

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.

January 3, 2025

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.

January 3, 2025

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.

January 14, 2025

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.

January 14, 2025

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.

January 14, 2025

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

January 14, 2025

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.

January 14, 2025

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

January 14, 2025

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.

January 14, 2025

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:

January 14, 2025

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.

January 14, 2025

// 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

January 14, 2025

// 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.

January 14, 2025

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.

January 14, 2025

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

January 14, 2025

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,

January 14, 2025

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.

January 14, 2025

// 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.

January 14, 2025

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.

January 14, 2025

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

January 28, 2025

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

January 28, 2025

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

January 28, 2025

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;

January 28, 2025

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

January 28, 2025

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

January 28, 2025

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.

January 28, 2025

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.

January 28, 2025

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.

January 28, 2025

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

January 28, 2025

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.

January 28, 2025

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

January 28, 2025

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

January 28, 2025

// 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 than 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.

February 6, 2025

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.

February 6, 2025

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.

February 18, 2025

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.

February 18, 2025

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

February 18, 2025

// 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.

February 18, 2025

// 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.

February 18, 2025

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.

February 18, 2025

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.

February 18, 2025

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.

February 18, 2025

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

5

February 18, 2025

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.

February 18, 2025

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

February 25, 2025

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

February 25, 2025

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.

February 25, 2025

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 Wigginton 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.

February 25, 2025

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

February 25, 2025

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.

February 25, 2025

// 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.

February 25, 2025

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.

February 25, 2025

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:

February 25, 2025

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.

February 25, 2025

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.

February 25, 2025

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;

February 25, 2025

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

February 25, 2025

// 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.

February 25, 2025

// 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.

February 25, 2025

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.

March 11, 2025

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

March 11, 2025

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.

March 11, 2025

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.

March 11, 2025

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.

March 11, 2025

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

March 11, 2025

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.

March 11, 2025

// 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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March 11, 2025

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

March 11, 2025

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.

March 11, 2025

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.

March 11, 2025

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.

March 11, 2025

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

March 11, 2025

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.

March 11, 2025

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.

March 11, 2025

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.

March 11, 2025

// 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.

March 11, 2025

// 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.

March 11, 2025

// 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.

March 11, 2025

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.

March 11, 2025

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

March 11, 2025

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.

March 25, 2025

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

March 25, 2025

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.

March 25, 2025

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

March 25, 2025

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.

March 25, 2025

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

March 25, 2025

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.

March 25, 2025

// 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

March 25, 2025

// 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

March 25, 2025

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.

March 25, 2025

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

March 25, 2025

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.

March 25, 2025

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.

April 8, 2025

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:

April 8, 2025

- 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.

April 8, 2025

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

April 8, 2025

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.

April 8, 2025

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.

April 8, 2025

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.

April 8, 2025

// 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.

April 8, 2025

// 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.

April 8, 2025

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.

April 22, 2025

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.

April 22, 2025

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.

April 22, 2025

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

April 22, 2025

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.

April 22, 2025

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.

April 22, 2025

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

April 22, 2025

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.

April 22, 2025

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.

April 22, 2025

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.

April 22, 2025

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

April 29, 2025

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.

April 29, 2025

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.

April 29, 2025

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.

April 29, 2025

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.

April 29, 2025

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.

April 29, 2025

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

April 29, 2025

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.

April 29, 2025

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.

May 6, 2025

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

May 6, 2025

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.

May 6, 2025

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.

May 6, 2025

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.

May 6, 2025

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.

May 6, 2025

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.

May 6, 2025

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

May 6, 2025

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.

May 6, 2025

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.

May 13, 2025

// 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.

May 13, 2025

// 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

May 13, 2025

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.

May 13, 2025

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.

May 13, 2025

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.

May 13, 2025

// 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

May 13, 2025

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.

May 13, 2025

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

May 13, 2025

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.

May 13, 2025

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.

May 13, 2025

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.

May 13, 2025

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.

May 13, 2025

// 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.

May 13, 2025

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,

May 13, 2025

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

May 27, 2025

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.

May 27, 2025

- 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.

May 27, 2025

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

May 27, 2025

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

May 27, 2025

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.

May 27, 2025

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.

May 27, 2025

// 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.

May 27, 2025

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.

May 27, 2025

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

May 27, 2025

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.

May 27, 2025

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.

May 27, 2025

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.

May 27, 2025

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.

May 27, 2025

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.

May 27, 2025

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.

May 27, 2025

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

May 27, 2025

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.

May 27, 2025

// 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.

May 27, 2025

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.

May 27, 2025

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.

May 27, 2025

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