restaurant, Lodging, and Travel Association and speaking in opposition, said the proposed tax increase would put an undue burden on the hospitality industry, which was already struggling with below-average occupancy rates. He emphasized the importance of tourism marketing and noted that the industry had not been adequately studied for its potential impact. He highlighted the high cost of credit card fees and the potential for out-of-state visitors to take business elsewhere. He asked Council to reconsider the proposal and engage with the industry to find a solution that would not harm the local economy.

Cam Colquitt, Ward 1, speaking in opposition, presented two reasons why voting no was the best course of action for the City and its citizens. He argued that the proposed tax increase would not generate the expected revenue, as other cities had failed to achieve similar results. He estimated that the City would only collect 5% of the projected \$13 million, and this revenue would be offset by a 15% reduction in short-term rental properties, a 10% reduction in prospective short-term guests, and a 5% reduction in prospective hotel guests. He projected that this would result in a \$4 million reduction in local tourism.

Blair Godsey, owner of the Virginian Hotel, speaking in opposition, expressed concern about the proposed increases to the lodging and occupancy taxes. The new proposal to raise the lodging tax from

6.5% to 8.5% and the occupancy tax from \$1 to \$3 would make the City one of the most heavily taxed markets in Virginia. He said the proposal risked losing lodging, restaurant, retail, and tourism revenue. He offered a compromise, suggesting that Council set the lodging tax at 7.5% and the occupancy fee at \$2, which would keep the City competitive with other markets.

Shelley Waldeck, Director of Sales and Marketing at the Virginian Hotel, speaking in opposition, cautioned against raising lodging taxes, citing the challenges facing downtown Lynchburg, including construction and vacant storefronts, and warned that a tax hike could risk deterring visitors and harming the local economy.

Michael Nevarez, representing the Parry Restaurant Group and speaking in opposition, said that any measure that discouraged overnight stays, such as the proposed lodging tax increase, jeopardized the meals tax revenue. He urged Council to reconsider this proposal. A significant increase in hotel taxes risked making Lynchburg less attractive to visitors, which will have a direct and damaging impact on the broader hospitality economy, including restaurants, retail businesses, and the City's own tax base.

David Marple, speaking in opposition, said these visitor taxes may seem harmless, but they carried real consequences. He said that when they raised lodging taxes, they risked driving those visitors elsewhere and hurting the local hotels, short-term rentals, restaurants, and shops.

Grayson Ferguson, speaking in opposition, said he owned a woodworking operation which helped build the Virginian Hotel's interiors. He was concerned about the taxes he pays, including personal property tax on his aging equipment, water runoff on his 80,000 square foot roof, and insurance costs. He said it had been difficult to find qualified staff.

Andrea Hurtt, speaking in opposition, expressed frustration and concern about the proposed tax increase, stating that it would have a significant impact on residents' lives and would be nearly 40% higher than the current rate. She questioned the lack of public notice and a public hearing, and felt that the City was not addressing the issue of waste, fraud, and abuse. She also highlighted the disparity in salaries, comparing the City Manager's salary to that of the Vice President of the United States.

Megan Lucas, representing the Lynchburg Regional Business Alliance and speaking in opposition, urged reconsideration of the proposed lodging tax increase, citing its impact on business

travelers and the potential to discourage travel, limit growth, and increase costs for employers, which could jeopardize the regional economy and compromise fiscal responsibility.

Clerk of Council Alicia Finney stated there were eight voicemails.

Rebecca Neese, via voicemail and speaking in opposition, said she was a staff member at the Virginian Hotel, and she cited concerns that the proposed tax increase would deter guests and groups from staying at the hotel.

Britt Burney, via voicemail and speaking in opposition, said she was the General Manager of the Craddock Terry Hotel. She expressed concern about the lodging cost increase, citing the hotel's slow season and the impact it had on staff, who have struggled to get by during previous slow periods. She questioned the accuracy of projected revenue numbers, suggesting they may be based on outdated data and ignoring the potential for diminishing occupancy and a higher tax rate. She asked Council to consider the concerns of hospitality professionals and to listen to their warnings about the potential negative impact on the community and businesses.

Vicki Runk, via voicemail and speaking in opposition, expressed concerns that the proposed tax rates would harm the City's hospitality industry and deter future development. She pointed to Campbell County's more favorable tax environment, which had attracted new hotel projects, and argued that Lynchburg's proposed tax increase would create a competitive disadvantage and accelerate the relocation of new hospitality development outside the City.

Linda Furry, via voicemail and speaking in opposition, said she was a business owner, and she expressed concern about the potential tax increase on business owners, particularly those in the hotel and short-term rental industries. She said it would hinder business growth and opportunity in the City.

Charles Grant, via voicemail and speaking in opposition, expressed concerns about the proposed tax rates.

Liz McCormack, via voicemail and speaking in opposition, said she owned an Airbnb, and she expressed concern about taxes going up. She mentioned that her business was barely making any money.

Tom Brizzolara, via voicemail and speaking in opposition, said he owned two short-term rental properties. He expressed concern about the proposed tax increase, stating that there was no precedent

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or data to support it. As a business owner with two properties and another business in Lynchburg, he feared that the tax will hinder his ability to rent his properties, and he may be forced to relocate his business to a different location.

Emily Grant, via voicemail and speaking in opposition, argued that increasing taxes would negatively impact her long-term goals, including fixing up properties and providing for her children's retirement. She urged the consideration of keeping taxes the same.

Councilmember Timmer encouraged fellow councilmembers to review Natasha Cohen's email because she was planning a lodging project in Ward 4. She said that Ms. Cohen suggested a more moderate proposal of a 7.5% Lodging Tax rate and a \$2 nightly fee. She said that Ms. Cohen encouraged Council to consider reducing spending and the long-term impact on the City.

There was no one else wishing to speak, so the public hearing was closed and the matter rested with Council.

Councilmember Faraldi asked if the revenue generated from the increased tax could be allocated specifically to the Office of Economic Development or other tourism related projects. He noted concerns that were expressed regarding the City's lack of tourism investment. Mr. Patrick said that they could earmark the funds for economic development or tourism projects, however, it would not help to address the funding gap.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to increase the Transient Lodging Tax to 7.5% of the total amount paid for lodging and \$2.00 per room per night.

Councilmember Reed asked if there was a way for the City to offer incentives to the hospitality industry. Mr. Patrick said that staff could follow up with that information at a later meeting.

Councilmember Timmer expressed concerns over raising the Lodging Tax rate. She emphasized the importance of trusting the community's growth and investment, and not confiscating more than necessary, in order to maintain Lynchburg's prosperity.

Councilmember Misjuns said he did not support the increase to the Lodging Tax rate because of the impacts on the hotel industry.

Councilmember Misjuns made a substitute motion, seconded by Councilmember Timmer, to deny the proposed lodging taxes.

Councilmember Misjuns said that Council needed to be cautious with the tax rates. He said they needed to decrease spending instead of increasing taxes.

Councilmember Reed said the work session discussion centered on the lodging tax, with the goal of working together as good stewards of the community. She said a counteroffer was presented, which some stakeholders felt could lead to an agreement, and that was the proposal offered by Councilmember Faraldi.

Vice Mayor Diemer said they needed to support the tourism industry because it brought business and outside revenue. He questioned why they would burden one industry rather than propose spending cuts. He noted that there had been no serious spending cuts proposed during the budget process, and he finally heard some suggestions at the work session. He said he would not support the proposed Lodging Tax rate increases.

Councilmember Wilder said he did not support the substitute motion, and he did support the main motion. He emphasized the need to consider all of the revenue streams available to the City to ensure a certain quality of life for residents.

Mayor Taylor called the question on the substitute motion.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Taylor, Diemer, Misjuns, Timmer	4
Noes: Wilder, Faraldi, Reed	3

Vice Mayor Diemer called the question.

With no further discussion from the Council, the following vote was recorded on the motion to deny the proposed Lodging Tax rates:

Ayes: Taylor, Diemer, Faraldi, Reed, Misjuns, Timmer	6
Noes: Wilder	1

// In the matter of Budget, Agenda Item #3, Council conducted a public hearing in consideration of adopting an ordinance amending Section 5-6 of the Lynchburg City Code to make technical changes, increase rates, and create a new rate for Ambulance and Related Services offered by the City of Lynchburg's Fire Department. Chief Financial Officer Donna Witt provided the presentation to Council.

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Medicare allows for ambulance billing of up to 150% of Medicare rates. The City of Lynchburg has not changed ambulance rates since 2018 and currently charges well below the 150% allowed. These rate changes were provided by the third-party billing company contracted by the Lynchburg Fire Department and are being provided at the request of members of the City Council. Additional minor technical/grammatical changes have been made to the proposed ordinance since May 27, 2025.

Rise Hayes, Ward 1, speaking in opposition, shared her personal experience of having to weigh her health against the cost of medical care due to unaffordable ambulance services. She contracted COVID-19 twice, developed a sinus infection, and caught RSV, resulting in permanent damage to her vascular system and the development of POTS. She emphasized that increasing ambulance rates would make it even more likely for people her age to prioritize money over their health, citing a personal experience of having to pay \$1,500 for a one-block ambulance ride in 2012.

There was no one else to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Wilder motioned to adopt the ordinance.

The motion failed due to a lack of a second.

Councilmember Faraldi asked why the matter was on the agenda if Council was not going to vote on it. He noted that Councilmember Misjuns requested to consider the item.

Councilmember Misjuns said he had questions, but the motion was made before he could ask them.

// In the matter of Community Development, Agenda Item #4, Council conducted a public hearing in consideration of adopting Resolution #R-25-041 to approve the 2025-2029 Five-Year Community Development Block Grant and HOME Program Consolidated Plan and Program Year 2025 Annual Action Plan. Grants Manager Melva Walker provided a summary of the request. The Department of Housing and Urban Development (HUD) requires local governments, which receive federal community development funds, to prepare a five-year Consolidated Plan and an Annual Action Plan. The plans outline the City's needs, goals, and objectives for community development (both housing and non-housing areas). The City's 2025-2029 CDBG and HOME Program Consolidated Plan and Program Year 2025 (Fiscal Year 2026) Annual Action Plan consists of the following:

1. A housing and homeless needs assessment that describes the affordable housing needs of very low-income and low-income households, homeless families and individuals, and others with special needs.
2. A housing market analysis which profiles existing housing options and facilities to assist the homeless, identifies barriers to affordable housing, and reviews institutional and governmental capacities to develop and implement the Plan.
3. A Strategic Plan for addressing priority needs, including the priority non-housing community development needs eligible for assistance under the CDBG Program.
4. An Annual Plan which identifies the activities that will be undertaken to address priority needs and local objectives. The City will receive \$750,979 in CDBG entitlement funds and \$320,517.96 in HOME entitlement funds for the Program Year beginning on July 1, 2025.

Two public notices were placed in The News and Advance on Friday, May 9, 2025, for the 30-day public comment period, and on Sunday, May 25, 2025, for the 15-day public hearing notice and through social media. In accordance with the Council-adopted Citizen Participation Plan, the Community Development Advisory Committee (CDAC) conducted a public meeting on May 20, 2025, to review and discuss these two Plans. CDAC recommended that the documents be approved by the City Council.

City staff did not receive any public comments prior to, or after, the CDAC meeting. City Council and citizen comments received at the public hearing regarding the contents of the Consolidated Plan and Annual Action Plan will be incorporated into the final document and submitted to HUD for approval.

There was no one to speak in favor or opposition, either by phone or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Wilder motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-041.

Councilmember Wilder expressed gratitude for CDAC's work, particularly in involving community members in the distribution of CDBG funds. He acknowledged the efforts of numerous non-profits in the community, providing a range of services including housing, job training, and resources to combat poverty and homelessness.

Councilmember Timmer said she was excited about the funds being applied to homeownership programs.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of Public Comment, Agenda Item #5, Citizen Cynthia Via addressed Council regarding Lynchburg City Schools Board and Lynchburg City Schools health. She expressed her concerns about the safety and well-being of students at LCS schools, stating that the schools were not safe and that the current School Board was uncaring. She shared her daughter's near-death experience which had left her disabled, and she highlighted the need for the School Board to prioritize the schools' safety and well-being.

// In the matter of Public Comment, Agenda Item #6, Citizen Greg Berry, representing City Elders, addressed Council regarding the rainbow. He said that the rainbow belonged to God, and he encouraged everyone to share the true meaning of the rainbow and God's love. He asked Council to support the School Board's decision in banning a citizen from meetings for not following the rules of public comment.

// In the matter of Public Comment, Agenda Item #7, Citizen Tabatha Sprouse, representing GLTC, addressed Council regarding the GLTC Board of Director feedback on 2026 budget planning. She urged Council to read the submitted letter and expressed deep concern over the proposed 40% budget reduction, which would severely impact the community that GLTC served. She said the proposed cuts would result in a budget of roughly \$7.7 million for 2026, leading to longer wait times, fewer routes, increased travel costs, and loss of access for residents. She emphasized that public transportation was an essential investment in the City's economy, health, and future.

// In the matter of Public Comment, Agenda Item #8, Citizen Amanda Smithson addressed Council regarding the School Board candidates. She advocated for the appointment of April Watson to the School Board. She emphasized the importance of experienced individuals, particularly those with a background in child development and social work.

// In the matter of Public Comment, Agenda Item #9, Citizen Peter Cefaratti addressed Council regarding doing the math. He expressed frustration over the last-minute revelation of a potential tax increase, which

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he felt was unfair and confusing. He questioned why the discussion about the tax rate had not occurred earlier, and why it was being presented at the last minute. He also criticized the lack of discussion about cutting spending and being more efficient, suggesting that a group of rational citizens could have come up with solutions. He felt that the councilmembers were abandoning their responsibilities to the citizens of Lynchburg.

// In the matter of Public Comment, Agenda Item #10, Citizen Gary Taylor, representing Citizens for a Better Lynchburg, addressed Council regarding Bridges to Progress. He discussed the importance of reviving Bridges to Progress, a holistic approach to addressing poverty that was active in Lynchburg from 2013 to 2023. He said that Council should appropriate \$25,000 to \$50,000 to revive the program

// In the matter of Business, Agenda Item #11, Council considered adopting an ordinance to set the Real Estate Tax rate effective July 1, 2025. City Attorney Matthew Freedman provided the presentation to Council. Following the April 22, 2025 Public Hearing and further discussions during City Council work sessions, City Council will vote to set the Real Estate Tax rate effective July 1, 2025.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to amend the agenda and approve the following: direct staff to present a budget at a June 17 special meeting with the no-car tax plan as discussed during the work session and including \$1.4 million in budget cuts.

Councilmember Faraldi explained that the proposed tax rate discussed at the work session worked mathematically and resulted in a tax cut for most people. He said it incorporated \$1.4 million in spending reductions, a tax relief, and funding for increased teacher pay, saving schools, and increased step-pay for firefighters, police officers, and other public safety personnel.

Councilmember Faraldi clarified that the change in tax rate did not require a second notice to property owners under state code, but a publicly posted announcement of a hearing on the proposed new rate and an opportunity for citizens to speak was still required. He said the proposed tax rate would enable the largest investment in public safety in the City's history, the largest investment in LCS in years, tax relief for the middle class, no additional burden on lodging, and a reduction in overall spending. He asked for someone to come up with a better proposal. He asked staff if the public hearing had to be held on the coming Tuesday or the following.

Mr. Freedman said state code required advertisement for seven days before the public hearing.

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Councilmember Faraldi amended his motion to hold the special meeting on June 19.

Councilmember Reed agreed to the amendment.

Councilmember Reed explained that the proposed changes would benefit households by eliminating the car tax for those with cars valued at \$20,000 or less and reducing the rate for those with higher-valued cars, while also bringing back credits on the trash fee and DMV registration fee for a year. This, combined with \$1.4 million in cuts, would meet the targets they had discussed, delivering on promises and providing relief to both renters and homeowners, with 91% of households seeing a benefit.

Mr. Freedman said that Ms. Witt reminded him of an administrative waiting period required by the newspaper, which was typically three or four days in advance of the initial publication date.

Ms. Witt explained that if they submitted the advertisement by June 12 at 3 p.m., it would be published in the paper on June 14.

Mr. Freedman said they would be able to hold the public hearing on June 23 or June 24 if they advertised by June 14.

Councilmember Faraldi amended the motion to hold the public hearing on June 23.

Councilmember Reed agreed to the amendment.

Councilmember Misjuns asked what Real Estate Tax rate would be advertised.

Mr. Patrick said that they would advertise a Real Estate Tax rate of \$1.025 per \$100 of assessed value.

Councilmember Misjuns said that a landlord in Ward 4 with 225 units would likely increase rent by \$50 a month per unit, which would be unsustainable for many renters. He expressed concerns about the need for new notices to be mailed and a new public hearing to be held on the budget.

Mr. Freedman said he believed that a public hearing was not required on the budget since the revenues and expenditures were not changing, only the rates were adjusted. He said that he could not speak to the notice requirements at this time.

Councilmember Misjuns said that property owners should be notified of the proposed Real Estate Tax rate increase because it was so significant, from \$0.89 to \$1.025. He noted that the proposal was not a tax decrease because they were just shifting the burden around. He said that the tax increase would drive up rents and mortgage payments, and for him personally, he would pay more in taxes. He said that

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personal property was a luxury, and if the taxes were too high, people could easily trade in a vehicle, but people could not easily trade in a house.

Councilmember Faraldi said that for a home assessed at \$250,000 and two cars assessed at \$15,000, the property owners would receive a \$147 tax cut, or a 5.47% reduction. He said for himself, he would receive a \$37 tax reduction. He noted that at an equalized rate, property owners would still pay more in taxes. He also noted that Councilmember Misjuns had stated numerous times, on the record, that he wanted to eliminate the car tax. He said the proposal reduced taxes for more people in the City and reduced spending.

Councilmember Timmer said that policy should drive spending, not the other way around, and it was traditional to set rates before approving the budget. She said it was essential to address deferred maintenance for schools. She also suggested pursuing public-private partnerships to address the pool renovations. She said that if they wanted to achieve a tax cut, they should set the Real Estate Tax rate to the equalization rate and then consider reducing the personal property tax on vehicles. She expressed concerns about the impact on renters of increasing the Real Estate Tax rate.

Vice Mayor Diemer made a substitute motion, seconded by Councilmember Timmer, to set the Real Estate Tax rate at \$0.767 per \$100 of assessed value.

Vice Mayor Diemer said that the proposed tax rates would only benefit government and City Hall and they should set an equalized tax rate.

Councilmember Misjuns said that the proposal did not get rid of the car tax, and it only relocated the revenue source. He said that affordability was what brought events and attractions to the City, not its services or name. He pointed out that a 1% tax rate increase can reduce home values by 0.7% to 1.2%. He said that the proposal would negatively impact renters. He expressed concerns about the potential impact on the real estate market, citing the need for a more stable tax policy, and ultimately stated that he would support the motion for equalization.

Councilmember Timmer said she supported equalization throughout the budget discussion, citing her mission to address housing instability in the community. She emphasized the need for a sustainable approach to budgets, considering the economic realities.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

Councilmember Misjuns motioned to amend the original motion.

Councilmember Faraldi called a point of order. He stated that a motion could be amended twice or substituted once, but not both.

Mayor Taylor called a recess. Council recessed at 9:57 p.m. and reconvened at 10:03 p.m.

Councilmember Misjuns motioned to amend the original motion.

Councilmember Faraldi called a point of order. He stated that a motion could be amended twice or substituted once, but not both.

Mr. Freedman explained that under Rule 8 of Section 6.7 of the Rules of Procedure, if the substitute motion failed, the original motion can then be voted upon, and he believed the reason was to maintain efficiency.

Councilmember Misjuns stated that the Rules of Procedure did not prevent an amendment to a motion after a substitute motion was made. He said that since his amendment would not change the substance of the original language, it would not count as a substitute motion, so the amendment was in order.

Councilmember Misjuns motioned to amend the motion to change the amount in spending cuts to \$11.2 million and send out revised reassessment notices to property owners.

Mr. Freedman explained that according to the Rules of Procedure, an amendment was improper if it would have the same effect as rejecting the original motion, leaving it up to the Mayor to determine if the amendment was a rejection of the original motion.

Mayor Taylor ruled that the amendment was improper because the substance was a rejection of the original motion.

Councilmember Misjuns appealed the ruling.

With no further discussion from the Council, the following vote was recorded on the appeal.

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

The appeal was rejected.

Councilmember Misjuns motioned to amend the main motion, seconded by Vice Mayor Diemer, to send out revised notices of reassessment to property owners.

Councilmember Misjuns said they needed to notify property owners of the changes.

Vice Mayor Diemer said that the proposal was a sneaky tax increase, and it was only fair to notify property owners.

Councilmember Timmer said she was interested in a motion to divide the question.

Mayor Taylor called the question on the motion to amend.

With no further discussion from the Council, the following vote was recorded on the motion to amend:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

Councilmember Faraldi called the question on the original motion.

With no further discussion from the Council, the following vote was recorded on the motion to amend the agenda:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of City Code, Agenda Item #12, Council considered adopting Ordinance #O-25-042 amending Lynchburg City Code Section 11-160.1 to make technical changes and to allow the civil penalties described thereunder to apply to both residential and non-residential derelict structures. Clerk of Council Alicia Finney stated that the item was previously discussed by Council during the May 27 Business Item Briefings. Community Development Director Tom Martin provided the presentation to Council. The City of Lynchburg's 2025 Legislative Agenda requested that the General Assembly amend the Code of Virginia (§15.2-907.1) to remove the civil penalties exemption for derelict commercial or industrial buildings. Delegate Wendell Walker introduced HB2128 Derelict Buildings, removing the exemption for derelict commercial and industrial buildings and allowing cities to impose a civil penalty of \$500 per month as is currently allowed for residential properties. The Bill was passed by the General

Assembly and signed by Governor Glen Youngkin. The amendments will become effective July 15, 2025, and technical changes were made to the proposed ordinance since 05/27/2025.

Councilmember Misjuns motioned to deny adopting Ordinance #O-25-042.

The motion failed because it did not receive a second.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to adopt Ordinance #O-25-042.

Vice Mayor Diemer asked about the current penalties, what they are changing from, and what they are changing to. Mr. Martin replied that homes without utilities for a year can be fined \$500 a month to encourage repairs. This doesn't apply to businesses.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Timmer	6
Noes: Misjuns	1

// In the matter of Business, Agenda Item #13, Council considered approving a standard procedure for voting on School Board appointments. Clerk of Council Alicia Finney stated that the item was previously discussed during the May 27 Business Item Briefings.

Current Method: Motion / Second / Substitute Motion / Vote

- A Councilmember makes a motion to appoint a nominee.
- Another Councilmember must second the motion.
- The Council then votes on the motion.
- Only one substitute motion may be made at a time.

Proposed Method: Ballot Voting

- Councilmembers nominate candidates.
- Discussion is held among Councilmembers.
- Each member casts a single written ballot vote.
- Ballots are read aloud, and each member's vote is publicly announced.
- A majority of votes is required to appoint a candidate.
- If no candidate receives the necessary majority in the initial ballot, a runoff is initiated. The runoff includes the top two candidates with the highest vote counts. If there's a tie for the second-highest

votes, all tied candidates proceed to the runoff of their own before going up against the candidate with the first-highest votes.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to approve the current procedure.

Councilmember Reed said that the procedure had worked in the past, so there was no need to change it.

Councilmember Misjuns believed that School Board appointments, and all Council appointments, should be made transparently during open session, including setting salaries for Council appointees. He said he supported a process similar to how they elected the Mayor and Vice Mayor.

Councilmember Misjuns made a substitute motion to approve the proposed ballot voting procedure.

The motion failed because it did not receive a second.

Mayor Taylor called the question on the main motion.

With no further discussion from the Council, the following vote was recorded on the main motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Timmer 6

Noes: Misjuns 1

// In the matter of Business, Agenda Item #14, Council considered finalizing the list of School Board candidates to interview for appointments, or reappointments, to vacancies that will exist June 30, 2025, in School Board Districts I, II, III. At its May 27th meeting, City Council began its selection of candidates to interview. The list will be finalized and interviews will be conducted ahead of the June 24th City Council meeting where appointments will ultimately be made.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt the list of School Board candidates.

Councilmember Misjuns said he was excited about the slate of candidates.

Clerk of Council Alicia Finney announced that interviews were scheduled for June 12, from 9 a.m. to 1:15 p.m. and on June 13, from 4 p.m. to 8:45 p.m.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

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Noes:

0

// The meeting adjourned at 10:44 p.m.

Clerk of Council

June 12, 2025

// A special called meeting of the Council of the City of Lynchburg was held on the 12th day of June, 2025, at 9:00 A.M. in the Council Chamber, City Hall, for the purpose of interviewing candidates to the Lynchburg City School Board for Districts 1, 2, and 3 for terms beginning July 1, 2025. Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer 7

Absent: 0

// Council proceeded to conduct 30-minute interviews with the following candidates: Rev. Nigel Alleyne, District 1; Marques Bush, District 1 (virtual); Liza Gijanto, District 1; Myke Barron, District 2.

// The meeting was recessed at 11:00 a.m.

// City Council reconvened the meeting at 11:15 a.m. The following members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer 7

Absent: 0

// Council proceeded to conduct 30-minute interviews with the following candidates: Deborah Trefzger, District 1; Dr. Karin Warren, District 1; Dr. Brenda Farmer, District 3; Tori Howard, District 3.

// The meeting adjourned at 1:09 p.m.

Clerk of Council

June 13, 2025

// A special called meeting of the Council of the City of Lynchburg was held on the 13th day of June, 2025, at 4:00 P.M. in the Council Chamber, City Hall, for the purpose of interviewing candidates to the Lynchburg City School Board for Districts 1, 2, and 3 for terms beginning July 1, 2025. Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer 7

Absent: 0

// Council proceeded to conduct 30-minute interviews with the following candidates: Gloria Preston, District 3; Corey Thomas, District 3; Selina Morgan, District 1; Jack Collins, District 2 (virtual)..

// The meeting was recessed at 5:54 p.m.

// City Council reconvened the meeting at 6:15 p.m. The following members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer 7

Absent: 0

// Council proceeded to conduct 30-minute interviews with the following candidates: Dr. Harvey Klamm, District 2; Jibri Poe, District 2; Sheron Simpson, District 2; Karen Storer, District 2; April Watson, District 2.

// The meeting adjourned at 8:47 p.m.

Clerk of Council

June 23, 2025

// A special meeting of the Council of the City of Lynchburg was held on the 23rd day of June, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin

Misjuns, Jacqueline Timmer 7

Absent: 0

Councilmember Faraldi motioned, seconded by Councilmember Reed to adjourn the meeting citing a predetermined understanding that there was insufficient support of the No Car Tax Plan.

Mayor Taylor adjourned the meeting.

// The meeting adjourned at 7:01 p.m.

Clerk of Council

June 24, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of June, 2025 at 4:11 p.m. in the 2nd Floor Conference Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of the Budget, Agenda Item #1, Council conducted a work session on the FY 2026 Budget. Chief Financial Officer Donna Witt and Deputy City Manager Greg Patrick provided a presentation to Council outlining several proposed budget scenarios, including the City Manager's proposed budget, an \$0.86 Real Estate Tax rate proposal, an \$0.83 Real Estate Tax rate proposal, and a \$0.76 Real Estate Tax rate proposal.

Vice Mayor Diemer expressed support for an equalized Real Property Tax rate because it kept tax dollars in the pockets of property owners. He said he wanted to introduce a motion to set the Real Property Tax rate at \$0.767 per \$100 of assessed value.

City Attorney Matthew Freedman said that Council would have to suspend its Rules of Procedure before considering a motion during a work session.

Councilmember Misjuns questioned the 14% increase for the City Manager's Office salaries and benefits, noting it was significantly higher than the 3% general wage increase for the rest of the City.

Mr. Patrick said there were several factors at play, including a previously vacant position being filled and an additional increase for the City Manager provided by Council. He said that staff could follow up with more specific information.

Councilmember Misjuns questioned the continued consideration of a 3% general wage increase for all City staff, given that four council members had publicly stated that the priority should be a public safety pay progression plan and teacher funding.

Mr. Patrick said that if Council directed staff at a meeting not to fund the Cost of Living Adjustment for general City staff, they would remove it from the budget. He said that staff wanted to avoid stratifying the organization, and he stated that they should apply the same benefits across the organization.

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Councilmember Misjuns expressed concerns about the staff assumption that salary increases should be automatically funded. He said that Council should have to vote to include salary increases.

Mr. Patrick said that was not how the City Charter worked. He explained that the Charter appointed the City Manager as the budget commissioner and charged him with proposing a budget based on information submitted by City departments. He said that after the City Manager proposed the budget, it was up to Council to accept it, deny it, or change it.

City Manager Wynter Benda said that if four councilmembers did not support the 3% general wage increase for City staff, they could remove it from the budget proposal.

Councilmember Wilder believed that City workers deserved a 3% raise to reflect the increasing cost of living. He emphasized the importance of maintaining quality of life in the City, including its institutions, parks, and schools, and acknowledged that a raise would help keep city staff from leaving for other counties. He said he was willing to compromise on the budget, but he wanted to maintain the 3% raise for general staff.

Councilmember Reed emphasized that the cost of living increase should not be limited to just the police and fire departments, but rather should be given to all essential departments, including IT, water, social services, and others, as they were equally important and played a crucial role in the City's operations. She pointed out that the City was not unique in facing cost increases, and that other businesses and individuals in the City had also seen increases. She said that the City's wasteful spending claims were unfounded because she had not seen any evidence. She explained that the City, like every business, was facing inflated costs for goods and services, which was affecting its budget. She emphasized that the City was not buying luxury items, but rather essential goods and services to function, and it was trying to balance the need for quality workers with the need to help taxpayers.

Councilmember Faraldi said that if they reviewed the \$0.83 proposal, he wanted to maintain funding for the City Manager's Office data analyst position, the Economic Development and Tourism support for the Lynchburg Regional Business Alliance, the Fire Pulse Point app, the library online cataloging, drop-off recycling sites, court preparation and expert testimony fees, and social services administration. He estimated the total cost to be around \$660,000 if they maintained these items. He suggested deferring the Cost of Living Adjustment to January. He asked staff to provide information on

the total cost of the 15.89 vacant FTEs. He suggested that if Council had to remove currently filled FTEs, they should incorporate a minimum of 3 months' severance pay, and this could be funded through contingencies.

Councilmember Timmer expressed frustration with the missed opportunities for discussion on budget cuts, particularly the absence of a vote on a Real Estate Tax rate and the limited public dialogue. She reiterated her willingness to negotiate on rates, but felt disheartened by the missed opportunity to hear public comment, which she believed was an essential part of their job.

Councilmember Misjuns asked if they had filled the Assistant Director of Tourism, Assistant Director of HR, or Assistant Director of Economic Development positions. Mr. Patrick said that the Assistant Director of Tourism position had been filled. He said they were undergoing recruitment for the Assistant Director of Economic Development and Assistant Director of HR positions. Councilmember Misjuns suggested stopping recruitment for those positions. He said that instead of cutting funding for filled positions, they should remove funding for vacant positions. Mr. Patrick emphasized the importance of considering the goals and objectives of each department when making decisions about reductions, and he encouraged Council to trust department directors and business managers to identify key resources critical to their success, rather than making arbitrary cuts based on position cost or vacancy.

Councilmember Misjuns suggested that if the item were put to a vote, Council would likely support directing the staff not to eliminate positions with people in them and to find alternative solutions for vacant positions. Mr. Patrick warned that it would negatively impact the organization's ability to provide Council's desired level of service. He said that the departments had determined that several of the vacant positions were critical to their missions. He said that arbitrarily deciding which positions to eliminate without using staff expertise was a concern, as it could lead to unnecessary reductions rather than targeted cuts to the proposed budget.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to suspend the Rules of Procedure and direct staff to consider eliminating vacant positions before filled positions.

Vice Mayor Diemer suggested that staff should prioritize eliminating vacant positions that had been vacant for more than six months.

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Councilmember Misjuns amended his motion to suspend the Rules of Procedure and direct staff to consider eliminating vacant positions before filled positions and prioritize eliminating positions that were vacant for more than six months.

Councilmember Faraldi said he did not support the motion because they were in a work session to understand the figures, not set policy.

Vice Mayor Diemer said he hoped that Council could have a serious discussion about spending reductions.

Councilmember Faraldi asked if the Rules of Procedure would be reinstated after the motion was voted upon. City Attorney Mr. Matthew Freedman said that the Rules of Procedure would be reinstated because the motion was limited to a specific purpose. He asked for clarification as to whether the proposed motion was specific to the positions listed in the materials before Council. He said that there may be departments that had not offered vacant positions because they were critical to operations. He noted that the motion may be encroaching on the Council/Manager form of government.

Councilmember Reed expressed concerns about removing positions that were critical to departments. She said she did not support the motion on the floor if it would put departments at risk.

Councilmember Timmer expressed concerns that they were having the first reading of the budget without setting the Real Property Tax rate first. She said she supported setting an equalized Real Property Tax rate. She said that she had discussed an \$0.83 Real Property Tax rate and an audit committee with the Mayor, but she had not seen any progress with that discussion.

Councilmember Faraldi said he was open to a discussion on prioritizing eliminating vacant positions or on setting an \$0.83 Real Property Tax rate. He said he did not believe the motion on the floor was appropriate and expressed concerns regarding the way Council was conducting business.

Councilmember Misjuns amended his motion to exclude public safety positions from consideration. Vice Mayor Diemer agreed to the amendment.

Councilmember Wilder was disappointed with Council's micromanagement of the City Manager and the budget process. He said that Council should choose one of the scenarios presented by staff.

Councilmember Misjuns withdrew his motion. Councilmember Misjuns said that if Councilmembers wanted to raise taxes, they should tell citizens where they should cut back on spending.

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Councilmember Faraldi suggested compromising on an \$0.83 Real Estate Tax rate.

Vice Mayor Diemer said he was fully in favor of not funding the 3% cost of living increase. He said that the City needed to have a full, detailed audit that reviewed individual expenditures, and it needed to establish an audit committee.

Councilmember Misjuns said he wanted to eliminate trash fees and DMV license fees for two years, or at least one, by reducing the fund balance from 11.8% to 10% of general fund revenue. He expressed concerns about the internal auditor working in the finance department, citing a charter requirement that the auditor be appointed by Council. He said that the capital improvement projects were concerning to him, and he mentioned the incomplete plaster repairs at RS Payne Elementary. He pointed to the example of the Miller Park pool project, where a \$500,000 fix was an option, but it was not presented to Council, and instead, a \$12 million rebuild was recommended by staff. He questioned the decision-making process and the lack of transparency, stating that it was hard to get answers from staff.

Councilmember Reed said she wanted to include funding for items that were removed under the \$0.83 Real Estate Tax rate proposal, including tools, equipment, contractual services, uniforms and apparel, and training equipment and props for Fire and Rescue as well as law enforcement supplies and protective wear for Police. She noted that the pool project presented by staff did not only address leaks in the pool itself, but it included a complete renovation and redesign of the facilities and grounds. She noted that the bathrooms needed to be renovated, and the City would realize cost savings by doing all of the repairs and renovations at once rather than piecemeal.

Councilmember Faraldi said he did not support funding for conferences for Fire and Rescue. He said he did not support funding for third-party promotion assistance because department leadership should be able to make those decisions. He noted that the cost for investigation services and apparel and protective wear for the police were relatively minor and should be kept in the budget. He also proposed exploring the idea of an audit committee, but was skeptical about hiring an additional staff member to serve as an auditor.

Councilmember Timmer suggested moving funding for one of the communications positions to support an auditor position directly reporting to Council. She noted that, regarding Miller Park pool, it

could be repaired for \$500,000, but no repair projects were presented to Council. She said that an internal auditor could help improve City processes and keep them accountable.

Councilmember Faraldi said he supported funding for the zoning enforcement position. He said he would rather remove funding for the online library cataloging and other smaller items to keep funding for the position. He asked if staff needed any further direction from Council.

Mr. Patrick said that if Council wanted to add back the items noted by Councilmembers, they were closer to an \$0.84 Real Estate Tax rate than \$0.83. He said that if Council wanted to establish an audit committee, staff needed to know whether it would require a new staff position. He noted that an auditor would also require support staff.

Councilmember Timmer said that Council could fund an audit position for one year with one-time funds, or they could appoint the elected Treasurer to oversee the audit functions.

Councilmember Faraldi said that Council could instruct the treasurer to perform such functions, according to the Charter. He said that Council should consider establishing an audit committee to work with the Treasurer rather than establish a whole new department.

Mr. Patrick said that if they hired an auditor for one year with one-time funds, it would be difficult to recruit someone and have them complete an audit in that timeframe.

Councilmember Reed said she supported starting with an audit committee.

Councilmember Misjuns said he supported deferring the cost of living salary adjustments to January.

Councilmember Faraldi said he would support deferring the Cost of Living Adjustment even though it would have budget implications for the following year.

Councilmember Misjuns said he would support maintaining funding for GLTC over funding the Cost of Living Adjustment for City staff. He suggested that they could reduce the Cost of Living Adjustment from 3%.

Councilmember Faraldi said he would support reducing it to 2% to maintain funding for GLTC instead of deferring the Cost of Living Adjustment to January.

Councilmember Wilder said he supported a 3% Cost of Living Adjustment effective July 1.

Councilmember Reed said she supported a 3% Cost of Living Adjustment effective July 1.

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Mr. Patrick said that if they were to restore all of the reductions suggested by Council, including Fire and Rescue, Police, and GLTC, and move to a 2% cost of living salary adjustment, it would require an \$0.84 to \$0.845 Real Property Tax rate. He said that staff could draft an ordinance with that level of expenditure.

Councilmember Faraldi suggested having staff present the expenditures and tax rate as the first item on the regular meeting agenda.

Councilmember Misjuns said he would accept that proposal if Council agreed to adopt a rate.

Mr. Patrick said that staff would present on the budget reductions that were restored and the corresponding tax rate to meet the expenditure requirements.

Councilmember Faraldi emphasized that the conversation had been productive, and only four votes were required to make the proposal happen. He said the funds primarily benefited teachers, police officers, and firefighters. He proposed that Council recess until the regular meeting.

// The meeting recessed at 6:25 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of June, 2025 at 7:00 p.m. in the Council Chamber, City Hall, Mr. Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin

Misjuns, Jacqueline Timmer 7

Absent: 0

// Vice Mayor Diemer led the invocation, followed by the Pledge of Allegiance.

// In the matter of Item Not on the Agenda, Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to amend the agenda to allow anyone who was present at the meeting on June 23 an opportunity to speak during Public Comment.

Councilmember Faraldi said that if people wanted to speak during public comment, they should sign up prior to the meeting. He explained that the public hearing and item before Council at the meeting the night before failed and was no longer considered by Council. He said he would be voting against the motion.

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Councilmember Wilder said he would vote against the motion because there had already been several opportunities for public comment.

Councilmember Timmer voiced frustration over the lack of public input at the prior meeting.

Councilmember Misjuns said that they had to prioritize listening to public comment. He explained the last meeting was not officially adjourned, so he seconded a tax rate motion before the work session. He supported letting people speak since they did not get a chance earlier.

Councilmember Faraldi said the tax motion was not allowed because Council was in recess. He's filing a FOIA request because Vice Mayor Diemer and Councilmembers Misjuns and Timmer met after the recess without public notice or minutes, which he says breaks state law. He believes the motion was an attempt to make that unofficial meeting seem official.

Vice Mayor Diemer said it was right to stay and hear the public, even if the meeting was not official. He said no action was taken, just listening and prayer. He criticized those who left and said he would do it again, even if it broke the rules. He believes their rights come from God, not the government.

Councilmember Reed explained the public hearing was legally required due to proposed tax increases, but it was not the first chance for public input since citizens had shared feedback for months. She said the meeting was adjourned early because the measure would not pass, no debate was planned, and Council would present and discuss the budget at tonight's meeting instead. She called the question.

Councilmember Timmer stated her desire to read an email into the record, addressed to the City Attorney, regarding the Rules of Procedure and the legality of the meeting the night before.

Mr. Freedman advised that if the letter was addressed to him, it could have elements of attorney-client privilege, but he did not know the contents of the communication.

Mayor Taylor permitted Councilmember Timmer to read the email.

Councilmember Timmer read the email into the record. She expressed concerns about the violation of transparency and accountability rules during a public meeting on June 23, 2025, regarding a Real Property Tax proposal. She pointed out that a motion to adjourn was made without a recorded vote, violating the rules that require a vote for procedural motions, including adjournments.

Mr. Freedman said the City Attorney represents the City, not individual members, and only the Council can waive privilege. He said the meeting ended properly when most members left, so no

business could happen. The Mayor's adjournment was valid, and that the Rules of Procedure were for Council's convenience and efficiency.

Mayor Taylor accepted full responsibility for the issues arising from adjourning the meeting the night before. He called the question.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

Mayor Taylor asked people in the gallery to raise their hands if they were present at the last meeting and wished to speak. He noted that five people raised their hands.

// In the matter of Public Comment, Agenda Item #1, Citizen Rise Hayes addressed Council regarding religious freedom violations. She raised concerns about promoting religious beliefs in public schools, saying it could violate the First Amendment. She noted the difficulty of choosing one religious viewpoint and pointed out that private schools already offer faith-based education.

// In the matter of Public Comment, Agenda Item #2, Citizen Jeff Rosner addressed Council regarding School Board Appointments. He noted School Board candidates who supported including Creationism in LCS curriculum. He said that teaching Creationism in LCS would violate the Constitution as well as Virginia's Standards of Learning and accreditation requirements. He submitted materials to the Clerk related to his comments.

// In the matter of Public Comment, Agenda Item #3, Citizen Greg Berry, representing the City Elders, addressed Council regarding evil. He expressed concern about the moral direction of the City. He opposed the proposed tax increase, called for equalizing the Real Estate Tax rate, and urged the Mayor to follow God's guidance or step down.

// Councilmember Misjuns called a point of order. He said that Council adopted a motion that allowed everyone who wished to speak at the previous meeting the opportunity to speak, not just five people.

Councilmember Faraldi motioned to listen to five people who wished to speak at the previous meeting.

The motion did not receive a second and failed.

Mayor Taylor said that six people would be allowed to speak.

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// In the matter of Public Comment, Item Not on the Agenda, Citizen Sam Howe addressed Council regarding vehicle personal property tax proposal. He argued that lowering the Real Estate Tax rate would mostly benefit large corporations, while lowering the vehicle tax would provide broader relief to local residents.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Peter Cefaratti addressed Council regarding concerns about the June 23, 2025 meeting. He said that the meeting could have been adjourned appropriately or handled differently. He said that Council should have listened to public comment, even if they were not considering the proposal.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Rise Hayes addressed Council regarding treatment of the City Manager. She said it was unfair to blame him for budget decisions made by Council and suggested the criticism could be grounds for legal action if it continued.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Ron Storer addressed Council regarding impacts of taxes. He expressed concerns about how a Real Property Tax increase would impact him since he was on a fixed income. He said he would be happy for corporations like Walmart to have lower taxes because it may mean that they reduce the price of groceries.

// In the matter of Public Comment, Item Not on the Agenda, Citizen David Ream addressed Council regarding lowering the tax rates. He expressed concerns about the increases to his property taxes. He said he appreciated that Council would lower taxes for corporations because it encouraged business in the City. He said he was on a limited income, and he requested that Council eliminate the vehicle Personal Property Tax rate and lower the Real Property Tax rate below equalization.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Beth White addressed Council regarding concerns about the June 23, 2025 meeting. She said that the meeting felt hostile and intimidating. She called for more respectful dialogue, noting that many residents are struggling financially and hoping for practical solutions like vehicle tax relief.

// In the matter of Water Resources, Agenda Item #4, Council considered adopting Resolution #R-25-043 to direct the notification of the Campbell County Utilities and Service Authority (CCUSA) of the City's intention to enter into a new water contract on July 1, 2027, while also reserving the right to renegotiate the terms of the City's current contract with the CCUSA. Clerk of Council Alicia Finney stated that the item

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was previously introduced at the June 10 PDC meeting. Director of Water Resources Tim Mitchell provided the presentation to Council. The current water contract between the City of Lynchburg and Campbell County Utilities and Service Authority (CCUSA) expires on June 30, 2027. By contract, the City must notify CCUSA in writing by June 30, 2025, of our intent to renew or terminate the contract. Failure to notify will result in an automatic 10-year renewal under the current terms beginning July 1, 2027. Staff will provide an overview of the current contract and a previous Contract Supplement that is still in effect, along with recommendations for the contract extension.

At its June 10, 2025 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Timmer brought the committee's recommendation for approval forward as a motion to adopt Resolution #R-25-043. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// In the matter of Community Development, Agenda Item #5, Council considered introducing Resolution #R-25-044 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$15,000 to fund a wayfinding system for the Dunbar Community Schoolyard. Clerk of Council Alicia Finney stated that the item was previously discussed by the Finance Committee on June 24, 2025. Director of Community Development Tom Martin provided the presentation to Council. The Department of Community Development has been awarded a \$15,000 Flagship Grant from the 2025 AARP Community Challenge Grant Program to fund a wayfinding system for the Dunbar Community Schoolyard. The Grant will provide funds for pedestrian-oriented wayfinding signs to be placed at entrances to the schoolyard.

At its June 24, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion to adopt Resolution #R-25-044. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

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// In the matter of Fire Department, Agenda Item #6, Council considered introducing Resolution #R-25-045 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$12,269 to purchase Personal Protective Equipment (PPE) for the Fire Department. Clerk of Council Alicia Finney stated that the item was previously discussed by the Finance Committee on June 24, 2025. Fire Chief Greg Wormser provided the presentation to Council. The VDFP administers this grant to lessen the economic burden for localities. The Fire Department was awarded a grant for PPE. This grant is 100% reimbursable; no local match is required.

Councilmember Misjuns noted that the turnout gear was specifically designed for hot weather, and there was no local match required.

At its June 24, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion to adopt Resolution #R-25-045. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Budget, Agenda Item #8, Council considered appointing School Board members for terms beginning July 1, 2025, in Districts I, II, and III. Clerk of Council Alicia Finney stated that Council held interviews on June 12 and June 13. Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year.

Additionally, due to a voluntary resignation effective June 30, 2025 from a member in District II, a forthcoming vacancy has been created that will also need to be filled.

Mayor Taylor opened the floor for appointments for District I.

Councilmember Faraldi motioned to appoint to Marques Bush for District I.

There was no second, so the motion failed.

Councilmember Wilder motioned to appoint Selina Morgan for District I.

There was no second, so the motion failed.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to appoint Rev. Nigel Alleyne for District I.

Councilmember Misjuns said he had known Rev. Alleyne for a long time, and he would be dedicated to the position. He noted his education experience through his church.

Vice Mayor Diemer said he had known Rev. Alleyne for a long time. He said that Rev. Alleyne was a calming influence and would be good for the School Board.

Councilmember Timmer said she supported Rev. Alleyne due to his background and capacity for collaborative approaches.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Misjuns, Timmer 5

Noes: Wilder, Faraldi 2

Mayor Taylor opened the floor for appointments for District II for a new term.

Councilmember Reed motioned, seconded by Councilmember Faraldi, to appoint Myke Barron to a new term for District II.

Councilmember Reed said she had known Mr. Barron for a few years. She said he was a parent of LCS students and a former teacher, so he understood the issues within the schools.

Vice Mayor Diemer made a substitute motion, seconded by Councilmember Timmer, to appoint Dr. Harvey Klamm for District II.

Vice Mayor Diemer said that Dr. Klamm was his childhood soccer coach. He noted Dr. Klamm's extensive experience, wisdom, and administrative expertise. He said that Dr. Klamm would bring success to LCS.

Councilmember Timmer said that Dr. Klamm's experience was essential for the School Board. She encouraged everyone to watch his interview.

Councilmember Wilder said he did not support the appointment of Dr. Klamm. He said that School Board members should have public school experience, and Dr. Klamm did not have any.

Councilmember Reed maintained her support for Mr. Barron because he had children in LCS. She noted that Dr. Klamm had private school experience, but he did not have public school experience, which was necessary to address the issues LCS was facing.

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Mayor Taylor said he supported Mr. Barron because of his ties to the community.

Councilmember Faraldi said he would be voting against the substitute motion because he believed Mr. Barron should be considered for a full term.

Councilmember Misjuns said he supported Dr. Klamm. He expressed concerns about an after-school program Mr. Barron ran called Hot Topics, where students discussed various topics, including politics. He said that parents had stated they did not want teachers discussing those things with students, and as a parent, he did not want teachers or anyone discussing topics such as politics, gender, or sexuality with students.

Mayor Taylor called the question on the substitute motion.

With no further discussion from the Council, the following vote was recorded:

Ayes: Diemer, Misjuns, Timmer	3
Noes: Taylor, Wilder, Faraldi, Reed	4

Councilmember Faraldi clarified that Mr. Barron facilitated an after-school program in Texas where students could debate various topics. He noted that the program did not include any instruction. He shared a similar experience from when he was in high school, where he engaged in debates with peers, and it led to valuable discussions and learning how to remain civil.

Vice Mayor Diemer said he questioned each applicant about the \$10,000 grant E.C. Class received for an LGBTQ-friendly safe room, asking if they would have accepted it. He said that he did not intend for the question to be a litmus test, but he thought it would show a candidate's character. He said that he thought the School Board was right in denying the grant because it did not pertain to education. He said he could not support a candidate who would accept the grant.

Councilmember Timmer said she respected Mr. Barron's leadership and dedication to the community, but she would support other candidates.

Councilmember Misjuns asked how being appointed to the School Board would impact Mr. Barron's job as a bus driver.

City Attorney Matthew Freedman said that they would have to look into it since all LCS employees were appointed by the School Board, so Mr. Barron may not be able to maintain his position.

Councilmember Misjuns said he was afraid of people creeping into the school system to indoctrinate students. He noted that the grant for E.C. Glass was funded by the It Gets Better Project, which was associated with an organization called the Trevor Project. He expressed concerns about the source of funding because the projects supported gender affirming care. He encouraged Mr. Barron to protect the students of LCS like they were his own kids.

With no further discussion from the Council, the following vote was recorded on the motion to appoint Myke Barron to a new term for District II:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

Councilmember Faraldi motioned, seconded by Councilmember Reed, to appoint Jibri Poe to the vacant position on the School Board for District II.

Councilmember Timmer made a substitute motion, seconded by Councilmember Misjuns, to appoint Dr. Harvey Klamm to the vacant position on the School Board for District II.

Councilmember Timmer acknowledged the need to balance various factors within the school division, and she highlighted the strengths of Dr. Klamm, including his outside perspective and experience.

Councilmember Faraldi said he supported Mr. Poe for his dedication, for being a parent of LCS students, and for his community engagement. He noted that Dr. Klamm had no experience in LCS, and the School Board needed more members who were parents of LCS students. He said he would be voting against the substitute motion.

Councilmember Misjuns supported Dr. Klamm because he was a Virginia State certified superintendent and had an exceptional background in policymaking. He said that LCS needed a fresh perspective, and Dr. Klamm offered that.

Councilmember Reed noted that Mr. Poe worked part-time in the City's group-home, and he understood the needs of students. She said that working with and mentoring students was a valuable strength when addressing issues like truancy, behavior, and academic problems. She said that Dr. Klamm lacked relatability to the specific problems students in the school system faced.

Councilmember Wilder questioned the motives of people who had not volunteered for LCS but wanted to serve on the School Board. He said that School Board members should have a vested interest in LCS.

Vice Mayor Diemer said that Dr. Klamm had public school experience because he supervised Liberty University students who worked as student teaches in LCS. He noted that this was the same thing his mom did. He said that Dr. Klamm had a proven track record of improving academic scores and had the support of teachers. He said that the School Board needed an older, wiser voice, and Dr. Klamm had that voice.

Councilmember Faraldi said that the School Board did not need more administrators, professors, teachers, or doctors. He said that they needed parents on the School Board. He said he would vote against the substitute motion.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Diemer, Misjuns, Timmer	3
Noes: Taylor, Wilder, Faraldi, Reed	4

Councilmember Timmer said she would support Mr. Poe's nomination. She encouraged people to watch Mr. Poe's interview, because having children in LCS was not part of the questioning. She said that Mr. Poe would bring a culture of honor to the School Board.

Councilmember Misjuns said he would support Mr. Poe's nomination because Mr. Poe had proposed consolidating the City Government and LCS IT departments since they were located in the same facility. He noted that he had advocated for consolidation for years.

Vice Mayor Diemer said he would support Mr. Poe's nomination.

Councilmember Wilder said he would support Mr. Poe's nomination.

Ms. Finney stated that she had received Councilmember Misjuns' statement of disclosure that he was the member of a group representing spouses of teachers employed by LCS, but he was able to consider the matter impartially.

With no further discussion from the Council, the following vote was recorded on the motion to appoint Jibri Poe:

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Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

Mayor Taylor opened the floor for appointments for District III.

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to appoint Dr. Brenda Farmer for District III.

Councilmember Wilder made a substitute motion, seconded by Councilmember Faraldi, to appoint Gloria Preston for District III.

Councilmember Wilder said he appreciated Ms. Preston's experience as a former principal, administrator, and School Board member. He noted her continued involvement in the school system. He highlighted the need for her insight and dedication to support the new superintendent.

Councilmember Faraldi said that while he strongly disagreed with Ms. Preston's voting record, he recognized the value of her experience, which he believed was crucial for effective governance.

Councilmember Timmer praised Dr. Farmer's heart, ability to hold people accountable, and kindness.

Councilmember Reed believed that Ms. Preston's experience and continuity would be necessary for the School Board.

Councilmember Misjuns said he would be voting against the substitute motion. He said that Dr. Farmer brought a new perspective to the School Board.

Vice Mayor Diemer said that Dr. Farmer was his assistant chief at the Liberty University voting precinct, and he commended her for preparing students to vote. He said the truancy problem was getting worse, and they needed to address the school-to-prison pipeline, and Dr. Farmer would be able to address those issues.

With no further discussion from the Council, the following vote was recorded on the substitute motion to appoint Gloria Preston for District III:

Ayes: Wilder, Faraldi, Reed 3

Noes: Taylor, Diemer, Misjuns, Timmer 4

With no further discussion from the Council, the following vote was recorded on the motion to appoint Dr. Brenda Farmer for District III:

Ayes: Taylor, Diemer, Reed, Misjuns, Timmer 5

Noes: Faraldi, Wilder 2

// Council recessed at 9:15 p.m. and reconvened at 9:25 p.m.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to reconsider the appointment of Jibri Poe to the School Board after regular business.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Reed, Misjuns, Timmer 6

Noes: Wilder 1

// In the matter of Budget, Agenda Item #7, Council conducted a first reading on the adoption of the FY 2026 Budget. Chief Financial Officer Donna Witt presented to Council. Following the April 22, 2025 Public Hearing and further discussions during City Council work sessions, including staff adjustments, the Proposed FY 2026 General Fund Budget was reconciled as follows:

	FY 2026 Proposed Budget	Adjustments	FY 2026 Adopted Budget
Revenues and Use of Fund Balance			
Revenues	\$242,314,644	(\$7,157,313)	\$235,157,331
Use of (Additions to) Committed/Assigned Fund Balance Reserves	1,438,988		1,438,988
Use of Fund Balance	9,036,650	4,030,440	13,067,090
Total Revenues and Use of Fund Balance	\$252,790,282	(\$3,126,873)	\$249,663,409
Expenditures, Reserves, and Transfers			
Operating	\$166,736,855	(\$3,021,414)	\$163,715,441
Debt Service	19,266,289		19,266,289
Schools Operations	42,072,111		42,072,111
Greater Lynchburg Transit Company (GLTC) - City Operating	1,879,308		1,879,308
Transfers to Other Funds	1,398,906		1,398,906
External Service Providers	10,707,926	(105,459)	10,602,467
Addition to Reserve: General Fund Reserve for Contingencies	1,200,000		1,200,000
Addition to Reserve: Law Library	3,488		3,488
Addition to Reserve: Public Safety Building	56,412		56,412
Addition to Reserve: Recreation Programs	75,417		75,417
Transfer to School Capital Projects Fund	950,000		950,000
Transfer to City Capital Projects Fund	8,443,570		8,443,570
Total Expenditures, Reserves, and Transfers	\$252,790,282	(\$3,126,873)	\$249,663,409

Fund Balance

With the adjustments noted above, the Unassigned General Fund Balance as of June 30, 2026 is projected to be \$24,349,125 or 10.4% of revenues. City Council's target for Unassigned General Fund Balance is a minimum of 10% of General Fund revenues with a goal of 15% as the City strives to grow incrementally each year subject to revenues available.

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Ms. Witt reviewed the budget items which were added as a result of the work session discussion: a data analyst position in the City Manager's Office; the short-term rental monitoring service and zoning official position in Community Development; Lynchburg Regional Business Alliance partnership funding; the Pulse Point app, the reduction for minor tools, equipment, and contractual services, training equipment and props, conference funding, and uniforms and apparel for the Fire Department; apparel and protective wear, the reduction in investigation services, and law enforcement supplies for the Police Department; online cataloging for the Library; drop off recycling for Public Works; court preparation and expert testimony fees for Social Services; GLTC component funding; and the 3% COLA for City staff was reduced to 2.5% effective July 2.

Councilmember Misjuns asked if the figures included the waiver of trash fees, DMV license fees, and the reduction of fund balance to 10% of general fund revenues.

Ms. Witt said they included a one-year waiver of the trash and DMV license fees with one-time funds by reducing the fund balance.

Councilmember Wilder expressed concerns about the programs and services which remained unfunded in the budget, such as the senior citizen center, the Jackson Heights Center, the naturalist program, and the downtown library closure. He said he wanted citizens to understand the budget impacts.

Councilmember Faraldi noted the desire for a staffed position for the proposed audit committee. He suggested removing \$100,000 from the unassigned fund balance to align it with the audit committee. He said they could then fully define the role of the auditor position and use the funds to support the position with full knowledge of what they would be used for. He asked if Councilmember Timmer supported this proposal as a compromise.

Councilmember Timmer said she continued to support an equalized Real Property Tax rate. She emphasized the value of establishing an audit committee to check growth in City government. She said she was worried that the audit committee would not amount to what they intended for it to be.

Councilmember Faraldi suggested that the Mayor appoint Councilmember Timmer and himself to serve on the committee to ensure it was established properly.

Councilmember Wilder expressed interest in serving on the committee.

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Councilmember Faraldi said he would support Councilmember Wilder in his place. He said he would second a motion from Councilmember Timmer to set the Real Estate Tax rate and approve the audit committee appropriations as proposed.

Councilmember Timmer said she was not willing to make that motion.

Councilmember Faraldi said he did not want to appropriate funds for a position without establishing what the position would entail. He said he did not agree with an audit committee because the City already had an audit process, but he was willing to compromise. He noted that during the work session and private conversations, Councilmember Timmer needed funds to support the audit committee. He asked if Councilmember Timmer supported an \$0.84 Real Property Tax rate.

Councilmember Timmer said she did not support an \$0.84 Real Property Tax rate, partially due to the nature of the conversation.

Councilmember Faraldi noted that Councilmember Timmer had expressed support for an \$0.83 Real Property Tax rate. He said he was compromising on the audit committee, and there were \$3.1 million worth of spending cuts to the budget, yet Councilmember Timmer was backing out of the compromise.

Councilmember Timmer said the audit committee stood on its own merits, and she supported an equalized Real Estate Tax rate. She said she was concerned about the follow-through from Council, but she hoped their conversations would continue.

Councilmember Faraldi asked what he could do to alleviate the concerns over trust.

Councilmember Timmer said that was a discussion she would have behind closed doors, but she would not have it in public.

Councilmember Faraldi asked at what rate the vehicle Personal Property Tax rate would have to be set to effectively have an \$0.84 Real Property Tax rate. Mr. Patrick said that the vehicle Personal Property Tax rate would have to be set to \$3.00 to provide the same value of tax relief as an \$0.84 Real Property Tax rate.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to set the Real Property Tax rate to \$0.767.

June 24, 2025

Mayor Taylor ruled Councilmember Misjuns out of order. He said that Councilmember Faraldi retained the floor.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to hold a special meeting on the night of June 30, 2025 for the second reading of the budget and to consider setting the vehicle Personal Property Tax rate to \$3.00 per \$100 of assessed value.

Councilmember Misjuns made a substitute motion to hold a special meeting at 10 a.m. on June 30, 2025 for the second reading of the budget and to consider setting the vehicle Personal Property Tax rate to \$3.00 and the Real Estate Tax rate to \$0.82.

Mr. Patrick said that if the vehicle personal property tax was reduced to \$3.00, and Council wanted to maintain sufficient funds for the budget, the Real Estate Tax rate would need to remain at \$0.89.

Councilmember Misjuns said that setting the vehicle Personal Property Tax rate to \$3.00 and the Real Estate Tax rate to \$0.82 would further reduce the tax burden by \$1.8 million below equalization.

Councilmember Reed expressed concerns about the games that other councilmembers were playing with the budget process. She noted that they were being accused of being untrustworthy, yet all attempts at negotiation and compromise were now being reneged. She said that staff had been abused by councilmembers for three months during the budget process.

Councilmember Misjuns withdrew his substitute motion.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to hold a special meeting at 10 a.m. on June 30, 2025 for the second reading of the budget and to consider setting the vehicle Personal Property Tax rate to \$3.00 and the Real Estate Tax rate to \$0.84.

Councilmember Faraldi said he would oppose the substitute motion.

Councilmember Misjuns said the budget included \$249,663,000 in expenditures, a \$14 million increase from last year's budget. He emphasized the need to rein in spending and proposed a substitute motion that would create a revenue-neutral budget, reducing spending by about \$11.2 million. He pointed out that this is a historic tax increase. He reiterated his commitment to smarter spending, stating that he opposed projects such as amphitheaters, reimagined municipal projects, or moving the municipal

complex and courts, and he did not support \$14 million in new spending. He emphasized that his substitute motion aimed to put citizens first and protect their wallets.

Councilmember Timmer said she supported an equalized real estate tax rate. She said they should consider the opportunities before them.

Councilmember Faraldi said he would be voting against the substitute motion.

Vice Mayor Diemer reiterated his proposal for a \$0.767 equalized rate, which he had tried to implement, and he expressed frustration that the City was now considering a different approach. He said his original proposal was a \$0.75 Real Estate Tax rate, but he compromised on the equalized tax rate. He said that an equalized tax rate would not defund critical programs or services, and the City would receive the same, if not more, revenue.

Councilmember Reed said lowering the Real Estate Tax rate equally would cause 32 job losses, including 16 filled positions, within a week. It would also mean cutting the 3% cost of living raise, reducing school funding, and cutting \$9.3 million from city services like public safety, schools, and social services, which would greatly affect residents.

Councilmember Wilder expressed his opposition to the substitute motion, citing a broken process. He thanked his former colleagues for successful past budget processes. He said he had never experienced a budget process like the current one.

Councilmember Timmer offered an amendment to the substitute motion to set the vehicle personal property tax to \$2.95 and the Real Estate Tax rate to \$0.83. She said that she supported a revenue-neutral budget. She expressed concerns over the difficulty of accessing information from department leadership, debating budget line items, and reviewing the impacts of an equalized Real Estate Tax rate. She suggested amending the budget process to align it more with past processes.

Mayor Taylor called the question on the substitute motion.

Ms. Finney clarified that the motion proposed holding a special meeting on Monday, June 30, 2025 at 10 a.m. to conduct a second reading of the budget, reduce the vehicle personal property tax to \$2.95, and set the Real Property Tax rate to \$0.83.

Mr. Patrick said that the proposed rates were equivalent to a rate lower than equalization, so Council would need to find \$5 million in additional reductions.

June 24, 2025

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

With no further discussion from the Council, the following vote was recorded on the original motion to hold a special meeting on June 30, 2025 at 10 a.m. to conduct a second reading of the budget and set the vehicle Personal Property Tax rate to \$3.00:

Ayes: Taylor, Wilder, Faraldi, Reed, Misjuns, Timmer 6

Noes: Diemer 1

Councilmember Misjuns motioned, seconded by Councilmember Faraldi, to set the Real Property Tax rate to \$0.767 per \$100 of assessed value.

Councilmember Misjuns expressed frustration with the budget process. He specifically pointed out \$14 million in new spending, a 5.6% increase, which he could not support.

Councilmember Wilder opposed the motion. He noted that the \$0.89 Real Estate Tax rate also resulted in budget cuts to vital community resources, such as the senior center.

Councilmember Timmer said she hoped they could craft a budget that grew at the rate of inflation.

Councilmember Reed said she could not support an equalized Real Estate Tax rate because of the budget cuts which would be required.

With no further discussion from the Council, the following vote was recorded on the motion to set the Real Property Tax rate to \$0.767:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

Councilmember Faraldi motioned, seconded by Councilmember Reed, to adopt Ordinance #O-25-046 increasing the Water, Sewer, and Stormwater Rates.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Wilder, Reed, Timmer 4

Noes: Diemer, Faraldi, Misjuns 3

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to consider introducing Ordinance #O-25-047 appropriating the FY 2026 General Fund Operating Budget (excluding Discretionary External Service Providers and Schools Operating Budget).

Councilmember Faraldi said they eliminated the \$10 trash fee and \$35 DMV fee, cut \$3.1 million in spending, and funded teacher pay raises and public safety increases. Depending on Monday's meeting, they would also reduce personal property tax significantly. He supported funding police, firefighters, and teachers and was okay losing votes over it. Some jobs would be cut, but he aimed to provide severance and consider affected employees for other city roles.

Councilmember Misjuns made a substitute motion, seconded by Councilmember Timmer, to adopt the Public Safety budget of \$58,826,627, and the Judicial Administration budget at \$7,171,390.

Councilmember Misjuns said this would fully fund the requests for public safety and the criminal justice system. He noted that the proposed budget included about \$450,000 less in funding for public safety and judicial administration, which he could not support.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Taylor, Diemer, Reed, Misjuns, Timmer 5

Noes: Wilder, Faraldi 2

Councilmember Misjuns clarified that the motion was to appropriate funds for public safety and judicial administration at the original FY 2026 request in the operating budget and the general fund expenditures as shown in the ordinance.

Councilmember Faraldi said he would be voting against the motion, and he would renew his motion to pass the proposed budget once the motion on the table failed. He expressed concerns about restoring funding for apparel, conferences, and third-party promotional assistance when they had to consider cuts elsewhere.

Mr. Patrick clarified that Council would need to find almost \$634,000 in reductions in other areas of the budget.

Councilmember Misjuns stated that the judicial administration funding was a relatively small cost of \$50,000, and emphasized the importance of maintaining previous investments in the Sheriff's Office

and the Commonwealth Attorney's Office. He also highlighted the critical role of the Fire Department's administrative and emergency management positions. He noted that his proposal restored a \$100,000 match for capital equipment, and it was typically better to have a neutral third-party be involved in public safety promotional processes. He said that part-time personnel for the Sheriff's Office were force-multipliers. He said that apparel funds were important because they needed to ensure firefighters and officers were not doing their jobs with holes in their clothes.

Councilmember Wilder said he did not support the new motion because it added an additional \$600,000 to the budget that needed to be addressed.

Mayor Taylor called the question.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

Councilmember Faraldi asked the Mayor where he would find \$600,000 to address the delta.

Mayor Taylor said that they would find the revenue through an \$0.84 Real Property Tax rate.

Councilmember Faraldi said he would not support an \$0.84 Real Estate Tax rate, so they needed to find another means of closing the \$600,000 budget gap.

Councilmember Misjuns motioned, seconded by Councilmember Reed, to consider introducing Ordinance #O-25-048 appropriating the FY 2026 Discretionary External Service Providers Budget for Impact Living Services.

Councilmember Misjuns said that this was a great investment because it provided mental health support for first responders.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

Councilmember Faraldi motioned, seconded by Councilmember Reed to approve the rest of the FY 2026 General Fund Operating Budget. With no further discussion from Council, the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer

3

Councilmember Faraldi motioned, seconded by Councilmember Reed, to consider introducing Ordinance #O-25-049 appropriating the FY 2026 Operating Fund Budgets for all other funds.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer

7

Noes:

0

Ms. Finney noted she received Councilmember Misjuns' disclosure that he was a member of a group called Spouses of Teachers employed by LCS.

Councilmember Faraldi motioned, seconded by Councilmember Timmer, to consider introducing Ordinance #O-25-050 appropriating the FY 2026 Schools Operating Budget by major classification.

Councilmember Misjuns made a substitute motion, seconded Councilmember Timmer, to fund LCS at the operating request of the School Board of \$119,913,199 in accordance with the submitted FY 2026 line item.

Councilmember Misjuns said that this would fully fund the request from LCS.

Councilmember Faraldi called a point of order. He said his motion was to adopt the LCS operating budget by major classification, but the substitute motion provided uncategorized funding, which was different from the nature of his motion.

Councilmember Misjuns clarified that he was discussing a discrepancy between the FY2026 budget and the ordinance, specifically a \$840,000 difference between the two.

Ms. Witt said that the difference was attributed to state revenue.

Mr. Patrick explained that LCS originally requested an additional \$5.4 million in local funding, but the City Manager proposed \$2.7 million to cover salary increases. The state provided an additional \$1.9 million, and the School Board adopted a final budget that included this extra revenue. He said that as a result, the school was now receiving about \$2.7 million less from the City than originally requested, but \$2 million more from the state.

Councilmember Misjuns said he wanted to fully fund the original request by category. He said that page 187 in the budget, the agency submitted column.

Mr. Patrick said that this would require Council to find another \$900,000 in budget reductions, and it would provide \$900,000 more than the School Board requested. He said that in total, Council had to find \$1.5 million in additional cuts.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

With no further discussion from the Council, the following vote was recorded on the motion to appropriate the FY 2026 Schools Operating Budget by major classification:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

Councilmember Faraldi motioned, seconded by Councilmember Reed, to consider introducing Ordinance #O-25-051 adopting the FY 2026 - 2030 Capital Improvement Program and appropriating the FY 2026 Capital Budget.

Ms. Witt stated that there was an added signal project at Enterprise Drive and Duncraig. Wiggington Road intersection improvements were also included.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to repair the Miller Park pool project with \$500,000 and eliminate the library renovation project funding.

Councilmember Timmer suggested an amendment to increase the pool renovation funding to \$1 million and provide funding to repair plumbing issues at the library.

Councilmember Misjuns amended his motion, agreed to by Vice Mayor Diemer, to provide \$1 million for Miller Park pool repairs and \$1 million for library repairs.

Councilmember Misjuns expressed frustration with the proposed budget, citing \$25-30 million for a reimagination of the Miller Park pool and the public library, which he deemed unnecessary. He argued that the library should be left to the library board to make decisions, and that the funds could be better spent addressing the financial struggles of citizens, such as rising real estate taxes and grocery prices. He specifically pointed out the \$600-a-year increase in real estate taxes, which would add \$75 a month to a homeowner's mortgage payment.

Vice Mayor Diemer expressed his concerns about the proposed pool and library projects, stating that most people in Ward 3 will not benefit from them and that he was not convinced about the necessity of the projects. He wanted to vote in a way that did not meet the promises made by other people. He said that they had to stop making promises. He questioned the decision-making process, suggesting it was a last-minute, knee-jerk reaction, and expressed doubts about the effectiveness of the proposed solutions.

Councilmember Reed noted that they were about to allocate \$2.6 million to benefit a development project, but they were only allocating a combined \$2 million to address the library and pool projects. She did not support the substitute motion.

Councilmember Timmer said she supported the substitute motion. She said she supported keeping Miller Park pool open through alternative routes, such as public-private partnerships or repairs. She emphasized the need to reduce debt service. She said that additional funds could be added to the CIP if needed.

Mayor Taylor called the question on the substitute motion.

With no further discussion from the Council, the following vote was recorded:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

Councilmember Timmer motioned, seconded by Councilmember Misjuns, to suspend the Rules of Procedure and divide the question on the main motion to address Wiggington Road separately.

Councilmember Faraldi called a point of order. He said that it was not in their Rules of Procedure to divide the question.

Councilmember Misjuns said that the motion was to suspend the Rules of Procedure.

Councilmember Timmer said she supported the road improvement project. She encouraged people to attend her town hall to discuss the budget process.

With no further discussion from the Council, the following vote was recorded on the motion to suspend the Rules of Procedure:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to adopt the Wiggington Road improvement project funding in the CIP.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to adopt the FY 2026 - 2030 Capital Improvement Program and appropriating the FY 2026 Capital Budget.

Councilmember Misjuns said he would be voting against the motion because of the pool and library project funding. He said they did not need to be doing exorbitant projects with tax payer dollars. He said he supported school infrastructure funding. He would not oppose repairing the library and pool to keep them operational, but he could not support the whole CIP.

Councilmember Timmer said she supported the schools and keeping the pool and library open. She said what had been represented in various capacities was incongruent, so she would not support the CIP.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to consider introducing Ordinance #O-25-052 appropriating \$50,000 of the FY 2026 Reserve for Contingencies for use by the City Manager.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed, Timmer 5

Noes: Diemer, Misjuns 2

Mr. Patrick suggested holding the next item, "*Consideration of adopting an ordinance setting the Personal Property Tax Relief Rate at 100.00% for January 1, 2026 through December 31, 2026*", until Council addressed the property tax rate on Monday. There was a consensus from Council.

Councilmember Misjuns motioned, seconded by Councilmember Faraldi, to consider adopting Ordinance #O-25-053 prohibiting charging certain trash collection fees in the City for FY 2026.

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With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

Councilmember Misjuns motioned, seconded by Councilmember Faraldi, to consider adopting Ordinance #O-25-054 prohibiting charging motor vehicle license fees in the City for FY 2026.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

Ms. Finney stated that Agenda Item, "*Consideration of adopting an ordinance prohibiting charging motor vehicle license fees in the City for FY 2027*" was pulled.

// In the matter of Appointments and Vacancies, Agenda Item #16, Mr. Freedman suggested that if Council were to reconsider the appointment of Jibri Poe for School Board, they should conduct a brief closed session.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to table the item to reconsider.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to enter into a closed session pursuant to Virginia Code § 2.2-3711-A(8) to receive legal advice regarding a School Board appointment.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

The substitute motion became the main motion and the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

// The meeting was reopened to the public.

// Councilmember Misjuns made the following motion:

June 24, 2025

WHEREAS, the Council of the City of Lynchburg 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 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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 resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Timmer, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Diemer, Misjuns, Timmer	4
Noes:	0
Absent: Wilder, Faraldi, Reed	3

// Councilmember Misjuns withdrew his motion to reconsider. Councilmember Misjuns motioned, seconded by Councilmember Timmer, to adjourn.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer	4
Noes:	0
Absent: Wilder, Faraldi, Reed	3

// The meeting adjourned at 12:12 a.m.

Clerk of Council

June 30, 2025

// A special meeting of the Council of the City of Lynchburg was held on the 30th day of June, 2025 at 9:30 a.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of Budget, Agenda Item #1, Vice Mayor Diemer motioned, seconded by Councilmember Timmer, to direct staff to create an ordinance to set the Real Estate Tax rate at \$0.84 per \$100.

Councilmember Faraldi said the point of this called meet was to set the real estate rate, not to direct staff.

Mayor Taylor said the ordinance has already been set and was included in their packets.

Vice Mayor Diemer revised his motion to state that he would like to set the Real Estate Tax rate at \$0.84.

Councilmember Timmer supported the revision and stated that she has been a big proponent of equalization, which means the City would receive more revenue but is less than the proposed budget, so it is a reduction in the proposed increase. She recognized that this is a body of equals, and they all have to come to the table to determine where compromise can occur.

Councilmember Reed expressed frustration with the budget process, stating the City Manager's proposed \$0.89 tax rate reflected shared priorities. She believed Council was moving toward a compromise at \$0.86, preserving most citizen priorities. She was disappointed when some members pushed for an \$0.83 rate and called a special meeting without broader input. She criticized the lack of transparency, exclusion of other members, and attacks on staff, saying it undermines trust and safety. She would not support the \$0.84 rate due to how the process was handled and urged a return to the 86-cent compromise.

Vice Mayor Diemer stated he supports equalization for increased revenue and noted the Templeton Center's option to buy back its facility. While appreciating efforts to keep facilities open, he stressed prioritizing needs over wants. He agreed with Councilmember Reed about process issues and

last-minute proposals lacking full revenue details. Despite supporting equalization, he backs the \$0.84 tax rate to avoid burdening residents.

Councilmember Misjuns said he has supported equalization, noting the City received more revenue than projected in 2024. He called the original \$11.2 million tax increase challenging to reduce and stated that the \$0.84 rate cuts \$4.5 million of it. He stated how Social Services cuts were misrepresented, pointing out most funding is from state and federal sources. He also highlighted an unjustified 14.1% salary increase in the City Manager's budget and said his questions on this and Jackson Heights revenue went unanswered. He supports the \$0.84 rate as the lowest achievable to restore priorities.

Councilmember Timmer stated she supports the \$0.84 rate, though she has backed equalization. She appreciated the collaboration over the weekend, especially Councilmember Misjuns' effort in restoring funding to key programs. She noted discussions about reducing the City Manager's proposed salary increase from 14.1% to 4% to help preserve the downtown library. She criticized the late timing of budget details, calling it an inappropriate process, but was glad for the time between readings to make adjustments. She will support the \$0.84 rate, though she prefers option B.

Councilmember Wilder said he did not support the \$0.84 nor all the other cuts from last week. He asked how much additional funding would be cut by adopting \$0.84 and where those cuts would come from.

Deputy City Manager Greg Patrick explained that the \$0.84 rate generates the same revenue as the first budget reading, assuming the car tax remains unchanged. He noted Councilmembers have expressed interest in restoring about \$480,000 in services, including Jackson Heights, the Templeton Center, Social Services, and others.

Councilmember Wilder asked if they have identified funding sources for the additional \$600,000 for the police department.

Mr. Patrick responded that it's already built into the budget as reflected in their packets.

Chief Financial Officer Donna Witt said that was done with the 2.5% instead of 3% for City staff.

Councilmember Wilder noted school staff are getting a 3% raise, while City staff get 2.5%. He listed key cuts from the latest budget, including closures of the downtown library, Jackson Heights art

studio, Templeton Senior Center, the Nature Zone, the DSS burial program, two DSS Family Service jobs, juvenile services, case manager jobs, reduced museum hours, reduced advertising for tourism, and various other cuts. He emphasized Lynchburg's growth is due to past investments and that staff warned for months that reducing the tax rate would harm services. He opposed the \$0.84 rate and supported 89 cents, questioning how the City can maintain services without increased funding.

Councilmember Faraldi called the question.

With no further discussion from the Council, the following vote was recorded on the motion to set the Real Estate Tax rate at \$0.84:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

// In the matter of Council's advertised schedule, Councilmember Faraldi motioned to cancel the 10:00 a.m. meeting for June 30. Councilmember Reed seconded the motion. Councilmember Faraldi clarified that the agenda included the second reading of the budget. Council agreed by consensus.

// In the matter of the Consent Agenda, Council conducted a second reading and adopted Ordinance #O-25-048 appropriating the FY 2026, Discretionary External Service Providers Budget. On motion of Councilmember Faraldi, seconded by Councilmember Reed, Council by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Consent Agenda, Ordinance #O-25-050 appropriating the FY 2026 Schools Operating Budget by major classification. On motion of Councilmember Faraldi, seconded by Councilmember Reed, Council by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

//In the matter of Budget, Council conducted a second reading and adopted Ordinance #O-25-047 appropriating the FY 2026 General Fund Operating Budget (excluding Discretionary External Service Providers and Schools Operating Budget).

Councilmember Faraldi asked if staff had recommendations on how to reconcile some of the differences.

Mr. Patrick said that staff's recommendation at this point would be that Council adopt the second reading of the budget at the same level of expenditure and the same level of revenue and include these services for restoration, then allow staff to come back on August 26 with recommendations to either lower expenditures at that point or look at revenue increases to fit them within the budget, which will allow these services to be restored in the budget beginning July 1.

Councilmember Faraldi said his recommendation would be to do an offset on the cost of living to whatever is needed for the Jackson Arts Center and the Templeton Center at bare minimum, if that is an approach that could still be included on August 26.

Mr. Patrick responded that it could not, and they would need to make adjustments to the cost of living adjustment prior to today because it would go into effect on July 2; if they want to lower the cost of living adjustment, they would have to do so today. He said what they would recommend on August 26 would not include adjustments to personnel, only non-personnel savings, and they are currently at a difference of less than half a million dollars. He clarified that the items listed would be held over for now, and in August they would come back and find ways to keep them going in the future.

Councilmember Faraldi motioned that Council adopt Ordinance #O-25-047 appropriating the FY 2026 General Fund Operating Budget (excluding Discretionary External Service Providers and Schools Operating Budget).

Councilmember Reed seconded the motion.

Councilmember Misjuns offered a substitute motion to adopt Option A, which has been shared with all members and reviewed by staff. He noted that staff confirmed its viability in an email earlier that morning, stating it offers a workable way to balance the budget. He emphasized that Option A clearly outlines what is included and excluded, and ensures restoration of funding for the Jackson Heights Art Center, Templeton Senior Center, and key Social Services positions.

Vice Mayor Diemer seconded the motion.

Councilmember Misjuns said what he had provided to staff over the weekend was intended to ask them first if it was viable, prior to it coming before Council. He noted that staff had confirmed in their memorandum response earlier that morning that this would work at \$0.84.

City Attorney Matthew Freedman asked for clarification of the changes reflected in the ordinance before them in the substitute motion.

Mr. Patrick stated that it was what Councilmember Misjuns outlined and includes restoration of Jackson Heights, the Templeton Center, and human services positions and social services administration.

Councilmember Misjuns confirmed that and noted that he had provided a copy of this to the clerk to include for the record, reflected in Option A.

Councilmember Misjuns asked if he could incorporate the email and memorandum response from staff this morning to include that with the record.

Vice Mayor Diemer voiced support for preserving the Jackson Heights facility and its equipment, expressing hope for a future public-private partnership. He clarified he did not propose cutting the program. He also visited the Templeton Center and noted that, under the MOU, the center could purchase the building for \$1 if the City relinquishes it – an option some board members might prefer. He emphasized that Option A keeps the center open and restores Social Services cuts. While he wished these issues had been addressed sooner, he supports the substitute motion.

Councilmember Reed noted the proposed 2% cost of living adjustment rather than 3% and begins in January instead of July. She emphasized that the City Manager did not make cuts to the departments; when he found out that the proposed rate of \$0.89 was going to be lowered, he had to ask department heads to submit what they would cut if equalization became a reality. She said that in an effort now to save what some of those cuts will need to be, some of her colleagues are advocating for lowering the pay raises. She stated that she would be supporting the original motion, which is to give staff the full increase or at least the 2.5%.

Councilmember Timmer voiced strong support for Option B, which restored the Templeton Senior Center, Jackson Heights Art Studio, Social Services positions, and the downtown library. She noted it achieved this through a 3% cost-of-living adjustment, aligning with inflation and benefiting pensions. She

explained the additional revenue would come from under-projected meals and lodging taxes and new development not factored into equalization. She also highlighted the City Manager's Office proposed 14.1% salary increase, suggesting reducing it to 4% to help fund the library. While she preferred Option B due to her involvement, she supported the substitute motion for Option A.

Councilmember Faraldi said he would be voting against the substitute motion.

Mr. Freedman clarified that the motion on the table is to adopt Ordinance #O-25-047 appropriating the FY 2026 general fund operating budget, excluding discretionary external service providers and schools operating budget, with the caveat that Option A is now included which has been made part of the record; Option A reduces City staff cost of living cost of living adjustment to 2% effective January 1, 2026 to achieve significant savings: \$1,068,816 balances the budget by fully funding public safety and judicial administration, restoring social services administration cuts, and reinstating the Jackson Heights Art Studio; \$68,499 and Templeton Senior Center, \$92,860, contingent on finding; \$40,034 in addition to revenue or savings.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

Councilmember Faraldi stated that he would be supporting his initial motion and asked that they vote on that and move onto the next item.

Councilmember Misjuns said he would vote against the motion, expressing concern over the lack of written financial details. He emphasized the need for assurance that funding for public safety would not be reduced to cover other priorities.

Mayor Taylor asked Mr. Patrick to make every effort to preserve key programs and jobs following the budget vote.

Mr. Patrick confirmed that a vote in favor of the motion would keep the listed programs intact and that none of the recommendations for cuts were coming from public safety.

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Councilmember Misjuns offered an amendment to the motion, including the restoration of the items as mentioned but reducing the increase in the City Manager's office that was proposed at 14.1% increase down to 4%, totaling \$123,202.

Vice Mayor Diemer seconded the amendment to the motion.

Councilmember Misjuns supported reducing the City Manager's Office increase to align with other departments as a fair way to recover funds.

Vice Mayor Diemer stressed that it is Council's responsibility to decide how money is spent. He urged voting on the amendment now and taking full responsibility for the final budget.

Councilmember Reed urged trust in staff's plan to keep programs open, with final approval by Council in August. She opposed cutting worker pay and rejected the "witch hunt" motion.

Councilmember Timmer clarified that the funding change for the City Manager's Office involves reducing a 14.1% salary and benefits increase down to 4%.

Councilmember Faraldi asked staff to confirm the salary increase percentage if Council approved a 2.5% raise. City staff confirmed it would be 2.5%.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

Councilmember Faraldi asked that the Mayor call the question on the original motion.

Councilmember Timmer expressed support for restoring the list items but opposed the motion due to the lack of clear funding path.

With no further discussion from the Council, the following vote was recorded on the original motion:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of Budget, Council conducted a second reading of Ordinance #O-25-049 appropriating the FY 2026 Operating Fund Budgets for all other funds.

Councilmember Faraldi motioned to adopt the ordinance #O-25-049 appropriating the FY 2026 Operating Fund Budgets for all other funds.

Councilmember Reed seconded the motion.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// In the matter of Budget, Council conducted a second reading of Ordinance #O-25-051 adopting the FY 2026–2030 Capital Improvement Program and appropriating the FY 2026 Capital Budget.

Councilmember Misjuns offered a motion to adopt the school improvements portion of the FY 2026–2030 Capital Improvement Program and associated budget.

Vice Mayor Diemer seconded the motion.

Councilmember Misjuns said he wanted to go on record for his support of school infrastructure and wanted to vote on this as a standalone item.

Vice Mayor Diemer said he agreed it should be a standalone vote, as they definitely need to support their schools and repair their crumbling infrastructure, which has been neglected for years.

Councilmember Faraldi offered a substitute motion to approve the capital improvement program as a whole.

Councilmember Reed seconded the motion.

Councilmember Faraldi said those wanting a separate schools vote missed negotiation chances and should simply vote against the entire budget if opposed. He criticized last-minute presentations blamed on staff and urged Council to decide and vote on the full package.

Councilmember Reed pointed out that the first reading—which included the schools, the pool, and the library—was what they voted on and agreed to do. She said in the second reading, they also included the Wiggington Road project, and whether that was broken out or not, they should consider the CIP as a whole based on what they've already discussed.

Councilmember Misjuns opposed the substitute motion, supporting the \$10.95 million school infrastructure funding, which matches both the budget and the ordinance. He highlighted a \$6 million discrepancy between the CIP ordinance (\$68.3 million) and proposed budget (\$62.6 million) for total City

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capital projects. He read into the record matching amounts for the airport (\$4.5 million), water (\$12.8 million), sewer (\$11.6 million), and stormwater (\$2.9 million). He urged opposing the substitute to vote separately on schools first, then the rest of the CIP.

Councilmember Faraldi said the updated proposed CIP was dated March 11, 2025, and it is right there on the website.

Ms. Witt confirmed the Wiggington Road projects were added, as well as a signal on Enterprise Drive based on a new development in that area

Councilmember Misjuns said he has not seen all of this together in the proposed CIP.

Vice Mayor Diemer urged the Mayor to allow separating the CIP votes as in the first reading, expressing concern about rushing to combine them. He supports voting on schools separately due to issues with the full CIP.

Councilmember Timmer supporting keeping the pool open but opposed the \$10.4 million repair cost, citing alternate, cheaper repair estimates around \$3 million. She agreed with reducing debt service for budget flexibility and fully backed the \$60 million school CIP allocation and operating budget. She emphasized the importance of separating votes for clarity, especially on Wiggington Road improvements, which she supported due to increased traffic and past CIP plans. She urged those who approved the development to support road safety improvements and appreciated voting on items individually to show clear positions.

Councilmember Reed said when it comes to the library project in the CIP and the Miller Pool project, they have not sent out RFPs for either one of those projects, and the figure they are working with is a projected cost for improvements and could come in less for that. She said she supported the substitute motion, to do what they said they were going to do and keep moving forward.

Vice Mayor Diemer opposed the CIP plan, calling the pool projects costly rebuilds rather than improvements. He emphasized the need for clearer details and refused to approve funding without more thought.

Councilmember Faraldi renewed his substitute motion to approve the CIP and asked that it be put on the table for a vote.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

The substitute motion becomes the main motion. With no further discussion from the Council, the following vote was recorded on the original motion:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of Budget, Council conducted a second reading of Ordinance #O-25-052 appropriating \$50,000 of the FY 2026 Reserve for Contingencies for use by the City Manager.

Councilmember Misjuns made a motion to deny Ordinance #O-25-052 appropriating \$50,000 for the reserve for contingencies for use by the City Manager.

Vice Mayor seconded the motion. He said the significant increase in the City Manager's Office budget is his reason for voting to deny.

Councilmember Faraldi asked Mr. Patrick about last year's reserve for contingencies in the manager's budget, which was \$50,000 – the same as this year. He said he would not submit a substitute motion, preferring to vote against the current motion.

Councilmember Timmer opposed the 14.1% increase but supported the \$50,000 contingency, criticizing inflated budget numbers for reducing spending accountability.

Councilmember Reed did not support the motion to deny, believing there is a valid reason to appropriate the funds and will support the appropriation.

Councilmember Misjuns confirmed that the \$50,000 contingency fund budgeted last fiscal year was not spent during the year.

With no further discussion from the Council, the following vote was recorded on the original motion:

Ayes: Diemer, Misjuns 2

Noes: Taylor, Wilder, Faraldi, Reed, Timmer 5

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Councilmember Faraldi made a motion to approve Ordinance #O-25-052 appropriating for the \$50,000 reserve for contingencies for use by the City Manager.

Councilmember Reed seconded the motion.

With no further discussion from the Council, the following vote was recorded on the original motion:

Ayes: Wilder, Faraldi, Reed, Timmer 4

Noes: Taylor, Diemer, Misjuns 3

// In the matter of the City Council's meeting schedule and rules of procedure, Councilmember Faraldi motioned to affirm that the special meeting for today was warranted related to budgetary matters.

Mr. Freedman stated that this action was not warranted because the meeting was not called within 12 hours of the meeting convening; it had been announced the previous Friday.

Councilmember Faraldi withdrew his motion.

// In the matter of Budget, Council conducted a first reading of Ordinance #O-25-056 setting the Personal Property Tax Relief Rate at 30.64% for January 1, 2025 through December 31, 2025. This Resolution shall apply retroactively as of January 1, 2025.

Councilmember Faraldi motioned to adopt Ordinance #O-25-056, setting the Personal Property Tax Relief Rate at 30.64% for January 1, 2025 through December 31, 2025, applying it retroactively.

Councilmember Misjuns seconded the motion.

Ms. Witt clarified that this action is for the 30.64%, which is based on a \$3.80 personal property tax rate.

Councilmember Reed clarified that during the first reading, the potential car tax rate was going down from \$3.80 to \$3.00, and that rate will now be staying at \$3.80.

With no further discussion from the Council, the following vote was recorded on the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// The meeting adjourned at 11:15 a.m.

Clerk of Council

July 8, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of July, 2025 at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Mr. Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of Virginia Freedom of Information Act Biennial Training, Agenda Item #3, Council conducted a work session/training on FOIA. City Attorney Matthew Freedman introduced Joe Underwood, of the Virginia FOIA Advisory Council.

Joe Underwood provided a presentation on the Virginia Freedom of Information Act.

Councilmember Misjuns mentioned an update that required an electronic management system and a requirement to obtain specific software.

Mr. Freedman responded that it was a discretionary decision, and he recalled a requirement for localities to create a standard policy for charges on items such as USB drives and paper copies, but he did not remember anything specific to software.

Mr. Underwood said they could set a standard policy, such as charging 5 cents for black and white copies and 20 cents for color copies, then providing flash drives for large volumes of records. He emphasized the importance of safety and security and recommended that files be stored on flash drives to prevent viruses, charging a minimum allowable cost for this service.

Mr. Freedman said it is fairly common with localities to incorporate software, and Lynchburg did it for administrative purposes to better manage the requests and responses.

Councilmember Misjuns suggested that they just publish frequent requests so people could go in and search on their own.

Councilmember Misjuns mentioned a recent City Council meeting wherein four members left without an adjournment vote and three of them stayed and listened to the public — and the three of them took a vote to adjourn that public hearing.

Mr. Underwood pointed out that FOIA does not stipulate how you adjourn meetings. He said the only requirements are that you must give notice of the meeting, make it open to the public, and record

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minutes. He said when there is no longer a quorum, there is technically not the ability to take actions. He said that FOIA also does not require public comments, but that violates Virginia Code Section 15.2, which stipulates that you must have public comments quarterly. He noted that Virginia sometimes deals with Jefferson Rules, but most boards use Robert's Rules — and neither is mentioned in FOIA. He clarified that meeting notice for regular meetings must include date, time, and location; it must be posted in three locations, including on the website, in a prominent public location, and at the office of the administrator. He said the meeting notice must be posted at least three working days prior to the meeting, and special or emergency meetings must be reasonable under the circumstances, and meetings may be continued to a future date and time, also under Section 15.2. He added that for special, emergency, or continued meetings, the notice must be posted at the same time the members are notified. He stated that public meetings are allowed to be filmed and photographed.

Mr. Underwood reported that minutes are required to be taken for open meetings and are very important, as well as being a “very thankless task.” He said the minutes serve as the official record of the meeting, and the first thing people do is look at the minutes to determine what actually occurred. He said they must be posted on the website or in a public location and must include specific information such as meeting date, time, location, members present and absent, a summary of matters discussed and decided, and a record of any votes. He also emphasized the importance of recording votes and motions, including closed session motions, and noted that even with live streams, formal written minutes are still necessary.

Mr. Faraldi commented that it would be more prudent to have the General Assembly put limits on what local elected bodies can do, rather than enacting a blanket provision that says they can't do anything.

Mr. Underwood responded that the only exception would likely be matters requiring timeliness, such as grant application deadlines.

Mr. Misjuns asked at what point they could exempt the proposed agenda and packet.

Mr. Underwood responded that there is currently no requirement beyond the basics of date, time, location, and brief description of the meeting; currently, they can add things to the agenda during the meeting, such as under the “adopt the agenda” item. He noted that materials supporting the agenda may be exempt, such as sensitive personnel items pertaining to specific employees.

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Vice Mayor Diemer mentioned that in his work with an electronic government implementation division, they addressed digital government meetings and the ability to have a chain electronic meeting whereby a staff member calls all seven Council members and asks whether they want to do something as a body. He asked if that constituted a public meeting.

Mr. Underwood responded that he could not weigh in on that particular issue, but there was a case in which citizens brought suit against a public body because they found out they had a chat box set up over a document. He said the court decided that while they were having a conversation and creating a public record, it wasn't in real time like a Zoom call. He said that with responses to meeting schedules, they must respond individually — not in group emails.

Mr. Freedman asked if there were an issue with staff reaching out to Council members individually to seek guidance on how to proceed with a matter.

Mr. Underwood responded that it wouldn't violate FOIA policies or public meeting requirements, but it would be up to their own policies and would typically go through the chair. He also noted that use of social media to conduct or transact business, that can create a public record and hence be subject to FOIA.

Mr. Faraldi mentioned that Facebook scrubs its videos and comments made about those videos every 30 days.

Mr. Underwood cautioned that it is not recommended to use a private entity to conduct public business, and retention of any video is a Library of Virginia issue.

Mr. Freedman pointed out that they have software that helps archive records that they need to archive as part of the public Facebook they use for official City business.

Mr. Underwood reiterated that the requirement for public meeting records is the minutes. He said that the only remedy for a violation is to go to court. He clarified that the courts do not enforce compliance; the public body must show they are following the law. He said there are civil penalties, which go to the literary fund, and most citizens do not want to sue their government but would rather just receive the records they requested. He stated that the court would have to demonstrate an intent to avoid FOIA laws or the Record Retention Act. He also mentioned that the Working Papers Correspondence

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Exemption is limited to offices such as the governor, his legal counsel, cabinet secretaries, and staff members, and it covers not just his records but also correspondence and written communication.

Mr. Underwood pointed out that once a local body adopts its rules, those apply to all subcommittees and other groups.

// In the matter of Lynchburg City Council Rules of Procedure Discussion, Agenda Item #4, Setting Meetings for CY2026 and Work Session Changes for CY2025, Councilmember Timmer said she would be willing to hold off on her presentation, given the timing of this meeting.

Mayor Taylor stated that she could present at their work session on August 26, 2025.

Councilmember Misjuns suggested deferring the entire rules discussion until that time, and Council agreed that they would need to move forward with the calendar item.

Clerk of Council, Alicia Finney stated that the calendar for this year would need to be adjusted, with work sessions moved to the Second Floor Training Room to allow for live streaming of committee meetings.

Councilmember Misjuns suggested moving all meetings, including work sessions, to Council Chamber, as there was also more room for citizens there.

Councilmember Reed spoke in favor of staying in the informal setting as they worked through things, then going to the formal chamber for further discussion and vote.

Councilmember Wilder said he would like whatever is easiest for staff.

Councilmember Timmer commented that she didn't like informal polling at the work sessions but was otherwise fine with wherever they decided to meet.

Mr. Freedman said if the room were to become overcrowded, there would be no issue with recessing the meeting and moving to the larger City Council Chamber.

// In the matter of Roll Call, Councilmember Faraldi recognized Dr. Martin Day, Captain Anthony Andrews, and Colonel Mark Tinsley for their service on the School Board.

Councilmember Reed acknowledged City staff for their work on the Fourth of July events. She also expressed appreciation for the prayers sent to those affected by the flooding in Texas, noting the efforts of Virginians and others nationwide to support search and relief.

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Councilmember Wilder recognized Clyde Clark, former principal and guidance counselor at E.C. Glass, who recently passed away. He also mentioned Gloria Preston, who served the community for over 30 years. He also commended the Downtown Association for hosting the Fourth of July event and for keeping the downtown alive.

Councilmember Timmer thanked everyone who had attended the recent town hall, noting that there were 75–100 people present and stating that it was beneficial to clarify issues around the budget and recent developments.

Mayor Taylor thanked everyone for a pleasant and productive work session.

// On the motion of Councilmember Misjuns, seconded by Councilmember Timmer, by the following recorded vote, Council elected to hold a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Central Virginia Community College Board, City Employee Appeals Board, Economic Development Authority, Historic Preservation Commission, Martin Luther King, Jr./Lynchburg Community Council, Museum Advisory Board, Lynchburg Redevelopment and Housing Authority, and Building Code of Appeals Board, pursuant to Section § 2.2-3711-A(1) of the Code of Virginia, 1950, as amended.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg 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 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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

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resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Vice Mayor Diemer, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Timmer 6
Noes: Misjuns 1

// On motion of Councilmember Wilder, seconded by Mayor Taylor, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Name	Board Name	Term End Date
Godfrey (Gary) Culpepper (Ward 1)	City Employee Appeals Board	06/30/2027
Joshua Mezzano (Ward 1)	City Employee Appeals Board	06/30/2028
Kraig Cole (Ward 4)	City Employee Appeals Board	06/30/2028
Richard Tugman (Ward 4)	Economic Development Authority	06/30/2029
Palmer Ferguson (Ward 1)	Historic Preservation Commission	06/30/2028
Tracey Langseth (Ward 1)	Historic Preservation Commission	06/30/2028
Sterling Wilder	Lynchburg Redevelopment and Housing Authority	09/30/2027
Beth White (Ward 3)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2028
Carl Conner, Jr. (Ward 1)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2028
Clifton Potter (Ward 4)	Museum Advisory Board	06/30/2028
Cynthia Fein (Ward 2)	Museum Advisory Board	06/30/2028
Douglas Lee (Ward 1)	Museum Advisory Board	06/30/2028
Jack Collins (District 2)(Ward 4)	Museum Advisory Board	06/30/2028
Kinkade Garland (Ward 3)	Museum Advisory Board	06/30/2026
Mark Poole (Bedford)	Museum Advisory Board	06/30/2028
Norman Darden, III (Ward 1)	Museum Advisory Board	06/30/2028
Scott Kowalski (Bedford Co.)	Museum Advisory Board	06/30/2027

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Timmer 6
Noes: Misjuns 1

// Councilmember Misjuns made the motion to appoint Toby Tomko to the Economic Development Authority for a new term ending June 30, 2029, seconded by Vice Mayor Diemer.

Councilmember Faraldi made a substitute motion to reappoint Kim Sorensen, seconded by Councilmember Wilder. The following vote was recorded on the substitute motion.

Ayes: Wilder, Faraldi, Reed 3

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Noes: Taylor, Diemer, Misjuns, Timmer 4

With the substitute motion failing, the following vote was recorded on the main motion:

Ayes: Taylor, Diemer, Reed, Misjuns, Timmer 5

Noes: Wilder, Faraldi 2

// Councilmember Misjuns made the motion to appoint Barry Wingard to the Historic Preservation Commission for a new term ending June 30, 2028. There was no second and the motion died.

Councilmember Timmer made a motion to appoint Palmer Ferguson, seconded by Councilmember Reed, for a term ending June 30, 2028. The following vote was recorded on the motion.

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Timmer 6

Noes: Misjuns 1

// Councilmember Wilder made the motion to appoint Angela Cox to the Lynchburg Redevelopment and Housing Authority for an unexpired term ending September 30, 2026, seconded by Councilmember Reed.

Councilmember Misjuns made a substitute motion to appoint Jennifer Wills to the unexpired term ending September 30, 2026, seconded by Councilmember Timmer. The following vote was recorded on the substitute motion.

Ayes: Taylor, Diemer, Reed, Misjuns, Timmer 5

Noes: Wilder, Faraldi 2

With the affirmative vote, the substitute motion became the main motion and the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

Councilmember Misjuns made the motion to appoint Taormina Howard to the Lynchburg Redevelopment and Housing Authority for an unexpired term ending September 30, 2028, seconded by Councilmember Timmer.

Councilmember Reed made a substitute motion to appoint Angela Cox to the unexpired term ending September 30, 2028, seconded by Councilmember Wilder. The following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

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With the affirmative vote, the substitute motion became the main motion and the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

// Councilmember Timmer made the motion to appoint Roman Franklin to the Central Virginia Community College Board of Directors for a new term expiring June 30, 2028, seconded by Councilmember Misjuns.

The following vote was recorded on the motion.

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

// The meeting recessed at 6:54 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of July, 2025 at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin

Misjuns, Jacqueline Timmer 7

Absent: 0

// Mayor Taylor led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Agenda Item #1, Council adopted Resolution #R-25-044 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$15,000 to fund a wayfinding system for the Dunbar Community Schoolyard. On the motion of Vice Mayor Diemer, seconded by Councilmember Misjuns, Council by the following recorded vote approved the adoption:

Ayes: Taylor, Diemer, Faraldi, Reed, Misjuns, Timmer 6

Noes: 0

Absent: Wilder 1

// In the matter of the Consent Agenda, Agenda Item #2, Council adopted Resolution #R-25-045 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$12,269 to purchase Personal Protective Equipment (PPE) for the Fire Department. On the motion of Vice Mayor Diemer, seconded by Councilmember Misjuns, Council by the following recorded vote approved the adoption:

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Ayes: Taylor, Diemer, Faraldi, Reed, Misjuns, Timmer 6

Noes: 0

Absent: Wilder 1

// In the matter of the Consent Agenda, Agenda Item #3, copies of the minutes of the May 13, 2025 meeting have been previously furnished to Council, and on the motion of Vice Mayor Diemer, seconded by Councilmember Misjuns, Council by the following recorded vote approved the adoption:

Ayes: Taylor, Diemer, Faraldi, Reed, Misjuns, Timmer 6

Noes: 0

Absent: Wilder 1

// In the matter of the Consent Agenda, Agenda Item #4, copies of the minutes of the May 27, 2025 meeting have been previously furnished to Council, and on motion of Vice Mayor Diemer, seconded by Councilmember Misjuns, Council by the following recorded vote approved the adoption:

Ayes: Taylor, Diemer, Faraldi, Reed, Misjuns, Timmer 6

Noes: 0

Absent: Wilder 1

// In the matter of Public Comment, Agenda Item #5, Citizen Gregory Berry of Ward 3 addressed Council regarding salt and light. He raised concerns about council misconduct, including enabling slander, intimidation, and efforts to silence public input.

// In the matter of Public Comment, Agenda Item #6, Citizen Peter Cefaratti of Ward 1 addressed Council regarding we can do better. He criticized the Council's budget process as disorganized and urged better planning, transparency, and professionalism.

// In the matter of Public Comment, Agenda Item #7, Citizen Ronald Storer of Ward 4 addressed Council regarding consequences. He accused Councilmember Faraldi of unprofessional, divisive behavior and called for his resignation, citing a lack of Council collaboration and personal attacks on a colleague's family.

// In the matter of Item Not on the Agenda, Councilmember Misjuns made a motion, seconded by Vice Mayor Diemer, to propose reconsideration of the Ordinance #O-25-055 to remove language that creates a "magic tax increase," Section 58.1-3321, which requires a locality to reduce its real estate tax rate to

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produce no more than 101% of the previous year's levy unless specific actions are taken, as noted in the document marked up and provided to Council.

Vice Mayor Diemer said the Virginia Code aims to ensure localities cannot raise real estate taxes without first informing the public through their elected officials.

Councilmember Timmer said Council was told that without a vote, the tax rate would default to 0.89 cents. She argued this violates state law, specifically the intent behind Virginia Code 58.1-3321, and supported Councilmember Misjuns' proposed revision to set the rate at 0.84 cents.

Councilmember Faraldi argued that the proposal adds new language not in the original ordinance, improperly mixes Personal and Real Estate Tax issues, and lacks a finalized document for review. He stated it should be ruled out of order.

Mr. Freedman said he could not find anything in Virginia Code Section 58.1-3321 that supports Councilmember Timmer's claim about equalization plus 1%.

Mayor Taylor asked Councilmember Faraldi if his point of order was under germaneness.

Councilmember Faraldi confirmed that it was, as they cannot reconsider something with entirely new language being added in.

Mayor Taylor stated that Councilmember Misjuns was out of order.

Mr. Freedman said the language has been in the ordinance for years to ensure continuity if a tax rate is not set or Council cannot meet. He noted in 2019, the language was used because no tax rate was adopted. He suggested that instead of a motion to reconsider, Council should ask the City Attorney to prepare a clear ordinance requiring a yearly tax rate. He stressed the public must see any changes before meetings and that ordinances should be amended through new ordinances.

Councilmember Misjuns said a motion to reconsider must be made by the Councilmember who voted with the prevailing side no later than the next regular meeting, and that's why it was brought up today. He stated that he is open to amending the language, and if a majority supports it, he is willing to revisit the issue in August and potentially withdraw his motion to reconsider, provided the Council is willing to consider the City Attorney's recommended language to annually vote on a tax rate.

Councilmember Faraldi stated that a motion to reconsider is only to reconsider — then, a motion for a new item may be presented for consideration.

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Mayor Taylor stated that after Council makes comments, they can direct the City Attorney to draft language to bring back in August for consideration, with Councilmember Misjuns given the opportunity to withdraw his current motion.

Councilmember Faraldi said if the motion is withdrawn, there needs to be clear direction about what they are voting on. He stated that he believes this will be an attempt to change this outside of what they are allowed to do.

Councilmember Timmer stated that she supports the City Attorney's advice to bring forward another ordinance and strike the language. She read aloud the code section she had previously referenced, noting that it was 58.1-3321, Section A and Section B:

“§ 58.1-3321. Effect on rate when assessment results in tax increase; public hearings; referendum.

A. When any annual assessment, biennial assessment, or general reassessment of real property by a county, city, or town would result in an increase of one percent or more in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's real property tax levies, unless subsection B is complied with, which rate shall be determined by multiplying the previous year's total real property tax levies by 101 percent and dividing the product by the forthcoming tax year's total real property assessed value. An additional assessment or reassessment due to the construction of new or other improvements, including those improvements and changes set forth in § 58.1-3285, to the property shall not be an annual assessment or general reassessment within the meaning of this section, nor shall the assessed value of such improvements be included in calculating the new tax levy for purposes of this section. Special levies shall not be included in any calculations provided for under this section.

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A if any such increase is deemed to be necessary by such governing body.”

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Mr. Freedman explained that Council had complied with Section B, once the public hearing was held and rates were proposed, and he has never seen the instance as described by Councilmember Timmer.

Vice Mayor Diemer said that this section of the ordinance goes against the intent of the Code of Virginia, and it requires advertising of a proposed tax rate as well as a public hearing. He stated that what has occurred is an increase in taxes without a vote, and he did not want a “magic tax increase” without them taking responsibility for their actions.

Councilmember Reed stated that the budget is finished and there is no reason to revisit it in August, calling it a waste of time.

Councilmember Wilder said he was surprised because the issue was not on the agenda and the Mayor did not know. He said some Councilmembers were meeting secretly and surprising others. He said the tough budget is done and should not be reopened, and reminded everyone to work together.

Councilmember Misjuns withdrew his motion to amend the ordinance and made a new motion to come back in August and remove perpetual tax increase language from the ordinance.

Mr. Freedman stated that if they wanted to do something in this regard, they would need to have a new ordinance that showed the proposed amendment to the already adopted ordinance on June 30th. He emphasized that he has always known the City to do the required notice as part of the budget process, although there may be instances where Section A has been followed — but he is aware of none where that has happened. He emphasized that people have not been made aware of this proposed change, and they would need an entirely new ordinance.

Vice Mayor Diemer asked the City Attorney if an ordinance with strike-through text is valid or if it needs to be a clean, final version to be official.

Mr. Freedman stated that the adopted ordinance was altered by striking out sections not included in the original proposal, and the change was introduced unexpectedly without prior public notice.

Vice Mayor Diemer raised a question about whether, if the ordinance is adopted, the adopted date and the clerk’s signature could be updated.

Clerk of Council Ms. Alicia L. Finney confirmed that this ordinance has been adopted and filed through the appropriate channels, and she could not simply go back and replace it in the record.

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Councilmember Misjuns clarified that the motion would be to return in August with a properly prepared ordinance by the City Attorney to remove the redlined language from the existing ordinance, presenting a clean version without underlines.

Vice Mayor Diemer seconded the motion.

Mayor Taylor pointed out that Councilmember Misjuns is essentially wanting to change the entire ordinance.

Councilmember Misjuns claimed that he wanted Council to be accountable for its actions, and the way the language is currently stated is a perpetual, permanent tax increase. He said that state law is clear that the rate would become equalized with a maximum 101% over prior year rate.

Councilmember Timmer said she did vote on the 0.84-cent rate, but she felt that the local ordinance is in conflict with state code.

Mr. Freedman said if the intent is not to vote every single year on a tax rate, the date would need to be modified to follow the assessment years. He stated that he is also not sure if there is another public hearing requirement, as this is uncharted territory, and there was also uncertainty about how this would be assessed in the non-assessment years. He added that this is creating a legal quandary.

Councilmember Reed made a substitute motion, seconded by Councilmember Wilder, to leave everything as it was and not bring this back in August as an amended ordinance.

Councilmember Misjuns expressed disappointment over a substitute motion that he believed would lead to a "magic tax increase," which he argued was in opposition to state law and the citizens' wishes. He pointed to a 1996 ordinance in Lynchburg as an example of a similar tax increase, and stated that he would be rejecting the substitute motion to ensure accountability and transparency in the City's actions.

Vice Mayor Diemer said he was proud of his vote for 0.84 cents, which saved them from 0.89 cents, and his constituents were also pleased. He said he tried to introduce an equalization rate that would have been better for taxpayers, but he was proud of his vote and was glad to spend more time discussing this, as it affected citizens. He reiterated that this was a "magic tax increase" with "no representation," and the General Assembly put it in state code which this is in direct conflict with. He confirmed with the City Attorney that any conflict between those things ultimately favors state code.

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Councilmember Faraldi said the section being cited here may be how counties operate, because there are clarifications in state code about what cities versus counties can do.

With no further discussion from the Council, the following vote was recorded on the substitute motion.

Ayes: Taylor, Wilder, Reed 3

Noes: Diemer, Faraldi, Misjuns, Timmer 4

Ms. Finney asked for clarification of the main motion, stating that she had recorded the motion to direct the City Attorney to prepare an ordinance based on what was presented by Councilmember Misjuns, to be brought back to their August 26 meeting.

Councilmember Misjuns clarified that the goal is to remove the perpetual tax increase caused by the ordinance adopted last week, with the red line adjustments, and he is open to adding language that the City Attorney deems necessary for continuity of government, including any requirement to vote on a rate annually. He confirmed that the rates would not be changed from 0.84 cents, from July 1, 2025 to June 30, 2026.

Mr. Freedman clarified that he would just be removing the redline text.

Mayor Taylor stated that in living here 30 years, City Council has always come together to vote on the tax rate sometimes raising it, sometimes lowering it. He emphasized that this year, Council took action, and this was a bunch of nonsense intended to get ahold of something to make themselves look good, when they were supposed to be here for the citizens. He said that no one was going to sneak in here and set the tax rates.

Councilmember Faraldi noted that according to Council's own Rules and Procedures, this must be submitted to staff to be placed on an agenda.

Mr. Freedman clarified the policy pertaining to placing items on the agenda, and without that having been done, Councilmember Faraldi's point of order is correct.

Councilmember Misjuns withdrew his motion and made a new motion to reconsider the previous ordinance to strike the perpetual tax increase out of it.

Vice Mayor Diemer seconded the motion, stating that it is a critical opportunity to change the ordinance and prevent tax increases without a vote. He argued that the current proposal is a necessary

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step to protect the power of the people and prevent future tax hikes, citing the risk of an 0.89-cent tax increase if no action is taken.

Councilmember Faraldi made a substitute motion, seconded by Councilmember Reed, to immediately consider Item #8 under General Business, "*Consideration of adopting Resolution #R-25-057 to set the City Council's regular meetings for CY2026 and to move the City Council's remaining work sessions for CY2025 to the City Hall's second floor training room*".

Mr. Freedman clarified that a substitute motion allows a proposed alternative to replace any existing motion on the floor, taking precedence over it; it can be discussed before being voted on, and if it passes, it replaces the main motion, which is then considered and acted upon by the Council.

Councilmember Faraldi suggested that they vote on the agenda items as presented, and then go home and regroup. He emphasized that this still affords them the opportunity to review this if one of them wants to request it for the next meeting.

Councilmember Misjuns raised a point of order, stating that the substitute motion violates Section 1.2 of Council's basic principles, which dictates that actions should be the result of a decision on the merits, not a manipulation of procedural rules. He argued that the substitute motion blocks consideration of an item and is a manipulation of the rules, as it presents a different subject and does not allow for full and free discussion of the original item. He said there were two motions, one of which needed to be ruled on due to it being a point of order. He said his substitute motion was deemed out of order because it violated the rules of procedure, specifically because it was a different subject (1.2.D) and it is a manipulation of the procedural rules (1.2.C).

Mayor Taylor ruled against the point of order.

Councilmember Reed said she agreed with the substitute motion, suggesting they move forward and allowing the option to revisit it in the work session on the 26th

Councilmember Timmer clarified that the City's tax rate cannot automatically roll over to 0.89 cents without a vote, as that would violate state code, which requires a rate based on equalization plus 1%. She said the City's current ordinance conflicts with state code, and the goal is to fix that conflict and remove confusion. She also expressed concern that Council rules make it harder to get items on the agenda then to be censured, and supports changes to make the process more transparent and

accessible. She emphasized that this not about changing tax rates, but about following state law and clearing up ambiguity.

Councilmember Misjuns opposed the substitute motion, calling for accountability, and adherence to budget procedures.

Councilmember Faraldi clarified that the tax rate does not automatically increase under state law; if no action is taken, the previous rate of 0.89 cents remains. The recent tax increase was the result of a Council vote, not a legal default.

Councilmember Timmer re-explained that Section 58.1-3321, Section A, states ““When an annual assessment, biannual assessment, or general reassessment of real property by a county, city, or town, would result in an increase of 1% or more increase in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year, so as to cause such rate of levy to produce no more than 101% of the previous year's real property tax levies, unless Subsection B is complied with. Which rate shall be determined by multiplying the previous year's total real property tax levies by 101% and dividing the product by the forthcoming tax year's total real property assessed value. An additional assessment or reassessment due to the construction of new or other improvements, including those improvements and changes set forth in 58.1-3285, to the property shall not be an annual assessment; assessed value of such improvements be included in calculating the new tax levy for purposes of this subsection. Special levies shall not be included in any calculations provided for under this section.” She said that Section B states, “The governing body of a county, city, or a town may, after conducting a public hearing, which shall not be held at the same time of the annual budget hearing, increases the rate above the reduced rate required in Subsection A, if any such increase is deemed to be necessary by such governing body.”

Ms. Finney clarified that the vote before them is on the substitute motion to move to Agenda Item #8. Council approved the motion by the following recorded vote:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of Agenda Item #8, Vice Mayor Diemer motioned, seconded by Councilmember Reed, to adopt Resolution #R-25-057 to set the City Council's regular meetings for CY2026 and to move the City

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Council's remaining work sessions for CY2025 to the City Hall's 2nd Floor Training Room, as presented to City Council at the work session this afternoon.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// The meeting adjourned at 8:37 p.m.

Clerk of Council

August 26 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of August, 2025 at 4:00 p.m. in the 2nd Floor Conference Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin Misjuns, Jacqueline Timmer	7
Absent: None	0

// In the matter of Work Session, City Manager Wynter Benda introduced Stacy Garrett as the new Downtown Lynchburg Association Executive Director, noting her 20 years of experience in leadership and community collaboration.

// In the matter of Legislative Agenda, Assistant to the City Manager Mercedes Braun provided a pop-up presentation to Council regarding the City's 2026 Legislative Agenda. She outlined plans for a focused 2026 Legislative Agenda tailored to Lynchburg's needs. She asked Council to submit proposals by September 5th for review ahead of her October 14th presentation She noted the November 18th legislative dinner at the University of Lynchburg.

// In the matter of Work Session Overview, Mr. Benda suggested a joint work session with Lynchburg City Schools on September 9th at 4:00 p.m. at the IT training center. This would replace the regularly scheduled meeting. By consensus, Council agreed to proceed with canceling the regular meeting and scheduling the special called joint meeting.

// In the matter of Budget, Work Session Agenda Item #1, Chief Financial Officer Donna Witt reported on the June 30 meeting where Council restored services and programs, with related revenue reflected in the budget.

Vice Mayor Diemer asked why some departments with revenue were listed as zero revenue.

Ms. Witt explained that some revenues are accounted for separately from the General Fund, so they appear as zero in this report.

Councilmember Misjuns asked if increased revenue streams could be amended to cover the difference.

Ms. Witt said updated June figures support increasing sales tax revenue, which could be used to amend the budget to cover the difference.

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Deputy City Manager Greg Patrick noted that meals and hotel taxes were under budget; relying on budget savings was deemed more prudent than adjusting revenues.

// In the matter of City Attorney's Office, Agenda Item #2, City Attorney Matthew Freedman reported that Virginia local government and the Commonwealth negotiated an MOU on the allocation and use of opioid litigation recoveries. He presented resolutions for participation in two additional settlements for a vote on September 9th emphasizing that the state is seeking 100% participation from Virginia localities

Councilmember Faraldi asked whether the cited manufacturers were responsible due to improper marketing.

Mr. Freedman explained that settlements involve manufacturers, distributors, pharmacies, and company owners due to issues like fraud, misrepresentation, or gross negligence in opioid marketing and sales.

//In the matter of City Council, Agenda Item #3, Councilmember Timmer proposed three key rule changes: 1) the opportunity for a response, which would allow the person against whom a complaint is lodged to reply before a meeting concludes to avoid ad hominem attacks without recourse; 2) a requirement that all resignations requiring the Council's attention be provided in writing to Councilmembers; and 3) due process, requiring all motions to censure to be documented in writing and accompanied by supporting statements.

Councilmember Timmer made two procedural requests: suspending the rules to allow individual consideration of each proposal, and requiring that amendments to proposals be submitted as friendly amendments rather than as substitutes.

Councilmember Faraldi opposed major rule changes, citing inefficiency and reduced mayoral authority, and suggested revisions to preserve debate, public discussion, and member participation.

Councilmember Timmer said her proposed rules clarify and support Council and mayor roles, address time limits, and follow Robert's Rules.

Councilmember Timmer stated that there are several documents pertaining to this discussion: the current rules of procedure, a proposal she is putting forward, and a combination of staff recommendations and Council member recommendations. She addressed concerns raised by Mr. Faraldi, specifically

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Councilmember Reed stated that the proposed changes contain subjective language and suggested reviewing the rules' purpose with Mr. Freedman to ensure transparency and accountability.

Mr. Freedman said the rules were created to provide a simplified way of running meetings, drawing from Robert's Rules of Order but also adapting to meet City Council's needs — with the underlying goal of having efficient, timely, and fair meetings.

Councilmember Reed stated the importance of balancing free speech with decorum, educating members on proper procedure, and maintaining accountability without overcomplicating the rules.

Councilmember Misjuns asked Mr. Freedman to read the purpose of the rules of procedure into the record.

Mr. Freedman said, "Section 1.1: The purpose of the Rules of Procedure. A) to enable the Council to transact business fully, expeditiously, and efficiently, while affording every opportunity to citizens to witness the operations of government; B) to protect the rights of each individual Council member; C) to preserve a spirit of cooperation among Council members; and D) to determine the will of the Council on any matter." He said that he understood the question to pertain to the history, not the purpose.

Councilmember Misjuns stated that robust debate is needed to transact business, noted challenges in getting agenda items versus censures, and supported the spirit of the proposed changes.

Councilmember Wilder asked Mr. Freedman for his recommendations on whether changes to improve efficiency are necessary at this time.

Mr. Freedman stated some rule changes are needed for clarity, but most decisions depend on Council's goals, noting Councilmember Timmer's proposal emphasizes free speech and debate over efficiency.

Councilmember Timmer stated her proposal addresses ambiguous language, clarifies accountability, prevents personal attacks, and protects debate to help Council effectively conduct business.

Councilmember Faraldi stated his proposal aims to improve efficiency by combining all three documents, suggested line-by-line review with the City Attorney, and noted Councilmember Timmer could provide input on where her proposal fits.

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Councilmember Misjuns stated Section 4.1.C clarifies agenda deadlines, said he has not fully reviewed Councilmember Faraldi's recent proposal, and suggested beginning with the original June proposal.

Councilmember Faraldi stated he emailed his proposal for discussion, suggested sharing it via CivicClerk for public awareness, and recommended reviewing all ideas if the intent is thorough consideration.

Vice Mayor Diemer stated he has not reviewed the latest proposals, stated the importance of voting on Councilmember Timmer's proposal first, and noted rule changes should originate from Council, not staff or outside sources.

Councilmember Misjuns stated they should first review Councilmember Timmer's suggestions and the original revisions before considering Councilmember Faraldi's additions.

Councilmember Reed noted Councilmember Timmer's proposal had been on the agenda twice, suggested tabling it to the next work session for possible amendments, and questioned whether Councilmember Faraldi's ideas or others' could be considered later.

Mr. Freedman clarified that consolidating all proposals into one document for review at once is recommended to ensure full inclusion, noting most staff suggestions are technical.

Councilmember Misjuns said he could support consolidating proposals but noted past delays and substantial changes from Councilmember Faraldi's suggestions; he recommended focusing first on timely submissions before reviewing additional pages.

Mayor Taylor agreed with Councilmember Reed to table the discussion and revisit it with the City Attorney's input.

Councilmember Faraldi proposed procedural changes to improve efficiency, clarify motions and points of order, set agenda deadlines, limit discussion times, and allow written public input.

Mayor Taylor asked if there was consensus to table this discussion to the next meeting.

Councilmember Faraldi said he did not offer consensus.

On the motion of Councilmember Misjuns, seconded by Councilmember Timmer, by the following recorded vote, Council voted to suspend the rules to table the proposal until the next work session, with the intention of revisiting it at the following general business meeting.

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Councilmember Faraldi noted that they meet with the School Board on September 9.

Mayor Taylor stated that their next open work session would be September 23.

Councilmember Misjuns amended his motion to table the proposal until their September 23, 2025 meeting.

Councilmember Timmer seconded the amended motion.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of Roll Call, Agenda Item #5, Councilmember Reed recognized teachers and school staff, thanked Police Chief Ryan Zuidema for 29 years of service, and congratulated Clerk of Council Alicia Finney on her engagement.

Councilmember Wilder thanked all who supported the schools, recognized the passing of late civil rights leader Betty Payne, and Chief Zuidema for his service to the community.

Councilmember Timmer congratulated Humankind on their groundbreaking today, as they expanded their Head Start program to 90 students, offering affordable childcare and prioritizing foster and homeless children.

Councilmember Misjuns congratulated the swimmers in the Lynchburg Aquatic League and thanked Ben Crosswhite for hosting the B-Meet event. Councilmember Misjuns noted that he had questions regarding some credit card transactions and what the travel policy is.

Vice Mayor Diemer congratulated Liberty University on their game, thanked the Water Resources team for a city tour and water services, and requested written flag policies, emphasizing keeping politics out of departmental work.

Mayor Taylor thanked Council and staff for achieving a balanced budget and thanked Chief Zuidema for his many years of service.

// On the motion of Councilmember Misjuns, seconded by Councilmember Wilder, by the following recorded vote, Council elected to hold a closed meeting for consideration of the disposal of City-owned real estate, where competition or bargaining is involved, and where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-

3711(A)(3) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to the letting of City-owned real estate at the Lynchburg Regional Airport, and the selling of City-owned real estate at 1505/1517 Jackson Street, Lynchburg, Virginia. And consideration of a closed meeting for the purpose of discussing the performance and conduct of a specific appointee of the Lynchburg City Council and consulting with legal counsel in connection with the same, pursuant to Sections 2.2-3711(A)(1) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to the performance and conduct of a current member of the Lynchburg School Board. And consideration of a closed meeting to discuss appointments for vacancies to the Greater Lynchburg Transit Company Board of Directors, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

Councilmember Faraldi questioned proceeding to a closed session without knowing the subject.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg 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 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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 resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Timmer, and Council, by the following recorded vote, adopted the motion:

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Ayes: Taylor, Diemer, Reed, Wilder, Timmer 5

Noes: 0

Absent: Faraldi, Misjuns 2

// On motion of Councilmember Wilder, seconded by Councilmember Timmer, Council by the following recorded vote appointed Mercedes Braun, Assistant to the City Manager, to the Greater Lynchburg Transit Company Board of Directors for a term expiring October 31, 2026:

Ayes: Taylor, Diemer, Reed, Wilder, Timmer 5

Noes: 0

Absent: Faraldi, Misjuns 2

// The meeting recessed at 6:25 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of August, 2025 at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Martin

Misjuns, Jacqueline Timmer 7

Absent: 0

// Councilmember Wilder led the invocation followed by the Pledge of Allegiance.

// In the matter of Consent Agenda, minutes of the June 10, 2025, June 23, 2025, June 24, 2025, June 30, 2025, and July 8, 2025 were pulled from consideration.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to approve Item #2, June 12, 2025 meeting minutes, and Item #3, June 13, 2025 meeting minutes.

With no discussion from the Council, the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed, Timmer 5

Noes: Diemer, Misjuns 2

// In the matter of Public Works, Agenda Item #8, Council held a public hearing in consideration of adopting Resolution #R-25-058 approving a cell tower lease agreement between the City, Lynchburg City Schools, and Milestone Towers, LLC to place a cell tower at 3525 John Capron Road.

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Director of Public Works Gaynelle Hart said this is a request for approval of a lease for Milestone at the schools, transportation, and facilities building. She stated that the City has had a master marketing agreement since 2013 and already has three towers already built on City property: at Perrymont Park, at Fire Station 7 on Lakeside Drive, and at Old Wards Road near Sheffield Elementary School. She noted that the proposed lease would provide a 40% share of monthly gross rental revenue and a \$25,000 site fee for the first tower and first carrier, with additional \$5,000 fees for each subsequent carrier. She said the site is zoned for heavy industrial and is located at 3525 John Capron Road, with access from Bradley Drive, and cell sites are permitted under I-3 zoning. She concluded by stating that there were no comments received when economic development solicited input, and staff recommends approval of the lease as well as appropriation of funds to the school capital fund for the transportation and facilities department buildings.

Mayor Taylor opened the public hearing. There were no speakers in favor or in opposition to the project. The Clerk confirmed that there were no voicemails. Mayor Taylor closed the public hearing.

At its July 8, 2025 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Timmer brought the committee's recommendation for approval forward as a motion. No second was required.

Mr. Freedman pointed out that the lease itself is with Milestone Towers Limited Partnership IV, although the resolution states Milestone Towers, LLC. He also clarified that the proceeds of the lease would go to the schools' capital fund.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// In the matter of Water Resources, Agenda Item #9, a public hearing was held in consideration of adopting Resolution #R-25-059 approving the Blackwater CSO Tunnel - Virginia Clean Water Revolving Loan Funding, Ms. Finney stated that this item was discussed at the Finance Committee on August 26, 2025, and Director of Water Resources Tim Mitchell would provide a summary of the request.

Mr. Mitchell stated that the purpose of this action is to secure the most cost-effective financing for the Blackwater CSO tunnel project, the largest capital project in Lynchburg's history — achieving

significant environmental benefits, restoring sewer capacity to the Blackwater Creek Interceptor, and meets CSO Long-Term Control Plan and state consent order requirements. He said the City has secured \$107 million in appropriations for CSO-related projects and \$50 million in ARPA grants, requiring a \$25 million local match, and has confirmed the use of the Virginia Clean Water Revolving Loan Fund as a local match.

He said the loan and funding applications were approved in December 2024 by the State Water Control Board for \$54.1 million for the balance of the \$104.1 million total project cost, with \$29.4 million of that being a loan at 0.5% interest for 25 years, and \$24.7 million of that being principal forgiveness. He stated that the City recommends adopting a resolution to issue sewer revenue bonds not to exceed \$29,395,000 million in principal repayment with a term of 25 years and interest rate of 0.5% annum, to enter into a funding agreement with the Virginia Resources Authority for a grant in the form of principal forgiveness of \$24,705,000, and to authorize the city manager and staff to execute the appropriate documents.

Mayor Taylor opened the public hearing. There were no speakers in favor or in opposition to the project. The Clerk confirmed that there were no voicemails. Mayor Taylor closed the public hearing.

At its August 26, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer	7
Noes:	0

// In the matter of Public Comment, Agenda Item #10, Citizen James Wicks addressed Council regarding civility. He spoke about the importance of civility and respect in City Council interactions.

// In the matter of Public Comment, Agenda Item #11, Citizen Justin Hensley, representing the Central Virginia Community College Local Advisory Board, addressed Council regarding an update and a summary of CVCC offerings.

// In the matter of Public Comment, Agenda Item #12, Citizen Philip Bryant was not present to address Council.

// In the matter of Public Comment, Agenda Item #13, Citizen F.J. Jalil addressed Council regarding City clubs. He invited city officials and staff to join Toastmasters, emphasizing personal development.

// In the matter of Public Comment, Agenda Item #14, Citizen Dr. Beth White, representing Citizens United for Lynchburg, addressed Council regarding a kinder, gentler Lynchburg: Writing the vision and making it plain. She urged the Council to listen respectfully, work together across party lines, and support local schools and youth.

// In the matter of Public Comment, Agenda Item #15, Citizen Glen Robinson, representing Concerned Residents of Ward 1, addressed Council regarding halfway house operating in Ward 1 residential area. He urged Council's action since it is not certified by the Virginia Department of Behavioral Health and Developmental Services.

// In the matter of Public Comment, Agenda Item #16, Citizen Deborah Trefzger addressed Council regarding a new season. She spoke about how to follow biblical principles that lead to prosperity for the people of Lynchburg.

// In the matter of Public Comment, Agenda Item #17, a citizen representing the Central VA Alliance for Community Living, Inc., addressed Council regarding a request to reinstate funds in the city budget.

// In the matter of Public Comment, Agenda Item #18, Citizen Heather Legge was not present to address Council.

// In the matter of Public Comment, Agenda Item #19, Citizen Gregory Berry, representing City Elders, addressed Council regarding lamentations. He urged Council members to reconcile with each other and prioritize serving the community.

// On a motion by Councilmember Misjuns, seconded by Councilmember Reed, Council voted to add an item to their next meeting restoring funding to the Central VA Alliance for Community Living, Inc.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of Social Services, Agenda Item #20, Council conducted its first reading of Resolution #R-25-060 amending the FY 2026 General Fund Human Services - Social Services budget and appropriating \$94,909 to establish a Kinship Navigator Program. Deputy Director of Human Services April Watson

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stated that the grant would establish a program to support relatives and others raising children outside the foster care system. The funds will cover staffing, outreach, and resource services, require no local match, and Lynchburg is one of five agencies statewide selected.

At its August 26, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion to adopt Resolution #R-25-060 to amend the FY26 General Fund, Human Services – Social Services budget and appropriate \$94,909 to establish a Kinship Navigator Program.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, and Timmer 7

Noes: 0

// The meeting adjourned at 7:59 p.m.

Clerk of Council

September 23, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of September, 2025 at 4:00 p.m. in the 2nd Floor Conference Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Martin Misjuns, Jacqueline Timmer, Sterling Wilder.	7
Absent:	0

// In the matter of Planning, Agenda Item #1, Mr. Tom Martin gave a brief overview of a Conditional Use Permit for 1115 Wise Street to reuse an existing structure for four apartment units, and the property is currently zoned to be five and recommended for Neighborhood Commercial on the City's future land use map. He noted that historically, this property has been used for up to three apartments in the past and has been condemned since 2014 with numerous weed and trash complaints there, as well as being in the City's derelict program. He said this encouraged the previous owner to sell it to this owner, who plans to rehabilitate it. He commented that this shows that the derelict program was working, and approving this CUP would not change the underlying commercial zoning but would make the existing 1905-built structure contribute to the neighborhood again.

Councilmember Wilder said he had received some calls regarding the parking on Wise Street, but it seems there is a driveway there.

Mr. Martin responded that they would be required to have one space per unit, and there is on-street parking in the area and ample space off the driveway in the rear of the structure to have parking.

// In the matter of Planning, Agenda Item #2, Mr. Martin gave a brief overview of a rezoning of 826 Kemper Street, which proposes to rezone a 0.37 acres from Light Industrial District to B4 Urban Commercial District. He said this was formerly Mary Jane's Restaurant and has been vacant for several years, with the building now vacant and in disrepair. He noted that if the property is rezoned, they would use the first floor for a gift shop and add a second story, which would be used for two short-term rentals as depicted in the architect's rendering. He added that this would be a great use in the area of the Kemper Street train station, as well as being adjacent to the Greater Lynchburg Transit Company's transfer facility.

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Councilmember Wilder commented that he is glad to see they would be sprucing up the train station area with the Kemper Street development.

Vice Mayor Diemer commented that a restaurant is badly needed in this area, as it is definitely a food desert.

// In the matter of Planning, Agenda Item #3, Mr. Martin gave a brief overview of a petition to rezone townhomes at 663 Leesville Road from R1 to R4 conditional, which is high-density residential. He said if this were approved by Council, it would add 14 additional townhomes that would become part of the Cedar Ridge townhome development that Council approved in May 2025 for 54 townhomes. He said there would be no additional access points onto Leesville Road other than what was previously approved by Council, and the existing single-family home on this parcel would be subdivided off and remain the frontage character of Leesville Road.

Vice Mayor Diemer stated that he had voted against the Leesville Road zoning request, and his concerns remain regarding eight unanswered developments approved on that road with no traffic capacity determined. He asked if there would be a comprehensive Leesville Road transportation study done once these eight or nine developments go in.

Mr. Martin responded that his staff could speak with public works engineering about it, but he was not aware of one at this time.

Vice Mayor Diemer commented that the situation was not getting better, and this would just add more cars to it. He mentioned that citizens had spoken to him emphatically about this, and he is trying to represent their interests.

// In the matter of Boards and Commissions, Agenda Item #4, Clerk of Council Alicia Finney gave an overview of the fourth quarter boards and commissions reporting. She stated reported that these quarterly briefings are meant to increase awareness around Council-appointed boards and commissions, whether that's time commitment or backgrounds or membership qualifications, and it also gives Council ample time to understand the needs of these boards, which include vacancies or reappointments to the Social Services Advisory Committee, Lynchburg Redevelopment & Housing Authority, Business Development Centre, Lynchburg Parking Authority, and the Greater Lynchburg Transit Company's Board of Directors.

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Ms. Finney stated that she will be taking resumes and applications through October 7, and Council is scheduled for a closed session on October 14 to discuss them.

// In the matter of City Council, Agenda Item #5, Lynchburg City Council Rules of Procedure Discussion, City Attorney Matthew Freedman presented Council with information regarding possible updates to the Rules of Procedure. The proposed updates are included in a draft resolution. At Council's request, proposed revisions submitted by Councilmember Timmer have been incorporated into the draft resolution. Councilmember Timmer's previously submitted draft is also included with the agenda materials for reference. City staff seek Council direction regarding which proposed revisions to the Rules of Procedure should be considered for adoption.

By consensus, Council agreed to conclude discussion at resolving clause #9 which addressed Rules of Procedure Section § 4-1. Preparation, and pick up at the following meeting.

// In the matter of City Council, Agenda Item #6, Councilmember Misjuns introduced the proposed ordinance to amend the City Code to add Section § 27-12.1 addressing obscene or indecent performances and exhibitions. He stated that the proposal was prompted by raised constituent concerns and the anticipated opening of a City amphitheater. He explained that the intent was to protect minors and families in a manner consistent with state law and constitutional standards. Councilmember Misjuns stated that the ordinance would apply only to conduct that violates state obscenity law and is visible from a public place, and that it incorporates established legal tests and exceptions to avoid restricting protected artistic, literary, or educational expression. He noted that the ordinance includes provisions intended to align with existing state classifications and enforcement mechanisms and stated that he believed the proposal to be legally defensible.

Councilmember Faraldi stated that he supported the intent of the proposal but emphasized the importance of ensuring strict alignment with state law under the Dillon Rule. He raised concerns that certain provisions in the draft ordinance could exceed authority granted under state code, including proposed exceptions and intent-based provisions not expressly authorized by statute. Councilmember Faraldi cautioned against adopting language that could create legal vulnerability and advocated for a narrower approach that mirrors state code without additional local modifications.

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City Attorney Matthew Freedman acknowledged the legal concerns raised and advised that the proposed ordinance presents complex constitutional and statutory considerations, including potential First Amendment and vagueness issues. He stated that while the City's charter authorizes regulation of immorality and vice, careful analysis is required to determine whether the proposed provisions fall within the scope permitted by the Dillon Rule. He recommended treating the draft ordinance as a starting point and suggested seeking additional input from the Commonwealth Attorney's Office, the Lynchburg Police Department, and outside counsel before returning the matter to Council for further consideration.

Councilmember Reed stated that she shared concerns about exposure of minors to inappropriate material but emphasized the need to carefully balance those concerns with First Amendment protections. She raised questions regarding how the ordinance would be interpreted and enforced, including which parties would be responsible for determining violations and how consistency would be ensured. Councilmember Reed also expressed concern regarding potential City liability and suggested that additional guidance from legal authorities could be helpful before advancing the proposal.

Councilmember Timmer stated that constituent feedback regarding the character of downtown and family-oriented spaces was relevant to the discussion. She emphasized the fiscal and community value of maintaining environments that align with family expectations and tourism goals and stated that consideration of these factors was appropriate as Council evaluated the proposed ordinance.

Vice Mayor Diemer stated that Lynchburg has historically maintained a family-friendly reputation and that this has economic and community value. He expressed appreciation for the work on the proposal and stated that he was comfortable with enforcement being handled by law enforcement within appropriate legal bounds. Vice Mayor Diemer raised questions regarding whether aspects of the draft ordinance could be refined to better align with state law and agreed that additional review by the Commonwealth Attorney would be appropriate.

Councilmember Reed sought clarification regarding whether profane language would be regulated under the proposed ordinance and expressed concern regarding the practical challenges of enforcement if regulation were limited to conduct rather than speech.

Councilmember Misjuns responded that the ordinance is grounded in established obscenity standards derived from Supreme Court precedent and state law and stated that most performances

would not be affected. He reiterated that the proposal was intended to provide enforcement tools consistent with existing legal definitions.

Councilmember Faraldi reiterated his preference for a simplified ordinance strictly limited to what state law expressly permits and cautioned against including provisions that could be interpreted as expanding local authority.

Mr. Freedman reiterated his recommendation that staff engage in further review with relevant legal and enforcement partners and return the matter to Council at a future work session.

// On motion of Councilmember Reed, seconded by Mayor Taylor, Council, by the following recorded vote, elected to hold a closed meeting for the purpose of consulting with the City Attorney (or his designee) and, where needed, receive briefings by City staff members in connection with actual litigation involving the Lynchburg City Council where such consultation or briefings in an open meeting would adversely affect the negotiating or litigating posture of the Lynchburg City Council, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to the Timberlake Investments, LLC v. Lynchburg City Council litigation.

With no discussion from Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Faraldi, Reed, Misjuns, Timmer 7

Noes: 0

// The meeting was reopened to the public.

// Vice Mayor Diemer made the following motion:

WHEREAS, the Council of the City of Lynchburg 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 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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

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resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Misjuns, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Diemer, Wilder, Misjuns, Timmer	5
Noes:	0
Absent: Faraldi, Reed	2

// The meeting recessed at 6:41 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of September, 2025 at 7:00 p.m. in the 2nd Floor Conference Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder, Martin Misjuns, Jacqueline Timmer.	7
Absent:	0

// Councilmember Faraldi led the invocation followed by the Pledge of Allegiance.

// In the matter of Agenda, Clerk of Council Alicia Finney stated that the agenda is divided into four sections: Consent Agenda, Public Hearing, Public Comment, and General Business.

Mayor Taylor said they needed to do roll call, and Ms. Finney explained that there had been an issue with broadcasting for roll call, so the Mayor is suggesting that they do roll call now in a formal setting.

Councilmember Faraldi said he did not need to reiterate what had already been said just so people can see it.

Councilmember Reed said that Councilmember Faraldi had said a lot of wonderful things about the City, but there has also been a lot of sadness around the country over the past few weeks. She stated that she would like to see the community and citizens come together, unify, put differences aside, and work better together.

Councilmember Wilder stated that a lot of great things have been happening in the community this weekend. He said Diamond Hill Rec Center had a Unity Day for the community, which was amazing.

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He said they also had a party on Pierce Street, which has such a rich history in the community, and the annual art show at E.C. Glass.

Councilmember Timmer spoke about a video that she had played during the Work Session Roll Call which showed Erika Kirk, wife of Charlie Kirk. Councilmember Timmer said the message was to respond to hate with love, which is something they should all be able to rally behind. She commented that she greatly appreciates Ms. Kirk's leadership, testimony, and boldness and courage in open dialogue to invite people of differing opinions and viewpoints into conversation. She asked that they take a moment of silence and pray for the nation.

Councilmember Misjuns reflected on the recent passing of Charlie Kirk and referenced his role in founding the Falkirk Center at Liberty University, now known as the Standing for Freedom Center, as well as his connection to Turning Point USA. Councilmember Misjuns also thanked Parks and Recreation Director Wyatt Woody for assisting with arrangements to reserve the City stadium for a community memorial service held on September 28.

Vice Mayor Diemer referenced the recent death of Mr. Kirk and encouraged community members to attend the associated vigil. Vice Mayor Diemer also acknowledged comments shared in a previously shown video regarding forgiveness. He recognized Steve Dunn, Superintendent of the Lynchburg Regional Water Resource Recovery Facility, for receiving the William D. Hatfield Award for Outstanding Performance and Professionalism at the Virginia Water Environment Association awards luncheon held September 10 in Virginia Beach. Vice Mayor Diemer also recognized Sarah Fuentes, formerly of the Clerk's Office, on her appointment as Assistant Director of Human Resources for the City of Lynchburg.

// In the matter of Consent Agenda, Councilmember Misjuns said he is objecting to the entire Consent Agenda which included the approval of minutes from the June 10, 2025; June 23, 2025; June 24, 2025; June 30, 2025; and July 8, 2025 meetings and thus it must be pulled via Council's Rules of Procedure. He said that under Section 5-2.D, "Upon the request of a Councilmember, an item shall be removed from the Consent Agenda," and he is objecting to the entire Consent Agenda.

Vice Mayor Diemer said that he is also objecting, noting that it has to be 7-0 on consent.

Councilmember Reed moved that they put all five items from the Consent Agenda to General Business and that they discuss them all tonight.

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Councilmember Misjuns seconded the motion and asked if Councilmember Reed was okay with a friendly amendment to move the item to the end of General Business.

Councilmember Reed said that she was not okay with that, as she would like it to be discussed at the beginning of General Business.

With no further discussion from the Council, the following vote was recorded:

Ayes: Misjuns, Timmer, Wilder, Diemer, Taylor, Reed 6

Noes: Faraldi 1

// In the matter of Community Development, Agenda Item #6, Council held a public hearing and considered adopting Resolution #R-25-065 approving the submittal of the FY25 Consolidated Annual Performance Report for the CDBG and HOME Program. Grants Manager Melva Walker provided a presentation to Council. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME Program) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress towards the housing and community development goals established within the 2020-2024 Consolidated Plan and the PY 2024 (FY 2025) Annual Action Plan. This CAPER is for the period of July 1, 2024 through June 30, 2025. With the City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program. A public notice for the public comment period and public hearing was published in *The News and Advance* on September 5, 2025.

There was no one to speak in favor or opposition, either by voicemail or in-person, so the public hearing was closed and the matter rested with Council.

At its September 23, 2025 meeting, the Finance Committee reviewed this item and as Chair of that committee, Councilmember Misjuns made the motion to adopt Resolution #R-25-065. Vice Mayor Diemer seconded the motion.

Councilmember Wilder acknowledged all the work being done with this program.

With no further discussion from the Council, the following vote was recorded:

Ayes: Misjuns, Timmer, Wilder, Diemer, Taylor, Reed 6

Noes: Faraldi 1

// In the matter of Budget, Agenda Item #7, Council conducted two public hearings in consideration of Ordinance #O-25-066 approving the FY 2025 Fourth Quarter and Ordinance #O-25-067 approving the FY 2026 First Quarter Adjustments, Chief Financial Officer Donna Witt provided a presentation to Council. The General, City/Federal/State Aid, Children's Services Act (CSA), City Capital Projects, Schools Capital Projects, Fleet Services, and City Payroll Agency Funds are amended to reflect the FY 2025 Fourth Quarter Adjustments. The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Home Investment Partnerships Program (HOME), Technology, Fleet Services, and City Capital Projects Funds are amended to reflect the FY 2026 First Quarter Adjustments.

Clerk of Council Alicia Finney clarified that the first public hearing would be for the fourth quarter adjustments, and the second would be for first quarter adjustments.

Mayor Taylor opened the public hearing for #O-25-066, fourth quarter adjustments and asked if there were any members of the public speaking either in favor or in opposition, and if there were any voicemails received. There being none, he closed the public hearing.

Mayor Taylor opened the public hearing for #O-25-067, first quarter adjustments and asked if there were any members of the public speaking either in favor or in opposition, and if there were any voicemails received. There being none, he closed the public hearing.

Councilmember Misjuns moved, seconded by Councilmember Reed, to adopt Ordinance #O-25-066 approving the fourth quarter FY25 adjustments.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Reed, Faraldi, Wilder 4

Noes: Misjuns, Diemer, Timmer 3

Councilmember Misjuns moved, seconded by Councilmember Wilder, to adopt Ordinance #O-25-067 approving the first quarter FY26 adjustments.

Councilmember Misjuns stated that there were some significant adjustments with this, including \$13 million in appropriations for Smart Scale funding for a badly needed intersection, public safety items for police and emergency communications, and other important items.

With no further discussion from the Council, the following vote was recorded:

Ayes: Misjuns, Timmer, Wilder, Diemer, Taylor, Reed 6

Noes: Faraldi

1

// In the matter of Public Comment, Agenda Item #8, Citizen Greg Berry said he was speaking on behalf of the City Elders group. He quoted several Bible passages and Christian tenets, and he recognized the September 11, 2001 attack and subsequent war in Iraq. He stated that people have forgotten the threats of “radical Islamists,” some of whom are running for office, and he mentioned the killing of Charlie Kirk. He urged City Council to take a firm stand and enact a resolution recognizing Mr. Kirk’s sacrifice and condemning those who resort to violence to silence people who believe in the First Amendment.

// In the matter of Public Comment, Agenda Item #9, Susan Stengel, representing Indivisible Lynchburg, described the organization’s mission, history, and commitment to nonviolent civic engagement. Ms. Stengel expressed concerns regarding political rhetoric she characterized as dangerous and urged City Council to take action in response, while reaffirming the organization’s intention to continue peaceful organizing and collaboration within the community.

// In the matter of General Business, consideration of former Consent Agenda Items #1–5, Ms. Finney reminded Council that this item would be consideration of the minutes of June 10, June 23, June 24, June 30, and July 8 meetings.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to approve the previous Consent Agenda items #1, 2, 3, 4, and 5 as presented and vote on them in a block.

Councilmember Misjuns stated that with the Consent Agenda, there is a motion to approve a block of items but these are now individual items and thus should be considered separately, as stipulated in Section 5-2.D of the Rules of Procedure. He said the rules are pretty clear, and these need to be considered one by one. He stated that the motion is out of order, and he has a point of order.

Mr. Freedman stated that as he understands that rule and the Consent Agenda itself, the Consent Agenda is approval without discussion whereby everyone has agreed to proceed and is still on board, with no conflict with the issue at a previous meeting and is put on the Consent Agenda for the second approval. He said that as far as splitting the items, his interpretation of the rule Councilmember Misjuns cited is that it does not necessarily mean that Council is forced to consider independently every single item that may come off the Consent Agenda, in the event they are related. He said the issue here is whether or not approval of the minutes is related, and he understands that historically, approving the

minutes together has always been done by the Council. He stated that Council could decide to address them separately, and there could be a substitute motion to that effect, or Council could decide with the motion on the table to consider them all as one. He emphasized that however they're considered, there would be discussion on all of the minutes.

Mayor Taylor stated that he does not find the point of order in order.

Councilmember Faraldi stated that the items were related and appropriate for consideration together, noting that all pertained to approval of meeting minutes. He expressed confidence that any concerns would be raised during discussion and stated that the Clerk had reviewed requested edits, made clarifying revisions where appropriate, and provided feedback on others. Councilmember Faraldi indicated that the minutes, as presented, accurately reflected the meetings.

Councilmember Reed stated that Council had previously granted additional time to allow the Clerk to review requested edits to the minutes. She noted that the Clerk subsequently provided a written response to Council, which she read into the record:

"Following the discussion, I have reviewed all requested edits to the June 23rd, 24th, June 30th, and July 8th meeting minutes. I compared the original language with the proposed changes and determined whether revisions were necessary. The attached chart documents each request, the proposed change, and the final outcome. In summary, most requests did not warrant edits as the original minutes accurately captured the sequence of events and remain consistent with established practice. Several clarifying modifications were made to reflect accurate context and ensure objectivity. Proposed insertions that were not germane to the motions on the floor or that are better preserved in historical records, i.e., supporting documents, were left unchanged, as is normal practice. A copy of the detailed review is attached for your reference."

Councilmember Reed stated that the Clerk's review reflected standard practice and that the City Attorney had also reviewed the minutes, and she expressed her view that the minutes did not misrepresent the meetings. She indicated that Council had been provided sufficient time for review and urged Council to proceed with a vote.

Councilmember Timmer offered a substitute motion requesting that the minutes include City staff advice regarding the real estate tax rate if no Council action were taken, as well as corrections to reflect

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that no vote to adjourn occurred on June 23 and that a vote to adjourn the June 23 meeting occurred on June 24. She indicated that she supported approval of the June 10 minutes.

Councilmember Misjuns seconded the substitute motion.

Councilmember Faraldi asked for clarification on what the motion is.

Councilmember Timmer clarified that her motion is a three-part motion: include the recommendation from City staff that they would hold over at the \$0.89, rather than equalization plus 1% per Virginia law, and that needs to be included in the minutes. She said the other two parts are that on June 23, there was no vote for adjournment; but on June 24, there was a vote for adjournment to the June 23 meeting.

Councilmember Timmer read into the record from a prepared statement:

“Thank you, Mr. Mayor, fellow Councilmembers, and citizens of Lynchburg. I appreciate the opportunity to speak on a matter that goes to the heart of our City's Council's integrity, transparency, and adherence to the law. In sum, the minutes should reflect the inaccurate advice of City staff regarding the default real estate rate and that the motion to adjourn at the June 23 meeting was not voted on. And that on June 24, those who walked out of the June 23 meeting moved to adjourn the June 23 meeting and the vote passed 4 to 3. To some, this may sound like much ado about nothing, but it is far from that. This failure to provide proper legal advice and the manipulation of our rules has silenced citizen input, improperly and radically altered our discussion on real estate taxes, could have exposed the City to litigation had we defaulted to the \$0.89 as Mr. Freedman advised was the law, and allowed Mr. Faraldi to generate smearing headlines against those with whom he disagrees. Before I detail the factual support [and this is all cited with timestamps for this statement], let me speak to the common and repeated effort by some on Council to divert from substantive discussion. We are likely to hear when I give up the floor loud proclamations of fidelity to staff that my comments are heaping a burden on City staff and that other members of Council would trust staff ‘with their lives.’ This sound and fury is unfounded and smoke and mirrors. I appreciate the hard work of staff and have expressed this to them directly and publicly. But if we are unwilling to discuss staff errors, particularly errors which directly impact transparency and Council discussions, then we are not doing our job. We have the

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responsibility to ensure staff does their job properly, consistently with the law, and as the law requires, transparently.”

Councilmember Timmer continued:

“Imagine a ship's crew misreading the navigation charts and steering the vessel toward dangerous water or the wrong direction. When a few vigilant passengers raise the alarm, instead of correcting course, some crew members accuse them of disrespecting the sailors. But the issue isn't about loyalty. It's about accuracy. If the charts are wrong, the ship is at risk, no matter how dedicated that crew may be. Now let's look at the facts. Over the past few months, we've seen a pattern of procedural manipulations and legal misrepresentations that have eroded public trust. Today, I want to set the record straight. Based on facts, our rules of procedure, Virginia law, transcripts, and even audio that captures what really happened during our June 23rd and 24th meetings.”

Councilmember Timmer continued:

“Mr. Faraldi successfully maneuvered his no-car tax plan, a proposal to greatly reduce taxes while raising real estate rates taxes to 1.025 per \$100 of assessed value on the agenda for public hearing, as required by Virginia code 58.1-3007, under false pretenses. The Council was wrongly advised by City Attorney, Mr. Matt Freedman, that this hearing was mandatory or the rate would default to 89 cents, leading to a — some say 16, some say 18% — tax hike due to reassessments, potentially increasing taxes on the average homeowner by about \$300. This false concern prompted members to believe a vote on a new rate was necessary or the tax increase would be imposed automatically. The rate would remain at 89 cents and impose that burden. Unfortunately, that was not true. But that's not what the Virginia law says. Under Virginia code 58.1-3321, if no hearing was held, the rate would default to the equalized rate plus 1%, much lower by law, erasing the tax increase. The statute is clear.”

Councilmember Timmer continued:

“The state law takes precedent over City ordinance and certainly over a City Attorney's incorrect interpretation. This false inducement to place the hearing on the agenda shaped the entire debate. An incorrect interpretation of law that the City Attorney still has not acknowledged. Mr.

Freedman's interpretation inverted the law, inserting language in last year's ordinance that contradicted this, forcing an unnecessary hearing and setting the stage for chaos. The fact that the Council, as a result, the public, was told the real estate tax would default to 89 cents dramatically impacted the nature and discussion of the budget. First, the City Manager proposed a budget assuming the 89 cent rate would be there, thus resulting in an average \$300 increase in real estate taxes for the average homeowner and couching any reductions in the overall increase as a budget cut."

Councilmember Timmer continued:

"Secondly, Mr. Faraldi consistently resisted any discussion of the real estate tax rate until the budget was approved, thus forcing acceptance of the real estate rate at least 89 cents. All the while, the City staff was telling Council incorrectly that the rate would default to 89 cents. Only when the incorrect advice was exposed and Mr. Faraldi's proposal to shift the car tax to real estate taxes was exposed as protecting the tax increase of reappraisal was the Council finally able to set a real estate tax rate. The incorrect advice dramatically altered the discussion of the real estate tax such that it resulted in spending driving policy rather than policy driving spending. As I have previously read into the record twice during the debate, the full text of Virginia Code 58.1-3321 establishes mandatory procedures for real estate tax rates following the general reassessment."

Councilmember Timmer continued:

"In summary, the provision states when a reassessment results in an increase in total assessed property values exceeding 1% as occurred in Virginia with a 16% valuation growth, the local governing body must reduce the tax rate to a level that generates no more than 101% of the previous year's real property tax revenues unless it opts for a higher rate after conducting required public hearings and providing specific notices. This provision protects taxpayers by treating any revenue increase beyond the 101% as a deliberative tax hike that demands transparency and justification rather than allowing it to occur automatically through an action. Yet during our deliberations, statements were made that suggest the opposite, that the pre-reassessment 89-cent rate was the default and would persist if we took no action, positioning it as

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a neutral rather than an increase. This framing shifted the burden onto those advocating for equalization, making it seem as though we were proposing drastic cuts — when in reality, we were adhering to the law's baseline.”

Councilmember Timmer continued:

“For example, on June 24th, 2025, during our work session, Deputy City Manager Greg Patrick stated, ‘There's adopting a rate because right now there is a rate, and unless Council takes action, that rate doesn't change, right?’ Council Member Chris Faraldi echoed this, saying, ‘Whether that means we leave it at 89 or we lower other rates to get there or we go to 83 on real estate and do nothing else, I'm very open to any option.’ And on June 30th, 2025, City Attorney Matt Freedman advised, ‘The 89 cents that's on Council's books is continuing [inaudible], okay? So Council, should it not want to, doesn't have to address that. It does not need to be addressed if Council doesn't want to do it.’ When Vice Mayor Diemer clarified, ‘So if we don't address the real estate tax rate tonight by midnight, it will stay at 89 cents,’ Mr. Freedman confirmed. And this is a quote from Mr. Freedman: ‘Well, it would stay until you changed it.’ To retort directly to this interpretation that the Council need not vote or doesn't have to address the rate for it to remain at 89 cents, this view inverts the statute's mandate, treating the law as optional when it is imperative.”

Councilmember Timmer stated that City staff advice regarding the real estate tax rate materially influenced Council's prior deliberations and asserted that this information should be reflected in the minutes.

Councilmember Timmer continued:

“Analogously imagine if state law required cities to elect Council members every two years and not to cancel an election, and one City decided not to have an election one year, justifying their actions by claiming they did not violate state law because they didn't cancel an election, they just continued to honor the results of the last election.”

Councilmember Timmer continued:

“Moreover, if the City had collected taxes at the 89-cent rate without voting to adopt it post reassessment, generating revenues far exceeding 101% of the prior year, it could have exposed

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Lynchburg to liability from taxpayers after collection. Under Virginia Code Section 58.1-3984, taxpayers could challenge the excess as an erroneous levy, seeking refunds, interests, or injunctions. A brief analysis: The statute's mandatory process makes any unjust rate noncompliant, rendering the taxes erroneous due to procedural failure. Courts have upheld similar challenges, potentially leading to class actions or corrections that burden City finances and erode trust. Fortunately, we avoided this by adopting a rate, but the guidance provided by Mr. Patrick and Mr. Matt Freedman could have steered us into such risks, and it should be included in our minutes. These statements had an effect of inverting the law's intent."

Councilmember Timmer said that she has a few more statements, and she was going to complete them and submit them formally for the record.

Mayor Taylor stated that they have been through this; going back to June 23rd, he gaveled in the meeting; a motion was made, and the motion was seconded; and he gaveled it out. Mayor Taylor stated that they had a special meeting the following day, June 24th, and they came in and voted on a rate. He noted that they agreed on the 84-cent rate, which is what was recorded and the rate was set.

Speaking to his second, Councilmember Misjuns stated that statements made by City staff during the June 23 meeting regarding the real estate tax rate should be reflected in the minutes and requested inclusion of the Clerk's memo for the record. He also questioned whether the City Attorney had provided input on whether certain information was material to the minutes. The City Attorney responded that he provides legal guidance to the Clerk when asked whether information is material to a vote or motion.

Councilmember Faraldi called a point of order, stating that according to their Rules of Procedure, their time has expired on debate, and they should vote on the substitute motion and then the primary motion.

Vice Mayor Diemer said there was a point of order, which the Mayor must rule on.

Mayor Taylor said his point of order was for them to move forward.

Councilmember Misjuns requested clarification regarding meeting recordings and referenced external video materials he stated reflected Council action.

Mayor Taylor called the question.

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Councilmember Timmer restated her substitute motion, which requested revisions to the minutes to include advice given by Mr. Freedman and Mr. Patrick regarding the real estate tax rate in the absence of Council action, to reflect that no vote to adjourn occurred during the June 23 meeting, and to reflect that a vote to adjourn the June 23 meeting occurred on June 24.

With no further discussion from the Council, the following vote was recorded:

Ayes: Diemer, Misjuns, Timmer 3

Noes: Faraldi, Reed, Wilder, Taylor 4

Ms. Finney stated that the main motion is on the floor, which is to move items 1–5 for approval.

Councilmember Misjuns stated that they have not had discussion on this, only on the substitute.

Councilmember Reed said she would like to speak to this since she made the motion.

Councilmember Faraldi said the 30 minutes has expired.

Councilmember Misjuns stated that this is a different item.

Mr. Freedman explained that all of this is connected to the same matter — the substitute motion and the main motion — and the Mayor has the ability to call for the vote at this point.

Mayor Taylor clarified that he has called for the vote.

Councilmember Misjuns said their rules of procedure allow them to amend a motion twice. He stated that he would like to amend the motion on the floor to adopt all the minutes, and he would like to include the minutes with the timestamp YouTube links that show the comments that were made by Mr. Patrick and Mr. Freedman. He said that he has a hard copy, in case it got deleted, of the video published by the Lynchburg Democrat Committee showing what happened on the 24th. He reiterated that he would like to amend the motion to insert that in the official record as well.

Vice Mayor Diemer seconded the motion.

Councilmember Timmer reiterated her position that the minutes should reflect what occurred during prior meetings and stated that she supported including the items referenced in her motion.

Vice Mayor Diemer, speaking to his second of the amendment, expressed support for the proposed revisions to the minutes and stated that he believed accuracy of the record and adherence to Council procedures were at issue.

Mayor Taylor called a recess.

September 23, 2025

// The meeting was recessed at 8:39 p.m.

// The meeting reopened at 8:49 p.m. Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder, Martin

Misjuns, Jacqueline Timmer 7

Absent: 0

Mayor Taylor called the meeting back to order and asked for a motion to vote on the Consent Agenda.

Councilmember Misjuns said there is an amended motion that has been properly seconded, pending before the body.

Mayor Taylor said they would be voting on the amended motion.

Councilmember Misjuns clarified that the amended motion is to adopt the minutes with the inclusion of the YouTube links referenced showing the comments regarding the real estate tax rate remaining the same and also incorporate, however they can get a video into public record, the Lynchburg Democratic Committee's video showing the motion and the vote that took place while the audio was cut off on their YouTube feed for City Council on June 24th.

With no further discussion from the Council, the following vote was recorded:

Ayes: Diemer, Misjuns, and Timmer 3

Noes: Faraldi, Reed, Wilder, and Taylor 4

Mayor Taylor called for a vote on the main motion approving the Consent Agenda Items #1-5.

With no further discussion from the Council, the following vote was recorded:

Ayes: Faraldi, Reed, Wilder, and Taylor 4

Noes: Diemer, Misjuns, and Timmer 3

Councilmember Faraldi moved to adjourn the meeting, seconded by Councilmember Reed.

Councilmember Wilder asked if there was anything pertinent that they needed to act on today.

Councilmember Misjuns stated that adjourning the meeting would delay consideration of several pending items, including law enforcement equipment, social services positions, and funding for the

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Central Virginia Alliance for Community Living, noting that some items were described as having no cost to the City.

Vice Mayor Diemer asked Councilmember Faraldi to withdraw his motion and said they need to do their business, as there are six more items to consider.

Mayor Taylor asked Ms. Witt about the impact of delaying these votes.

Ms. Witt responded that she did not think there was any reason this had to be voted on tonight, and they can come back to the next meeting.

With no further discussion from the Council, the following vote was recorded:

Ayes: Faraldi, Reed, Wilder, and Taylor 4

Noes: Diemer, Misjuns, and Timmer 3

// The meeting adjourned at 9:03 p.m.

Clerk of Council

October 14, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of October, 2025 at 4:00 p.m. in the Second Floor Training Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of City Council, Agenda Item #1, Council was briefed regarding the 2026 Legislative Agenda. Assistant to the City Manager Mercedes Braun provided a presentation to Council. The 2026 Legislative Agenda will be presented to City Council for discussion and review. The formal vote will take place on October 28 during the General Business session. Each topic originates from a Council member and has been thoroughly vetted by the appropriate departments. She noted that staff would follow up in written form with answers to questions from councilmembers.

Ms. Braun reviewed Mayor Taylor's item related to allowing localities to prohibit the use of land for "abortion clinics".

Councilmember Timmer expressed concern that the proposed legislation would be self-defeating, as localities already had the authority to limit such uses, and she did not support the item.

Vice Mayor Diemer agreed that localities already had the authority requested, so he did not support the item.

Councilmember Misjuns believed localities already had the requested authority.

Ms. Braun indicated that they would come back to the proposal at a later date. She reviewed Councilmember Faraldi's proposal to allow localities to invest in cryptocurrency.

Councilmember Misjuns expressed full support for cryptocurrency investments. He suggested including gold as an investment strategy, as well.

Ms. Braun said she would follow up regarding gold investments. She reviewed Councilmember Faraldi's proposal to allow a locality to have an elected school board.

Councilmember Misjuns asked for clarification about the process for transitioning from an appointed to an elected school board, noting concerns about potential changes to the City Charter.

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City Attorney Matthew Freedman said he would follow up with more information.

Vice Mayor Diemer also expressed concerns about opening the charter.

Ms. Braun reviewed Councilmember Faraldi's proposal to reform the funding formula used for state-level transportation projects, such as SMART Scale.

Councilmember Timmer asked if there was consideration to change specific parts of the funding formula.

Ms. Braun said that the formula recently changed to benefit larger localities, but she would follow up with more details. She reviewed Councilmember Faraldi's proposal to implement voter identification requirements, prevent same-day registration, and establish a strict chain of custody for ballots.

Vice Mayor Diemer suggested including a proposal to reduce the number of days allowed for early voting.

Councilmember Faraldi said he supported the addition, but he would also support a request for additional funding from the state to support early voting.

Ms. Braun said she would include the suggested language. She reviewed Councilmember Faraldi's proposal to enable the removal of appointed school board members.

Councilmember Timmer expressed concerns that removing school board members may become politicized, noting existing processes to remove members.

Councilmember Misjuns said that the school board should have the authority to remove its own members. He expressed concern about Council micromanaging the school board if the proposal were to pass.

Councilmember Reed noted that since Council appointed members, they should have the ability to remove them out of a responsibility to the electorate.

Councilmember Wilder supported the ability for Council to remove appointed school board members.

Ms. Braun reviewed Councilmember Faraldi's proposal to abolish the elected Office of the Treasurer and transfer its duties to the Department of Finance.

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Councilmember Misjuns asked for information about whether the Finance Department was ever under the authority of the Treasurer.

Vice Mayor Diemer expressed concerns about amending the charter, and he opposed abolishing the Office of the Treasurer.

Ms. Braun reviewed Councilmember Reed's proposal to establish a pilot literacy program.

Councilmember Reed suggested amending the proposal to support funding for dedicated reading teachers and Pre-K reading programs.

Councilmember Misjuns proposed focusing on transitional kindergarten programs, which would identify children who were not ready for kindergarten and put them through another year of Pre-K learning.

Councilmember Reed supported Councilmember Misjuns' proposal.

Councilmember Wilder suggested garnering input from LCS and researching grant opportunities.

Councilmember Timmer supported the proposal.

Vice Mayor Diemer expressed support for the proposal.

Ms. Braun clarified that she would add a topic related to funding for reading teachers and for transitional kindergarten programs. She reviewed Mayor Taylor's and Councilmember Reed's proposal to close gaps around recreational marijuana use, specifically around children.

Councilmember Reed expressed concerns about children experiencing the effects of second-hand marijuana smoke. She noted the increasing potency of marijuana and the lack of regulations related to children's exposure to marijuana. She noted that they had previously implemented measures to address health concerns, such as restricting cigarette smoking in public. She acknowledged that they had not considered the potential long-term effects of recreational marijuana use, which was now harming children.

Mr. Freedman suggested that Council could advocate for a presumptive limit of marijuana in the blood to determine if someone was under the influence. He noted the existing presumptive limit for blood alcohol content.

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Ms. Braun said she would add items pertaining to abuse and neglect of a child, a presumptive limit for marijuana in the blood, and contribution to the delinquency of a minor to the proposal.

Ms. Braun reviewed Councilmember Timmer's proposal related to zoning for transitional housing. She noted that the proposed radius of 10 miles was a placeholder value.

Councilmember Misjuns suggested reducing the radius from 10 miles. He noted a half-way house where he had met several of the residents who were committed to improving themselves, and he emphasized the need for licensed support services. He suggested increasing the distance requirement from schools for sex offenders.

Ms. Braun said that she would add an item related to increasing the distance requirement from schools for sex offenders. She said that she would also remove the radius requirement for the transitional housing proposal.

Ms. Braun reviewed Councilmember Timmer's proposal amending TDOs and ECOs.

Councilmember Faraldi expressed concerns about the burden placed on hospital staff.

Councilmember Misjuns asked to include two proposals from last year, fire and rescue program modernization funding and school choice language.

Ms. Braun said she would add those items. She said that the matter would be presented to Council for action on October 28.

// In the matter of City Council, Agenda Item #2, Council held a work session regarding Lynchburg City Council Rules of Procedure Discussion. City Attorney Matthew Freedman provided a review of the proposed changes. Proposed updates to the Lynchburg City Council Rules of Procedure (ROP) are included in a draft resolution attached. The red and yellow highlighted items are staff-recommended changes and the remaining red changes are various Councilmember-recommended changes. As requested by the Council, Councilmember Timmer's proposed changes have been incorporated into the said draft resolution attached. Councilmember Timmer's previous draft has also been included with this agenda summary in the event it's needed. City staff sought guidance regarding what proposed changes to the ROP are to be considered.

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Councilmember Misjuns expressed concerns about the current process for introducing items during Roll Call. He suggested that if an item was mentioned during Roll Call, it should be sufficient to introduce it at the next work session, rather than requiring a separate request.

Mr. Freedman suggested an exception to Option A, that if an item had already been brought up during Roll Call on a councilmember's own volition, it would not need to be put on Roll Call first as a request, and instead would go straight to a work session.

Council did not express opposition to Mr. Freedman's proposal.

Councilmember Faraldi expressed the need to have a clear policy for adding items to the agenda. He proposed a compromise that would require a vote to add items to the agenda, but if Council had already reviewed the matter at least six months prior, then they could take action on it.

Mr. Freedman clarified that his recommendation was for Council to adopt Option A along with the proposed Roll Call exception, and adopt Councilmember Faraldi's amended language for Item D.

Councilmember Misjuns expressed support for the supermajority requirement to amend the agenda, but he was ambivalent about the other amendments to Item D.

Councilmember Timmer said she supported the proposed changes for Roll Call items and the supermajority requirements, however, she believed that the six-month requirement was unnecessary.

Councilmember Faraldi was amenable to removing the six-month requirement.

Vice Mayor Diemer suggested a three-month requirement.

Councilmember Faraldi noted that a three-month requirement would be more restrictive, and he was still comfortable removing the requirement.

Vice Mayor Diemer expressed support for the changes to Roll Call agenda items and the supermajority requirements.

Mr. Freedman noted consensus from Council to move forward with Option A along with the exception that if an item were brought up during Roll Call, it would not need to be introduced during Roll Call again to be put on the agenda. He said that Councilmember Faraldi's amendments to Item D would be adopted, as well, which included a 2/3 majority vote to add items to the agenda, except for public comment.

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Mr. Freedman presented the changes under Item 11, which would allow a simple majority vote to allow an item to be positioned for a vote during a work session.

Councilmember Misjuns supported the changes.

Councilmember Faraldi supported the changes due to the previously accepted amendments to adding items to the agenda.

Councilmember Timmer supported a 2/3 majority vote, keeping the current practice. She noted that importance of having clear votes on matters before Council.

Councilmember Faraldi stated his opposition to allowing items to be adopted or approved during a work session, though they could be amended and otherwise changed.

Mr. Freedman suggested that they revisit the item to refine the language.

Councilmember Misjuns suggested that any direction given to staff during a work session should be approved by a simple majority vote.

Mr. Freedman said that he would work to incorporate the suggestions from Council. He reviewed changes under Item 12, related to using respectful language during public comment.

Councilmember Reed, Vice Mayor Diemer, and Councilmember Wilder opposed the changes.

Mr. Freedman noted consensus to keep the language as "shall". He presented on the amendment to public comment to permit City residents to speak before non-residents.

Councilmember Misjuns and Vice Mayor Diemer supported the changes because voters should be given priority.

Clerk of Council Alicia Finney stated that validating residency would add another layer of complexity to the public comment process. She noted the challenges and the additional staff time her department already faces with just providing a topic in writing.

Councilmember Reed said that there were stakeholders of the City who were not residents, and their statements should be valued the same, such as business owners.

Mayor Taylor stated that they would revisit the matter at a later work session.

// In the matter of Planning, Agenda Item #3, Council held a work session regarding Councilmember Misjuns' Item: *Discussion of Proposed Amendments to Zoning Ordinance for Regulation of Specialized*

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Medical Facilities. Councilmember Misjuns presented his zoning amendment proposal to define abortion clinics, establish specific land use standards, and amend base zoning districts.

Director of Community Development Tom Martin noted that the earliest possible date for advertisement would be October 23 with a return date before Council for January 13, 2026. He recommended a November 20 advertisement date with a return date of January 27, 2026.

At the request of Councilmember Misjuns, Josh Hetzler, Founding Freedoms Law Center, provided additional information to Council.

Councilmember Faraldi asked Mr. Hetzler if he received documentation related to the discussion from members of Council.

Mr. Hetzler said he could not disclose that information due to attorney-client privilege.

Councilmember Faraldi asked Mr. Hetzler if he was in a contractual relationship with any member of Council.

Mr. Hetzler said he was in a contractual relationship with one or more members of Council, but he could not specify how many.

Councilmember Faraldi explained that he and the City Attorney had been working on an alternative proposal, which fell under attorney-client privilege. However, Mr. Hetzler admitted to him that he had already read the proposal. He said he wanted to know which member of Council or staff violated Council's attorney-client privilege.

Councilmember Misjuns called a point of order. He said that Councilmember Faraldi's comments were intimidating.

Councilmember Faraldi expressed concerns that one or more councilmembers violated the Council's attorney-client privilege, and that behavior should be disciplined.

Mr. Hetzler provided additional information to Council, arguing why the proposal was lawful. He discussed the Dillon Rule, the zoning authority granted to localities, and legal precedent.

Councilmember Faraldi motioned to send both Councilmember Faraldi's and Councilmember Misjuns' proposal to the Planning Commission for review.

The motion failed for lack of a second.

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Councilmember Misjuns motioned, seconded by Councilmember Faraldi, to suspend the rules of procedure, send Councilmember Misjuns' proposal to the Planning Commission for review, and advertise on November 20 for a public hearing.

Councilmember Misjuns said they should not allow abortion clinics next to schools or churches.

Councilmember Timmer expressed her support for the motion, noting the absence of access issues in Virginia.

Councilmember Reed supported the motion. She expressed concerns about the lack of regulations for mail-order abortion medication.

Councilmember Faraldi asked if communications with Mr. Hetzler related to City business would be subject to FOIA requirements.

Mr. Freedman said it was a complicated question.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, and Timmer 7

Noes: 0

// In the matter of Roll Call, Mayor Taylor said that in the interest of time, they would address Roll Call during the regular meeting.

// On the motion of Vice Mayor Diemer, seconded by Councilmember Misjuns, Council, by the following recorded vote, elected to hold a closed session to discuss 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, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to an investment at the Lynchburg Regional Airport and contractual negotiations regarding services for the City's Riverfront Park Amphitheatre. The discussion of appointments for vacancies to the following Boards and Commissions was cut due to the time: Business Development Center, Greater Lynchburg Transit Company, Lynchburg Redevelopment and Housing Authority, Lynchburg Parking Authority, and Social Services Advisory Board.

With no further discussion from the Council, the following vote was recorded:

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Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, and Timmer 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Timmer made the following motion:

WHEREAS, the Council of the City of Lynchburg 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 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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 resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Reed, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// The meeting recessed at 6:58 p.m.

October 14, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of October, 2025 at 7:05 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder, Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// Councilmember Timmer led the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Agenda Item #1, Council considered Domestic Violence Awareness Month Proclamation. Clerk of Council Alicia Finney read the proclamation recognizing Domestic Violence Awareness Month into the record.

Mayor Taylor presented the proclamation. Nancy Hubbard, Executive Director of the YWCA of Central Virginia, accepted the proclamation.

// In the matter of Roll Call, Councilmember Reed paid tribute to James "Jim" Tennant, a veteran and community member, and extended condolences to his family. She also honored the women from Lynchburg who lost their lives to domestic violence over the last two years, including Nicole Rosser, Avriel Hooks, Makayvia Cabell, Tiffany Fortuna, Christina Hamilton, and Cansas Crotts.

Councilmember Faraldi noted that David Bradley, a Senior running back for Heritage High School, had a successful surgery following a football related injury.

Councilmember Wilder commended Point of Honor for a successful Day at the Point event.

Councilmember Misjuns thanked Liberty University for hosting a mass casualty exercise to identify weaknesses in the area's response to large-scale incidents and facilitate improvement. He requested that the City consider implementing DUI and DWI enforcement checkpoints on Boonsboro Road. He apologized to Councilmember Faraldi for remarks he made in a previous work session.

Vice Mayor Diemer encouraged the community to attend the CEO summit at Liberty University, which was happening Thursday and Friday. He thanked the citizens and staff who attended the Charles Kirk Memorial at the stadium, praising the event as a great time of prayer and reflection.

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Mayor Taylor expressed gratitude to everyone, including those present, for their participation in government.

// In the matter of Planning, Agenda Item #2, Council conducted a public hearing in consideration of adopting Resolution #R-25-068 granting a Conditional Use Permit (CUP) to Dio Rentals, LLC to allow the use of an existing structure as a four-unit multi-family dwelling at 1115 Wise Street. City Planner Rachel Frischeisen provided a summary of the request to Council. Dio Rentals, LLC is petitioning for a CUP to allow the use of an existing structure as a four (4) unit multi-family dwelling in a B-5, General Business District at 1115 Wise Street.

The property is zoned B-5, General Business District. In this district, multi-family dwellings are permitted upon approval of a CUP by Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends Neighborhood Commercial use for the subject property. These areas call for less intense commercial uses such as office, retail, and personal services. The existing structure currently has three (3) units.

The use of the existing residential structure as a four (4) unit multi-family dwelling should have limited impact on the surrounding area. Approval of the CUP petition would allow for one (1) additional residential unit without altering the zoning and would preserve the opportunity for future commercial uses to occupy the space.

A representative of Dio Rentals, LLC, provided a presentation to Council stating his intentions to transform the property into a positive addition for the neighborhood.

There was no one wishing to speak in favor or in opposition, either in person or by voicemail. The public hearing was closed, and the matter rested with Council.

Councilmember Faraldi motioned, seconded by Councilmember Misjuns, to approve Resolution #R-25-068.

Councilmember Wilder acknowledged a constituent's concern about parking, but he was reassured that there was adequate parking available. He expressed his appreciation for the revitalization of the community.

With no further discussion from the Council, the following vote was recorded:

October 14, 2025

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, and Timmer 7

Noes: 0

// In the matter of Planning, Agenda Item #3, Council conducted a public hearing in consideration of adopting Ordinance #O-25-069 approving the rezoning of 826 Kemper Street to allow for a gift shop and two short term rental units. City Planner Rachel Frischeisen provided a summary of the request to Council. Mary Janes, LLC is petitioning to rezone approximately thirty-seven thousandths (.037) of an acre from I-2, Light Industrial District to B-4, Urban Commercial District at 826 Kemper Street to allow for the use of an existing first floor as a gift shop and the addition of a second floor for use as two (2) short-term rental units.

The property is currently zoned I-2, Light Industrial District. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends an Employment 2 use for the property. Restaurant, hotel, and business service uses are appropriate, if sized and designed to serve the employment area. A restaurant formerly operated in the building, as a non-conforming use. The restaurant use discontinued for a period of more than two (2) years, and lost its non-conforming status. The requested B-4, Urban Commercial District would permit the proposed uses.

The property is currently vacant and in poor condition. Approval of the rezoning petition would allow for reuse.

Casey Servis, representing the petitioner and the architect for the project, provided a presentation to Council. He noted the poor condition of the roof and the restricted uses for the building under the current zoning classification. He said the main concern raised by the Planning Commission was parking, but he believed the impact would mainly be from the two short-term rentals.

There was no one wishing to speak in favor or in opposition, either in person or by voicemail. The public hearing was closed, and the matter rested with Council.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Ordinance #O-25-069. Councilmember Misjuns expressed appreciation for the revitalization of the building.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, and Timmer 7

Noes:

0

// In the matter of Planning, Agenda Item #4, Council conducted a public hearing in consideration of adopting Ordinance #O-25-070 approving the rezoning of 663 Leesville Road to allow the construction of townhomes. City Planner Rachel Frischeisen provided a summary of the request to Council. Mr. Carl Martin, of Martin Ridge Homes, LLC, is petitioning to rezone approximately one and sixty-eight hundredths (1.68) acres from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) at 663 Leesville Road to allow for the construction of fourteen (14) additional townhome units.

Townhome developments are a permitted use in the R-4, High Density Residential District. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Medium Density Residential use for the portion of the property where the townhome units would be located. Medium Density Residential areas are characterized by small-lot single-family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. The proposed density is below that which is recommended.

The single-family dwelling will remain and the fourteen (14) townhome units, as presented on the concept plan, will tie in with a previously approved fifty-four (54) unit townhome development. The additional units should have limited impact on the surrounding area.

Russ Nixon, representing the petitioner, provided a presentation to Council. He noted that they would be removing multiple entrances onto Leesville Road, and the development included eight single-story units targeted towards elderly and disabled people. He noted that the proposal would lower the overall density of the site.

There was no one wishing to speak in favor or in opposition, either in person or by voicemail. The public hearing was closed, and the matter rested with Council.

Councilmember Timmer motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-25-070. Councilmember Timmer expressed her support for the project, citing three main reasons: the for-sale nature of the housing, thoughtful parking arrangements, and the fact that it would not add traffic patterns. She also appreciated the consideration given to aging-in-place needs.

Councilmember Wilder appreciated the traffic improvements and the fact that the properties were for sale.

Vice Mayor Diemer expressed opposition to the development, citing eight other developments in the area and concerns about traffic impacts.

Councilmember Misjuns stated his support for the project because it addressed a need for affordable housing and created a buffer from Bentley Grove. However, he questioned the current state of the roads and asked if there was something that could be done to improve the situation. He suggested conducting a Leesville corridor study and updating the Wards Ferry corridor study.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Reed, Faraldi, Wilder, Misjuns, and Timmer 6

Noes: Diemer 1

// In the matter of Airport, Agenda Item #5, Council conducted a public hearing in consideration of adopting Resolution #R-25-071 approving a lease agreement between the City of Lynchburg and Freedom Aviation, Inc. to allow Freedom Aviation, Inc. to lease and use property at the Lynchburg Regional Airport. Airport Director Cedric Simon provided a summary of the request to Council. Earlier this year, the City solicited proposals from entities wishing to lease two (2) aircraft storage hangars, one with an adjoining office and reception area and the other with an adjoining office, classroom, and reception area from the Lynchburg Regional Airport (LYH). The airport's lease with the current tenant and related space expires on December 31, 2025. The premises consist of approximately 10,000 square feet of hangar space and 1,600 square feet of office/reception space, plus an additional 6,000 square feet of hangar space and 1,800 square feet of office, classroom, and reception space. The tenant would also have non-exclusive use of the public vehicle parking areas serving the adjacent hangars.

The proposed tenant would be Freedom Aviation, Inc. Freedom Aviation, Inc is the current Fixed Base Operator (FBO) and tenant at Lynchburg Regional Airport (LYH) that provides fueling services to the Lynchburg Regional Airport and offers flight training, charter services, and aircraft management solutions.

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The initial term of this Deed of Lease would be five (5) years, commencing January 1, 2026, with the option to extend for up to five (5) additional one (1) year terms. Rent shall be subject to an annual escalation of three percent (3%) to reflect the Consumer Price Index (CPI) adjustment for each year of the term.

Andrew Wallace, representing the petitioner and president of Freedom Aviation, spoke in favor of the petition. He highlighted the company's 20+ years of experience in aviation, its current operations, and its plans to expand its maintenance operation.

Ian Dutkus, Executive Director of Operations for Liberty University School of Aeronautics and speaking in favor, stated that Freedom Aviation was a valued partner. He emphasized the importance of the partnership with Freedom Aviation in providing support services, efficient resource distribution, and meeting increasing student demand.

Kyle Falwell, owner of Bon Air Jet, current tenant of hangars one and three, and speaking in opposition, expressed concern that giving hangar space to Freedom Aviation, owned by Liberty, would hinder his company's growth. He highlighted Bon Air Jet's significant expansion, and its development of a flight school and maintenance operation.

Gary Davis, owner of Davis Air and speaking in opposition, highlighted the company's main business of transporting surgeons and organs. He noted that they were dependent on Bon Air Jet for its facilities. Mr. Davis requested reconsideration for hangars one and three, as Bon Air needed more space to continue growing, and giving these hangars to Freedom Aviation would have an adverse effect on his business.

Jones Stanley, chief pilot for Bon Air Jet and Davis Air and speaking in opposition, noted the company's need for more hangar space. He expressed concern that the matter did not appear before the Airport Commission, and he felt it had not been properly discussed. He requested that Council reconsider the matter.

There was no one else wishing to speak, so the public hearing was closed and the matter rested with Council.

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Councilmember Timmer noted that the presentation for the project was discussed in a closed session before the Physical Development Committee.

Councilmember Misjuns requested that Mr. Wallace respond to the comments in opposition.

Mr. Wallace said that they had undergone the RFP process in good faith, so he was not sure about the current situation. He highlighted the company's efforts to maintain profitability to demonstrate its ability to pay for the rental term. He also expressed willingness to invest in and renovate the facilities to meet his company's high standards.

Councilmember Misjuns expressed concerns about impacting the organ transportation operations by Bon Air Jet.

Councilmember Reed emphasized the importance of the organ transportation business, but she noted that there was an open RFP for hangar 12, which could potentially meet the needs of Bon Air Jet. She said she wanted to honor the current RFP process and the petition before them.

Councilmember Reed motioned, seconded by Vice Mayor Diemer, to adopt Resolution #R-25-071.

Councilmember Misjuns asked how Bon Air Jet and its organ transportation operations would be impacted.

Mr. Falwell said that they would likely have to move operations out of Lynchburg due to limited hangar space.

Councilmember Faraldi said he wanted more information, so he was inclined to vote against the motion.

City Attorney Matthew Freedman noted some typographical errors to correct in the resolution.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, and Timmer 6

Noes: Faraldi 1

// In the matter of Public Comment, Agenda Item #6, Citizen Peter Cefaratti addressed Council regarding whether the truth was important. He questioned the importance of truth and transparency in Council meetings, citing recent meetings as examples of unproductive behavior and emotional outbursts.

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// In the matter of Public Comment, Agenda Item #7, Citizen Dawn Peters was not present.

// In the matter of Public Comment, Agenda Item #8, Citizen Beth White, representing Citizens United for Lynchburg, addressed Council regarding points of order. She expressed concern over the increasing focus on personal agendas, insults, and childish behavior among councilmembers since January 1, 2023. She cited instances of demoralizing city staff, social media attacks, and lack of professionalism. She cautioned that if colleagues and staff were not treated with respect, constituents may lose respect for them, potentially leading to them being replaced by candidates who will restore dignity and civility to the Chamber.

// In the matter of Public Comment, Agenda Item #9, Citizen Katie Yergler was not present.

// In the matter of Public Comment, Agenda Item #10, Citizen Janice Quattlebaum addressed Council regarding City meetings. She expressed concerns about the City's historical records, citing the editing of previous meeting videos and minutes, which she believed led to incomplete or inaccurate records. She emphasized the importance of staff providing timely, accurate, and comprehensive information to Council and she criticized Council's unwillingness to be consistent in following its own policies and state codes.

// In the matter of Public Comment, Agenda Item #11, Citizen Pat O'Hara, representing Indivisible Lynchburg, addressed Council regarding practicing Civility in Civil Matters and the chaotic Council meetings. He expressed frustration that Council was focusing on minor issues from months ago, wasting hours of time, rather than addressing real problems and working towards solutions that would benefit the community.

// In the matter of Public Comment, Agenda Item #12, Citizen Greg Berry, representing City Elders addressed Council regarding the right to know the truth. He recounted from the Bible 2 Kings 5. He expressed concerns about violent crime in the City, which he attributed to a decline in moral values. He said that Council needed to turn to God to solve the problems of the City.

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// In the matter of Public Comment, Agenda Item #13, Citizen Jeff Rosner addressed Council regarding the impact on Lynchburg and on Virginia of the Federal request for voter data. He expressed concern over the Federal Department of Justice's request for voter data, including partial social security numbers, from 38 states, including Virginia. He noted that Virginia law prohibits disclosure of whole or partial social security numbers and that the Virginia Election Department had not yet provided any data. He urged the public to contact the State Elections Department and the State Board of Elections to speak out against providing sensitive information to the DOJ.

// In the matter of Public Comment, Agenda Item #14, Citizen Joshua Pratt was not present.

// In the matter of Public Comment, Agenda Item #15, Citizen Deborah Trefzger was not present.

// In the matter of Water Resources, Agenda Item #16, Council considered adopting Ordinance #O-25-072 authorizing a Water & Sewer Contract between the City of Lynchburg and Seven Hills Paperboard, LLC, an affiliate of CertainTeed, LLC, that, among other terms, will set fixed rates for water and wastewater services. The matter was previously discussed during the Physical Development Committee meeting. On May 13, 2025, a Public Hearing was conducted for the purposes of entering into an industrial water and sewer contract with CertainTeed, LLC similar to the previous contract with WestRock Company. City Council approved the contract. In subsequent discussion with the industry, the actual name of the entity that should be named on the contract is Seven Hills Paperboard, LLC, an affiliate of CertainTeed. Other than the name change, the contract terms, conditions, and rates remain the same as was approved on May 13, 2025.

At its October 14, 2025 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Timmer brought the committee's recommendation for approval forward as a motion noting that this was essentially a technical change to a contract that Council had already approved. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

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// In the matter of Finance, Agenda Item #17, Council considered introducing Ordinance #O-25-073 approving the funding for the Central Virginia Alliance for Community Living (CVACL) in the amount of \$25,000. The matter was previously discussed during the Finance Committee meeting on September 23, 2025. At the August 26, 2025, City Council meeting, City Council agreed to reconsider the request by Central Virginia Alliance for Community Living (CVACL) for funding in FY 2026.

Councilmember Misjuns noted that the Finance Committee unanimously approved the item, however, he would propose an amendment, which required a second.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt the ordinance with an amendment to require the \$25,000 be returned to the reserve for contingency when the unassigned fund balance was received.

With no further discussion from the Council, the following vote was recorded on the approval of Ordinance #O-25-073:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, and Timmer 6

Noes: Faraldi 1

// In the matter of Human Services, Agenda Item #18, Council considered adopting Ordinance #O-25-074 authorizing the payment of performance-based monetary bonuses to Benefit Programs Specialists employed by the City of Lynchburg's Department of Human Services. The item was discussed during the Finance Committee meeting on September 23, 2025. The Virginia Department of Social Services is implementing a performance-based bonus structure to incentivize efficiency and accuracy in reducing Medical Assistance renewal backlogs. This bonus applies to Social Services workers who process Medicaid eligibility cases. This incentive is designed to enhance the timeliness of critical Medicaid processing deadlines and improve service delivery to the community.

While specific program details are still forthcoming, localities must adopt an ordinance authorizing the incentive for eligible employees. The criteria and funding for the bonus would be wholly provided by VDSS, with no local match required.

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At its September 23, 2025 meeting, the Finance Committee recommended approval. As Chair of that Committee, Councilmember Misjuns brought the Committee's recommendation for approval forward as a motion, noting that the program was a performance incentive bonus program with no local match. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// In the matter of Human Services, Agenda Item #19, Council considered introducing Resolution #R-25-075 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$266,311 to address the damage from the opioid epidemic in the City of Lynchburg and amending the FY 2026 General Fund Budget and appropriating \$443,826 from the City/Federal/State Aid Fund to establish four new positions within the Lynchburg Department of Social Services. This matter was previously discussed during the Finance Committee meeting on September 23, 2025. Beginning in FY 2023, the City of Lynchburg began receiving money from the Opioid Abatement Authority in Direct Distributions. The City of Lynchburg is requesting approval to appropriate \$266,311 towards the following programs to support treatment and remediation of the impact of opioid addiction throughout the City of Lynchburg:

1. \$52,560 for Community Corrections and Pretrial Services - to support the transportation, counseling, drug screening, and other prevention and treatment needs for individuals placed in pretrial or probation services for substance-related offenses.
2. \$69,958 for the Lynchburg Behavioral Health Docket - to support the transportation, counseling, drug screening, and other prevention and treatment needs for individuals placed in the Behavioral Health Docket Program with co-occurring mental health and substance abuse disorders.
3. \$25,000 to Lynchburg Juvenile Services - to provide educational, preventative, and substance abuse treatment groups at the Lynchburg Youth Group Home for children and adolescents that are placed in shelter or foster care with the City of Lynchburg for stabilization services.
4. \$118,793 to the Lynchburg Department of Social Services to:
 - a. Provide specialized training for staff in substance use and addiction and offer direct assistance to families (\$50,000) by covering recovery program co-pays/fees,

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transportation to treatment, substance use assessments and screenings, recovery housing, and other supports essential for long-term recovery, prevention, and treatment.

- b. Establish a specialized CPS unit (\$68,793) - one Family Services Supervisor and three Family Services Specialists - dedicated to substance-affected families. Beginning July 1, 2025, VDSS added \$375,033 to Lynchburg's budget to fund these positions, with a \$68,793 required local match.

Additionally, the City of Lynchburg is requesting approval to appropriate \$375,033 from the Virginia Department of Social Services to establish four new positions within the Lynchburg Department of Social Services that will be a designated CPS unit tasked with providing specialized services to substance-affected families.

At its September 23, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion, noting there was no local match required. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// In the matter of the Police Department, Agenda Item #20, Council considered introducing Resolution #R-25-076 amending the FY 2026 City/Federal/State Fund budget and appropriating \$148,850 to purchase forensic and analytical technology for the Lynchburg Police Department. The item was previously discussed during the Finance Committee meeting on September 23, 2025. The Virginia Department of Criminal Justice Services has awarded the city \$148,850 to purchase forensic and analytical technology. This includes the purchase of a forensic spectroscope to aid in the identification of evidentiary items such as fingerprints, biological fluids, and gunshot residue, and the purchase of analytical software that manages data across disparate systems to identify crime patterns and inform operational decisions. No local matching funds are required.

At its September 23, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the Committee's recommendation for approval forward

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as a motion, noting there was no local match required. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// In the matter of the Police Department, Agenda Item #21, Council considered introducing Resolution #R-25-077 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$30,000 to purchase a mobile device wellness application for the Lynchburg Police Department. This item was previously discussed at the Finance Committee meeting on September 23, 2025. The City of Lynchburg was awarded \$30,000 in Office of First Responder Wellness Grant Program funding. The Lynchburg Police Department will use this funding to purchase a mobile application to be downloaded on first responders' mobile devices. No local matching funds are required.

Councilmember Misjuns asked if this type of funding would be available to the Fire Department. Interim Chief of Police Kenneth Edwards confirmed that application would apply to the Fire Department, but there would be an additional cost. He said that the Police Department's finance department would be able to manage the funds for the Fire Department. He noted that Fire Chief Greg Wormser informed him that the Fire Department already had an application in effect.

At its September 23, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// In the matter of the Police Department, Agenda Item #22, Council considered introducing Resolution #R-25-078 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$150,000 to purchase communication headsets and ergonomic office furniture and chairs for the Lynchburg Emergency Communications Center. The item was previously discussed at the Finance Committee meeting on September 23, 2025. The City of Lynchburg was awarded \$150,000 in Virginia Department of Emergency Management Next Generation E9-1-1 grant funding. The Lynchburg Police Department will

use this funding to purchase facility technology and furniture upgrades. No local matching funds are required.

At its September 23, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// In the matter of Engineering, Agenda Item #23, Council considered adopting Ordinance #O-25-079 amending the meaning of "Plat" under Article I(C) of the non-exclusive franchise granted to Rosedale Investments, LLC and Rosedale Owners Association, Inc. The matter was previously discussed at the Physical Development Committee meeting on September 9, 2025. City staff seeks approval of an amendment to Ordinance #O-25-033 (the "Rosedale Franchise Ordinance") adopted on May 13, 2025. After the Rosedale Franchise Ordinance was adopted, the proposed subdivision plat required additional revision. The revisions were technical and ministerial in nature. The proposed amendment to the Rosedale Franchise Ordinance is to make technical changes and amend the definition or meaning of "Plat" under Article I(C) to read as follows: that certain subdivision plat entitled "Plat Showing Rosedale City of Lynchburg, Virginia", dated April 19, 2022, revised September 14, 2023, March 18, 2025, and June 5, 2025.

At its September 9, 2025 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Timmer brought the committee's recommendation for approval forward as a motion noting that the item was a technical adjustment in language. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, and Timmer 6

Noes: Faraldi 1

// In the matter of Finance, Agenda Item #24, Council considered adopting Ordinance #O-25-066 approving the FY 2025 Fourth Quarter and Ordinance #O-25-067 approving the FY 2026 First Quarter Adjustments. Council conducted a second reading in consideration of adopting Ordinance #O-25-066

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approving the FY 2025 Fourth Quarter and Ordinance #O-25-067 approving the FY 2026 First Quarter Adjustments. Chief Financial Officer Donna Witt provided the presentation to Council. There are two main positive financial changes in the fourth quarter adjustments. 1) The City received an additional \$816,820 in state funds for the Children's Services Act Fund, total appropriation now \$3,738,263, which supports foster care; if not approved, this money must be returned and replaced with local funds. 2) The amount needed from the assigned health insurance reserve was reduced by half, from \$1.5 million to \$750,000, based on final reports. The overall adjustment totals were updated accordingly.

Councilmember Misjuns asked for clarification about the fund that the money would be transferred to.

Ms. Witt explained that the fund was called the Payroll Agency Fund, and it was essentially a holding fund where claim payments would be disbursed from. She said it was similar to an escrow, and it was not directly funded by appropriations, but rather it was a holding tank for money that was already allocated in the general fund and other areas.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to adopt Ordinance #O-25-066 and Ordinance #O-25-067. With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, and Timmer 7

Noes: 0

// The meeting adjourned at 9:22 p.m.

Clerk of Council

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// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of October, 2025 at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Chris Faraldi, Sterling A. Wilder, Martin Misjuns, Jacqueline Timmer	6
Absent: Stephanie Reed	1

// In the matter of Work Session Agenda Overview. City Manager Wynter Benda briefly discussed the recent expansion of air service to Chicago and D.C., and he acknowledged and thanked Airport Director Cedric Simon for his efforts in making the expansion possible.

Mr. Benda noted that the next Council meeting will be on Wednesday, November 12 since the normal meeting pattern falls on Veterans Day, a City recognized holiday.

// In the matter of Planning, Agenda Item #1, Council was briefed regarding the 3200 Carroll Avenue - Conditional Use Permit (CUP) - Pickleball Athletic Club. The matter will appear before Council for action at the November 12, 2025 meeting. City Planner Rachel Frischeisen provided the presentation to Council. Dantas Properties, LLC is petitioning for a CUP to allow the use of an existing structure as an athletic club for pickleball in an I-2, Light Industrial District at 3200 Carroll Avenue.

The property is zoned I-2, Light Industrial District. In this district, athletic clubs and recreational sports facilities are permitted upon approval of a CUP by Council. The Comprehensive Plan 2013- 2030 Future Land Use Map (FLUM) recommends an Employment 2 use for the subject property. The structure proposed to house the pickleball club was constructed as part of a by-right development. The pickleball club itself would be a tenant buildout and should have limited impact on the surrounding area. The structure could be converted back to industrial space as needed.

Councilmember Misjuns expressed support for the project, noting that pickleball would be a good buffer from other industrial uses. He commented on the Planning Commission meeting with only one public commenter who was in opposition because they were worried about this negatively affecting their property value.

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// In the matter of Planning, Agenda Item #2, Council was briefed regarding the 2134 Westerly Drive - Conditional Use Permit (CUP) - Group Home. The matter will appear before Council for action at the November 12, 2025 meeting. City Planner Rachel Frischeisen provided the presentation to Council. Sobrius at Lynchburg, LLC is petitioning for a CUP to allow the use of an existing structure as a large group home for up to thirty-six (36) individuals in a program for substance use treatment services in a R-4, High Density Residential District at 2134 Westerly Drive.

The property is zoned R-4, High Density Residential District. In this district, large group homes are permitted upon approval of a CUP by City Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends Mixed Use for the subject property. The property was previously used as the Miller Home for Girls, which is a private, nonprofit group home. The use of the existing structure as a large group home should have limited impact on the surrounding area.

Mayor Taylor wanted to know what would happen to the current residents at the Miller Home. Ms. Frischeisen replied that the Miller Home for Girls is still there and will just move into a smaller space.

Councilmember Timmer expressed concern about the repeat licensing issues they had dealt with this petitioner.

Councilmember Wilder asked if residents had attended the Planning Commission meeting.

Ms. Frischeisen said two residents from the same household attended the meeting to express their opposition, but it appeared they had a productive conversation afterwards, potentially resolving their concerns. The petitioner had been cooperative in explaining their operations, and residents with remaining questions could reach out to the petitioner or staff.

Councilmember Misjuns emphasized the importance of considering the distance from schools when addressing the project.

Vice Mayor Diemer asked if the City had ever had a compliance liaison to help projects reach and maintain compliance.

Assistant City Manager Kent White replied that zoning was generally a complaint driven enforcement process.

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// In the matter of Planning, Agenda Item #3, Council was briefed regarding the 1701 and 1703 Wards Ferry Road - Rezoning - Apartments. The item will appear before Council at the November 12, 2025 meeting. City Planner Rachel Frischeisen provided the presentation to Council. MUT82, LLC is petitioning to rezone approximately ninety-eight hundredths (0.98) of an acre from R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow for the construction of a ten (10) unit apartment development at 1701 and 1703 Wards Ferry Road.

Multi-household structures (apartments) are a permitted use in the R-4, High Density Residential District. The proposed density for the development is below that which is recommended by the Medium Density Residential use in the Comprehensive Plan 2013-2030 Future Land Use Map (FLUM). The voluntarily submitted proffers limit the development to no more than ten (10) apartments, which are to be constructed as townhouse-style units, per the proffered concept plan.

Councilmember Timmer asked about parking availability, specifically in relation to the number of units and bedrooms.

Ms. Frischeisen explained that the proposed development included 10 units and 17 parking spaces, meeting the minimum requirement of one parking space per dwelling unit. However, she noted that the ordinance was based on units, not individual residents, and that not everyone would have a parking space if there were multiple tenants per unit. She pointed out that the site was located half a mile from a commercial area, including a Walmart and restaurants, making it potentially suitable for students or residents without cars.

Councilmember Misjuns expressed opposition to the proposed development, citing concerns about parking and the potential for increased density in the neighborhood. He noted that the proposed development would target college students and lack sufficient parking spaces, which he believed would lead to problems. He suggested that the City revisit its Wards Ferry corridor study before moving forward with additional development.

Vice Mayor Diemer expressed concerns about parking. He also expressed interest in reviewing the final design from VDOT for the proposed roundabout at the intersection. He said he wanted to ensure they preserved the character of the neighborhood.

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Ms. Frischeisen said that VDOT had completed the right-of-way acquisitions, so they were likely not expecting many changes.

Councilmember Misjuns said that pedestrian safety concerns were another reason he opposed the project.

// In the matter of City Council, Agenda Item #4, Council held a work session regarding Virginia Conflict of Interest Act Council Training. City Attorney Matthew Freedman introduced Sharon Pandak, former County Attorney for Prince William County, who would lead the training.

Ms. Pandak provided Council training on the Conflicts of Interest Act, encouraging councilmembers to read the act in its entirety.

// In the matter of Roll Call, Councilmember Faraldi announced that it was First Responders Day, and he wanted to highlight the importance of public safety, particularly for law enforcement, fire departments, and dispatch centers. He noted a VDOT project on Laxton Road that may impact city residents. He suggested that the finance committee explore ways to offset parking costs at the airport. He expressed opposition to a proposed change in the redistricting process in Virginia, which he believed was an attempt to circumvent a constitutional amendment passed a few years ago.

Councilmember Faraldi discussed a proposed resolution opposing the state's gerrymandering of congressional seats. He requested that the City express its opposition to the state's actions and to explore legal options to combat it, if the state moves forward. He requested to include the item under General Business, by consensus.

Councilmember Misjuns said that it was against the Rules of Procedure to take action during Roll Call.

City Attorney Matthew Freedman noted that debate was not permitted during Roll Call. He suggested that Council continue with Roll Call, then at the end determine whether they should consider adding the item to the agenda.

Councilmember Wilder met with the new director of the Lynchburg Downtown Association to gain a better understanding of her role and expectations. He expressed excitement for the future of the organization.

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Councilmember Timmer expressed appreciation for various staff members. She suggested some form of student orientation regarding traffic patterns in the City. She acknowledged the City's efforts in addressing deer overpopulation. She thanked City staff for addressing her concerns about Magnolia Street, noting there would be a citizen outreach event. She suggested exploring shuttle opportunities for the downtown amphitheater to address potential parking concerns.

Councilmember Misjuns congratulated Lynchburg United football on a successful season. He thanked Councilmember Faraldi for bringing the redistricting discussion to Council's attention but stated that he wasn't sure this is the vehicle to do this. He urged drivers and residents to be careful during Halloween, and he encouraged people to wear reflective clothing or lights to increase visibility at night. He noted a football game was scheduled between Heritage High School and LCA, and he encouraged everyone to attend.

Vice Mayor Diemer requested that LPD provide directive radar patrols on Leesville Road to address ongoing motorcycle and car racing issues, which have resulted in accidents and fatalities. He also suggested adjusting the speed limit in the area. He highlighted two Liberty University events: the CEO Summit, which brought international leaders to Lynchburg, and the upcoming homecoming football game, inviting fellow alumni to attend the game.

Mayor Taylor gave a shout out to City staff and the EDA for their great work, highlighting the many good jobs that have come to Lynchburg in the last year.

// Councilmember Faraldi motioned to suspend the Rules of Procedure to add an item to the evening agenda to consider the redistricting resolution. Mayor Taylor seconded. The following vote was recorded:

Ayes: Taylor, Faraldi	2
Noes: Misjuns, Timmer, Wilder, Diemer	4
Absent: Reed	1

// The meeting recessed at 5:49 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of October, 2025 at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

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Present: Larry Taylor, Curt Diemer, Chris Faraldi, Sterling A. Wilder, Martin Misjuns, Jacqueline

Timmer 6

Absent: Stephanie Reed 1

// Councilmember Misjuns led the invocation, followed by the Pledge of Allegiance.

// In the matter of Consent, Agenda Item #1, Council conducted a second reading and considered adopting Resolution #R-25-075 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$266,311 to address the damage from the opioid epidemic in the City of Lynchburg and amending the FY2026 General Fund Budget and appropriating \$443,826 from the City/Federal/State Aid Fund to establish four new positions within the Lynchburg Department of Social Services.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Resolution #R-25-075.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Reed 1

// In the matter of Consent, Agenda Item #2, Council conducted a second reading and considered adopting Resolution #R-25-076 amending the FY 2026 City/Federal/State Fund budget and appropriating \$148,850 to purchase forensic and analytical technology for the Lynchburg Police Department.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Resolution #R-25-076.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Reed 1

// In the matter of Consent, Agenda Item #3, Council conducted a second reading and considered adopting Resolution #R-25-077 amending the FY 2026 City/Federal/State Aid Fund budget and

appropriating \$30,000 to purchase a mobile device wellness application for the Lynchburg Police Department.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Resolution #R-25-077.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

// In the matter of Consent, Agenda Item #4, Council conducted a second reading and considered adopting Resolution #R-25-078 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$150,000 to purchase communication headsets and ergonomic office furniture and chairs for the Lynchburg Emergency Communications Center.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Resolution #R-25-075.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

// In the matter of Consent, Agenda Item #5, copies of the minutes of the August 26, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, Council, by the following vote was recorded, approved the minutes as presented:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

// In the matter of Economic Development, Agenda Item #6, Council conducted a public hearing in consideration of adopting Resolution #R-25-080 supporting and endorsing an amendment to City of

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Lynchburg, Virginia Enterprise Zones #2 and #46. Director of Economic Development and Tourism Marjette Upshur provided a summary of the request. The City of Lynchburg has two enterprise zones identified by the state as #2 and #46. Both zones were established by the state and provide incentives for businesses to locate, or to expand, thus stimulating economic development within the designated areas. Although the benefits of enterprise zone designation have changed over the years, two primary benefits for businesses are grants for job creation and real estate improvement.

The boundaries are eligible for amendment upon approval of the City Council and the Virginia Department of Housing and Community Development. Under the state's regulations, the zone size is limited to 7% of the locality's total land area. The areas proposed for deletion from the zone are ineligible public property where zone designation provides no benefit. In order to accomplish this amendment, City Council is required to conduct a public hearing regarding the proposed amendments. Enterprise zone designation has no impact on land use regulation.

There was no one wishing to speak in favor or opposition, either in person or by voicemail. The public hearing was closed, and the matter rested with Council.

Councilmember Timmer had questions about the unused 227 acres in Enterprise Zone #46 off of Wigginton Road specifically regarding the land use and how it could be used most effectively.

Ms. Upshur noted that the property in question was owned by the Economic Development Authority and had topography challenges, making it unsuitable for industrial use. A master plan had been done twice, and it was likely to be developed into residential areas, which could not take advantage of the enterprise zone.

Vice Mayor Diemer asked if there were tax benefits associated with the properties.

Ms. Upshur noted that a state law change about 5 years ago allowed nonprofit groups to take advantage of enterprise zone benefits, but otherwise there were none.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to adopt Resolution #R-25-080.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer

6

Noes: 0
Absent: Reed 1

// In the matter of Community Development, Agenda Item #7, Council conducted a public hearing in consideration of adopting Resolution #R-25-081 approving the reprogramming of Community Development Block Grant Funds. Grants Manager Melva Walker provided a summary of the request. In Fiscal Year (FY) 2023 (Program Year [PY] 2022) there were Community Development Block Grant (CDBG) funds allocated for the Diamond Hill Neighborhood Plan and Improvement Project on Pierce Street. These funds were allocated for the addition of a Tree Lawn on the 1200 Block of Pierce Street, with the installation of a new curb and gutter and the addition of accessible ramps. A bid has been received and, due to the increased costs of construction materials, the bid exceeds the amount of funds allocated for this project by \$17,110.

In FY 2026 (PY 2025), there were CDBG funds allocated for the Diamond Hill Neighborhood Plan — Phase 2 Improvements (Dunbar Community Schoolyard) project. The Community Development staff has indicated that in order to complete the Diamond Hill Improvements Project on Pierce Street, the project scope for Phase 2 will be revised to accommodate the reprogramming of the CDBG funds to the Diamond Hill Neighborhood Plan and Improvement Project so that it can be completed as previously planned and to accept the bid received for the project.

The Community Development Advisory Committee (CDAC) was consulted regarding this matter. There was a unanimous concurrence from the Committee to recommend to the City Council for the approval of the reprogramming of these funds. A public notice was published in The News and Advance on September 25, 2025 for the 30-day public comment period.

The Community Development staff is requesting that \$17,110 be reallocated from the FY 2026 (PY 2025) Diamond Hill Neighborhood Plan—Phase 2 project to the PY 2022 (FY 2023) Diamond Hill Neighborhood Plan and Improvement Project so that this project may be completed as originally planned.

There was no one wishing to speak in favor or opposition, either in person or by voicemail. The public hearing was closed, and the matter rested with Council.

Councilmember Wilder motioned, seconded by Councilmember Timmer, to adopting Resolution #R-25-081.

Councilmember Wilder highlighted the great community input and discussions with the Diamond Hill neighborhood, where residents provided valuable input on what they wanted to see in the neighborhood.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

// In the matter of Public Comment, Agenda Item #8, Citizen Jeffrey Robey, representing Central Virginia Alliance for Community Living, addressed Council regarding appreciation for supporting CVACL Nutrition programs for Lynchburg residents. He emphasized the critical role of local funding in matching federal dollars. He noted that last year, CVACL spent over half a million dollars in Lynchburg, providing essential services such as in-home needs assessments, home-delivered meals, medical support, and nutrition education.

// In the matter of Public Comment, Agenda Item #9, Citizen Greg Berry, representing City Elders, addressed Council regarding justice. He said that people were afraid of God's power because they served lesser gods of chaos, death, and destruction. He said people had to decide which god to serve: the God of the Bible, or lesser gods. He said the right side will also use violence to protect our family, our loved ones, our homes, our city and our country. He said that following God's words and principles will lead to a peaceful and prosperous city and country.

// In the matter of Public Comment, Agenda Item #10, Citizen Maegan Fallen, representing Friends of the Lynchburg Public Library, addressed Council regarding support of Lynchburg Public Library Bookmobile. She announced that the community had raised over \$278,000 to fund the new Bookmobile, a project made possible through a public-private partnership between the Friends and the City of Lynchburg.

// In the matter of Public Comment, Agenda Item #11, Citizen Michael Bremer addressed Council regarding Council's proposed legislative agenda. He expressed concerns about several Council

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proposals, including investing in cryptocurrency and eliminating the Treasurer's Office. He emphasized the importance of collective bargaining for public employees, particularly firefighters. He expressed opposition to elected school boards without a referendum, removal of school board members by Council, and school choice vouchers.

// In the matter of Public Comment, Agenda Item #12, Citizen David Levy addressed Council regarding proposed legislative agenda - ballot security. He expressed concerns about the legislative agenda proposal that the local governing bodies be inserted into the ballot security process and suggested that the proposal be eliminated.

// In the matter of Community Development, Agenda Item #13, Council considered adopting a resolution approving Lynchburg Redevelopment Housing Authority Revenue Bond issuance for 1300 Campbell Avenue. The item was previously discussed during the Finance Committee meeting. Astoria Housing Partners has requested the Lynchburg Redevelopment Housing Authority (LRHA) to issue \$30,000,000 of its revenue bonds. The revenue bonds would be used to finance one hundred twenty-five (125) apartment units at 1300 Campbell Avenue (former Barker Jennings Building).

The project is a qualified rental project under the Internal Revenue Code and would be owned by Astoria Housing Partners. The issuance of the revenue bonds will not result in any financial obligation to LRHA or the City of Lynchburg. Although the bonds will be issued through LRHA, State Code requires the City Council adopt a resolution supporting the transaction.

Councilmember Misjuns asked about the number of projects the developer had completed and delivered on.

Mark Hall, Astoria Housing Partners, replied that even though the group hasn't done many, the experience of the collective is significant.

Councilmember Timmer suggested tabling the matter to the next meeting so that Council could review it during a work session to gain more clarity on the information.

Councilmember Wilder motioned, seconded by Councilmember Faraldi, to adopt the resolution.

Councilmember Wilder noted that there was no financial obligation to the City, and he was glad to see the historic property renovated.

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Councilmember Misjuns expressed a desire to see the project completed, but also emphasized the need for due diligence to ensure that the project was delivered as promised, given the lack of previous delivered projects and the need for additional time to review during a work session.

Councilmember Faraldi called a point of order. He said that if the Finance Committee made a recommendation, then Council had to consider the matter at the meeting.

City Attorney Matthew Freedman said that Councilmember Faraldi was correct. He said that a motion was required, and one was currently on the floor.

City Manager Wynter Benda stated that after consulting briefly with the developer, they determined that they could defer the matter to a work session without negatively impacting the project. He said that the matter could then be considered for approval at the November 12 meeting.

Councilmember Misjuns made a substitute motion to defer the item to the November 12th work session and to be considered under General Business at that regular meeting.

Councilmember Faraldi called a point of order. He said that Councilmember Misjuns' motion was out of order. He argued that the Finance Committee Chair could not make a motion against the recommendation of the committee, as the chair was obligated to make the recommendation of the committee.

Mr. Freedman clarified that the committee's recommendation to Council did not bind individual councilmembers to make a motion, but rather served as a guide. He suggested that while councilmembers may be inclined to follow the committee's direction, it did not prevent them from tabling a matter if more information was needed or if additional information arose during the meeting.

Mayor Taylor ruled against Councilmember Faraldi's point of order.

Vice Mayor Diemer seconded the substitute motion.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Taylor, Diemer, Misjuns, Timmer	4
Noes: Faraldi, Wilder	2
Absent: Reed	1

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The motion passed and became the main motion on the floor.

Councilmember Faraldi reiterated his request that Councilmember Misjuns be removed as chair of the Finance Committee, stating that he believed the committee's operations had impeded progress on City business.

Councilmember Misjuns said that new information had been introduced, and it was relevant for Council to consider the fact that the developer had yet to deliver a completed project and tabling allows Council to do their due diligence.

Councilmember Timmer said she appreciated Council's willingness to discuss the matter at a work session.

Vice Mayor Diemer supported deferral because of the new information that had been introduced, and it seemed wise to slow down the process due to the \$30 million amount.

Councilmember Wilder clarified that the project was vetted and approved by the Housing Authority Board. He said that any question should have been clarified before to the meeting, since Council was given information prior. He suggested that Council receive a presentation on the bond process, as well.

With no further discussion from the Council, the following vote was recorded on the motion to defer the matter:

Ayes: Taylor, Diemer, Misjuns, Timmer	4
Noes: Faraldi, Wilder	2
Absent: Reed	1

// In the matter of Community Development, Agenda Item #14, Council considered adopting Resolution #R-25-082 approving the naming of a private street located on 1700 Enterprise Drive and accessed from Grand Summit Drive as Waters Edge Circle. The item was previously discussed at the Physical Development Committee meeting on October 14, 2025. Virginia Baptist Homes, Inc. is petitioning to name a private street as Waters Edge Circle. The Summit retirement home is constructing a new street to serve nine (9) new hybrid homes. Access for the street will be off of Grand Summit Drive, an existing private street.

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At its October 14, 2025 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Timmer brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

// In the matter of the Library, Agenda Item #15, Council considered introducing Resolution #R-25-083 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$278,000 for the purchase of a Bookmobile for the Lynchburg Public Library. The item was previously discussed at the Finance Committee meeting. In celebration of their 60th anniversary, the Friends of the Lynchburg Public Library have launched a campaign to acquire a state-of-the-art Bookmobile. Generous support from corporate and foundation donors—including R.W. Baird, BWXT, Centra, Foster Fuels, the Greater Lynchburg Community Foundation, Schewels Home, and the Al Stroobants Foundation—along with over 50 individual contributors, has raised more than \$278,000 toward the \$300,000 goal. The Bookmobile will serve as a mobile educational hub, bringing books, materials, and library programs directly to neighborhoods, schools, senior centers, and community events throughout the City. The mobile library will expand access to vital library resources, fostering literacy, lifelong learning, and inclusive community engagement. The vehicle has a lead time of 4–6 months, with service anticipated to begin in summer 2026.

Councilmember Misjuns expressed appreciation for the community's efforts to raise funds for the book mobile, noting that the project was entirely funded by private donations and had no fiscal impact on taxpayers.

At its October 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the Committee's recommendation for approval forward as a motion. No second was required.

Vice Mayor Diemer emphasized the importance of literacy.

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Councilmember Wilder highlighted the caring aspect of Lynchburg and the importance of making reading accessible to all children by the third grade.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

// In the matter of the Police Department, Agenda Item #16, Council considered introducing Resolution #R-25-084 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$45,675 to fund speed enforcement activities and equipment. The item was previously discussed during the Finance Committee meeting. The DMV Highway Safety Grant Program has awarded the City \$30,450 for speed enforcement activities, along with radar and LiDAR equipment. The grant agreement includes an in-kind match of \$15,225 from the department's fuel and vehicle maintenance services budget. This grant excludes reimbursement of \$1,121 in Medicare and Social Security (collectively FICA) benefit costs associated with the allotted overtime. Both the in-kind match and FICA costs are available to transfer from the FY 2026 Police Department General Fund budget.

At its October 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

// In the matter of the Police Department, Agenda Item #17, Council considered introducing Resolution #R-25-085 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$21,105 to fund DUI enforcement activities, equipment, and training. The item was previously discussed during the Finance Committee meeting. The DMV Highway Safety Grant Program has awarded the City \$14,070 for DUI enforcement activities, alcohol testing equipment, and annual DMV grant-related training. The grant

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agreement includes an in-kind match of \$7,035 from the department's fuel and vehicle maintenance services budget. The grant excludes reimbursement of \$961 in Medicare and Social Security (collectively FICA) benefit costs associated with the allotted overtime. Both the in-kind match and FICA costs are available to transfer from the FY 2026 Police Department General Fund budget.

At its October 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

// In the matter of the Fire Department, Agenda Item #18, Council considered introducing Resolution #R-25-86 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$71,032 to fund equipment for the Fire Department. The item was previously discussed at the Finance Committee meeting. Fire Chief Gregory Wormser provided the presentation. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training, and achieving other goals that support the enhancement of community EMS services.

The Fire Department has been awarded RSAF grant funds to purchase one (1) MedaRamp MR2400 extension ramp system, including necessary mounting hardware and installation, and one (1) Lifepak 35 monitor/defibrillator.

The grant requires a local match. The Fire Department has been awarded the funds under a 50/50 match. With a total cost of \$71,032, the required local match is \$35,516. The local match will be funded from the FY 2026 General Fund Fire Department budget.

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At its October 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

// In the matter of Finance, Agenda Item #20, by consensus, Council chose to conduct a Second Reading in consideration of adopting Ordinance #O-25-073 approving the funding for the Central Virginia Alliance for Community Living (CVACL) in the amount of \$25,000 ahead of Item #19 which addressed the Legislative Agenda. At the August 26, 2025, City Council meeting, City Council agreed to reconsider the request by Central Virginia Alliance for Community Living (CVACL) for funding in FY 2026.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Ordinance #O-25-073.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Wilder, Misjuns, Timmer	5
Noes: Faraldi	1
Absent: Reed	1

// In the matter of City Council, Agenda Item #19, Council considered adopting Resolution #R-25-087 approving the City of Lynchburg's 2026 Legislative Agenda. The item was previously discussed during a Business Item Briefing on October 14, 2025. Assistant to the City Manager Mercedes Braun provided the presentation. The 2026 Legislative Agenda was presented to City Council on October 14th. Incorporating edits and feedback, the final Agenda will be brought before City Council for an individual vote for each item. Ms. Braun reviewed Council's proposed amendments.

Council considered each item individually with a motion, second, and a vote.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to include expanded zoning authority.

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With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

Councilmember Faraldi motioned, seconded by Councilmember Misjuns, to include investment in gold and cryptocurrency.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Misjuns, Timmer	5
Noes: Diemer	1
Absent: Reed	1

Councilmember Faraldi motioned, seconded by Councilmember Misjuns, to include opposition to mandated collective bargaining.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Misjuns, Timmer	5
Noes: Wilder	1
Absent: Reed	1

Councilmember Faraldi clarified that the intent of the elected school board proposal was to allow localities to adopt an ordinance to hold a referendum to have an elected school board. He also proposed removing the charter change requirements.

Councilmember Faraldi motioned to include a local option for elected school boards, as amended.

The item did not receive a second, so it was removed from the Legislative Agenda.

Councilmember Faraldi motioned, seconded by Vice Mayor Diemer, to include transportation funding reforms.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0

Absent: Reed 1

In regards to the voter support item, Councilmember Faraldi proposed striking "and governing body" 3/4s through the proposal, and "elected body" at the top.

Councilmember Faraldi motioned, seconded by Councilmember Misjuns, to include voter support, as amended.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Reed 1

Councilmember Faraldi motioned, seconded by Councilmember Misjuns, to include opposition to mandated energy requirements.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Reed 1

Councilmember Faraldi motioned, seconded by Councilmember Misjuns, to include reinstatement of mandatory minimums.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Misjuns, Timmer 5

Noes: Wilder 1

Absent: Reed 1

In terms of removing appointed school board members, Councilmember Faraldi proposed applying the legislation to any locality with an appointed school board, removing the need to amend the charter. He also proposed striking language requiring collaboration with the school board to determine a new process.

Councilmember Faraldi motioned to include removal of appointed school board members, as amended.

The item did not receive a second, so it was removed from the Legislative Agenda.

Councilmember Faraldi motioned to include the abolishment of the Office of the Treasurer.

The item did not receive a second, so it was removed from the Legislative Agenda.

Councilmember Faraldi motioned, seconded by Councilmember Timmer, to include mental health and wellness services and funding.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Reed 1

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to include revising the formula used to allocate of Human Services funding to localities.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Reed 1

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to include support for school choice funding.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Misjuns, Timmer 5

Noes: Wilder 1

Absent: Reed 1

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to include modernization of Fire services funding structure.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Reed 1

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Vice Mayor Diemer motioned, seconded by Councilmember Misjuns, to include expanded residency restrictions for convicted sex offenders.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

In terms of the comprehensive pre-K and transitional Kindergarten literacy programs, Councilmember Misjuns proposed including language to readdress retention standards.

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to include comprehensive Pre-K and transitional Kindergarten literacy programs, as amended.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

Councilmember Faraldi motioned, seconded by Councilmember Misjuns, to include introduction of a pilot literacy program.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

Councilmember Misjuns, seconded by Vice Mayor Diemer, to include closing gaps around the use of marijuana.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

Ms. Braun noted that the workforce development program item was not previously presented to Council.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to include support for a workforce development program.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

Councilmember Timmer motioned, seconded by Councilmember Misjuns, to include re-evaluation of the SOQ school funding formula.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

In terms of zoning for transitional housing, Councilmember Timmer proposed removing the 10-mile radius from the request.

Councilmember Faraldi expressed concerns that the proposal would constitute discrimination based on a disability as currently proposed. He said that they should not include it.

Councilmember Timmer agreed with Councilmember Faraldi's concerns about the language of the proposal.

Ms. Braun said she could combine Councilmember Faraldi's proposal to retain zoning authority, which would address any expressed concerns.

Councilmember Faraldi opposed combining them, since his proposal was intended to apply more broadly.

Ms. Braun suggested rewriting the proposal to keep the same intent of retaining local authority while addressed the concerns of Council.

Councilmember Misjuns suggested striking "restrictions", replacing it with "specific use standards".

Ms. Braun clarified the proposed language: "The Lynchburg City Council requests an addendum to the *Code of Virginia, Title 15.2 § 15.2-2291* allowing the locality to establish, by ordinance, specific use standards on neighborhood residential reentry centers, community reentry programs, transitional housing, recovery residence, sober living homes, and supportive housing regarding drug and alcohol abuse support."

Councilmember Timmer motioned, seconded by Councilmember Misjuns, to include re-evaluation of zoning for transitional housing, as amended.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Misjuns, Timmer	3
Noes: Diemer, Faraldi, Wilder	3
Absent: Reed	1

The motion failed, so it was removed from the Legislative Agenda.

Councilmember Timmer motioned, seconded by Councilmember Misjuns, to include re-evaluation of ECOs and TDOs.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Reed	1

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to adopt the 2026 Legislative Agenda, as amended.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Faraldi, Misjuns, Timmer	5
Noes: Wilder	1
Absent: Reed	1

// The meeting adjourned at 9:24 p.m.

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Clerk of Council

November 12, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of November, 2025 at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Sterling A. Wilder, Martin Misjuns,
Jacqueline Timmer 6
Absent: Chris Faraldi 1

// In the matter of Work Session Agenda Overview, City Manager Wynter Benda provided a pop-up presentation related to Veterans Day. He said that a new exhibit had opened at the museum related to the Vietnam War. Museum Director Ted Delaney provided more information about the Vietnam War exhibit at the Lynchburg Museum. He said that it aimed to honor the 27 men from the City who died in Vietnam. The exhibit featured curated displays of artifacts, including uniforms, medals, dog tags, and photographs.

David Harker, Vietnam War veteran, noted the impact the exhibit had on him. He expressed gratitude to the museum for its efforts in telling the story of the City's veterans and encouraging schoolchildren to learn more about the Vietnam War.

Councilmember Misjuns suggested that the museum consider an exhibit for Iraq War soldiers killed in action.

// In the matter of Business, Agenda Item #1, Council was briefed regarding the Boards & Commissions Quarterly Reporting - Q4. Clerk of Council Alicia Finney provided the report to Council. The following volunteer opportunities are upcoming:

- Community Development Advisory Committee
- Horizon Behavioral Health Board of Directors
- Lynchburg Regional Airport Commission
- Planning Commission

Interested candidates are encouraged to apply by completing our online application at <https://www.lynchburgva.gov/570/Boards-Commissions>. Applications will be taken through Monday,

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November 24th, and will be kept on file for one year for any future Council consideration unless advised otherwise by the applicant.

Ms. Finney noted that a closed session was scheduled for Tuesday, December 9, 2025 to address Q3 and Q4 jointly.

// In the matter of Economic Development, Agenda Item #2, Council held a work session regarding Downtown Lynchburg Association: Downtown Improvement District and Review Memorandum of Understanding. Executive Director of the Downtown Lynchburg Association Stacy Garrett and Deputy City Manager Greg Patrick presented an overview of a Downtown Improvement District (DID) and a review of the Memorandum of Understanding between the City and DLA.

Councilmember Misjuns said that they should seek feedback from downtown business owners if they supported a DID. He expressed concern that the City's other neighborhoods might not receive the same level of service as downtown, leading him to consider how downtown can pay for itself. He supported the concept of cleaner and safer streets, increased police presence, and the potential benefits for business owners.

City Manager Wynter Benda noted that the DID had been discussed with stakeholders.

Councilmember Timmer shared that she had lived in a DID in San Diego, and it was noticeably cleaner, better lit, and safer than adjacent neighborhoods. She said she appreciated the focus on metrics and stakeholder input.

Councilmember Reed asked if the City's size would impact stakeholder and community support.

President of the DLA Chris Boswell replied that comparable cities included Chattanooga, Tennessee, Greenville, South Carolina, and Chapel Hill, North Carolina, all of which had implemented a DID. He said that Lynchburg was neither too big nor too small to implement a DID.

Councilmember Reed emphasized the need to educate citizens on the benefits of a successful downtown. She noted that a successful downtown could lower tax rates for all residents.

Councilmember Wilder referenced a prior downtown trolley service that had been offered at no cost to riders and noted that it was funded through a grant, though the service is no longer in operation.

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Councilmember Wilder further expressed confidence that, given the City's engaged citizenry, the current rollout would be implemented effectively.

Vice Mayor Diemer stated that Ward 3 has ongoing concerns regarding the perception that resources are disproportionately directed toward downtown. Vice Mayor Diemer emphasized that issues of equity in the distribution of City resources remain challenging and noted the importance of ensuring fairness and avoiding favoritism in implementation decisions.

Councilmember Misjuns expressed a desire to understand where tax revenue came from in the City and how it was being spent, particularly in relation to downtown services. He requested that staff provide more information about the tax revenue generated from and allocated towards downtown.

Ms. Garrett continued with a presentation on the MOU.

Councilmember Wilder highlighted the importance of quality of life in the community. He emphasized that a vibrant downtown benefited the entire City.

Councilmember Reed asked for specific data points related to the number of residents, annual tourists, businesses headquartered downtown, jobs created from downtown businesses, the average salary for employees of those businesses, and the number of downtown employees who commuted from surrounding wards.

Councilmember Misjuns asked for specific information about downtown employees who did not live in the City. He asked for clarification about what communications of the DLA were subject to FOIA requirements. He noted that residents had expressed concerns to him that they were denied FOIA requests for communications related to the DLA.

Mr. Patrick clarified that any FOIA request should come through the City's Freedom of Information Act Office rather than through the DLA.

Councilmember Misjuns suggested including an item in the MOU related to FOIA compliance.
// In the matter of Lynchburg Redevelopment Housing Authority, Agenda Item #3, Council held a work session regarding Lynchburg Redevelopment Housing Authority Revenue Bond issuance for 1300 Campbell Avenue. Community Development Director Tom Martin provided a presentation to Council. Astoria Housing Partners has requested the Lynchburg Redevelopment Housing Authority (LRHA) to

November 12, 2025

issue \$30,000,000 of its revenue bonds. The revenue bonds would be used to finance one hundred twenty-five (125) apartment units at 1300 Campbell Avenue (former Barker Jennings Building).

The project is a qualified rental project under the Internal Revenue Code and would be owned by Astoria Housing Partners. The issuance of the revenue bonds will not result in any financial obligation to LRHA or the City of Lynchburg. Although the bonds will be issued through LRHA, State Code requires the City Council adopt a resolution supporting the transaction.

During City Council's October 28 meeting, this item was tabled to the November 12, 2025 work session to allow for additional review time and for the petitioner to provide more information about this and other similar developments. The information provided by the petitioner is attached.

Herschel Keller, attorney for the Housing Authority, explained that the bond was conduit financing, where the Housing Authority acted as a lender with no liability for the principal or interest. The authority vetted the developer, and tax-exempt bonds were considered low-risk investments.

Vice Mayor Diemer asked who was handling the bonds.

Mr. Keller said that Michael Graff with McGuireWoods was bond counsel for the transaction.

Councilmember Misjuns asked if City Manager Wynter Benda was okay with this; Mr. Benda replied that he was.

Councilmember Timmer stated that she was conducting her own due diligence and expressed appreciation for Mr. Keller's presence.

Councilmember Wilder noted that the Housing Authority had vetted the process and stated that, in his role as a board member of the Authority, he had communicated this information to stakeholders.

// In the matter of City Council, Agenda Item #4, Council held a work session regarding Lynchburg City Council Rules of Procedure Discussion. City Attorney Matthew Freedman noted that Councilmember Faraldi was not present, and Council had additional items to address during Roll Call, so he suggested that they defer the item.

Councilmember Timmer suggested addressing the Rules of Procedure during a Council retreat.

City Manager Wynter Benda said that he would work with the Clerk to find a dedicated day to schedule a discussion.

November 12, 2025

Mayor Taylor said there was consensus from Council to schedule the discussion on a dedicated day.

// In the matter of Roll Call, Vice Mayor Diemer introduced an item to adopt a written policy delineating the respective roles of the Clerk's Office and the City Attorney's Office in the preparation, review, and amendment of minutes. He expressed concerns about the preparation, approval, and treatment of meeting minutes, citing long delays, multiple meeting minutes being approved at once, and the improper influence of the City Attorney over content. He emphasized the importance of transparency, accuracy, and public accountability. He said he did not have any specific rules to propose, but they should discuss potential rules at a Council retreat. He said that his comments were not directed at individual staff. He emphasized his commitment to transparency and accountability, and his desire to ensure that staff are held to high standards. He also highlighted his approach to addressing issues, which involved talking to staff individually and following a process to resolve problems privately, if necessary. He said he did not intend to create a hostile work environment, and he saw no evidence of one. He stressed his responsibility as a representative of the citizens.

Councilmember Reed acknowledged Veterans Day and thanked veterans for their service. She expressed concerns about the abusive behavior and hostile language directed towards City employees, particularly appointed staff, and emphasized the need to protect them from such treatment. She requested that Council explore options to safeguard employees from abusive behavior, including legal and ordinance-based solutions, and to provide them with alternative communication options and protection from such treatment.

Councilmember Wilder expressed gratitude to the City staff for their hard work and dedication to protecting the City. He thanked the community for coming together to support veterans. He asked police to look into the shootings at White Rock and address resident concerns.

Councilmember Timmer commended Vice Mayor Diemer for his humility and openness in presenting his ideas. She emphasized the need for accuracy and clarity in discussions. She wished everyone a happy Veterans Day.

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Councilmember Misjuns requested that Council add an item to a future work session to consider zoning ordinances for recreational marijuana sales. He also brought up the issue of a "no weapons allowed" sign at City Stadium, which he believed was not compliant with the City's Second Amendment sanctuary resolution. He congratulated the LCS high school football teams on their playoff success. He also thanked Liberty University for hosting the championship games. He asked for information about the statutory authority of the Treasurer. He thanked Robert Bailey for his years of service as Treasurer, and he requested that the Mayor present him with a key to the City on his retirement. He noted they were not in compliance with the City Manager's contract in terms of performance evaluations, so they needed to get in compliance.

Mayor Taylor thanked the City Manager, Clerk of Council, and City Attorney for their hard work. He emphasized the importance of standing up for what was right, and he expressed pride in City staff, encouraging them to continue doing their job.

// The meeting recessed at 6:08 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of November, 2025 at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Sterling A. Wilder, Martin Misjuns,	
Jacqueline Timmer	6
Absent: Chris Faraldi	1

// Vice Mayor Diemer led the invocation followed by the Pledge of Allegiance.

// In the matter of Consent, Agenda Item #1, Council considered adopting Resolution #R-25-083 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$278,000 for the purchase of a Bookmobile for the Lynchburg Public Library. Councilmember Wilder motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-083.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer	6
Noes:	0

Absent: Faraldi 1

// In the matter of Consent, Agenda Item #2, Council considered adopting Resolution #R-25-084 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$45,675 to fund speed enforcement activities and equipment. Councilmember Wilder motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-084.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Faraldi 1

// In the matter of Consent, Agenda Item #3, Council considered adopting Resolution #R-25-085 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$21,105 to fund DUI enforcement activities, equipment, and training. Councilmember Wilder motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-085.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Faraldi 1

// In the matter of Consent, Agenda Item #4, Council considered adopting Resolution #R-25-086 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$71,032 to fund equipment for the Fire Department. Councilmember Wilder motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-086.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Faraldi 1

// In the matter of Consent, Agenda Item #5, copies of the minutes of the September 9, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Wilder, seconded by Councilmember Timmer, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Faraldi	1

// In the matter of Planning, Agenda Item #6, Council conducted a public hearing in consideration of adopting Resolution #R-25-088 approving a Conditional Use Permit to allow the use of an existing structure at 3200 Carroll Avenue as a Pickleball Athletic Club. City Planner Rachel Frischeisen provided a summary of the request. Dantas Properties, LLC is petitioning for a CUP to allow the use of an existing structure as an athletic club for pickleball in an I-2, Light Industrial District at 3200 Carroll Avenue.

The property is zoned I-2, Light Industrial District. In this district, athletic clubs and recreational sports facilities are permitted upon approval of a CUP by Council. The Comprehensive Plan 2013- 2030 Future Land Use Map (FLUM) recommends an Employment 2 use for the subject property. The structure proposed to house the pickleball club was constructed as part of a by-right development. The pickleball club itself would be a tenant buildout and should have limited impact on the surrounding area. The structure could be converted back to industrial space as needed.

Norm Walton, for Perkins and Orrison and representing the petitioner, noted that they would need to amend the site plan to reconfigure the parking and add landscaping, and at the same time, they would need to submit a lighting plan.

Todd Hall, speaking in opposition, said he was the property owner of 3235 Mayflower Drive. He expressed concerns about the impact on property values, the impact of noise and lighting and the impact on traffic.

There was no one else wishing to speak, either in person or by voicemail so the public hearing was closed and the matter rested with Council.

Mayor Taylor provided the petitioner time for rebuttal.

Mr. Walton said that they had a lengthy discussion during the Planning Commission hearing where they determined that there were more impactful uses for the site than a pickleball court. He noted that the lighting for parking would be on the opposite side of the building from the residential uses, and they were able to provide any screening required by the zoning ordinance.

Mayor Taylor asked if the building would have sound insulation.

Mr. Walton replied that the building would have sound insulation.

Councilmember Misjuns said that the proposed pickleball facility would not be noisier than an industrial zone use and would actually provide a buffer against noise. He believed the facility would be a great addition to the community.

Councilmember Reed said she believed that the facility would be a good addition to the City.

Councilmember Wilder asked for clarification about the buffer requirements.

Ms. Frischeisen said that Mr. Hall's property was zoned industrial, and buffers were not required between two industrial zoned properties.

Councilmember Wilder asked if the facility would be staffed 24/7.

Mr. Walton said that the facility would not be staffed 24/7, but there would be an emergency response system or a contact number for emergencies.

Councilmember Wilder asked if there was a way for residents to contact the facility regarding complaints.

Mr. Walton said that the property owner's office was across the road from the facility, so he was available to the community.

Councilmember Misjuns motioned, seconded by Councilmember Reed, to adopt Resolution #R-25-088.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Faraldi	1

// In the matter of Planning, Agenda Item #7, Council conducted a public hearing in consideration of adopting Resolution #R-25-089 approving a Conditional Use Permit to allow the use of an existing structure at 2134 Westerly Drive as a large group home. City Planner Rachel Frischeisen provided a summary of the request. Sobrius at Lynchburg, LLC is petitioning for a CUP to allow the use of an existing structure as a large group home for up to thirty-six (36) individuals in a program for substance use treatment services in an R-4, High Density Residential District at 2134 Westerly Drive.

The property is zoned R-4, High Density Residential District. In this district, large group homes are permitted upon approval of a CUP by City Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends Mixed Use for the subject property. The property was previously used as the Miller Home for Girls, which is a private, nonprofit group home. The use of the existing structure as a large group home should have limited impact on the surrounding area.

While state and federal law would consider this use to be a "recovery residence", the City's Zoning Ordinance does not define or distinguish recovery residences from group homes; therefore, this use would be considered a "large group home." If there is a desire to include a condition to ensure all lawful approvals are in place for Sobrius' use of the property, then City Council could consider adding the following condition:

"When and where required by applicable law, Sobrius will obtain all required approvals for its use of 2134 Westerly Drive as a large group home, which will be regulated as a recovery residence by DBHDS, with up to 36 individuals participating in a substance abuse recovery program."

Matt Feehery, CEO of Sobrius and representing the petitioner, provided additional information to Council. He stated that Sobrius been operating licensed substance use treatment programs for adults in southwest Virginia for over four years, with programs in Galax, Bassett, and Lynchburg. He noted that all programs were voluntary, and admission criteria included individuals with active substance use, excluding those in need of acute detoxification or with violent histories. He said the center was expected to create approximately 15-20 new jobs.

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Ron Blackwood, former president of the Miller Home for Girls, speaking in favor, said that the facility would allow Sobrius to help more people, and the City would be able to collect tax dollars from the property since Sobrius was a for-profit company.

Dustin Hatchet, speaking in favor, highlighted the life-changing impact Sobrius' treatment program had on him, his family, and his community.

Devony, speaking in favor, credited Sobrius with teaching him that change was possible. He said that Sobrius' service extended far beyond his own experience.

There was no one else wishing to speak, either in person or by voicemail, so the public hearing was closed, and the matter rested with Council.

Councilmember Misjuns motioned, seconded by Councilmember Reed, to adopt Resolution #R-25-089, with the condition that where required by applicable law, Sobrius will obtain all required approvals for its use of 2134 Westerly Drive as a large group home, which will be regulated as a recovery residence by the Department of Behavioral Health and Developmental Services, with up to 36 individuals participating in a substance abuse recovery program.

Councilmember Misjuns emphasized the importance of having substance abuse recovery facilities in the community.

Councilmember Reed said they had to move past the stigma of addiction, and she emphasized the need for recovery facilities to help people with addiction.

City Attorney Matthew Freedman recommended that Councilmember Misjuns amend his motion to include the maximum residential occupancy condition to provide clarity as to the required conditions.

Councilmember Misjuns clarified that his intention was to include the condition noted by Mr. Freedman along with the condition he read into the record.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Faraldi	1

November 12, 2025

// In the matter of Planning, Agenda Item #8, Council conducted a public hearing in consideration of adopting an ordinance approving the rezoning at 1701 and 1703 Wards Ferry Road. City Planner Rachel Frischeisen provided a summary of the request. MUT82, LLC is petitioning to rezone approximately ninety-eight hundredths (0.98) of an acre from R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow for the construction of an apartment development at 1701 and 1703 Wards Ferry Road. Multi-household structures (apartments) are a permitted use in the R-4, High Density Residential District and the proposed density for the development is below that which is recommended by the Medium Density Residential use in the Comprehensive Plan 2013-2030 Future Land Use Map (FLUM).

Following the Business Item Briefing at the October 28, 2025 work session, the petitioner submitted a revised concept plan and amended proffers on November 3, 2025, reducing the request from ten (10) apartments to nine (9) apartments and providing five (5) additional parking spaces. The voluntarily submitted proffers limit the development to no more than the nine (9) apartments, which are to be constructed as townhouse-style units, per the concept plan.

Jamey White, White Engineering and Design, Inc. and representing the petitioner, provided a presentation to Council. He noted that the roundabout planned by VDOT would alleviate traffic issues. He added that VDOT had not raised concerns with the preliminary design of the project, and the developer was coordinating with them for approval.

Beau Walker, developer for the project and speaking in favor, addressed on-site parking concerns raised by the Planning Commission and Council. He said that after feedback from Council, they redesigned the proposal to have 9 units and 22 parking spaces.

Charmaine Davis, speaking in opposition, cited concerns about increased traffic, potential pet waste issues, and the impact on the neighborhood's character.

Tommy Meadows, speaking in opposition, highlighted four main issues: safety concerns due to increased traffic, the potential for noise and disruption from college students, inadequate parking, and the risk of setting a precedent for further development that could undermine the community's character.

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Michael Bayer, speaking in opposition, said he supported development, but the current location was not the appropriate site for the project.

Colleen Scott, speaking in opposition, shared concerns related to pedestrian safety and the impacts on traffic congestion.

There was no one else wishing to speak, either in person or by voicemail so the public hearing was closed and the matter rested with Council.

Mayor Taylor provided the petitioner time for a rebuttal.

Mr. White noted the traffic concerns for Wards Ferry Road, but he was confident that the roundabout would alleviate many of those concerns. He said that in terms of parking, they were providing about 2.4 spaces per unit, which was more than the one space per unit required by the City.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to deny the petition.

Councilmember Misjuns said the petition would be detrimental to the character of the neighborhood. He expressed concerns about traffic congestion and acknowledged the concerns of residents.

Vice Mayor Diemer expressed concerns about traffic impacts on Wards Ferry Road. He said he was primarily concerned about the impact on the character of the neighborhood.

Councilmember Reed stated that the proposed development includes two-bedroom units intended for student housing, with occupancy limited to no more than two students per unit, though up to three individuals could reside in a unit. Councilmember Reed expressed a desire to support the proposal but also wanting to respect community input. Councilmember Reed noted that the planned roundabout would provide some traffic mitigation; however, she raised concerns regarding potential overflow impacts on surrounding neighborhoods and uncertainty about overall occupancy levels. Councilmember Reed indicated that, given the number of unresolved variables, there remain outstanding questions regarding the proposal at this time. She asked to table it but there was no interest from Council.

Councilmember Wilder noted that there were already several townhomes in the area, so he was not certain that the petition would negatively impact the character of the neighborhood.

Councilmember Timmer said she would not support the petition because she was concerned about the impact on the character of the neighborhood and the ongoing traffic developments.

With no further discussion from the Council, the following vote was recorded on the motion to deny the petition:

Ayes: Taylor, Diemer, Reed, Misjuns, Timmer	5
Noes: Wilder	1
Absent: Faraldi	1

// In the matter of Airport, Agenda Item #9, Council conducted a public hearing in consideration of adopting Resolution #R-25-090 approving a lease agreement between the City of Lynchburg, Bon Air Brokerage Company, LLC, and DavisAir, Inc. to allow Bon Air to lease and use property at the Lynchburg Regional Airport. The item was previously presented at the Physical Development Committee meeting. Airport Director Cedric Simon provided a summary of the request. Earlier this year, the City solicited proposals from entities wishing to lease an aircraft storage hangar, with an adjoining office and reception area from the Lynchburg Regional Airport (LYH). The premises consist of approximately 12,000 square feet of hangar space and adjacent office space. The tenant would also have non-exclusive use of the public vehicle parking areas serving the adjacent hangars.

The proposed tenant would be Bon Air Brokerage Company, LLC. Bon Air is a current tenant of the airport and engages in aircraft management services. The hangar use plan includes conducting aircraft maintenance and repair operations in support of the DavisAir charter fleet.

The initial term of this lease agreement would be five (5) years, commencing January 1, 2026, with the option to extend for up to five (5) additional one (1) year terms. Rent shall be subject to an annual escalation of three percent (3%) to reflect the Consumer Price Index (CPI) adjustment for each year of the term.

Kyle Falwell, owner of Bon Air Brokerage and Vice President of DavisAir, Inc., representing the petitioner, provided a presentation to Council.

Andrew Wallace, president of Freedom Aviation and speaking in favor, acknowledged the City's thorough bidding process.

There was no one else wishing to speak, either in person or by voicemail so the public hearing was closed and the matter rested with Council.

Councilmember Timmer noted that PDC did not vote on a recommendation in consideration of the public hearing.

Councilmember Reed motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-090.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer	6
Noes:	0
Absent: Faraldi	1

// In the matter of Public Comment, Agenda Item #10, Citizen Jennifer Staton, representing Indivisible Lynchburg, addressed Council regarding appreciation for Parks and Recreation, LPD and other city departments. She highlighted the success of several community events Indivisible Lynchburg helped to organize, including the No Kings 2.0 rally, the International Women's Day March, the Hands Off rally, a Labor Day vigil, a May Day Strong rally, the Good Trouble Lives On March, and a Veterans Day candlelight vigil.

// In the matter of Public Comment, Agenda Item #11, Citizen Jesse Hughes was not present.

// In the matter of Public Comment, Agenda Item #12, Citizen Greg Berry was not present.

// In the matter of Lynchburg Redevelopment Housing Authority, Agenda Item #13, Council considered adopting Resolution #R-25-091 approving Lynchburg Redevelopment Housing Authority Revenue Bond issuance for 1300 Campbell Avenue. The item was tabled at the October 28 meeting and discussed at the work session.

Councilmember Timmer motioned, seconded by Councilmember Wilder, to adopt Resolution #R-25-091.

Councilmember Timmer expressed appreciation for City staff and the developer. She asked if there was a projected timeline for the project.

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Mark Hall, Astoria Housing Partners, said that they had secured approval for their construction and long-term financing, they received tax credits from VHDA, they had received the federal historical tax credits, and they expected to place LIHTC credits within the next 30 days. He said they projected construction to begin in Q2 of next year.

Councilmember Wilder noted that the Housing Authority Board had approved the project.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: 0

Absent: Faraldi 1

// The meeting adjourned at 8:56 p.m.

Clerk of Council

November 18, 2025

// A special called meeting of the Council of the City of Lynchburg and its local delegation was held on the 18th day of November, 2025, at 6:02 P.M. at the University of Lynchburg, Larry Taylor, President, presiding. The following members of City Council were present:

Present: Larry Taylor, Curt Diemer, Sterling A. Wilder, Chris Faraldi, Martin Misjuns, Jacqueline Timmer	6
Absent: Stephanie Reed	1

// The following local legislatures were present:

Present: Mark Peake (Senator of Virginia, District 8), Wendell Walker (Virginia House of Delegates, District 52)	2
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// Mayor Taylor provided the invocation followed by a dinner served in the Drysdale Student Center of the University of Lynchburg.

// Chris Saxman, Executive Director, Virginia FREE, and Chris DeLacy, Partner, Holland & Knight, delivered a presentation regarding opportunities for bipartisan collaboration to advance initiatives benefiting the City of Lynchburg.

// The meeting adjourned at 7:36 p.m.

Clerk of Council

December 9, 2025

// A special meeting of the Council of the City of Lynchburg was held on the 9th day of December, 2025 at 1:02 p.m. in the Council Chamber, City Hall, for the purpose of receiving the FY 2025 Annual Comprehensive Financial Report, to hold a closed session for the purpose of receiving legal counsel and to vote to cancel the 4:00 p.m. Work Session and 7:00 p.m. formal meeting scheduled the same night.

Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder, Martin

Misjuns, Jacqueline Timmer 7

Absent: 0

// Councilmember Wilder led the invocation followed by the Pledge of Allegiance.

// In the matter of City Council, Agenda Item #1, Council considered approving the cancellation of the December 9, 2025, regular meetings. Mayor Taylor stated the floor was open for a motion to cancel the December 9, 2025 regular meetings scheduled at both 4:00 p.m. and 7:00 p.m.

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to cancel the December 9, 2025 regular meetings.

Councilmember Misjuns called a point of order. He said that Rules of Procedure § 2-5 stated if one member objected to the cancellation of a meeting, then the meeting could not be cancelled. He said he objected to the cancellation of the meeting in writing, so the motion was out of order unless the Rules of Procedure were suspended.

City Attorney Matthew Freedman explained that interpretation of the Rules of Procedure was up to the Mayor and a majority of Council. He interpreted § 2-5 as pertaining to administrative cancellations for the convenience of Council. He said that if a majority of Council agreed to cancel the meeting, then the meeting could be cancelled. He noted that the Rules of Procedure were designed for the convenience of Council, since the majority was able to rule on and interpret them, and no single member of Council could prevent the majority from acting.

Councilmember Timmer claimed that all of the Rules of Procedure were administrative in nature, so they could not isolate one component as administrative and another as not. She said that the majority

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could simply suspend the Rules of Procedure to make the vote to cancel the meeting, but it was not appropriate to shift the meaning of the rules or otherwise waive them without taking an official vote.

Vice Mayor Diemer said he wanted to accommodate the people who had signed up for public comment as well as those who were watching from home. He felt at times that the Council had no rules and was lawless. He said the rules were not for Council's convenience; but they were to avoid controversies, conflict, and serve as a guiding star. He opposed cancelling the meeting because it was cancelling a chance to receive comments from the public.

Councilmember Wilder explained that the request to cancel the meeting was in part due to inclement weather and deteriorating weather conditions.

Councilmember Reed stated that initially, the Mayor released a notice cancelling the meeting, however, Councilmember Misjuns objected to the notice from the Mayor, so an item to cancel the meeting was added to the special meeting agenda for a vote. She said the original objection did not apply to the present matter, and the present matter was not an objectionable action.

Councilmember Misjuns reviewed the emails he sent regarding the matter. He stated that he sent an email on December 5 at 4:22 p.m. in response to the cancellation claiming that the matter could not be voted on and asking if the Vice Mayor agreed. On December 7 at 10:51 p.m., he sent an email stating that they could address the special meeting agenda item with the rules suspended. He stated that he objected to the matter after the special meeting was called.

Councilmember Timmer argued that the rules stated the Mayor could cancel a meeting if there was agreement from the Vice Mayor and no objections from Council, and this applied even if there was a vote from Council, as had been applied in the email thread.

Vice Mayor Diemer said that they had to make sure the trains ran on time, and the meeting should continue for efficiency and to allow public comment.

Councilmember Faraldi said that the Rules of Procedure should not be manipulated. He claimed that there could be ulterior motives from those who objected to the motion to take advantage of the suspended rules and add items to the agenda.

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Vice Mayor Diemer called a point of order, arguing that speculating about the intent of councilmembers was not appropriate.

Mayor Taylor allowed Councilmember Faraldi to continue.

Councilmember Faraldi noted the Rules of Procedure allowed Council to create rules when needed, and this could be interpreted as one of those instances. He called the question.

Councilmember Misjuns called a point of order. He asked the Mayor to rule on his initial point of order. He reiterated his point of order, which was that he believed Council could not vote to cancel or reschedule the meeting unless they suspended the Rules of Procedure.

Mayor Taylor ruled that a meeting could be cancelled by a majority vote of Council. He called the question on the motion to cancel the December 9 regular meeting.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Reed, Faraldi, Wilder 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of Finance, Agenda Item #2, Council was briefed regarding the FY 2025 Annual Comprehensive Financial Report (ACFR) and Related Reports. Chief Financial Officer Donna Witt introduced the City's external auditor Chris Banta from Brown Edwards, LLC. Mr. Banta provided a presentation on the reports to Council. Representatives from the City's external auditing firm, Brown Edwards, LLC, will present the results of the annual audit to City Council. The following reports will be discussed:

- FY 2025 Annual Comprehensive Financial Report
- Audit Committee Letter (ACL) – Required Communication with those Charged with Governance
- City of Lynchburg
- Management Letter (ML) – City of Lynchburg
- Audit Committee Letter (ACL) – Required Communication with those Charged with Governance
– Lynchburg City Schools
- Management Letter (ML) – Lynchburg City Schools
- Independent Auditor's Report on Applying Agreed Upon Procedures – City of Lynchburg's

Sheriff's Office

- Independent Auditor's Report on Census Data submitted to the Virginia Retirement System-City of Lynchburg

Councilmember Misjuns asked if the City could hire an external CPA firm to conduct internal auditing functions.

Mr. Banta said that they could, but it required extra care from the CPA to maintain its independence, and it was typically more expensive than hiring internally.

Vice Mayor Diemer noted that an internal auditor would be able to provide better and more detailed information related to some financial and policy questions due to their position and their ability to access cross-departmental information.

Councilmember Wilder asked when the City last had an internal auditor.

Ms. Witt said it had been about 20 years since the City had an internal auditor. She explained that when the internal auditor was working for the City, their main function was to review the audit from the external auditor, not audit internal projects. She said that the auditor did handle credit card statements and payroll; however, there was already a function within the Finance Department to do the same.

// On the motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed session to consult with legal counsel representing the City, regarding specific legal matters that require the provision of legal advice; the subject of the closed meeting being specific to providing legal advice and legal guidance regarding (i) a Councilmember's involvement in personnel matters that are the responsibility of the City Manager; (ii) a Councilmember's inappropriate treatment of City staff and Council appointees; and (iii) other matters related thereto that are applicable to Councilmember conduct.

With no further discussion from the Council, the following vote was recorded:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, and Timmer 7

Noes: 0

// On motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting pursuant to § 2.2-3711(A)(8) of the Code of Virginia,

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1950, as amended, to consult with legal counsel representing the City, regarding specific legal matters that require the provision of legal advice; the subject of the closed meeting being specific to providing legal advice and legal guidance regarding (i) a Councilmember's involvement in personnel matters that are the responsibility of the City Manager; (ii) a Councilmember's inappropriate treatment of City staff and Council appointees; and (iii) other matters related thereto that are applicable to Councilmember conduct.

With no discussion from Council, the following vote was recorded:

Ayes: Taylor, Wilder	2
Noes: Misjuns, Timmer, Diemer	3
Absent: Faraldi, Reed	2

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg 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 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg 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 resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Reed, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Wilder	2
Noes: Diemer, Misjuns, Timmer	3
Absent: Faraldi, Reed	2

// The meeting adjourned at 2:54 p.m.

December 9, 2025

Clerk of Council