// 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.

// 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 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.

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.

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.

// 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

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.

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 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.

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.

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.

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.

// 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.

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, 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