CITY COUNCIL

Tuesday, September 9, 2025 | 7:00 PM
Council Chamber- City Hall
900 Church Street
Lynchburg, VA 24504

AGENDA

I. Invocation *Councilmember Reed*

II. Recognitions

III. Consent Agenda

III.1. Consideration of adopting Resolution #R-25-060 amending the FY 2026 General Fund Human Services - Social Services budget and appropriating $94,909 to establish a Kinship Navigator Program.

III.2. Consideration of approving the minutes from the June 10, 2025, City Council meeting.

III.3. Consideration of approving the minutes from the June 23, 2025, Special Called City Council meeting.

III.4. Consideration of approving the minutes from the June 24, 2025, City Council meeting.

III.5. Consideration of approving the minutes from the June 30, 2025, Special Called City Council meeting.

III.6. Consideration of approving the minutes from the July 8, 2025, City Council meeting.

IV. Public Hearing

IV.7. Consideration of adopting Resolution #R-25-061 authorizing the restriction and dedication of approximately 1.556 acres of Conserved Open Space land for stormwater management purposes in connection with the Perrymont Park Improvements.

V. Public Comment

V.8. ~~Hear from a citizen regarding "the crosswalk on the block of 5000 Fort Avenue [and a need for a light]". (Zachary Karnavas)~~

V.9. Hear from a citizen regarding "the way forward for City Council". (Jeff Rosner)

V.10. Hear from a group representative regarding "principles". (Greg Berry)(City Elders)

V.11. Hear from a citizen regarding "AI in education". (FJ Jalil)

VI. General Business

VI.12. Consideration of adopting Resolution #R-25-062 endorsing the Virginia Department of Transportation Revenue Sharing Applications for FY 2027.

VI.13. Consideration of adopting Resolution #R-25-063 approving the City's participation in the direct settlement of opioid-related claims against the Sackler family and Resolution #R-25-064 approving of the proposed settlements of opioid-related claims against Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus and directing the City Attorney to execute the documents necessary to carry out the participation in the settlements.

VII. Closed Session

<u>RESOLUTION:</u> #R-25-060

BE IT RESOLVED that the FY 2026 General Fund Human Services – Social Services budget is amended and $94,909 is appropriated with resources from a Kinship Navigator Grant through the Virginia Department of Social Services to establish a Kinship Navigator Program that will provide critical support to kinship caregivers, hire a dedicated Kinship Navigator, support marketing, outreach, resources development, and referral services for kinship families in our community.

Introduced: August 25, 2025 Adopted: September 9, 2025

Certified: Alicia L. Fimmy
Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of June, 2025 at 4:00 p.m. in the 2nd Floor Conference Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

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

Absent: 0

// In the matter of Budget, Agenda Item #1, Council conducted a work session on the FY 2026 Budget. Deputy City Manager Greg Patrick introduced the work session items, including a discussion on reducing the vehicle personal property tax rate as proposed by Councilmember Faraldi. Special Assistant to the City Manager for Data Analytics and Innovation Hollie Jennings and Data Analyst Shaun Conway provided a presentation on the tax proposal, which would reduce the vehicle personal property tax to $1.30 per $100 of assessed value and provide 100% tax relief to the first $20,000 of a vehicle's value. To offset the loss in revenue, staff considered increasing the Real Estate Tax rate to $1.025 per $100 of assessed value, increasing the Lodging Tax rate to 8.5%, and increasing the per-night lodging fee to $3.

Mr. Patrick said that the key takeaways of the plan were that more Lynchburg residents would benefit from a reduction of the vehicle personal property tax than they would from a reduction in the Real Estate Tax rate. He said that renters would benefit the most in the short-term, however, rent increases would likely slowly offset the savings. He said that homeowners, especially those who owned multiple or expensive vehicles, would see the most benefit. He said that commercial property owners and multifamily residential property owners would not see a benefit. He said that overall, the proposal shifted the tax burden from residents to commercial property owner.

Councilmember Faraldi said the proposal met the City's budget needs and provided tax relief to residents. He noted that some people had already started paying tax bills, and he asked how the proposal would impact those people. Mr. Patrick said that a challenging aspect of the proposal was related to procedural issues, specifically regarding how vehicles were assessed annually and the budget was on a fiscal calendar. He said that the City would have the opportunity to find other temporary avenues for tax relief in the FY 2026 budget to offset the additional revenue collected from people who had already paid the tax bill.

Councilmember Misjuns raised a question about whether the impact of rising property values is fully reflected in the analysis. Mr. Patrick responded that the analysis uses current property values. Councilmember Misjuns asked whether higher costs for developers could reduce the housing supply. Mr. Patrick responded that he does not believe there would be any impact on supply or demand. Councilmember Faraldi asked about how recent car tax payments might affect the plan and what opportunities that could create in the next year. Mr. Patrick explained that the car tax is based on the calendar year, but the budget uses a fiscal year. This means the city gets some car tax money early, which could help extend tax relief.

Councilmember Faraldi said that it would offer an opportunity to waive the trash fee and vehicle tag fee for the next year, resulting in estimated savings of $170.

Councilmember Timmer asked what the projected revenue would be at an equalized Real Estate Tax rate and at the proposed tax rates. Mr. Patrick said the proposed tax plan provided the same level of revenue as the proposed budget, and the equalized Real Estate Tax rate resulted in $10 million less in revenue. Councilmember Timmer asked if the proposal would impact the composite index formula to determine state funding for schools. Councilmember Faraldi clarified that the City would still receive the state funding because the generated revenue was the same. Mr. Patrick explained that the local composite index was based on the assessed value of real properties, not the tax rate, so the proposal would have no impact.

Vice Mayor Diemer asked Commissioner of the Revenue Mitch Nuckles about his perspective of the plan. Commissioner Nuckles expressed concern that changes to the car tax and possible elimination of the license fee could reduce local revenue and lead to unexpected tax bills for some vehicle owners. Vice Mayor Diemer said that there was a lot of uncertainty, especially with the upcoming gubernatorial race, so it may not be the best time to consider the proposal. He asked if changing the Real Estate Tax rate would impact the City's credit rating. Mr. Patrick said that it would not change the credit rating. Vice Mayor Diemer asked the Commissioner if now is a good time to add what he perceives as a more complicated plan that shifts the car tax to homeowners and businesses. Commissioner Nuckles said he will carry out the council’s plan but worry that lower car tax revenue could cause problems.

Councilmember Wilder said he was supportive of the proposal. He asked if it could be implemented in the necessary timeframe, before July 1. Mr. Patrick said there were some process concerns, and they needed to work with the City Attorney's office to determine a plan of action. He said that first, staff needed to determine if Council would support the proposal, after which they could work on implementation.

Councilmember Misjuns expressed concerns about shifting tax revenue away from vehicles. He noted that if people could not afford the tax bill on a vehicle, it was easier to sell the vehicle when compared to selling a house. He asked the Commissioner about whether a state-driven formula or funding could replace the $122.2 million in revenue if the tax were eliminated. Commissioner Nuckles responded that it might cover some lost car tax revenue, but finding that money is hard. He expressed concerns about the impact on renters of increasing the Real Estate Tax rate, because landlords would likely pass the increased tax burden to renters rather than absorb the cost.

Councilmember Faraldi suggested reducing the proposed Lodging Tax rate and per-night fee to accommodate the hotel industry. He said that the proposal offered an opportunity to provide relief to thousands of residents while meeting budget needs.

Councilmember Reed said she agreed with the suggestion to reduce the Lodging Tax rate and the per-night fee. She suggested reducing the Lodging Tax rate to 7.5% and the per-night fee to $2.

Vice Mayor Diemer expressed frustration with the Council's focus on massive tax increases, feeling that they had wasted too much time discussing this topic and not enough on reducing spending. He emphasized the need to have a conversation about cutting expenses, citing his own approach to managing household finances as an example.

Councilmember Timmer emphasized that a true compromise required a reduction in the request for spending, not just a reduction in the proposed increase. She highlighted the importance of evaluating spending based on policy, rather than allowing spending to drive policy decisions. She stressed the need to prioritize and assess spending, comparing it to how businesses and individuals make decisions about their own finances.

Councilmember Faraldi said that three members of the Council expressed support for this concept, two of whom indicated a lower lodging and per night bed fee. He believed that the adjustments were not traumatic. He said that if a fourth member of Council supported the proposal, a majority of Council would support moving forward.

Councilmember Misjuns said that they should take a formal vote on whether to pursue the proposal.

Councilmember Faraldi said that his suggestion was to get a consensus from Council that staff should prepare the proposal for a formal action.

Mayor Taylor said that he supported the tax proposal.

Councilmember Timmer requested that Council hear Councilmember Misjuns' presentation on proposed budget reductions.

Councilmember Reed asked staff if they had received enough direction from Council in consideration of the tax proposal given that four councilmembers supported it. Mr. Patrick said that if four members wanted to move forward with the proposal, they could determine a path forward to enact the plan.

Mayor Taylor expressed frustration with the ongoing budget discussions, stating that they had been debating for months. He emphasized the need to move forward and take care of the citizens, particularly those in low-income neighborhoods who will benefit from tax relief on vehicles. He gave Councilmember Misjuns 10 minutes to provide his presentation.

During Councilmember Misjuns' presentation, Mayor Taylor, Councilmember Reed, and Councilmember Faraldi temporarily exited the room. Shortly thereafter, Councilmember Wilder also departed, resulting in a loss of quorum. Mayor Taylor later rejoined, reestablishing quorum. Councilmember Misjuns moved, with a second from Vice Mayor Diemer, to suspend the rules of procedure to allow consideration of the tax proposal. No vote was taken on the motion.

Councilmember Misjuns continued with his presentation on City revenue based on an equalized Real Estate Tax rate. He proposed several options to close the revenue gap from setting an equalized Real Estate Tax rate, including increasing the ambulance service fee, adjustments to the meals and lodging tax revenue projections, removing the $500,000 in funding for tax relief, delaying the 3% pay increase for City employees to January, eliminating managed vacancy savings, defunding current vacancies (excluding public safety and mission critical positions in Water Resources and Public Works), capping discretionary non-personnel spending to 110% of actual spending in 2024, and adjusting the fund balance to 10% of the general fund revenue. He said that this plan would allow the City to equalize the Real Estate Tax rate.

Councilmember Reed asked if Councilmember Misjuns' proposal was viable.

Ms. Witt said that she would not trust the presented figures until she could evaluate them herself.

Councilmember Misjuns said that he derived the figures from the proposed budget and submissions of actual costs from 2024.

Mr. Patrick said that Councilmember Misjuns' proposal would violate Council's financial policies by about $4.6 million by using one-time funds to balance an ongoing budget. He said that this would make the City's budget structurally unbalanced. He explained that if they delayed salary increases to January, it would cause issues in the next fiscal year as they would have to fund the annual cost, not just half. He said they were already projecting complications for the FY 2027 budget, and these would be exacerbated by delaying salary increases.

Mr. Patrick noted that Councilmember Faraldi asked staff one week ago to vet the vehicle personal property tax reduction. He said that staff was able to do that and spent a significant amount of time vetting the proposal. He said that this was the first time staff had reviewed Councilmember Misjuns' proposal.

Councilmember Reed noted that they had several months to review a plan, but it was only now just being presented. She asked if Councilmember Misjuns' proposal would impact the City's credit rating. Ms. Witt said that the rating agencies would not look favorably on using one-time funds to address operating needs.

Councilmember Timmer asked about the primary revenue source for the adjusted fund balance in the revised general fund revenue. Mr. Patrick emphasized that using one-time funds, or fund balance, for ongoing expenses was a violation of Council's financial policies, and it was the worst financial decision Council could make.

Vice Mayor Diemer expressed concerns about considering the tax proposal without a formal vote. He said that the hotel industry deserved an open discussion and a vote. He said that he was not able to provide spending proposals because he had not received the necessary information from staff. He said they should be open to all proposals to make the budget work, which should include spending reductions.

Councilmember Faraldi said a vote on eliminating the car tax is coming, highlighting its impact on residents, and believes staff now have direction to prepare for it.

// In the matter of Roll Call, Councilmember Wilder congratulated the recent graduates, and he expressed gratitude for the hard work of teachers, principals, and staff in helping the kids succeed. He announced the Juneteenth celebration details for June 21 from 11 a.m. to 2 p.m. at Miller Park. He thanked staff for their work during the budget session.

Councilmember Misjuns expressed concern that Council was considering a Real Estate Tax rate increase beyond the advertised rate without a public hearing or new reassessment notices to property owners, which he stated was not compliant with state law. He noted that consensus among all seven Councilmembers had not been reached to consider a rate of $1.025 per $100 of assessed value. He further stated that the Rules of Procedure required a formal vote on questions before Council, and no vote had been taken on the tax proposal. He expressed that the plan lacked transparency and public input, would shift the tax burden, and could negatively affect the local economy, particularly the real estate industry.

Vice Mayor Diemer said he believed the tax proposal should be addressed during a public hearing to comply with state code. He read a statement acknowledging and apologizing for defamatory remarks made against Sean Hunter of the Peacemakers during the November 28, 2023 Council meeting. He requested that duplicative copies of the defamatory remarks under City control must be redacted or removed. He introduced a resolution for Council to direct City staff to take all legally permissible actions to protect the rights and dignity of Sean Hunter, including reviewing City-controlled digital content and enforcing the Council's Rules of Procedure; to formally acknowledge that defamatory statements were made against Sean Hunter at the November 28, 2023 Council meeting and violated the Council's Rules of Procedure; and to direct staff to propose updates to the Rules of Procedure to strengthen enforcement procedures regarding personal attacks and to establish ethical standards for broadcast and camera control; and the City Manager should report back to Council within 30 days of adoption with a summary of actions taken.

Vice Mayor Diemer motioned to adopt the proposed resolution.

Councilmember Misjuns called a point of order. He said that making motions during a work session were out of order.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to suspend the Rules of Procedure.

Mr. Freedman noted that part of the resolution included language about the Parliamentarian enforcing the Rules of Procedure. He explained that according to the Rules of Procedure, under Section 3.3, the Parliamentarian interpreted the Rules of Procedure as directed by the presiding officer or as required as a point of order. He said that it did not require the Parliamentarian to enforce the Rules of Procedure. He continued that, regarding the motion to suspend the Rules of Procedure, a two-thirds majority vote of Council was required to suspend the rules, but he had never enforced that rule because realistically, Council controlled the rules, so a simple majority could decide to suspend the two-thirds majority requirement. He said that staff should be able to review the resolution before it was adopted, because he had not had the chance to review it, nor had the Clerk.

Councilmember Misjuns called the question on the motion to suspend the Rules of Procedure.

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

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

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt the resolution proposed by Vice Mayor Diemer.

Councilmember Misjuns apologized to Sean Hunter. He said that it should not have happened.

Vice Mayor Diemer emphasized that the issue still deserved justice and respect, and they should remove any copies of the defamatory remarks from social media.

Councilmember Wilder said that over the past two years, City Council had been the talk of the country because of its behavior, and they had been anything but nice to people, including dedicated staff members. He believed the motion was out of order.

Councilmember Reed said that the City Attorney had warned about discussing this matter at all, so she was not comfortable moving forward.

Councilmember Timmer expressed concerns that there was no way for people to respond when accusations were made against them. She said she supported the resolution.

Vice Mayor Diemer called the question.

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

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

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to direct staff to set a public hearing regarding the vehicle personal property tax proposal and send out revised assessment notices.

Councilmember Misjuns said it was important to hold a public hearing to maintain transparency.

Vice Mayor Diemer stated that raising taxes without a public hearing was a clear violation of state code and emphasized the importance of compliance with the law.

Councilmember Wilder said he believed they were only directing staff to prepare the necessary materials, not to formally adopt the proposal.

Mr. Freedman stated that he did not believe City staff intended to violate any notice laws regarding the tax proposal. He anticipated that the public hearing and potential vote on the Transient Lodging Tax would occur that evening, and if the Real Estate Tax rate was not addressed, a budget would be brought forward in the near future to comply with Virginia law, with Council adopting a budget before July 1. He said that the plan would be noticed and presented before the public on July 8 or soon thereafter.

Mr. Patrick clarified that staff was aware that it would be illegal to adopt a Real Estate Tax rate above $0.89 without proper notice. He explained that staff was asking for direction from Council to develop a plan that would meet Council's goals and the requirements of state code.

Councilmember Misjuns expressed concerns about the lack of revised assessment notices being sent to property owners. He said that they needed to resend the assessment notices with information advertising the new tax rate.

Councilmember Faraldi called the question.

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

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

Councilmember Faraldi motioned to stand in recess until 7 p.m.

// The meeting recessed at 6:30 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of June, 2025 at 7:00 p.m. in the Council Chamber, City Hall, Mr. Taylor, President, presiding. The following Members were present:

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

Absent: 0

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

// In the matter of Consent Agenda, Agenda Item #1, copies of the minutes of the May 6, 2025 City Council meeting were previously furnished to Council, and on the motion of Councilmember Timmer, seconded by Councilmember Wilder, Council, by the following recorded vote, approved the minutes as presented:

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

Noes: 0

// In the matter of Budget, Agenda Item #2, Council conducted a public hearing in consideration of adopting an ordinance amending Section 36-223 of the Lynchburg City Code to increase the Transient Lodging Tax to 8.5% of the total amount paid for lodging and $3.00 per room per night, excluding any other taxes levied thereon, by or for any transient to any hotel. Deputy City Manager Greg Patrick provided a summary of the request. At the request of the City Council, the City's Transient Lodging Tax on each transient is proposed to increase from 6.5% to 8.5% of the total amount paid for lodging and from $1 to $3 per room per night, excluding any other taxes levied thereon, by or for any transient to any hotel. These increases are to provide additional revenue from visitors to Lynchburg and reduce the real estate tax burden on citizens.

Adam Hall, Ward 4, speaking in opposition, said he was a small business owner in the City. He expressed concern that a proposed transient occupancy tax hike would hurt local businesses, deter tourism, and penalize the short-term rental industry, which employed his family. He questioned why the City was targeting one industry to make up for budget shortfalls, rather than exploring ways to decrease spending. He urged Council to vote no on the proposal and work towards a sustainable solution for Lynchburg's future.

Ed Virtue, representing Cornerstone Hospitality and speaking in opposition, wanted to remind Council that 3,000 of their constituents depended on hospitality and tourism in Lynchburg, with 7.9% of the workforce directly related to the industry. He noted that that Lynchburg was a declining occupancy town, with a 56% decline in occupancy compared to other cities like Roanoke, Charlottesville, and statewide. He said the proposed tax would put an undue burden on average daily rates and reduce the competitiveness of the City. He asked Council to work with the hospitality industry to find a solution that benefitted both the constituents and the industry.

Eric Terry, President of the Virginia Restaurant, Lodging, and Travel Association and speaking in opposition, said the proposed tax increase would put an undue burden on the hospitality industry, which was already struggling with below-average occupancy rates. He emphasized the importance of tourism marketing and noted that the industry had not been adequately studied for its potential impact. He highlighted the high cost of credit card fees and the potential for out-of-state visitors to take business elsewhere. He asked Council to reconsider the proposal and engage with the industry to find a solution that would not harm the local economy.

Cam Colquitt, Ward 1, speaking in opposition, presented two reasons why voting no was the best course of action for the City and its citizens. He argued that the proposed tax increase would not generate the expected revenue, as other cities had failed to achieve similar results. He estimated that the City would only collect 5% of the projected $13 million, and this revenue would be offset by a 15% reduction in short-term rental properties, a 10% reduction in prospective short-term guests, and a 5% reduction in prospective hotel guests. He projected that this would result in a $4 million reduction in local tourism.

Blair Godsey, owner of the Virginian Hotel, speaking in opposition, expressed concern about the proposed increases to the lodging and occupancy taxes. The new proposal to raise the lodging tax from

6.5% to 8.5% and the occupancy tax from $1 to $3 would make the City one of the most heavily taxed markets in Virginia. He said the proposal risked losing lodging, restaurant, retail, and tourism revenue. He offered a compromise, suggesting that Council set the lodging tax at 7.5% and the occupancy fee at $2, which would keep the City competitive with other markets.

Shelley Waldeck, Director of Sales and Marketing at the Virginian Hotel, speaking in opposition, cautioned against raising lodging taxes, citing the challenges facing downtown Lynchburg, including construction and vacant storefronts, and warned that a tax hike could risk deterring visitors and harming the local economy.

Michael Nevarez, representing the Parry Restaurant Group and speaking in opposition, said that any measure that discouraged overnight stays, such as the proposed lodging tax increase, jeopardized the meals tax revenue. He urged Council to reconsider this proposal. A significant increase in hotel taxes risked making Lynchburg less attractive to visitors, which will have a direct and damaging impact on the broader hospitality economy, including restaurants, retail businesses, and the City's own tax base.

David Marple, speaking in opposition, said these visitor taxes may seem harmless, but they carried real consequences. He said that when they raised lodging taxes, they risked driving those visitors elsewhere and hurting the local hotels, short-term rentals, restaurants, and shops.

Grayson Ferguson, speaking in opposition, said he owned a woodworking operation which helped build the Virginian Hotel's interiors. He was concerned about the taxes he pays, including personal property tax on his aging equipment, water runoff on his 80,000 square foot roof, and insurance costs. He said it had been difficult to find qualified staff.

Andrea Hurtt, speaking in opposition, expressed frustration and concern about the proposed tax increase, stating that it would have a significant impact on residents' lives and would be nearly 40% higher than the current rate. She questioned the lack of public notice and a public hearing, and felt that the City was not addressing the issue of waste, fraud, and abuse. She also highlighted the disparity in salaries, comparing the City Manager's salary to that of the Vice President of the United States.

Megan Lucas, representing the Lynchburg Regional Business Alliance and speaking in opposition, urged reconsideration of the proposed lodging tax increase, citing its impact on business travelers and the potential to discourage travel, limit growth, and increase costs for employers, which could jeopardize the regional economy and compromise fiscal responsibility.

Clerk of Council Alicia Finney stated there were eight voicemails.

Rebecca Neese, via voicemail and speaking in opposition, said she was a staff member at the Virginian Hotel, and she cited concerns that the proposed tax increase would deter guests and groups from staying at the hotel.

Britt Burney, via voicemail and speaking in opposition, said she was the General Manager of the Craddock Terry Hotel. She expressed concern about the lodging cost increase, citing the hotel's slow season and the impact it had on staff, who have struggled to get by during previous slow periods. She questioned the accuracy of projected revenue numbers, suggesting they may be based on outdated data and ignoring the potential for diminishing occupancy and a higher tax rate. She asked Council to consider the concerns of hospitality professionals and to listen to their warnings about the potential negative impact on the community and businesses.

Vicki Runk, via voicemail and speaking in opposition, expressed concerns that the proposed tax rates would harm the City's hospitality industry and deter future development. She pointed to Campbell County's more favorable tax environment, which had attracted new hotel projects, and argued that Lynchburg's proposed tax increase would create a competitive disadvantage and accelerate the relocation of new hospitality development outside the City.

Linda Furry, via voicemail and speaking in opposition, said she was a business owner, and she expressed concern about the potential tax increase on business owners, particularly those in the hotel and short-term rental industries. She said it would hinder business growth and opportunity in the City.

Charles Grant, via voicemail and speaking in opposition, expressed concerns about the proposed tax rates.

Liz McCormack, via voicemail and speaking in opposition, said she owned an Airbnb, and she expressed concern about taxes going up. She mentioned that her business was barely making any money.

Tom Brizzolara, via voicemail and speaking in opposition, said he owned two short-term rental properties. He expressed concern about the proposed tax increase, stating that there was no precedent or data to support it. As a business owner with two properties and another business in Lynchburg, he feared that the tax will hinder his ability to rent his properties, and he may be forced to relocate his business to a different location.

Emily Grant, via voicemail and speaking in opposition, argued that increasing taxes would negatively impact her long-term goals, including fixing up properties and providing for her children's retirement. She urged the consideration of keeping taxes the same.

Councilmember Timmer encouraged fellow councilmembers to review Natasha Cohen's email because she was planning a lodging project in Ward 4. She said that Ms. Cohen suggested a more moderate proposal of a 7.5% Lodging Tax rate and a $2 nightly fee. She said that Ms. Cohen encouraged Council to consider reducing spending and the long-term impact on the City.

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

Councilmember Faraldi asked if the revenue generated from the increased tax could be allocated specifically to the Office of Economic Development or other tourism related projects. He noted concerns that were expressed regarding the City's lack of tourism investment. Mr. Patrick said that they could earmark the funds for economic development or tourism projects, however, it would not help to address the funding gap.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to increase the Transient Lodging Tax to 7.5% of the total amount paid for lodging and $2.00 per room per night.

Councilmember Reed asked if there was a way for the City to offer incentives to the hospitality industry. Mr. Patrick said that staff could follow up with that information at a later meeting.

Councilmember Timmer expressed concerns over raising the Lodging Tax rate. She emphasized the importance of trusting the community's growth and investment, and not confiscating more than necessary, in order to maintain Lynchburg's prosperity.

Councilmember Misjuns said he did not support the increase to the Lodging Tax rate because of the impacts on the hotel industry.

Councilmember Misjuns made a substitute motion, seconded by Councilmember Timmer, to deny the proposed lodging taxes.

Councilmember Misjuns said that Council needed to be cautious with the tax rates. He said they needed to decrease spending instead of increasing taxes.

Councilmember Reed said the work session discussion centered on the lodging tax, with the goal of working together as good stewards of the community. She said a counteroffer was presented, which some stakeholders felt could lead to an agreement, and that was the proposal offered by Councilmember Faraldi.

Vice Mayor Diemer said they needed to support the tourism industry because it brought business and outside revenue. He questioned why they would burden one industry rather than propose spending cuts. He noted that there had been no serious spending cuts proposed during the budget process, and he finally heard some suggestions at the work session. He said he would not support the proposed Lodging Tax rate increases.

Councilmember Wilder said he did not support the substitute motion, and he did support the main motion. He emphasized the need to consider all of the revenue streams available to the City to ensure a certain quality of life for residents.

Mayor Taylor called the question on the substitute motion.

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

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

Vice Mayor Diemer called the question.

With no further discussion from the Council, the following vote was recorded on the motion to deny the proposed Lodging Tax rates:

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

// In the matter of Budget, Agenda Item #3, Council conducted a public hearing in consideration of adopting an ordinance amending Section 5-6 of the Lynchburg City Code to make technical changes, increase rates, and create a new rate for Ambulance and Related Services offered by the City of Lynchburg's Fire Department. Chief Financial Officer Donna Witt provided the presentation to Council.

Medicare allows for ambulance billing of up to 150% of Medicare rates. The City of Lynchburg has not changed ambulance rates since 2018 and currently charges well below the 150% allowed. These rate changes were provided by the third-party billing company contracted by the Lynchburg Fire Department and are being provided at the request of members of the City Council. Additional minor technical/grammatical changes have been made to the proposed ordinance since May 27, 2025.

Rise Hayes, Ward 1, speaking in opposition, shared her personal experience of having to weigh her health against the cost of medical care due to unaffordable ambulance services. She contracted COVID-19 twice, developed a sinus infection, and caught RSV, resulting in permanent damage to her vascular system and the development of POTS. She emphasized that increasing ambulance rates would make it even more likely for people her age to prioritize money over their health, citing a personal experience of having to pay $1,500 for a one-block ambulance ride in 2012.

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

Councilmember Wilder motioned to adopt the ordinance.

The motion failed due to a lack of a second.

Councilmember Faraldi asked why the matter was on the agenda if Council was not going to vote on it. He noted that Councilmember Misjuns requested to consider the item.

Councilmember Misjuns said he had questions, but the motion was made before he could ask them.

// In the matter of Community Development, Agenda Item #4, Council conducted a public hearing in consideration of adopting Resolution #R-25-041 to approve the 2025-2029 Five-Year Community Development Block Grant and HOME Program Consolidated Plan and Program Year 2025 Annual Action Plan. Grants Manager Melva Walker provided a summary of the request. The Department of Housing and Urban Development (HUD) requires local governments, which receive federal community development funds, to prepare a five-year Consolidated Plan and an Annual Action Plan. The plans outline the City's needs, goals, and objectives for community development (both housing and non-housing areas). The City's 2025-2029 CDBG and HOME Program Consolidated Plan and Program Year 2025 (Fiscal Year 2026) Annual Action Plan consists of the following:

1. A housing and homeless needs assessment that describes the affordable housing needs of very low-income and low-income households, homeless families and individuals, and others with special needs.

2. A housing market analysis which profiles existing housing options and facilities to assist the homeless, identifies barriers to affordable housing, and reviews institutional and governmental capacities to develop and implement the Plan.

3. A Strategic Plan for addressing priority needs, including the priority non-housing community development needs eligible for assistance under the CDBG Program.

4. An Annual Plan which identifies the activities that will be undertaken to address priority needs and local objectives. The City will receive $750,979 in CDBG entitlement funds and $320,517.96 in HOME entitlement funds for the Program Year beginning on July 1, 2025.

Two public notices were placed in The News and Advance on Friday, May 9, 2025, for the 30-day public comment period, and on Sunday, May 25, 2025, for the 15-day public hearing notice and through social media. In accordance with the Council-adopted Citizen Participation Plan, the Community Development Advisory Committee (CDAC) conducted a public meeting on May 20, 2025, to review and discuss these two Plans. CDAC recommended that the documents be approved by the City Council.

City staff did not receive any public comments prior to, or after, the CDAC meeting. City Council and citizen comments received at the public hearing regarding the contents of the Consolidated Plan and Annual Action Plan will be incorporated into the final document and submitted to HUD for approval.

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

Councilmember Wilder motioned, seconded by Councilmember Timmer, to adopt Resolution #R-25-041.

Councilmember Wilder expressed gratitude for CDAC's work, particularly in involving community members in the distribution of CDBG funds. He acknowledged the efforts of numerous non-profits in the community, providing a range of services including housing, job training, and resources to combat poverty and homelessness.

Councilmember Timmer said she was excited about the funds being applied to homeownership programs.

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

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

Noes: Faraldi 1

// In the matter of Public Comment, Agenda Item #5, Citizen Cynthia Via addressed Council regarding Lynchburg City Schools Board and Lynchburg City Schools health. She expressed her concerns about the safety and well-being of students at LCS schools, stating that the schools were not safe and that the current School Board was uncaring. She shared her daughter's near-death experience which had left her disabled, and she highlighted the need for the School Board to prioritize the schools' safety and well-being.

// In the matter of Public Comment, Agenda Item #6, Citizen Greg Berry, representing City Elders, addressed Council regarding the rainbow. He said that the rainbow belonged to God, and he encouraged everyone to share the true meaning of the rainbow and God's love. He asked Council to support the School Board's decision in banning a citizen from meetings for not following the rules of public comment.

// In the matter of Public Comment, Agenda Item #7, Citizen Tabatha Sprouse, representing GLTC, addressed Council regarding the GLTC Board of Director feedback on 2026 budget planning. She urged Council to read the submitted letter and expressed deep concern over the proposed 40% budget reduction, which would severely impact the community that GLTC served. She said the proposed cuts would result in a budget of roughly $7.7 million for 2026, leading to longer wait times, fewer routes, increased travel costs, and loss of access for residents. She emphasized that public transportation was an essential investment in the City's economy, health, and future.

// In the matter of Public Comment, Agenda Item #8, Citizen Amanda Smithson addressed Council regarding the School Board candidates. She advocated for the appointment of April Watson to the School Board. She emphasized the importance of experienced individuals, particularly those with a background in child development and social work.

// In the matter of Public Comment, Agenda Item #9, Citizen Peter Cefaratti addressed Council regarding doing the math. He expressed frustration over the last-minute revelation of a potential tax increase, which he felt was unfair and confusing. He questioned why the discussion about the tax rate had not occurred earlier, and why it was being presented at the last minute. He also criticized the lack of discussion about cutting spending and being more efficient, suggesting that a group of rational citizens could have come up with solutions. He felt that the councilmembers were abandoning their responsibilities to the citizens of Lynchburg.

// In the matter of Public Comment, Agenda Item #10, Citizen Gary Taylor, representing Citizens for a Better Lynchburg, addressed Council regarding Bridges to Progress. He discussed the importance of reviving Bridges to Progress, a holistic approach to addressing poverty that was active in Lynchburg from 2013 to 2023. He said that Council should appropriate $25,000 to $50,000 to revive the program

// In the matter of Business, Agenda Item #11, Council considered adopting an ordinance to set the Real Estate Tax rate effective July 1, 2025. City Attorney Matthew Freedman provided the presentation to Council. Following the April 22, 2025 Public Hearing and further discussions during City Council work sessions, City Council will vote to set the Real Estate Tax rate effective July 1, 2025.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to amend the agenda and approve the following: direct staff to present a budget at a June 17 special meeting with the no-car tax plan as discussed during the work session and including $1.4 million in budget cuts.

Councilmember Faraldi explained that the proposed tax rate discussed at the work session worked mathematically and resulted in a tax cut for most people. He said it incorporated $1.4 million in spending reductions, a tax relief, and funding for increased teacher pay, saving schools, and increased step-pay for firefighters, police officers, and other public safety personnel.

Councilmember Faraldi clarified that the change in tax rate did not require a second notice to property owners under state code, but a publicly posted announcement of a hearing on the proposed new rate and an opportunity for citizens to speak was still required. He said the proposed tax rate would enable the largest investment in public safety in the City's history, the largest investment in LCS in years, tax relief for the middle class, no additional burden on lodging, and a reduction in overall spending. He asked for someone to come up with a better proposal. He asked staff if the public hearing had to be held on the coming Tuesday or the following.

Mr. Freedman said state code required advertisement for seven days before the public hearing.

Councilmember Faraldi amended his motion to hold the special meeting on June 19. Councilmember Reed agreed to the amendment.

Councilmember Reed explained that the proposed changes would benefit households by eliminating the car tax for those with cars valued at $20,000 or less and reducing the rate for those with higher-valued cars, while also bringing back credits on the trash fee and DMV registration fee for a year. This, combined with $1.4 million in cuts, would meet the targets they had discussed, delivering on promises and providing relief to both renters and homeowners, with 91% of households seeing a benefit.

Mr. Freedman said that Ms. Witt reminded him of an administrative waiting period required by the newspaper, which was typically three or four days in advance of the initial publication date.

Ms. Witt explained that if they submitted the advertisement by June 12 at 3 p.m., it would be published in the paper on June 14.

Mr. Freedman said they would be able to hold the public hearing on June 23 or June 24 if they advertised by June 14.

Councilmember Faraldi amended the motion to hold the public hearing on June 23. Councilmember Reed agreed to the amendment.

Councilmember Misjuns asked what Real Estate Tax rate would be advertised.

Mr. Patrick said that they would advertise a Real Estate Tax rate of $1.025 per $100 of assessed value.

Councilmember Misjuns said that a landlord in Ward 4 with 225 units would likely increase rent by $50 a month per unit, which would be unsustainable for many renters. He expressed concerns about the need for new notices to be mailed and a new public hearing to be held on the budget.

Mr. Freedman said he believed that a public hearing was not required on the budget since the revenues and expenditures were not changing, only the rates were adjusted. He said that he could not speak to the notice requirements at this time.

Councilmember Misjuns said that property owners should be notified of the proposed Real Estate Tax rate increase because it was so significant, from $0.89 to $1.025. He noted that the proposal was not a tax decrease because they were just shifting the burden around. He said that the tax increase would drive up rents and mortgage payments, and for him personally, he would pay more in taxes. He said that personal property was a luxury, and if the taxes were too high, people could easily trade in a vehicle, but people could not easily trade in a house.

Councilmember Faraldi said that for a home assessed at $250,000 and two cars assessed at $15,000, the property owners would receive a $147 tax cut, or a 5.47% reduction. He said for himself, he would receive a $37 tax reduction. He noted that at an equalized rate, property owners would still pay more in taxes. He also noted that Councilmember Misjuns had stated numerous times, on the record, that he wanted to eliminate the car tax. He said the proposal reduced taxes for more people in the City and reduced spending.

Councilmember Timmer said that policy should drive spending, not the other way around, and it was traditional to set rates before approving the budget. She said it was essential to address deferred maintenance for schools. She also suggested pursuing public-private partnerships to address the pool renovations. She said that if they wanted to achieve a tax cut, they should set the Real Estate Tax rate to the equalization rate and then consider reducing the personal property tax on vehicles. She expressed concerns about the impact on renters of increasing the Real Estate Tax rate.

Vice Mayor Diemer made a substitute motion, seconded by Councilmember Timmer, to set the Real Estate Tax rate at $0.767 per $100 of assessed value.

Vice Mayor Diemer said that the proposed tax rates would only benefit government and City Hall and they should set an equalized tax rate.

Councilmember Misjuns said that the proposal did not get rid of the car tax, and it only relocated the revenue source. He said that affordability was what brought events and attractions to the City, not its services or name. He pointed out that a 1% tax rate increase can reduce home values by 0.7% to 1.2%. He said that the proposal would negatively impact renters. He expressed concerns about the potential impact on the real estate market, citing the need for a more stable tax policy, and ultimately stated that he would support the motion for equalization.

Councilmember Timmer said she supported equalization throughout the budget discussion, citing her mission to address housing instability in the community. She emphasized the need for a sustainable approach to budgets, considering the economic realities.

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

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

Councilmember Misjuns motioned to amend the original motion.

Councilmember Faraldi called a point of order. He stated that a motion could be amended twice or substituted once, but not both.

Mayor Taylor called a recess. Council recessed at 9:57 p.m. and reconvened at 10:03 p.m.

Councilmember Misjuns motioned to amend the original motion.

Councilmember Faraldi called a point of order. He stated that a motion could be amended twice or substituted once, but not both.

Mr. Freedman explained that under Rule 8 of Section 6.7 of the Rules of Procedure, if the substitute motion failed, the original motion can then be voted upon, and he believed the reason was to maintain efficiency.

Councilmember Misjuns stated that the Rules of Procedure did not prevent an amendment to a motion after a substitute motion was made. He said that since his amendment would not change the substance of the original language, it would not count as a substitute motion, so the amendment was in order.

Councilmember Misjuns motioned to amend the motion to change the amount in spending cuts to $11.2 million and send out revised reassessment notices to property owners.

Mr. Freedman explained that according to the Rules of Procedure, an amendment was improper if it would have the same effect as rejecting the original motion, leaving it up to the Mayor to determine if the amendment was a rejection of the original motion.

Mayor Taylor ruled that the amendment was improper because the substance was a rejection of the original motion.

Councilmember Misjuns appealed the ruling.

With no further discussion from the Council, the following vote was recorded on the appeal.

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

The appeal was rejected.

Councilmember Misjuns motioned to amend the main motion, seconded by Vice Mayor Diemer, to send out revised notices of reassessment to property owners.

Councilmember Misjuns said they needed to notify property owners of the changes.

Vice Mayor Diemer said that the proposal was a sneaky tax increase, and it was only fair to notify property owners.

Councilmember Timmer said she was interested in a motion to divide the question.

Mayor Taylor called the question on the motion to amend.

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

Ayes: Diemer, Misjuns, Timmer 3

Noes: Taylor, Wilder, Faraldi, Reed 4

Councilmember Faraldi called the question on the original motion.

With no further discussion from the Council, the following vote was recorded on the motion to amend the agenda:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of City Code, Agenda Item #12, Council considered adopting Ordinance #O-25-042 amending Lynchburg City Code Section 11-160.1 to make technical changes and to allow the civil penalties described thereunder to apply to both residential and non-residential derelict structures. Clerk of Council Alicia Finney stated that the item was previously discussed by Council during the May 27 Business Item Briefings. Community Development Director Tom Martin provided the presentation to Council. The City of Lynchburg's 2025 Legislative Agenda requested that the General Assembly amend the Code of Virginia (§15.2-907.1) to remove the civil penalties exemption for derelict commercial or industrial buildings. Delegate Wendell Walker introduced HB2128 Derelict Buildings, removing the exemption for derelict commercial and industrial buildings and allowing cities to impose a civil penalty of $500 per month as is currently allowed for residential properties. The Bill was passed by the General

Assembly and signed by Governor Glen Youngkin. The amendments will become effective July 15, 2025, and technical changes were made to the proposed ordinance since 05/27/2025.

Councilmember Misjuns motioned to deny adopting Ordinance #O-25-042.

The motion failed because it did not receive a second.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to adopt Ordinance #O-25-042.

Vice Mayor Diemer asked about the current penalties, what they are changing from, and what they are changing to. Mr. Martin replied that homes without utilities for a year can be fined $500 a month to encourage repairs. This doesn't apply to businesses.

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

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

// In the matter of Business, Agenda Item #13, Council considered approving a standard procedure for voting on School Board appointments. Clerk of Council Alicia Finney stated that the item was previously discussed during the May 27 Business Item Briefings.

Current Method: Motion / Second / Substitute Motion / Vote

• A Councilmember makes a motion to appoint a nominee.

• Another Councilmember must second the motion.

• The Council then votes on the motion.

• Only one substitute motion may be made at a time.

Proposed Method: Ballot Voting

• Councilmembers nominate candidates.

• Discussion is held among Councilmembers.

• Each member casts a single written ballot vote.

• Ballots are read aloud, and each member's vote is publicly announced.

• A majority of votes is required to appoint a candidate.

• If no candidate receives the necessary majority in the initial ballot, a runoff is initiated. The runoff includes the top two candidates with the highest vote counts. If there's a tie for the second-highest votes, all tied candidates proceed to the runoff of their own before going up against the candidate with the first-highest votes.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to approve the current procedure.

Councilmember Reed said that the procedure had worked in the past, so there was no need to change it.

Councilmember Misjuns believed that School Board appointments, and all Council appointments, should be made transparently during open session, including setting salaries for Council appointees. He said he supported a process similar to how they elected the Mayor and Vice Mayor.

Councilmember Misjuns made a substitute motion to approve the proposed ballot voting procedure.

The motion failed because it did not receive a second.

Mayor Taylor called the question on the main motion.

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

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

Noes: Misjuns 1

// In the matter of Business, Agenda Item #14, Council considered finalizing the list of School Board candidates to interview for appointments, or reappointments, to vacancies that will exist June 30, 2025, in School Board Districts I, II, III. At its May 27th meeting, City Council began its selection of candidates to interview. The list will be finalized and interviews will be conducted ahead of the June 24th City Council meeting where appointments will ultimately be made.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt the list of School Board candidates.

Councilmember Misjuns said he was excited about the slate of candidates.

Clerk of Council Alicia Finney announced that interviews were scheduled for June 12, from 9 a.m. to 1:15 p.m. and on June 13, from 4 p.m. to 8:45 p.m.

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

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

Noes: 0

// The meeting adjourned at 10:44 p.m.

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Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 23rd day of June, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

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

Absent: 0

Councilmember Faraldi motioned, seconded by Councilmember Reed to adjourn the meeting citing a predetermined understanding that there was insufficient support of the No Car Tax Plan.

Mayor Taylor adjourned the meeting.

// The meeting adjourned at 7:01 p.m.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of June, 2025 at 4:11 p.m. in the 2nd Floor Conference Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

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

Absent: 0

// In the matter of the Budget, Agenda Item #1, Council conducted a work session on the FY 2026 Budget. Chief Financial Officer Donna Witt and Deputy City Manager Greg Patrick provided a presentation to Council outlining several proposed budget scenarios, including the City Manager's proposed budget, an $0.86 Real Estate Tax rate proposal, an $0.83 Real Estate Tax rate proposal, and a $0.76 Real Estate Tax rate proposal.

Vice Mayor Diemer expressed support for an equalized Real Property Tax rate because it kept tax dollars in the pockets of property owners. He said he wanted to introduce a motion to set the Real Property Tax rate at $0.767 per $100 of assessed value.

City Attorney Matthew Freedman said that Council would have to suspend its Rules of Procedure before considering a motion during a work session.

Councilmember Misjuns questioned the 14% increase for the City Manager's Office salaries and benefits, noting it was significantly higher than the 3% general wage increase for the rest of the City.

Mr. Patrick said there were several factors at play, including a previously vacant position being filled and an additional increase for the City Manager provided by Council. He said that staff could follow up with more specific information.

Councilmember Misjuns questioned the continued consideration of a 3% general wage increase for all City staff, given that four council members had publicly stated that the priority should be a public safety pay progression plan and teacher funding.

Mr. Patrick said that if Council directed staff at a meeting not to fund the Cost of Living Adjustment for general City staff, they would remove it from the budget. He said that staff wanted to avoid stratifying the organization, and he stated that they should apply the same benefits across the organization.

Councilmember Misjuns expressed concerns about the staff assumption that salary increases should be automatically funded. He said that Council should have to vote to include salary increases.

Mr. Patrick said that was not how the City Charter worked. He explained that the Charter appointed the City Manager as the budget commissioner and charged him with proposing a budget based on information submitted by City departments. He said that after the City Manager proposed the budget, it was up to Council to accept it, deny it, or change it.

City Manager Wynter Benda said that if four councilmembers did not support the 3% general wage increase for City staff, they could remove it from the budget proposal.

Councilmember Wilder believed that City workers deserved a 3% raise to reflect the increasing cost of living. He emphasized the importance of maintaining quality of life in the City, including its institutions, parks, and schools, and acknowledged that a raise would help keep city staff from leaving for other counties. He said he was willing to compromise on the budget, but he wanted to maintain the 3% raise for general staff.

Councilmember Reed emphasized that the cost of living increase should not be limited to just the police and fire departments, but rather should be given to all essential departments, including IT, water, social services, and others, as they were equally important and played a crucial role in the City's operations. She pointed out that the City was not unique in facing cost increases, and that other businesses and individuals in the City had also seen increases. She said that the City's wasteful spending claims were unfounded because she had not seen any evidence. She explained that the City, like every business, was facing inflated costs for goods and services, which was affecting its budget. She emphasized that the City was not buying luxury items, but rather essential goods and services to function, and it was trying to balance the need for quality workers with the need to help taxpayers.

Councilmember Faraldi said that if they reviewed the $0.83 proposal, he wanted to maintain funding for the City Manager's Office data analyst position, the Economic Development and Tourism support for the Lynchburg Regional Business Alliance, the Fire Pulse Point app, the library online cataloging, drop-off recycling sites, court preparation and expert testimony fees, and social services administration. He estimated the total cost to be around $660,000 if they maintained these items. He suggested deferring the Cost of Living Adjustment to January. He asked staff to provide information on the total cost of the 15.89 vacant FTEs. He suggested that if Council had to remove currently filled FTEs, they should incorporate a minimum of 3 months' severance pay, and this could be funded through contingencies.

Councilmember Timmer expressed frustration with the missed opportunities for discussion on budget cuts, particularly the absence of a vote on a Real Estate Tax rate and the limited public dialogue. She reiterated her willingness to negotiate on rates, but felt disheartened by the missed opportunity to hear public comment, which she believed was an essential part of their job.

Councilmember Misjuns asked if they had filled the Assistant Director of Tourism, Assistant Director of HR, or Assistant Director of Economic Development positions. Mr. Patrick said that the Assistant Director of Tourism position had been filled. He said they were undergoing recruitment for the Assistant Director of Economic Development and Assistant Director of HR positions. Councilmember Misjuns suggested stopping recruitment for those positions. He said that instead of cutting funding for filled positions, they should remove funding for vacant positions. Mr. Patrick emphasized the importance of considering the goals and objectives of each department when making decisions about reductions, and he encouraged Council to trust department directors and business managers to identify key resources critical to their success, rather than making arbitrary cuts based on position cost or vacancy.

Councilmember Misjuns suggested that if the item were put to a vote, Council would likely support directing the staff not to eliminate positions with people in them and to find alternative solutions for vacant positions. Mr. Patrick warned that it would negatively impact the organization's ability to provide Council's desired level of service. He said that the departments had determined that several of the vacant positions were critical to their missions. He said that arbitrarily deciding which positions to eliminate without using staff expertise was a concern, as it could lead to unnecessary reductions rather than targeted cuts to the proposed budget.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to suspend the Rules of Procedure and direct staff to consider eliminating vacant positions before filled positions.

Vice Mayor Diemer suggested that staff should prioritize eliminating vacant positions that had been vacant for more than six months.

Councilmember Misjuns amended his motion to suspend the Rules of Procedure and direct staff to consider eliminating vacant positions before filled positions and prioritize eliminating positions that were vacant for more than six months.

Councilmember Faraldi said he did not support the motion because they were in a work session to understand the figures, not set policy.

Vice Mayor Diemer said he hoped that Council could have a serious discussion about spending reductions.

Councilmember Faraldi asked if the Rules of Procedure would be reinstated after the motion was voted upon. City Attorney Mr. Matthew Freedman said that the Rules of Procedure would be reinstated because the motion was limited to a specific purpose. He asked for clarification as to whether the proposed motion was specific to the positions listed in the materials before Council. He said that there may be departments that had not offered vacant positions because they were critical to operations. He noted that the motion may be encroaching on the Council/Manager form of government.

Councilmember Reed expressed concerns about removing positions that were critical to departments. She said she did not support the motion on the floor if it would put departments at risk.

Councilmember Timmer expressed concerns that they were having the first reading of the budget without setting the Real Property Tax rate first. She said she supported setting an equalized Real Property Tax rate. She said that she had discussed an $0.83 Real Property Tax rate and an audit committee with the Mayor, but she had not seen any progress with that discussion.

Councilmember Faraldi said he was open to a discussion on prioritizing eliminating vacant positions or on setting an $0.83 Real Property Tax rate. He said he did not believe the motion on the floor was appropriate and expressed concerns regarding the way Council was conducting business.

Councilmember Misjuns amended his motion to exclude public safety positions from consideration. Vice Mayor Diemer agreed to the amendment.

Councilmember Wilder was disappointed with Council's micromanagement of the City Manager and the budget process. He said that Council should choose one of the scenarios presented by staff.

Councilmember Misjuns withdrew his motion. Councilmember Misjuns said that if Councilmembers wanted to raise taxes, they should tell citizens where they should cut back on spending.

Councilmember Faraldi suggested compromising on an $0.83 Real Estate Tax rate.

Vice Mayor Diemer said he was fully in favor of not funding the 3% cost of living increase. He said that the City needed to have a full, detailed audit that reviewed individual expenditures, and it needed to establish an audit committee.

Councilmember Misjuns said he wanted to eliminate trash fees and DMV license fees for two years, or at least one, by reducing the fund balance from 11.8% to 10% of general fund revenue. He expressed concerns about the internal auditor working in the finance department, citing a charter requirement that the auditor be appointed by Council. He said that the capital improvement projects were concerning to him, and he mentioned the incomplete plaster repairs at RS Payne Elementary. He pointed to the example of the Miller Park pool project, where a $500,000 fix was an option, but it was not presented to Council, and instead, a $12 million rebuild was recommended by staff. He questioned the decision-making process and the lack of transparency, stating that it was hard to get answers from staff.

Councilmember Reed said she wanted to include funding for items that were removed under the $0.83 Real Estate Tax rate proposal, including tools, equipment, contractual services, uniforms and apparel, and training equipment and props for Fire and Rescue as well as law enforcement supplies and protective wear for Police. She noted that the pool project presented by staff did not only address leaks in the pool itself, but it included a complete renovation and redesign of the facilities and grounds. She noted that the bathrooms needed to be renovated, and the City would realize cost savings by doing all of the repairs and renovations at once rather than piecemeal.

Councilmember Faraldi said he did not support funding for conferences for Fire and Rescue. He said he did not support funding for third-party promotion assistance because department leadership should be able to make those decisions. He noted that the cost for investigation services and apparel and protective wear for the police were relatively minor and should be kept in the budget. He also proposed exploring the idea of an audit committee, but was skeptical about hiring an additional staff member to serve as an auditor.

Councilmember Timmer suggested moving funding for one of the communications positions to support an auditor position directly reporting to Council. She noted that, regarding Miller Park pool, it could be repaired for $500,000, but no repair projects were presented to Council. She said that an internal auditor could help improve City processes and keep them accountable.

Councilmember Faraldi said he supported funding for the zoning enforcement position. He said he would rather remove funding for the online library cataloguing and other smaller items to keep funding for the position. He asked if staff needed any further direction from Council.

Mr. Patrick said that if Council wanted to add back the items noted by Councilmembers, they were closer to an $0.84 Real Estate Tax rate than $0.83. He said that if Council wanted to establish an audit committee, staff needed to know whether it would require a new staff position. He noted that an auditor would also require support staff.

Councilmember Timmer said that Council could fund an audit position for one year with one-time funds, or they could appoint the elected Treasurer to oversee the audit functions.

Councilmember Faraldi said that Council could instruct the treasurer to perform such functions, according to the Charter. He said that Council should consider establishing an audit committee to work with the Treasurer rather than establish a whole new department.

Mr. Patrick said that if they hired an auditor for one year with one-time funds, it would be difficult to recruit someone and have them complete an audit in that timeframe.

Councilmember Reed said she supported starting with an audit committee.

Councilmember Misjuns said he supported deferring the cost of living salary adjustments to January.

Councilmember Faraldi said he would support deferring the Cost of Living Adjustment even though it would have budget implications for the following year.

Councilmember Misjuns said he would support maintaining funding for GLTC over funding the Cost of Living Adjustment for City staff. He suggested that they could reduce the Cost of Living Adjustment from 3%.

Councilmember Faraldi said he would support reducing it to 2% to maintain funding for GLTC instead of deferring the Cost of Living Adjustment to January.

Councilmember Wilder said he supported a 3% Cost of Living Adjustment effective July 1.

Councilmember Reed said she supported a 3% Cost of Living Adjustment effective July 1.

Mr. Patrick said that if they were to restore all of the reductions suggested by Council, including Fire and Rescue, Police, and GLTC, and move to a 2% cost of living salary adjustment, it would require an $0.84 to $0.845 Real Property Tax rate. He said that staff could draft an ordinance with that level of expenditure.

Councilmember Faraldi suggested having staff present the expenditures and tax rate as the first item on the regular meeting agenda.

Councilmember Misjuns said he would accept that proposal if Council agreed to adopt a rate.

Mr. Patrick said that staff would present on the budget reductions that were restored and the corresponding tax rate to meet the expenditure requirements.

Councilmember Faraldi emphasized that the conversation had been productive, and only four votes were required to make the proposal happen. He said the funds primarily benefited teachers, police officers, and firefighters. He proposed that Council recess until the regular meeting.

// The meeting recessed at 6:25 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of June, 2025 at 7:00 p.m. in the Council Chamber, City Hall, Mr. Taylor, President, presiding. The following Members were present:

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

Absent: 0

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

// In the matter of Item Not on the Agenda, Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to amend the agenda to allow anyone who was present at the meeting on June 23 an opportunity to speak during Public Comment.

Councilmember Faraldi said that if people wanted to speak during public comment, they should sign up prior to the meeting. He explained that the public hearing and item before Council at the meeting the night before failed and was no longer considered by Council. He said he would be voting against the motion.

Councilmember Wilder said he would vote against the motion because there had already been several opportunities for public comment.

Councilmember Timmer voiced frustration over the lack of public input at the prior meeting.

Councilmember Misjuns said that they had to prioritize listening to public comment. He explained the last meeting was not officially adjourned, so he seconded a tax rate motion before the work session. He supported letting people speak since they did not get a chance earlier.

Councilmember Faraldi said the tax motion was not allowed because Council was in recess. He's filing a FOIA request because Vice Mayor Diemer and Councilmembers Misjuns and Timmer met after the recess without public notice or minutes, which he says breaks state law. He believes the motion was an attempt to make that unofficial meeting seem official.

Vice Mayor Diemer said it was right to stay and hear the public, even if the meeting was not official. He said no action was taken, just listening and prayer. He criticized those who left and said he would do it again, even if it broke the rules. He believes their rights come from God, not the government.

Councilmember Reed explained the public hearing was legally required due to proposed tax increases, but it was not the first chance for public input since citizens had shared feedback for months. She said the meeting was adjourned early because the measure would not pass, no debate was planned, and Council would present and discuss the budget at tonight's meeting instead. She called the question.

Councilmember Timmer stated her desire to read an email into the record, addressed to the City Attorney, regarding the Rules of Procedure and the legality of the meeting the night before.

Mr. Freedman advised that if the letter was addressed to him, it could have elements of attorney-client privilege, but he did not know the contents of the communication.

Mayor Taylor permitted Councilmember Timmer to read the email.

Councilmember Timmer read the email into the record. She expressed concerns about the violation of transparency and accountability rules during a public meeting on June 23, 2025, regarding a Real Property Tax proposal. She pointed out that a motion to adjourn was made without a recorded vote, violating the rules that require a vote for procedural motions, including adjournments.

Mr. Freedman said the City Attorney represents the City, not individual members, and only the Council can waive privilege. He said the meeting ended properly when most members left, so no business could happen. The Mayor’s adjournment was valid, and that the Rules of Procedure were for Council's convenience and efficiency.

Mayor Taylor accepted full responsibility for the issues arising from adjourning the meeting the night before. He called the question.

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

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

Mayor Taylor asked people in the gallery to raise their hands if they were present at the last meeting and wished to speak. He noted that five people raised their hands.

// In the matter of Public Comment, Agenda Item #1, Citizen Rise Hayes addressed Council regarding religious freedom violations. She raised concerns about promoting religious beliefs in public schools, saying it could violate the First Amendment. She noted the difficulty of choosing one religious viewpoint and pointed out that private schools already offer faith-based education.

// In the matter of Public Comment, Agenda Item #2, Citizen Jeff Rosner addressed Council regarding School Board Appointments. He noted School Board candidates who supported including Creationism in LCS curriculum. He said that teaching Creationism in LCS would violate the Constitution as well as Virginia's Standards of Learning and accreditation requirements. He submitted materials to the Clerk related to his comments.

// In the matter of Public Comment, Agenda Item #3, Citizen Greg Berry, representing the City Elders, addressed Council regarding evil. He expressed concern about the moral direction of the City. He opposed the proposed tax increase, called for equalizing the Real Estate Tax rate, and urged the Mayor to follow God’s guidance or step down.

// Councilmember Misjuns called a point of order. He said that Council adopted a motion that allowed everyone who wished to speak at the previous meeting the opportunity to speak, not just five people.

Councilmember Faraldi motioned to listen to five people who wished to speak at the previous meeting.

The motion did not receive a second and failed.

Mayor Taylor said that six people would be allowed to speak.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Sam Howe addressed Council regarding vehicle personal property tax proposal. He argued that lowering the Real Estate Tax rate would mostly benefit large corporations, while lowering the vehicle tax would provide broader relief to local residents.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Peter Cefaratti addressed Council regarding concerns about the June 23, 2025 meeting. He said that the meeting could have been adjourned appropriately or handled differently. He said that Council should have listened to public comment, even if they were not considering the proposal.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Rise Hayes addressed Council regarding treatment of the City Manager. She said it was unfair to blame him for budget decisions made by Council and suggested the criticism could be grounds for legal action if it continued.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Ron Storer addressed Council regarding impacts of taxes. He expressed concerns about how a Real Property Tax increase would impact him since he was on a fixed income. He said he would be happy for corporations like Walmart to have lower taxes because it may mean that they reduce the price of groceries.

// In the matter of Public Comment, Item Not on the Agenda, Citizen David Ream addressed Council regarding lowering the tax rates. He expressed concerns about the increases to his property taxes. He said he appreciated that Council would lower taxes for corporations because it encouraged business in the City. He said he was on a limited income, and he requested that Council eliminate the vehicle Personal Property Tax rate and lower the Real Property Tax rate below equalization.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Beth White addressed Council regarding concerns about the June 23, 2025 meeting. She said that the meeting felt hostile and intimidating. She called for more respectful dialogue, noting that many residents are struggling financially and hoping for practical solutions like vehicle tax relief.

// In the matter of Water Resources, Agenda Item #4, Council considered adopting Resolution #R-25-043 to direct the notification of the Campbell County Utilities and Service Authority (CCUSA) of the City's intention to enter into a new water contract on July 1, 2027, while also reserving the right to renegotiate the terms of the City's current contract with the CCUSA. Clerk of Council Alicia Finney stated that the item was previously introduced at the June 10 PDC meeting. Director of Water Resources Tim Mitchell provided the presentation to Council. The current water contract between the City of Lynchburg and Campbell County Utilities and Service Authority (CCUSA) expires on June 30, 2027. By contract, the City must notify CCUSA in writing by June 30, 2025, of our intent to renew or terminate the contract. Failure to notify will result in an automatic 10-year renewal under the current terms beginning July 1, 2027. Staff will provide an overview of the current contract and a previous Contract Supplement that is still in effect, along with recommendations for the contract extension.

At its June 10, 2025 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Timmer brought the committee's recommendation for approval forward as a motion to adopt Resolution #R-25-043. No second was required, and Council, by the following recorded vote approved the motion:

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

// In the matter of Community Development, Agenda Item #5, Council considered introducing Resolution #R-25-044 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating $15,000 to fund a wayfinding system for the Dunbar Community Schoolyard. Clerk of Council Alicia Finney stated that the item was previously discussed by the Finance Committee on June 24, 2025. Director of Community Development Tom Martin provided the presentation to Council. The Department of Community Development has been awarded a $15,000 Flagship Grant from the 2025 AARP Community Challenge Grant Program to fund a wayfinding system for the Dunbar Community Schoolyard. The Grant will provide funds for pedestrian-oriented wayfinding signs to be placed at entrances to the schoolyard.

At its June 24, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion to adopt Resolution #R-25-044. No second was required, and Council, by the following recorded vote approved the motion:

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

// In the matter of Fire Department, Agenda Item #6, Council considered introducing Resolution #R-25-045 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating $12,269 to purchase Personal Protective Equipment (PPE) for the Fire Department. Clerk of Council Alicia Finney stated that the item was previously discussed by the Finance Committee on June 24, 2025. Fire Chief Greg Wormser provided the presentation to Council. The VDFP administers this grant to lessen the economic burden for localities. The Fire Department was awarded a grant for PPE. This grant is 100% reimbursable; no local match is required.

Councilmember Misjuns noted that the turnout gear was specifically designed for hot weather, and there was no local match required.

At its June 24, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion to adopt Resolution #R-25-045. No second was required, and Council, by the following recorded vote approved the motion:

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

// In the matter of Budget, Agenda Item #8, Council considered appointing School Board members for terms beginning July 1, 2025, in Districts I, II, and III. Clerk of Council Alicia Finney stated that Council held interviews on June 12 and June 13. Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year.

Additionally, due to a voluntary resignation effective June 30, 2025 from a member in District II, a forthcoming vacancy has been created that will also need to be filled.

Mayor Taylor opened the floor for appointments for District I.

Councilmember Faraldi motioned to appoint to Marques Bush for District I.

There was no second, so the motion failed.

Councilmember Wilder motioned to appoint Selina Morgan for District I.

There was no second, so the motion failed.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to appoint Rev. Nigel Alleyne for District I.

Councilmember Misjuns said he had known Rev. Alleyne for a long time, and he would be dedicated to the position. He noted his education experience through his church.

Vice Mayor Diemer said he had known Rev. Alleyne for a long time. He said that Rev. Alleyne was a calming influence and would be good for the School Board.

Councilmember Timmer said she supported Rev. Alleyne due to his background and capacity for collaborative approaches.

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

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

Mayor Taylor opened the floor for appointments for District II for a new term.

Councilmember Reed motioned, seconded by Councilmember Faraldi, to appoint Myke Barron to a new term for District II.

Councilmember Reed said she had known Mr. Barron for a few years. She said he was a parent of LCS students and a former teacher, so he understood the issues within the schools.

Vice Mayor Diemer made a substitute motion, seconded by Councilmember Timmer, to appoint Dr. Harvey Klamm for District II.

Vice Mayor Diemer said that Dr. Klamm was his childhood soccer coach. He noted Dr. Klamm's extensive experience, wisdom, and administrative expertise. He said that Dr. Klamm would bring success to LCS.

Councilmember Timmer said that Dr. Klamm's experience was essential for the School Board. She encouraged everyone to watch his interview.

Councilmember Wilder said he did not support the appointment of Dr. Klamm. He said that School Board members should have public school experience, and Dr. Klamm did not have any.

Councilmember Reed maintained her support for Mr. Barron because he had children in LCS. She noted that Dr. Klamm had private school experience, but he did not have public school experience, which was necessary to address the issues LCS was facing.

Mayor Taylor said he supported Mr. Barron because of his ties to the community.

Councilmember Faraldi said he would be voting against the substitute motion because he believed Mr. Barron should be considered for a full term.

Councilmember Misjuns said he supported Dr. Klamm. He expressed concerns about an after-school program Mr. Barron ran called Hot Topics, where students discussed various topics, including politics. He said that parents had stated they did not want teachers discussing those things with students, and as a parent, he did not want teachers or anyone discussing topics such as politics, gender, or sexuality with students.

Mayor Taylor called the question on the substitute motion.

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

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

Councilmember Faraldi clarified that Mr. Barron facilitated an after-school program in Texas where students could debate various topics. He noted that the program did not include any instruction. He shared a similar experience from when he was in high school, where he engaged in debates with peers, and it led to valuable discussions and learning how to remain civil.

Vice Mayor Diemer said he questioned each applicant about the $10,000 grant E.C. Class received for an LGBTQ-friendly safe room, asking if they would have accepted it. He said that he did not intend for the question to be a litmus test, but he thought it would show a candidate's character. He said that he thought the School Board was right in denying the grant because it did not pertain to education. He said he could not support a candidate who would accept the grant.

Councilmember Timmer said she respected Mr. Barron's leadership and dedication to the community, but she would support other candidates.

Councilmember Misjuns asked how being appointed to the School Board would impact Mr. Barron's job as a bus driver.

City Attorney Matthew Freedman said that they would have to look into it since all LCS employees were appointed by the School Board, so Mr. Barron may not be able to maintain his position.

Councilmember Misjuns said he was afraid of people creeping into the school system to indoctrinate students. He noted that the grant for E.C. Glass was funded by the It Gets Better Project, which was associated with an organization called the Trevor Project. He expressed concerns about the source of funding because the projects supported gender affirming care. He encouraged Mr. Barron to protect the students of LCS like they were his own kids.

With no further discussion from the Council, the following vote was recorded on the motion to appoint Myke Barron to a new term for District II:

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

Councilmember Faraldi motioned, seconded by Councilmember Reed, to appoint Jibri Poe to the vacant position on the School Board for District II.

Councilmember Timmer made a substitute motion, seconded by Councilmember Misjuns, to appoint Dr. Harvey Klamm to the vacant position on the School Board for District II.

Councilmember Timmer acknowledged the need to balance various factors within the school division, and she highlighted the strengths of Dr. Klamm, including his outside perspective and experience.

Councilmember Faraldi said he supported Mr. Poe for his dedication, for being a parent of LCS students, and for his community engagement. He noted that Dr. Klamm had no experience in LCS, and the School Board needed more members who were parents of LCS students. He said he would be voting against the substitute motion.

Councilmember Misjuns supported Dr. Klamm because he was a Virginia State certified superintendent and had an exceptional background in policymaking. He said that LCS needed a fresh perspective, and Dr. Klamm offered that.

Councilmember Reed noted that Mr. Poe worked part-time in the City's group-home, and he understood the needs of students. She said that working with and mentoring students was a valuable strength when addressing issues like truancy, behavior, and academic problems. She said that Dr. Klamm lacked relatability to the specific problems students in the school system faced.

Councilmember Wilder questioned the motives of people who had not volunteered for LCS but wanted to serve on the School Board. He said that School Board members should have a vested interest in LCS.

Vice Mayor Diemer said that Dr. Klamm had public school experience because he supervised Liberty University students who worked as student teaches in LCS. He noted that this was the same thing his mom did. He said that Dr. Klamm had a proven track record of improving academic scores and had the support of teachers. He said that the School Board needed an older, wiser voice, and Dr. Klamm had that voice.

Councilmember Faraldi said that the School Board did not need more administrators, professors, teachers, or doctors. He said that they needed parents on the School Board. He said he would vote against the substitute motion.

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

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

Councilmember Timmer said she would support Mr. Poe's nomination. She encouraged people to watch Mr. Poe's interview, because having children in LCS was not part of the questioning. She said that Mr. Poe would bring a culture of honor to the School Board.

Councilmember Misjuns said he would support Mr. Poe's nomination because Mr. Poe had proposed consolidating the City Government and LCS IT departments since they were located in the same facility. He noted that he had advocated for consolidation for years.

Vice Mayor Diemer said he would support Mr. Poe's nomination.

Councilmember Wilder said he would support Mr. Poe's nomination.

Ms. Finney stated that she had received Councilmember Misjuns' statement of disclosure that he was the member of a group representing spouses of teachers employed by LCS, but he was able to consider the matter impartially.

With no further discussion from the Council, the following vote was recorded on the motion to appoint Jibri Poe:

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

Noes: 0

Mayor Taylor opened the floor for appointments for District III.

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to appoint Dr. Brenda Farmer for District III.

Councilmember Wilder made a substitute motion, seconded by Councilmember Faraldi, to appoint Gloria Preston for District III.

Councilmember Wilder said he appreciated Ms. Preston's experience as a former principal, administrator, and School Board member. He noted her continued involvement in the school system. He highlighted the need for her insight and dedication to support the new superintendent.

Councilmember Faraldi said that while he strongly disagreed with Ms. Preston's voting record, he recognized the value of her experience, which he believed was crucial for effective governance.

Councilmember Timmer praised Dr. Farmer's heart, ability to hold people accountable, and kindness.

Councilmember Reed believed that Ms. Preston's experience and continuity would be necessary for the School Board.

Councilmember Misjuns said he would be voting against the substitute motion. He said that Dr. Farmer brought a new perspective to the School Board.

Vice Mayor Diemer said that Dr. Farmer was his assistant chief at the Liberty University voting precinct, and he commended her for preparing students to vote. He said the truancy problem was getting worse, and they needed to address the school-to-prison pipeline, and Dr. Farmer would be able to address those issues.

With no further discussion from the Council, the following vote was recorded on the substitute motion to appoint Gloria Preston for District III:

Ayes: Wilder, Faraldi, Reed 3

Noes: Taylor, Diemer, Misjuns, Timmer 4

With no further discussion from the Council, the following vote was recorded on the motion to appoint Dr. Brenda Farmer for District III:

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

Noes: Faraldi, Wilder 2

// Council recessed at 9:15 p.m. and reconvened at 9:25 p.m.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to reconsider the appointment of Jibri Poe to the School Board after regular business.

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

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

Noes: Wilder 1

// In the matter of Budget, Agenda Item #7, Council conducted a first reading on the adoption of the FY 2026 Budget. Chief Financial Officer Donna Witt presented to Council. Following the April 22, 2025 Public Hearing and further discussions during City Council work sessions, including staff adjustments, the Proposed FY 2026 General Fund Budget was reconciled as follows:

	FY 2026 Proposed Budget	**Adjustments**	**FY 2026 Adopted Budget**
Revenues and Use of Fund Balance			
Revenues	$242,314,644	($7,157,313)	$235,157,331
Use of (Additions to) Committed/Assigned Fund Balance Reserves	1,438,988		1,438,988
Use of Fund Balance	9,036,650	4,030,440	13,067,090
Total Revenues and Use of Fund Balance	**$252,790,282**	**($3,126,873)**	**$249,663,409**
Expenditures, Reserves, and Transfers			
Operating	$166,736,855	($3,021,414)	$163,715,441
Debt Service	19,266,289		19,266,289
Schools Operations	42,072,111		42,072,111
Greater Lynchburg Transit Company (GLTC) - City Operating	1,879,308		1,879,308
Transfers to Other Funds	1,398,906		1,398,906
External Service Providers	10,707,926	(105,459)	10,602,467
Addition to Reserve: General Fund Reserve for Contingencies	1,200,000		1,200,000
Addition to Reserve: Law Library	3,488		3,488
Addition to Reserve: Public Safety Building	56,412		56,412
Addition to Reserve: Recreation Programs	75,417		75,417
Transfer to School Capital Projects Fund	950,000		950,000
Transfer to City Capital Projects Fund	8,443,570		8,443,570
Total Expenditures, Reserves, and Transfers	**$252,790,282**	**($3,126,873)**	**$249,663,409**

Fund Balance

With the adjustments noted above, the Unassigned General Fund Balance as of June 30, 2026 is projected to be $24,349,125 or 10.4% of revenues. City Council's target for Unassigned General Fund Balance is a minimum of 10% of General Fund revenues with a goal of 15% as the City strives to grow incrementally each year subject to revenues available.

Ms. Witt reviewed the budget items which were added as a result of the work session discussion: a data analyst position in the City Manager's Office; the short-term rental monitoring service and zoning official position in Community Development; Lynchburg Regional Business Alliance partnership funding; the Pulse Point app, the reduction for minor tools, equipment, and contractual services, training equipment and props, conference funding, and uniforms and apparel for the Fire Department; apparel and protective wear, the reduction in investigation services, and law enforcement supplies for the Police Department; online cataloguing for the Library; drop off recycling for Public Works; court preparation and expert testimony fees for Social Services; GLTC component funding; and the 3% COLA for City staff was reduced to 2.5% effective July 2.

Councilmember Misjuns asked if the figures included the waiver of trash fees, DMV license fees, and the reduction of fund balance to 10% of general fund revenues.

Ms. Witt said they included a one-year waiver of the trash and DMV license fees with one-time funds by reducing the fund balance.

Councilmember Wilder expressed concerns about the programs and services which remained unfunded in the budget, such as the senior citizen center, the Jackson Heights Center, the naturalist program, and the downtown library closure. He said he wanted citizens to understand the budget impacts.

Councilmember Faraldi noted the desire for a staffed position for the proposed audit committee. He suggested removing $100,000 from the unassigned fund balance to align it with the audit committee. He said they could then fully define the role of the auditor position and use the funds to support the position with full knowledge of what they would be used for. He asked if Councilmember Timmer supported this proposal as a compromise.

Councilmember Timmer said she continued to support an equalized Real Property Tax rate. She emphasized the value of establishing an audit committee to check growth in City government. She said she was worried that the audit committee would not amount to what they intended for it to be.

Councilmember Faraldi suggested that the Mayor appoint Councilmember Timmer and himself to serve on the committee to ensure it was established properly.

Councilmember Wilder expressed interest in serving on the committee.

Councilmember Faraldi said he would support Councilmember Wilder in his place. He said he would second a motion from Councilmember Timmer to set the Real Estate Tax rate and approve the audit committee appropriations as proposed.

Councilmember Timmer said she was not willing to make that motion.

Councilmember Faraldi said he did not want to appropriate funds for a position without establishing what the position would entail. He said he did not agree with an audit committee because the City already had an audit process, but he was willing to compromise. He noted that during the work session and private conversations, Councilmember Timmer needed funds to support the audit committee. He asked if Councilmember Timmer supported an $0.84 Real Property Tax rate.

Councilmember Timmer said she did not support an $0.84 Real Property Tax rate, partially due to the nature of the conversation.

Councilmember Faraldi noted that Councilmember Timmer had expressed support for an $0.83 Real Property Tax rate. He said he was compromising on the audit committee, and there were $3.1 million worth of spending cuts to the budget, yet Councilmember Timmer was backing out of the compromise.

Councilmember Timmer said the audit committee stood on its own merits, and she supported an equalized Real Estate Tax rate. She said she was concerned about the follow-through from Council, but she hoped their conversations would continue.

Councilmember Faraldi asked what he could do to alleviate the concerns over trust.

Councilmember Timmer said that was a discussion she would have behind closed doors, but she would not have it in public.

Councilmember Faraldi asked at what rate the vehicle Personal Property Tax rate would have to be set to effectively have an $0.84 Real Property Tax rate. Mr. Patrick said that the vehicle Personal Property Tax rate would have to be set to $3.00 to provide the same value of tax relief as an $0.84 Real Property Tax rate.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to set the Real Property Tax rate to $0.767.

Mayor Taylor ruled Councilmember Misjuns out of order. He said that Councilmember Faraldi retained the floor.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to hold a special meeting on the night of June 30, 2025 for the second reading of the budget and to consider setting the vehicle Personal Property Tax rate to $3.00 per $100 of assessed value.

Councilmember Misjuns made a substitute motion to hold a special meeting at 10 a.m. on June 30, 2025 for the second reading of the budget and to consider setting the vehicle Personal Property Tax rate to $3.00 and the Real Estate Tax rate to $0.82.

Mr. Patrick said that if the vehicle personal property tax was reduced to $3.00, and Council wanted to maintain sufficient funds for the budget, the Real Estate Tax rate would need to remain at $0.89.

Councilmember Misjuns said that setting the vehicle Personal Property Tax rate to $3.00 and the Real Estate Tax rate to $0.82 would further reduce the tax burden by $1.8 million.

Councilmember Reed expressed concerns about the games that other councilmembers were playing with the budget process. She noted that they were being accused of being untrustworthy, yet all attempts at negotiation and compromise were now being reneged. She said that staff had been abused by councilmembers for three months during the budget process.

Councilmember Misjuns withdrew his substitute motion.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to hold a special meeting at 10 a.m. on June 30, 2025 for the second reading of the budge and to consider setting the vehicle Personal Property Tax rate to $3.00 and the Real Estate Tax rate to $0.84.

Councilmember Faraldi said he would oppose the substitute motion.

Mr. Patrick explained that to fund the budget discussed in work session, lowering both taxes is not possible without significant budget cuts.

Councilmember Misjuns said the budget included $249,663,000 in expenditures, a $14 million increase from last year's budget. He emphasized the need to rein in spending and proposed a substitute motion that would create a revenue-neutral budget, reducing spending by about $11.2 million. He pointed out that this is a historic tax increase. He reiterated his commitment to smarter spending, stating that he opposed projects such as amphitheaters, reimagined municipal projects, or moving the municipal complex and courts, and he did not support $14 million in new spending. He emphasized that his substitute motion aimed to put citizens first and protect their wallets.

Councilmember Timmer said she supported an equalized Real Estate Tax rate. She said they should consider the opportunities before them.

Councilmember Faraldi said he would be voting against the substitute motion.

Vice Mayor Diemer reiterated his proposal for a $0.767 equalized rate, which he had tried to implement, and he expressed frustration that the City was now considering a different approach. He said his original proposal was a $0.75 Real Estate Tax rate, but he compromised on the equalized tax rate. He said that an equalized tax rate would not defund critical programs or services, and the City would receive the same, if not more, revenue.

Councilmember Reed said lowering the Real Estate Tax rate equally would cause 32 job losses, including 16 filled positions, within a week. It would also mean cutting the 3% cost of living raise, reducing school funding, and cutting $9.3 million from city services like public safety, schools, and social services, which would greatly affect residents.

Councilmember Wilder expressed his opposition to the substitute motion, citing a broken process. He thanked his former colleagues for successful past budget processes. He said he had never experienced a budget process like the current one.

Councilmember Timmer offered an amendment to the substitute motion to set the vehicle personal property tax to $2.95 and the Real Estate Tax rate to $0.83. She said that she supported a revenue-neutral budget. She expressed concerns over the difficulty of accessing information from department leadership, debating budget line items, and reviewing the impacts of an equalized Real Estate Tax rate. She suggested amending the budget process to align it more with past processes.

Mayor Taylor called the question on the substitute motion.

Ms. Finney clarified that the motion proposed holding a special meeting on Monday, June 30, 2025 at 10 a.m. to conduct a second reading of the budget, reduce the vehicle personal property tax to $2.95, and set the Real Property Tax rate to $0.83.

Mr. Patrick said that the proposed rates were equivalent to a rate lower than equalization, so Council would need to find $5 million in additional reductions.

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

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

With no further discussion from the Council, the following vote was recorded on the original motion to hold a special meeting on June 30, 2025 at 10 a.m. to conduct a second reading of the budget and set the vehicle Personal Property Tax rate to $3.00:

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

Councilmember Misjuns motioned, seconded by Councilmember Faraldi, to set the Real Property Tax rate to $0.767 per $100 of assessed value.

Councilmember Misjuns expressed frustration with the budget process. He specifically pointed out $14 million in new spending, a 5.6% increase, which he could not support.

Councilmember Wilder opposed the motion. He noted that the $0.89 Real Estate Tax rate also resulted in budget cuts to vital community resources, such as the senior center.

Councilmember Timmer said she hoped they could craft a budget that grew at the rate of inflation.

Councilmember Reed said she could not support an equalized Real Estate Tax rate because of the budget cuts which would be required.

With no further discussion from the Council, the following vote was recorded on the motion to set the Real Property Tax rate to $0.767:

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

Councilmember Faraldi motioned, seconded by Councilmember Reed, to adopt Ordinance #O-25-046 increasing the Water, Sewer, and Stormwater Rates.

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

Ayes: Taylor, Wilder, Reed, Timmer 4

Noes: Diemer, Faraldi, Misjuns 3

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to consider introducing Ordinance #O-25-047 appropriating the FY 2026 General Fund Operating Budget (excluding Discretionary External Service Providers and Schools Operating Budget).

Councilmember Faraldi said they eliminated the $10 trash fee and $35 DMV fee, cut $3.1 million in spending, and funded teacher pay raises and public safety increases. Depending on Monday's meeting, they would also reduce personal property tax significantly. He supported funding police, firefighters, and teachers and was okay losing votes over it. Some jobs would be cut, but he aimed to provide severance and consider affected employees for other city roles.

Councilmember Misjuns made a substitute motion, seconded by Councilmember Timmer, to adopt the Public Safety budget of $58,826,627, and the Judicial Administration budget at $7,171,390.

Councilmember Misjuns said this would fully fund the requests for public safety and the criminal justice system. He noted that the proposed budget included about $450,000 less in funding for public safety and judicial administration, which he could not support.

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

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

Noes: Wilder, Faraldi 2

Councilmember Misjuns clarified that the motion was to appropriate funds for public safety and judicial administration at the original FY 2026 request in the operating budget and the general fund expenditures as shown in the ordinance.

Councilmember Faraldi said he would be voting against the motion, and he would renew his motion to pass the proposed budget once the motion on the table failed. He expressed concerns about restoring funding for apparel, conferences, and third-party promotional assistance when they had to consider cuts elsewhere.

Mr. Patrick clarified that Council would need to find almost $634,000 in reductions in other areas of the budget.

Councilmember Misjuns stated that the judicial administration funding was a relatively small cost of $50,000, and emphasized the importance of maintaining previous investments in the Sheriff's Office and the Commonwealth Attorney's Office. He also highlighted the critical role of the Fire Department's administrative and emergency management positions. He noted that his proposal restored a $100,000 match for capital equipment, and it was typically better to have a neutral third-party be involved in public safety promotional processes. He said that part-time personnel for the Sheriff's Office were force-multipliers. He said that apparel funds were important because they needed to ensure firefighters and officers were not doing their jobs with holes in their clothes.

Councilmember Wilder said he did not support the new motion because it added an additional $600,000 to the budget that needed to be addressed.

Mayor Taylor called the question.

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

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

Councilmember Faraldi asked the Mayor where he would find $600,000 to address the delta.

Mayor Taylor said that they would find the revenue through an $0.84 Real Property Tax rate.

Councilmember Faraldi said he would not support an $0.84 Real Estate Tax rate, so they needed to find another means of closing the $600,000 budget gap.

Councilmember Misjuns motioned, seconded by Councilmember Reed, to consider introducing Ordinance #O-25-048 appropriating the FY 2026 Discretionary External Service Providers Budget for Impact Living Services.

Councilmember Misjuns said that this was a great investment because it provided mental health support for first responders.

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

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

Noes: 0

Councilmember Faraldi motioned, seconded by Councilmember Reed to approve the rest of the FY 2026 General Fund Operating Budget. With no further discussion from Council, the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

Councilmember Faraldi motioned, seconded by Councilmember Reed, to consider introducing Ordinance #O-25-049 appropriating the FY 2026 Operating Fund Budgets for all other funds.

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

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

Noes: 0

Ms. Finney noted she received Councilmember Misjuns' disclosure that he was a member of a group called Spouses of Teachers employed by LCS.

Councilmember Faraldi motioned, seconded by Councilmember Timmer, to consider introducing Ordinance #O-25-050 appropriating the FY 2026 Schools Operating Budget by major classification.

Councilmember Misjuns made a substitute motion, seconded Councilmember Timmer, to fund LCS at the operating request of the School Board of $119,913,199 in accordance with the submitted FY 2026 line item.

Councilmember Misjuns said that this would fully fund the request from LCS.

Councilmember Faraldi called a point of order. He said his motion was to adopt the LCS operating budget by major classification, but the substitute motion provided uncategorized funding, which was different from the nature of his motion.

Councilmember Misjuns clarified that he was discussing a discrepancy between the FY2026 budget and the ordinance, specifically a $840,000 difference between the two.

Ms. Witt said that the difference was attributed to state revenue.

Mr. Patrick explained that LCS originally requested an additional $5.4 million in local funding, but the City Manager proposed $2.7 million to cover salary increases. The state provided an additional $1.9 million, and the School Board adopted a final budget that included this extra revenue. He said that as a result, the school was now receiving about $2.7 million less from the City than originally requested, but $2 million more from the state.

Councilmember Misjuns said he wanted to fully fund the original request by category. He said that page 187 in the budget, the agency submitted column.

Mr. Patrick said that this would require Council to find another $900,000 in budget reductions, and it would provide $900,000 more than the School Board requested. He said that in total, Council had to find $1.5 million in additional cuts.

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

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

With no further discussion from the Council, the following vote was recorded on the motion to appropriate the FY 2026 Schools Operating Budget by major classification:

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

Councilmember Faraldi motioned, seconded by Councilmember Reed, to consider introducing Ordinance #O-25-051 adopting the FY 2026 - 2030 Capital Improvement Program and appropriating the FY 2026 Capital Budget.

Ms. Witt stated that there was an added signal project at Enterprise Drive and Duncraig. Wiggington Road intersection improvements were also included.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to repair the Miller Park pool project with $500,000 and eliminate the library renovation project funding.

Councilmember Timmer suggested an amendment to increase the pool renovation funding to $1 million and provide funding to repair plumbing issues at the library.

Councilmember Misjuns amended his motion, agreed to by Vice Mayor Diemer, to provide $1 million for Miller Park pool repairs and $1 million for library repairs.

Councilmember Misjuns expressed frustration with the proposed budget, citing $25-30 million for a reimagination of the Miller Park pool and the public library, which he deemed unnecessary. He argued that the library should be left to the library board to make decisions, and that the funds could be better spent addressing the financial struggles of citizens, such as rising real estate taxes and grocery prices. He specifically pointed out the $600-a-year increase in real estate taxes, which would add $75 a month to a homeowner's mortgage payment.

Vice Mayor Diemer expressed his concerns about the proposed pool and library projects, stating that most people in Ward 3 will not benefit from them and that he was not convinced about the necessity of the projects. He wanted to vote in a way that did not meet the promises made by other people. He said that they had to stop making promises. He questioned the decision-making process, suggesting it was a last-minute, knee-jerk reaction, and expressed doubts about the effectiveness of the proposed solutions.

Councilmember Reed noted that they were about to allocate $2.6 million to benefit a development project, but they were only allocating a combined $2 million to address the library and pool projects. She did not support the substitute motion.

Councilmember Timmer said she supported the substitute motion. She said she supported keeping Miller Park pool open through alternative routes, such as public-private partnerships or repairs. She emphasized the need to reduce debt service. She said that additional funds could be added to the CIP if needed.

Mayor Taylor called the question on the substitute motion.

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

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

Councilmember Timmer motioned, seconded by Councilmember Misjuns, to suspend the Rules of Procedure and divide the question on the main motion to address Wiggington Road separately.

Councilmember Faraldi called a point of order. He said that it was not in their Rules of Procedure to divide the question.

Councilmember Misjuns said that the motion was to suspend the Rules of Procedure.

Councilmember Timmer said she supported the road improvement project. She encouraged people to attend her town hall to discuss the budget process.

With no further discussion from the Council, the following vote was recorded on the motion to suspend the Rules of Procedure:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

Councilmember Misjuns motioned, seconded by Councilmember Timmer, to adopt the Wiggington Road improvement project funding in the CIP.

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

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to adopt the FY 2026 - 2030 Capital Improvement Program and appropriating the FY 2026 Capital Budget.

Councilmember Misjuns said he would be voting against the motion because of the pool and library project funding. He said they did not need to be doing exorbitant projects with tax payer dollars. He said he supported school infrastructure funding. He would not oppose repairing the library and pool to keep them operational, but he could not support the whole CIP.

Councilmember Timmer said she supported the schools and keeping the pool and library open. She said what had been represented in various capacities was incongruent, so she would not support the CIP.

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

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to consider introducing Ordinance #O-25-052 appropriating $50,000 of the FY 2026 Reserve for Contingencies for use by the City Manager.

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

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

Noes: Diemer, Misjuns 2

Mr. Patrick suggested holding the next item, "*Consideration of adopting an ordinance setting the Personal Property Tax Relief Rate at 100.00% for January 1, 2026 through December 31, 2026"*, until Council addressed the property tax rate on Monday. There was a consensus from Council.

Councilmember Misjuns motioned, seconded by Councilmember Faraldi, to consider adopting Ordinance #O-25-053 prohibiting charging certain trash collection fees in the City for FY 2026.

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

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

Noes: 0

Councilmember Misjuns motioned, seconded by Councilmember Faraldi, to consider adopting Ordinance #O-25-054 prohibiting charging motor vehicle license fees in the City for FY 2026.

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

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

Noes: 0

Ms. Finney stated that Agenda Item, "*Consideration of adopting an ordinance prohibiting charging motor vehicle license fees in the City for FY 2027"* was pulled.

// In the matter of Appointments and Vacancies, Agenda Item #16, Mr. Freedman suggested that if Council were to reconsider the appointment of Jibri Poe for School Board, they should conduct a brief closed session.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to table the item to reconsider.

Councilmember Misjuns made a substitute motion, seconded by Vice Mayor Diemer, to enter into a closed session pursuant to Virginia Code § 2.2-3711-A(8) to receive legal advice regarding a School Board appointment.

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

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

The substitute motion became the main motion and the following vote was recorded:

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: Wilder, Faraldi, Reed 3

// The meeting was reopened to the public.

// Councilmember Misjuns made the following motion:

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: 0

Absent: Wilder, Faraldi, Reed 3

// Councilmember Misjuns withdrew his motion to reconsider. Councilmember Misjuns motioned, seconded by Councilmember Timmer, to adjourn.

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

Ayes: Taylor, Diemer, Misjuns, Timmer 4

Noes: 0

Absent: Wilder, Faraldi, Reed 3

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

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Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 30th day of June, 2025 at 9:30 a.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

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

Absent: 0

// In the matter of Budget, Agenda Item #1, Vice Mayor Diemer motioned, seconded by Councilmember Timmer, to direct staff to create an ordinance to set the Real Estate Tax rate at $0.84 per $100.

Councilmember Faraldi said the point of this called meet was to set the real estate rate, not to direct staff.

Mayor Taylor said the ordinance has already been set and was included in their packets.

Vice Mayor Diemer revised his motion to state that he would like to set the Real Estate Tax rate at $0.84.

Councilmember Timmer supported the revision and stated that she has been a big proponent of equalization, which means the City would receive more revenue but is less than the proposed budget, so it is a reduction in the proposed increase. She recognized that this is a body of equals, and they all have to come to the table to determine where compromise can occur.

Councilmember Reed expressed frustration with the budget process, stating the City Manager's proposed $0.89 tax rate reflected shared priorities. She believed Council was moving toward a compromise at $0.86, preserving most citizen priorities. She was disappointed when some members pushed for an $0.83 rate and called a special meeting without broader input. She criticized the lack of transparency, exclusion of other members, and attacks on staff, saying it undermines trust and safety. She would not support the $0.84 rate due to how the process was handled and urged a return to the 86-cent compromise.

Vice Mayor Diemer stated he supports equalization for increased revenue and noted the Templeton Center's option to buy back its facility. While appreciating efforts to keep facilities open, he stressed prioritizing needs over wants. He agreed with Councilmember Reed about process issues and last-minute proposals lacking full revenue details. Despite supporting equalization, he backs the $0.84 tax rate to avoid burdening residents.

Councilmember Misjuns said he has supported equalization, noting the City received more revenue than projected in 2024. He called the original $11.2 million tax increase challenging to reduce and praised the $0.84 rate for cutting $4.5 million of it. He criticized how Social Services cuts were misrepresented, pointing out most funding is from state and federal sources. He also highlighted an unjustified 14.1% salary increase in the City Manager's budget and said his questions on this and Jackson Heights revenue went unanswered. He supports the $0.84 rate as the lowest achievable to restore priorities.

Councilmember Timmer stated she supports the $0.84 rate, though she has backed equalization. She appreciated the collaboration over the weekend, especially Councilmember Misjuns' effort in restoring funding to key programs. She noted discussions about reducing the City Manager's proposed salary increase from 14.1% to 4% to help preserve the downtown library. She criticized the late timing of budget details, calling it an inappropriate process, but was glad for the time between readings to make adjustments. She will support the $0.89 rate, though she prefers option B.

Councilmember Wilder said he did not support the $0.84 nor all the other cuts from last week. He asked how much additional funding would be cut by adopting $0.84 and where those cuts would come from.

Deputy City Manager Greg Patrick explained that the $0.84 rate generates the same revenue as the first budget reading, assuming the car tax remains unchanged. He noted Councilmembers have expressed interest in restoring about $480,000 in services, including Jackson Heights, the Templeton Center, Social Services, and others.

Councilmember Wilder asked if they have identified funding sources for the additional $600,000 for the police department.

Mr. Patrick responded that it's already built into the budget as reflected in their packets.

Chief Financial Officer Donna Witt said that was done with the 2.5% instead of 3% for City staff.

Councilmember Wilder noted school staff are getting a 3% raise, while City staff get 2.5%. He listed key cuts from the latest budget, including closures of the downtown library, Jackson Heights art studio, Templeton Senior Center, the Nature Zone, the DSS burial program, two DSS Family Service jobs, juvenile services, case manager jobs, reduced museum hours, reduced advertising for tourism, and various other cuts. He emphasized Lynchburg's growth is due to past investments and that staff warned for months that reducing the tax rate would harm services. He opposed the $0.84 rate and supported 89 cents, questioning how the City can maintain services without increased funding.

Councilmember Faraldi called the question.

With no further discussion from the Council, the following vote was recorded on the motion to set the Real Estate Tax rate at $0.84:

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

// In the matter of Council's advertised schedule, Councilmember Faraldi motioned to cancel the 10:00 a.m. meeting for June 30. Councilmember Reed seconded the motion. Councilmember Faraldi clarified that the agenda included the second reading of the budget. Council agreed by consensus.

// In the matter of the Consent Agenda, Council conducted a second reading and adopted Ordinance #O-25-048 appropriating the FY 2026, Discretionary External Service Providers Budget. On motion of Councilmember Faraldi, seconded by Councilmember Reed, Council by the following recorded vote approved the motion:

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

// In the matter of Consent Agenda, Ordinance #O-25-050 appropriating the FY 2026 Schools Operating Budget by major classification. On motion of Councilmember Faraldi, seconded by Councilmember Reed, Council by the following recorded vote approved the motion:

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

//In the matter of Budget, Council conducted a second reading and adopted Ordinance #O-25-047 appropriating the FY 2026 General Fund Operating Budget (excluding Discretionary External Service Providers and Schools Operating Budget).

Councilmember Faraldi asked if staff had recommendations on how to reconcile some of the differences.

Mr. Patrick said that staff's recommendation at this point would be that Council adopt the second reading of the budget at the same level of expenditure and the same level of revenue and include these services for restoration, then allow staff to come back on August 26 with recommendations to either lower expenditures at that point or look at revenue increases to fit them within the budget, which will allow these services to be restored in the budget beginning July 1.

Councilmember Faraldi said his recommendation would be to do an offset on the cost of living to whatever is needed for the Jackson Arts Center and the Templeton Center at bare minimum, if that is an approach that could still be included on August 26.

Mr. Patrick responded that it could not, and they would need to make adjustments to the cost of living adjustment prior to today because it would go into effect on July 2; if they want to lower the cost of living adjustment, they would have to do so today. He said what they would recommend on August 26 would not include adjustments to personnel, only non-personnel savings, and they are currently at a difference of less than half a million dollars. He clarified that the items listed would be held over for now, and in August they would come back and find ways to keep them going in the future.

Councilmember Faraldi motioned that Council adopt Ordinance #O-25-047 appropriating the FY 2026 General Fund Operating Budget (excluding Discretionary External Service Providers and Schools Operating Budget).

Councilmember Reed seconded the motion.

Councilmember Misjuns offered a substitute motion to adopt Option A, which has been shared with all members and reviewed by staff. He noted that staff confirmed its viability in an email earlier that morning, stating it offers a workable way to balance the budget. He emphasized that Option A clearly outlines what is included and excluded, and ensures restoration of funding for the Jackson Heights Art Center, Templeton Senior Center, and key Social Services positions.

Vice Mayor Diemer seconded the motion.

Councilmember Misjuns said what he had provided to staff over the weekend was intended to ask them first if it was viable, prior to it coming before Council. He noted that staff had confirmed in their memorandum response earlier that morning that this would work at $0.84.

City Attorney Matthew Freedman asked for clarification of the changes reflected in the ordinance before them in the substitute motion.

Mr. Patrick stated that it was what Councilmember Misjuns outlined and includes restoration of Jackson Heights, the Templeton Center, and human services positions and social services administration.

Councilmember Misjuns confirmed that and noted that he had provided a copy of this to the clerk to include for the record, reflected in Option A.

Councilmember Misjuns asked if he could incorporate the email and memorandum response from staff this morning to include that with the record.

Vice Mayor Diemer voiced support for preserving the Jackson Heights facility and its equipment, expressing hope for a future public-private partnership. He clarified he did not propose cutting the program. He also visited the Templeton Center and noted that, under the MOU, the center could purchase the building for $1 if the City relinquishes it – an option some board members might prefer. He emphasized that Option A keeps the center open and restores Social Services cuts. While he wished these issues had been addressed sooner, he supports the substitute motion.

Councilmember Reed noted the proposed 2% cost of living adjustment rather than 3% and begins in January instead of July. She emphasized that the City Manager did not make cuts to the departments; when he found out that the proposed rate of $0.89 was going to be lowered, he had to ask department heads to submit what they would cut if equalization became a reality. She said that in an effort now to save what some of those cuts will need to be, some of her colleagues are advocating for lowering the pay raises. She stated that she would be supporting the original motion, which is to give staff the full increase or at least the 2.5%.

Councilmember Timmer voiced strong support for Option B, which restored the Templeton Senior Center, Jackson Heights Art Studio, Social Services positions, and the downtown library. She noted it achieved this through a 3% cost-of-living adjustment, aligning with inflation and benefiting pensions. She explained the additional revenue would come from under-projected meals and lodging taxes and new development not factored into equalization. She also highlighted the City Manager's Office proposed 14.1% salary increase, suggesting reducing it to 4% to help fund the library. While she preferred Option B due to her involvement, she supported the substitute motion for Option A.

Councilmember Faraldi said he would be voting against the substitute motion.

Mr. Freedman clarified that the motion on the table is to adopt Ordinance #O-25-047 appropriating the FY 2026 general fund operating budget, excluding discretionary external service providers and schools operating budget, with the caveat that Option A is now included which has been made part of the record; Option A reduces City staff cost of living cost of living adjustment to 2% effective January 1, 2026 to achieve significant savings: $1,068,816 balances the budget by fully funding public safety and judicial administration, restoring social services administration cuts, and reinstating the Jackson Heights Art Studio; $68,499 and Templeton Senior Center, $92,860, contingent on finding; $40,034 in addition to revenue or savings.

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

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

Councilmember Faraldi stated that he would be supporting his initial motion and asked that they vote on that and move onto the next item.

Councilmember Misjuns said he would vote against the motion, expressing concern over the lack of written financial details. He emphasized the need for assurance that funding for public safety would not be reduced to cover other priorities.

Mayor Taylor asked Mr. Patrick to make every effort to preserve key programs and jobs following the budget vote.

Mr. Patrick confirmed that a vote in favor of the motion would keep the listed programs intact and that none of the recommendations for cuts were coming from public safety.

Councilmember Misjuns offered an amendment to the motion, including the restoration of the items as mentioned but reducing the increase in the City Manager's office that was proposed at 14.1% increase down to 4%, totaling $123,202.

Vice Mayor Diemer seconded the amendment to the motion.

Councilmember Misjuns supported reducing the City Manager’s Office increase to align with other departments as a fair way to recover funds.

Vice Mayor Diemer stressed that it is Council’s responsibility to decide how money is spent. He urged voting on the amendment now and taking full responsibility for the final budget.

Councilmember Reed urged trust in staff’s plan to keep programs open, with final approval by Council in August. She opposed cutting worker pay and rejected the “witch hunt” motion.

Councilmember Timmer clarified that the funding change for the City Manager’s Office involves reducing a 14.1% salary and benefits increase down to 4%.

Councilmember Faraldi asked staff to confirm the salary increase percentage if Council approved a 2.5% raise. City staff confirmed it would be 2.5%.

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

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

Councilmember Faraldi asked that the Mayor call the question on the original motion.

Councilmember Timmer expressed support for restoring the list items but opposed the motion due to the lack of clear funding path.

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

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

// In the matter of Budget, Council conducted a second reading of Ordinance #O-25-049 appropriating the FY 2026 Operating Fund Budgets for all other funds.

Councilmember Faraldi motioned to adopt the ordinance #O-25-049 appropriating the FY 2026 Operating Fund Budgets for all other funds.

Councilmember Reed seconded the motion.

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

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

// In the matter of Budget, Council conducted a second reading of Ordinance #O-25-051 adopting the FY 2026–2030 Capital Improvement Program and appropriating the FY 2026 Capital Budget.

Councilmember Misjuns offered a motion to adopt the school improvements portion of the FY 2026–2030 Capital Improvement Program and associated budget.

Vice Mayor Diemer seconded the motion.

Councilmember Misjuns said he wanted to go on record for his support of school infrastructure and wanted to vote on this as a standalone item.

Vice Mayor Diemer said he agreed it should be a standalone vote, as they definitely need to support their schools and repair their crumbling infrastructure, which has been neglected for years.

Councilmember Faraldi offered a substitute motion to approve the capital improvement program as a whole.

Councilmember Reed seconded the motion.

Councilmember Faraldi said those wanting a separate schools vote missed negotiation chances and should simply vote against the entire budget if opposed. He criticized last-minute presentations blamed on staff and urged Council to decide and vote on the full package.

Councilmember Reed pointed out that the first reading—which included the schools, the pool, and the library—was what they voted on and agreed to do. She said in the second reading, they also included the Wiggington Road project, and whether that was broken out or not, they should consider the CIP as a whole based on what they've already discussed.

Councilmember Misjuns opposed the substitute motion, supporting the $10.95 million school infrastructure funding, which matches both the budget and the ordinance. He highlighted a $6 million discrepancy between the CIP ordinance ($68.3 million) and proposed budget ($62.6 million) for total City capital projects. He read into the record matching amounts for the airport ($4.5 million), water ($12.8 million), sewer ($11.6 million), and stormwater ($2.9 million). He urged opposing the substitute to vote separately on schools first, then the rest of the CIP.

Councilmember Faraldi said the updated proposed CIP was dated March 11, 2025, and it is right there on the website.

Ms. Witt confirmed the Wiggington Road projects were added, as well as a signal on Enterprise Drive based on a new development in that area

Councilmember Misjuns said he has not seen all of this together in the proposed CIP.

Vice Mayor Diemer urged the Mayor to allow separating the CIP votes as in the first reading, expressing concern about rushing to combine them. He supports voting on schools separately due to issues with the full CIP.

Councilmember Timmer supporting keeping the pool open but opposed the $10.4 million repair cost, citing alternate, cheaper repair estimates around $3 million. She agreed with reducing debt service for budget flexibility and fully backed the $60 million school CIP allocation and operating budget. She emphasized the importance of separating votes for clarity, especially on Wiggington Road improvements, which she supported due to increased traffic and past CIP plans. She urged those who approved the development to support road safety improvements and appreciated voting on items individually to show clear positions.

Councilmember Reed said when it comes to the library project in the CIP and the Miller Pool project, they have not sent out RFPs for either one of those projects, and the figure they are working with is a projected cost for improvements and could come in less for that. She said she supported the substitute motion, to do what they said they were going to do and keep moving forward.

Vice Mayor Diemer opposed the CIP plan, calling the pool projects costly rebuilds rather than improvements. He emphasized the need for clearer details and refused to approve funding without more thought.

Councilmember Faraldi renewed his substitute motion to approve the CIP and asked that it be put on the table for a vote.

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

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

The substitute motion becomes the main motion. With no further discussion from the Council, the following vote was recorded on the original motion:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of Budget, Council conducted a second reading of Ordinance #O-25-052 appropriating $50,000 of the FY 2026 Reserve for Contingencies for use by the City Manager.

Councilmember Misjuns made a motion to deny Ordinance #O-25-052 appropriating $50,000 for the reserve for contingencies for use by the City Manager.

Vice Mayor seconded the motion. He said the significant increase in the City Manager's Office budget is his reason for voting to deny.

Councilmember Faraldi asked Mr. Patrick about last year's reserve for contingencies in the manager's budget, which was $50,000 – the same as this year. He said he would not submit a substitute motion, preferring to vote against the current motion.

Councilmember Timmer opposed the 14.1% increase but supported the $50,000 contingency, criticizing inflated budget numbers for reducing spending accountability.

Councilmember Reed did not support the motion to deny, believing there is a valid reason to appropriate the funds and will support the appropriation.

Councilmember Misjuns confirmed that the $50,000 contingency fund budgeted last fiscal year was not spent during the year.

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

Ayes: Diemer, Misjuns 2

Noes: Taylor, Wilder, Faraldi, Reed, Timmer 5

Councilmember Faraldi made a motion to approve Ordinance #O-25-052 appropriating for the $50,000 reserve for contingencies for use by the City Manager.

Councilmember Reed seconded the motion.

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

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

// In the matter of the City Council's meeting schedule and rules of procedure, Councilmember Faraldi motioned to affirm that the special meeting for today was warranted related to budgetary matters.

Mr. Freedman stated that this action was not warranted because the meeting was not called within 12 hours of the meeting convening; it had been announced the previous Friday.

Councilmember Faraldi withdrew his motion.

// In the matter of Budget, Council conducted a first reading of Ordinance #O-25-056 setting the Personal Property Tax Relief Rate at 30.64% for January 1, 2025 through December 31, 2025. This Resolution shall apply retroactively as of January 1, 2025.

Councilmember Faraldi motioned to adopt Ordinance #O-25-056, setting the Personal Property Tax Relief Rate at 30.64% for January 1, 2025 through December 31, 2025, applying it retroactively.

Councilmember Misjuns seconded the motion.

Ms. Witt clarified that this action is for the 30.64%, which is based on a $3.80 personal property tax rate.

Councilmember Reed clarified that during the first reading, the potential car tax rate was going down from $3.80 to $3.00, and that rate will now be staying at $3.80.

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

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

// The meeting adjourned at 11:15 a.m.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of July, 2025 at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Mr. Taylor, President, presiding. The following Members were present:

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

Absent: 0

// In the matter of Virginia Freedom of Information Act Biennial Training, Agenda Item #3, Council conducted a work session/training on FOIA. City Attorney Matthew Freedman introduced Joe Underwood, of the Virginia FOIA Advisory Council.

Joe Underwood provided a presentation on the Virginia Freedom of Information Act.

Councilmember Misjuns mentioned an update that required an electronic management system and a requirement to obtain specific software.

Mr. Freedman responded that it was a discretionary decision, and he recalled a requirement for localities to create a standard policy for charges on items such as USB drives and paper copies, but he did not remember anything specific to software.

Mr. Underwood said they could set a standard policy, such as charging 5 cents for black and white copies and 20 cents for color copies, then providing flash drives for large volumes of records. He emphasized the importance of safety and security and recommended that files be stored on flash drives to prevent viruses, charging a minimum allowable cost for this service.

Mr. Freedman said it is fairly common with localities to incorporate software, and Lynchburg did it for administrative purposes to better manage the requests and responses.

Councilmember Misjuns suggested that they just publish frequent requests so people could go in and search on their own.

Councilmember Misjuns mentioned a recent City Council meeting wherein four members left without an adjournment vote and three of them stayed and listened to the public — and the three of them took a vote to adjourn that public hearing.

Mr. Underwood pointed out that FOIA does not stipulate how you adjourn meetings. He said the only requirements are that you must give notice of the meeting, make it open to the public, and record minutes. He said when there is no longer a quorum, there is technically not the ability to take actions. He said that FOIA also does not require public comments, but that violates Virginia Code Section 15.2, which stipulates that you must have public comments quarterly. He noted that Virginia sometimes deals with Jefferson Rules, but most boards use Robert's Rules — and neither is mentioned in FOIA. He clarified that meeting notice for regular meetings must include date, time, and location; it must be posted in three locations, including on the website, in a prominent public location, and at the office of the administrator. He said the meeting notice must be posted at least three working days prior to the meeting, and special or emergency meetings must be reasonable under the circumstances, and meetings may be continued to a future date and time, also under Section 15.2. He added that for special, emergency, or continued meetings, the notice must be posted at the same time the members are notified. He stated that public meetings are allowed to be filmed and photographed.

Mr. Underwood reported that minutes are required to be taken for open meetings and are very important, as well as being a "very thankless task." He said the minutes serve as the official record of the meeting, and the first thing people do is look at the minutes to determine what actually occurred. He said they must be posted on the website or in a public location and must include specific information such as meeting date, time, location, members present and absent, a summary of matters discussed and decided, and a record of any votes. He also emphasized the importance of recording votes and motions, including closed session motions, and noted that even with live streams, formal written minutes are still necessary.

Mr. Faraldi commented that it would be more prudent to have the General Assembly put limits on what local elected bodies can do, rather than enacting a blanket provision that says they can't do anything.

Mr. Underwood responded that the only exception would likely be matters requiring timeliness, such as grant application deadlines.

Mr. Misjuns asked at what point they could exempt the proposed agenda and packet.

Mr. Underwood responded that there is currently no requirement beyond the basics of date, time, location, and brief description of the meeting; currently, they can add things to the agenda during the meeting, such as under the "adopt the agenda" item. He noted that materials supporting the agenda may be exempt, such as sensitive personnel items pertaining to specific employees.

Vice Mayor Diemer mentioned that in his work with an electronic government implementation division, they addressed digital government meetings and the ability to have a chain electronic meeting whereby a staff member calls all seven Council members and asks whether they want to do something as a body. He asked if that constituted a public meeting.

Mr. Underwood responded that he could not weigh in on that particular issue, but there was a case in which citizens brought suit against a public body because they found out they had a chat box set up over a document. He said the court decided that while they were having a conversation and creating a public record, it wasn't in real time like a Zoom call. He said that with responses to meeting schedules, they must respond individually — not in group emails.

Mr. Freedman asked if there were an issue with staff reaching out to Council members individually to seek guidance on how to proceed with a matter.

Mr. Underwood responded that it wouldn't violate FOIA policies or public meeting requirements, but it would be up to their own policies and would typically go through the chair. He also noted that use of social media to conduct or transact business, that can create a public record and hence be subject to FOIA.

Mr. Faraldi mentioned that Facebook scrubs its videos and comments made about those videos every 30 days.

Mr. Underwood cautioned that it is not recommended to use a private entity to conduct public business, and retention of any video is a Library of Virginia issue.

Mr. Freedman pointed out that they have software that helps archive records that they need to archive as part of the public Facebook they use for official City business.

Mr. Underwood reiterated that the requirement for public meeting records is the minutes. He said that the only remedy for a violation is to go to court. He clarified that the courts do not enforce compliance; the public body must show they are following the law. He said there are civil penalties, which go to the literary fund, and most citizens do not want to sue their government but would rather just receive the records they requested. He stated that the court would have to demonstrate an intent to avoid FOIA laws or the Record Retention Act. He also mentioned that the Working Papers Correspondence

Exemption is limited to offices such as the governor, his legal counsel, cabinet secretaries, and staff members, and it covers not just his records but also correspondence and written communication.

Mr. Underwood pointed out that once a local body adopts its rules, those apply to all subcommittees and other groups.

// In the matter of Lynchburg City Council Rules of Procedure Discussion, Agenda Item #4, Setting Meetings for CY2026 and Work Session Changes for CY2025, Councilmember Timmer said she would be willing to hold off on her presentation, given the timing of this meeting.

Mayor Taylor stated that she could present at their work session on August 26, 2025.

Councilmember Misjuns suggested deferring the entire rules discussion until that time, and Council agreed that they would need to move forward with the calendar item.

Clerk of Council, Alicia Finney stated that the calendar for this year would need to be adjusted, with work sessions moved to the Second Floor Training Room to allow for live streaming of committee meetings.

Councilmember Misjuns suggested moving all meetings, including work sessions, to Council Chamber, as there was also more room for citizens there.

Councilmember Reed spoke in favor of staying in the informal setting as they worked through things, then going to the formal chamber for further discussion and vote.

Councilmember Wilder said he would like whatever is easiest for staff.

Councilmember Timmer commented that she didn’t like informal polling at the work sessions but was otherwise fine with wherever they decided to meet.

Mr. Freedman said if the room were to become overcrowded, there would be no issue with recessing the meeting and moving to the larger City Council Chamber.

// In the matter of Roll Call, Councilmember Faraldi recognized Dr. Martin Day, Captain Anthony Andrews, and Colonel Mark Tinsley for their service on the School Board.

Councilmember Reed acknowledged City staff for their work on the Fourth of July events. She also expressed appreciation for the prayers sent to those affected by the flooding in Texas, noting the efforts of Virginians and others nationwide to support search and relief.

Councilmember Wilder recognized Clyde Clark, former principal and guidance counselor at E.C. Glass, who recently passed away. He also mentioned Gloria Preston, who served the community for over 30 years. He also commended the Downtown Association for hosting the Fourth of July event and for keeping the downtown alive.

Councilmember Timmer thanked everyone who had attended the recent town hall, noting that there were 75–100 people present and stating that it was beneficial to clarify issues around the budget and recent developments.

Mayor Taylor thanked everyone for a pleasant and productive work session.

// On the motion of Councilmember Misjuns, seconded by Councilmember Timmer, by the following recorded vote, Council elected to hold a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Central Virginia Community College Board, City Employee Appeals Board, Economic Development Authority, Historic Preservation Commission, Martin Luther King, Jr./Lynchburg Community Council, Museum Advisory Board, Lynchburg Redevelopment and Housing Authority, and Building Code of Appeals Board, pursuant to Section § 2.2-3711-A(1) of the Code of Virginia, 1950, as amended.

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

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

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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

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

Noes: Misjuns 1

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

Name	Board Name	Term End Date
Godfrey (Gary) Culpepper (Ward 1)	City Employee Appeals Board	06/30/2027
Joshua Mezzano (Ward 1)	City Employee Appeals Board	06/30/2028
Kraig Cole (Ward 4)	City Employee Appeals Board	06/30/2028
Richard Tugman (Ward 4)	Economic Development Authority	06/30/2029
Palmer Ferguson (Ward 1)	Historic Preservation Commission	06/30/2028
Tracey Langseth (Ward 1)	Historic Preservation Commission	06/30/2028
Sterling Wilder	Lynchburg Redevelopment and Housing Authority	09/30/2027
Beth White (Ward 3)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2028
Carl Conner, Jr. (Ward 1)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2028
Clifton Potter (Ward 4)	Museum Advisory Board	06/30/2028
Cynthia Fein (Ward 2)	Museum Advisory Board	06/30/2028
Douglas Lee (Ward 1)	Museum Advisory Board	06/30/2028
Jack Collins (District 2)(Ward 4)	Museum Advisory Board	06/30/2028
Kinkade Garland (Ward 3)	Museum Advisory Board	06/30/2026
Mark Poole (Bedford)	Museum Advisory Board	06/30/2028
Norman Darden, III (Ward 1)	Museum Advisory Board	06/30/2028
Scott Kowalski (Bedford Co.)	Museum Advisory Board	06/30/2027

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

Noes: Misjuns 1

// Councilmember Misjuns made the motion to appoint Toby Tomko to the Economic Development Authority for a new term ending June 30, 2029, seconded by Vice Mayor Diemer.

Councilmember Faraldi made a substitute motion to reappoint Kim Sorensen, seconded by Councilmember Wilder. The following vote was recorded on the substitute motion.

Ayes: Wilder, Faraldi, Reed 3

Noes: Taylor, Diemer, Misjuns, Timmer 4

With the substitute motion failing, the following vote was recorded on the main motion:

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

Noes: Wilder, Faraldi 2

// Councilmember Misjuns made the motion to appoint Barry Wingard to the Historic Preservation Commission for a new term ending June 30, 2028. There was no second and the motion died.

Councilmember Timmer made a motion to appoint Palmer Ferguson, seconded by Councilmember Reed, for a term ending June 30, 2028. The following vote was recorded on the motion.

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

Noes: Misjuns 1

// Councilmember Wilder made the motion to appoint Angela Cox to the Lynchburg Redevelopment and Housing Authority for an unexpired term ending September 30, 2026, seconded by Councilmember Reed.

Councilmember Misjuns made a substitute motion to appoint Jennifer Wills to the unexpired term ending September 30, 2026, seconded by Councilmember Timmer. The following vote was recorded on the substitute motion.

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

Noes: Wilder, Faraldi 2

With the affirmative vote, the substitute motion became the main motion and the following vote was recorded:

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

Noes: 0

Councilmember Misjuns made the motion to appoint Taormina Howard to the Lynchburg Redevelopment and Housing Authority for an unexpired term ending September 30, 2028, seconded by Councilmember Timmer.

Councilmember Reed made a substitute motion to appoint Angela Cox to the unexpired term ending September 30, 2028, seconded by Councilmember Wilder. The following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

With the affirmative vote, the substitute motion became the main motion and the following vote was recorded:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

// Councilmember Timmer made the motion to appoint Roman Franklin to the Central Virginia Community College Board of Directors for a new term expiring June 30, 2028, seconded by Councilmember Misjuns. The following vote was recorded on the motion.

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

Noes: Faraldi 1

// The meeting recessed at 6:54 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of July, 2025 at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

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

Absent: 0

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

// In the matter of the Consent Agenda, Agenda Item #1, Council adopted Resolution #R-25-044 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating $15,000 to fund a wayfinding system for the Dunbar Community Schoolyard. On the motion of Vice Mayor Diemer, seconded by Councilmember Misjuns, Council by the following recorded vote approved the adoption:

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

Noes: 0

Absent: Wilder 1

// In the matter of the Consent Agenda, Agenda Item #2, Council adopted Resolution #R-25-045 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating $12,269 to purchase Personal Protective Equipment (PPE) for the Fire Department. On the motion of Vice Mayor Diemer, seconded by Councilmember Misjuns, Council by the following recorded vote approved the adoption:

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

// In the matter of the Consent Agenda, Agenda Item #3, copies of the minutes of the May 13, 2025 meeting have been previously furnished to Council, and on the motion of Vice Mayor Diemer, seconded by Councilmember Misjuns, Council by the following recorded vote approved the adoption:

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

// In the matter of the Consent Agenda, Agenda Item #4, copies of the minutes of the May 27, 2025 meeting have been previously furnished to Council, and on motion of Vice Mayor Diemer, seconded by Councilmember Misjuns, Council by the following recorded vote approved the adoption:

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

// In the matter of Public Comment, Agenda Item #5, Citizen Gregory Berry of Ward 3 addressed Council regarding salt and light. He raised concerns about council misconduct, including enabling slander, intimidation, and efforts to silence public input.

// In the matter of Public Comment, Agenda Item #6, Citizen Peter Cefaratti of Ward 1 addressed Council regarding we can do better. He criticized the Council's budget process as disorganized and urged better planning, transparency, and professionalism.

// In the matter of Public Comment, Agenda Item #7, Citizen Ronald Storer of Ward 4 addressed Council regarding consequences. He accused Councilmember Faraldi of unprofessional, divisive behavior and called for his resignation, citing a lack of Council collaboration and personal attacks on a colleague's family.

// In the matter of Item Not on the Agenda, Councilmember Misjuns made a motion, seconded by Vice Mayor Diemer, to propose reconsideration of the Ordinance #O-25-055 to remove language that creates a "magic tax increase," Section 58.1-3321, which requires a locality to reduce its real estate tax rate to produce no more than 101% of the previous year's levy unless specific actions are taken, as noted in the document marked up and provided to Council.

Vice Mayor Diemer said the Virginia Code aims to ensure localities cannot raise real estate taxes without first informing the public through their elected officials.

Councilmember Timmer said Council was told that without a vote, the tax rate would default to 0.89 cents. She argued this violates state law, specifically the intent behind Virginia Code 58.1-3321, and supported Councilmember Misjuns' proposed revision to set the rate at 0.84 cents.

Councilmember Faraldi argued that the proposal adds new language not in the original ordinance, improperly mixes Personal and Real Estate Tax issues, and lacks a finalized document for review. He stated it should be ruled out of order.

Mr. Freedman said he could not find anything in Virginia Code Section 58.1-3321 that supports Councilmember Timmer's claim about equalization plus 1%.

Mayor Taylor asked Councilmember Faraldi if his point of order was under germaneness.

Councilmember Faraldi confirmed that it was, as they cannot reconsider something with entirely new language being added in.

Mayor Taylor stated that Councilmember Misjuns was out of order.

Mr. Freedman said the language has been in the ordinance for years to ensure continuity if a tax rate is not set or Council cannot meet. He noted in 2019, the language was used because no tax rate was adopted. He suggested that instead of a motion to reconsider, Council should ask the City Attorney to prepare a clear ordinance requiring a yearly tax rate. He stressed the public must see any changes before meetings and that ordinances should be amended through new ordinances.

Councilmember Misjuns said a motion to reconsider must be made by the Councilmember who voted with the prevailing side no later than the next regular meeting, and that's why it was brought up today. He stated that he is open to amending the language, and if a majority supports it, he is willing to revisit the issue in August and potentially withdraw his motion to reconsider, provided the Council is willing to consider the City Attorney's recommended language to annually vote on a tax rate.

Councilmember Faraldi stated that a motion to reconsider is only to reconsider — then, a motion for a new item may be presented for consideration.

Mayor Taylor stated that after Council makes comments, they can direct the City Attorney to draft language to bring back in August for consideration, with Councilmember Misjuns given the opportunity to withdraw his current motion.

Councilmember Faraldi said if the motion is withdrawn, there needs to be clear direction about what they are voting on. He stated that he believes this will be an attempt to change this outside of what they are allowed to do.

Councilmember Timmer stated that she supports the City Attorney's advice to bring forward another ordinance and strike the language. She read aloud the code section she had previously referenced, noting that it was 58.1-3321, Section A and Section B:

"§ 58.1-3321. Effect on rate when assessment results in tax increase; public hearings; referendum.

A. When any annual assessment, biennial assessment, or general reassessment of real property by a county, city, or town would result in an increase of one percent or more in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's real property tax levies, unless subsection B is complied with, which rate shall be determined by multiplying the previous year's total real property tax levies by 101 percent and dividing the product by the forthcoming tax year's total real property assessed value. An additional assessment or reassessment due to the construction of new or other improvements, including those improvements and changes set forth in § 58.1-3285, to the property shall not be an annual assessment or general reassessment within the meaning of this section, nor shall the assessed value of such improvements be included in calculating the new tax levy for purposes of this section. Special levies shall not be included in any calculations provided for under this section.

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A if any such increase is deemed to be necessary by such governing body."

Mr. Freedman explained that Council had complied with Section B, once the public hearing was held and rates were proposed, and he has never seen the instance as described by Councilmember Timmer.

Vice Mayor Diemer said that this section of the ordinance goes against the intent of the Code of Virginia, and it requires advertising of a proposed tax rate as well as a public hearing. He stated that what has occurred is an increase in taxes without a vote, and he did not want a “magic tax increase” without them taking responsibility for their actions.

Councilmember Reed stated that the budget is finished and there is no reason to revisit it in August, calling it a waste of time.

Councilmember Wilder said he was surprised because the issue was not on the agenda and the Mayor did not know. He said some Councilmembers were meeting secretly and surprising others. He said the tough budget is done and should not be reopened, and reminded everyone to work together.

Councilmember Misjuns withdrew his motion to amend the ordinance and made a new motion to come back in August and remove perpetual tax increase language from the ordinance.

Mr. Freedman stated that if they wanted to do something in this regard, they would need to have a new ordinance that showed the proposed amendment to the already adopted ordinance on June 30th. He emphasized that he has always known the City to do the required notice as part of the budget process, although there may be instances where Section A has been followed — but he is aware of none where that has happened. He emphasized that people have not been made aware of this proposed change, and they would need an entirely new ordinance.

Vice Mayor Diemer asked the City Attorney if an ordinance with strike-through text is valid or if it needs to be a clean, final version to be official.

Mr. Freedman stated that the adopted ordinance was altered by striking out sections not included in the original proposal, and the change was introduced unexpectedly without prior public notice.

Vice Mayor Diemer raised a question about whether, if the ordinance is adopted, the adopted date and the clerk’s signature could be updated.

Clerk of Council Ms. Alicia L. Finney confirmed that this ordinance has been adopted and filed through the appropriate channels, and she could not simply go back and replace it in the record.

Councilmember Misjuns clarified that the motion would be to return in August with a properly prepared ordinance by the City Attorney to remove the redlined language from the existing ordinance, presenting a clean version without underlines.

Vice Mayor Diemer seconded the motion.

Mayor Taylor pointed out that Councilmember Misjuns is essentially wanting to change the entire ordinance.

Councilmember Misjuns claimed that he wanted Council to be accountable for its actions, and the way the language is currently stated is a perpetual, permanent tax increase. He said that state law is clear that the rate would become equalized with a maximum 101% over prior year rate.

Councilmember Timmer said she did vote on the 0.84-cent rate, but she felt that the local ordinance is in conflict with state code.

Mr. Freedman said if the intent is not to vote every single year on a tax rate, the date would need to be modified to follow the assessment years. He stated that he is also not sure if there is another public hearing requirement, as this is uncharted territory, and there was also uncertainty about how this would be assessed in the non-assessment years. He added that this is creating a legal quandary.

Councilmember Reed made a substitute motion, seconded by Councilmember Wilder, to leave everything as it was and not bring this back in August as an amended ordinance.

Councilmember Misjuns expressed disappointment over a substitute motion that he believed would lead to a "magic tax increase," which he argued was in opposition to state law and the citizens' wishes. He pointed to a 1996 ordinance in Lynchburg as an example of a similar tax increase, and stated that he would be rejecting the substitute motion to ensure accountability and transparency in the City's actions.

Vice Mayor Diemer said he was proud of his vote for 0.84 cents, which saved them from 0.89 cents, and his constituents were also pleased. He said he tried to introduce an equalization rate that would have been better for taxpayers, but he was proud of his vote and was glad to spend more time discussing this, as it affected citizens. He reiterated that this was a “magic tax increase” with “no representation,” and the General Assembly put it in state code which this is in direct conflict with. He confirmed with the City Attorney that any conflict between those things ultimately favors state code.

Councilmember Faraldi said the section being cited here may be how counties operate, because there are clarifications in state code about what cities versus counties can do.

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

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

Ms. Finney asked for clarification of the main motion, stating that she had recorded the motion to direct the City Attorney to prepare an ordinance based on what was presented by Councilmember Misjuns, to be brought back to their August 26 meeting.

Councilmember Misjuns clarified that the goal is to remove the perpetual tax increase caused by the ordinance adopted last week, with the red line adjustments, and he is open to adding language that the City Attorney deems necessary for continuity of government, including any requirement to vote on a rate annually. He confirmed that the rates would not be changed from 0.84 cents, from July 1, 2025 to June 30, 2026.

Mr. Freedman clarified that he would just be removing the redline text.

Mayor Taylor stated that in living here 30 years, City Council has always come together to vote on the tax rate sometimes raising it, sometimes lowering it. He emphasized that this year, Council took action, and this was a bunch of nonsense intended to get ahold of something to make themselves look good, when they were supposed to be here for the citizens. He said that no one was going to sneak in here and set the tax rates.

Councilmember Faraldi noted that according to Council's own Rules and Procedures, this must be submitted to staff to be placed on an agenda.

Mr. Freedman clarified the policy pertaining to placing items on the agenda, and without that having been done, Councilmember Faraldi's point of order is correct.

Councilmember Misjuns withdrew his motion and made a new motion to reconsider the previous ordinance to strike the perpetual tax increase out of it.

Vice Mayor Diemer seconded the motion, stating that it is a critical opportunity to change the ordinance and prevent tax increases without a vote. He argued that the current proposal is a necessary step to protect the power of the people and prevent future tax hikes, citing the risk of an 0.89-cent tax increase if no action is taken.

Councilmember Faraldi made a substitute motion, seconded by Councilmember Reed, to immediately consider Item #8 under General Business, "*Consideration of adopting Resolution #R-25-057 to set the City Council's regular meetings for CY2026 and to move the City Council's remaining work sessions for CY2025 to the City Hall's second floor training room".*

Mr. Freedman clarified that a substitute motion allows a proposed alternative to replace any existing motion on the floor, taking precedence over it; it can be discussed before being voted on, and if it passes, it replaces the main motion, which is then considered and acted upon by the Council.

Councilmember Faraldi suggested that they vote on the agenda items as presented, and then go home and regroup. He emphasized that this still affords them the opportunity to review this if one of them wants to request it for the next meeting.

Councilmember Misjuns raised a point of order, stating that the substitute motion violates Section 1.2 of Council's basic principles, which dictates that actions should be the result of a decision on the merits, not a manipulation of procedural rules. He argued that the substitute motion blocks consideration of an item and is a manipulation of the rules, as it presents a different subject and does not allow for full and free discussion of the original item. He said there were two motions, one of which needed to be ruled on due to it being a point of order. He said his substitute motion was deemed out of order because it violated the rules of procedure, specifically because it was a different subject (1.2.D) and it is a manipulation of the procedural rules (1.2.C).

Mayor Taylor ruled against the point of order.

Councilmember Reed said she agreed with the substitute motion, suggesting they move forward and allowing the option to revisit it in the work session on the 26th

Councilmember Timmer clarified that the City's tax rate cannot automatically roll over to 0.89 cents without a vote, as that would violate state code, which requires a rate based on equalization plus 1%. She said the City's current ordinance conflicts with state code, and the goal is to fix that conflict and remove confusion. She also expressed concern that Council rules make it harder to get items on the agenda then to be censured, and supports changes to make the process more transparent and accessible. She emphasized that this not about changing tax rates, but about following state law and clearing up ambiguity.

Councilmember Misjuns He opposed the substitute motion, calling for accountability, and adherence to budget procedures.

Councilmember Faraldi clarified that the tax rate does not automatically increase under state law; if no action is taken, the previous rate of 0.89 cents remains. The recent tax increase was the result of a Council vote, not a legal default.

Ms. Finney clarified that the vote before them is on the substitute motion to move to Agenda Item #8. Council approved the motion by the following recorded vote:

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

// In the matter of Agenda Item #8, Vice Mayor Diemer motioned, seconded by Councilmember Reed, to adopt Resolution #R-25-057 to set the City Council's regular meetings for CY2026 and to move the City Council's remaining work sessions for CY2025 to the City Hall's 2nd Floor Training Room, as presented to City Council at the work session this afternoon.

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

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

// The meeting adjourned at 8:37 p.m.

Clerk of Council

AGENDA ITEM SUMMARY

MEETING DATE	PRESENTED BY
September 9, 2025	Wyatt Woody, Director of Parks and Recreation

AGENDA ITEM # IV.7

Consideration of adopting Resolution #R-25-061 authorizing the restriction and dedication of approximately 1.556 acres of Conserved Open Space land for stormwater management purposes in connection with the Perrymont Park Improvements.

RECOMMENDATION

Recommend the Dedication and Restriction of Conserved Open Space in connection with the Perrymont Park Improvements.

SUMMARY

City Council previously approved the acceptance of grants from the Virginia Outdoors Foundation and Department of Conservation and Recreation for improvements at Perrymont Park. The project included the construction of a paved 1/4-mile walking loop, nature paths, picnic area, fenced off-leash area, drainage improvements and outdoor classroom. This project is supported by current Master Plans and Comprehensive Plan.

The improvements to the property will generate surface water runoff (i.e. stormwater) that will need to be managed in accordance with City code and State law. Conserved open space -- the practice of setting aside land via deed restriction to allow low volumes of runoff to disperse and infiltrate -- is a state-approved measure to mitigate stormwater impacts.

To dedicate the land for stormwater management purposes, City Council will need to approve a resolution to create the necessary deed restriction. The City Council has taken similar action for park improvements in the Tinbridge Hill neighborhood and at Jefferson Park in the Dearington Neighborhood.

PRIOR ACTION(S)

Physical Development Committee - July 8, 2025

FISCAL IMPACT

N/A

CONTACT(S)

Wyatt Woody, Director of Parks and Recreation

ATTACHMENT(S)

1. R-25-061
2. Proposed Deed - Restriction & Dedication of Conserved Open Space Land (Perrymont)
3. Exhibit Drawing - Conserved Open Space Designation
4. Exhibit "A"

REVIEWED BY

Wyatt E. Woody III

Wyatt Woody, Director of Parks and Recreation

Date: August 27, 2025

Kent White

Kent White, Assistant City Manager

Date: August 28, 2025

Alicia L. Finney

Alicia Finney, Clerk of Council

Date: September 03, 2025

A RESOLUTION TO AUTHORIZE CERTAIN CITY OF LYNCHBURG-OWNED REAL ESTATE, OR PORTIONS THEREOF, BE RESTRICTED TO AND DEDICATED AS CONSERVED OPEN SPACE LAND AS PART OF THE CITY OF LYNCHBURG'S DEPARTMENT OF PARKS AND RECREATION PROJECT NO. GOV2410-0001 ("PERRYMONT PARK IMPROVEMENTS")

RESOLUTION: **#R-25-061**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

1. That the following described real estate, owned by the City of Lynchburg and located in the City of Lynchburg, Virginia, may be restricted to and dedicated as Conserved Open Space land in accordance with the requirements of that certain City of Lynchburg Department of Parks and Recreation Project No. GOV2410-0001 ("Perrymont Park Improvements"):

   Part of Tax Map No. 056-13-002; 409 Perrymont Avenue
   All that certain real estate shown as a shaded area and identified as "PROPOSED VRRM CONSERVED OPEN SPACE (1.556 ACRES)" on an exhibit drawing attached hereto, made by Hurt and Proffitt, entitled "EXHIBIT DRAWING SHOWING PROPOSED OPEN SPACE EASEMENT PERRYMONT PARK CITY OF LYNCHBURG, VIRGINIA", dated April 4, 2025, and designated City File No. B-2486.

2. That the above described exhibit drawing is incorporated herein by reference.

3. That the City Manager is authorized to take any and all actions necessary to effectuate the substance of this Resolution, including, but not being limited to, executing deeds on behalf of the City of Lynchburg, a municipal corporation of the Commonwealth of Virginia, to restrict and dedicate all the previously described real estate as Conserved Open Space land.

4. That any and all documents which may have been signed before the adoption of this Resolution, which are connected to the substance of this Resolution, are ratified.

5. That this Resolution shall become effective upon its adoption.

Adopted: September 9, 2025

Certified: Alicia L. Finney
Clerk of Council

Prepared by:
City of Lynchburg, Virginia
City Attorney's Office
900 Church Street – 3rd Floor
Lynchburg, VA 24504

Tax Map No. Part of 056-13-002

Consideration: N/A

This deed is exempt from recordation taxes pursuant to §§ 58.1-811(A)(3) and 58.1-802(C)(4) of the Code of Virginia, 1950, as amended.

THIS DEED OF RESTRICTION AND DEDICATION OF CONSERVED OPEN SPACE LAND is made the 9th day of September 2025, by the **CITY OF LYNCHBURG**, a municipal corporation of the Commonwealth of Virginia, hereafter the "City", who is to be indexed of record in the Clerk's Office of the Lynchburg Circuit Court as a GRANTOR AND GRANTEE FOR REFERENCE PURPOSES ONLY, whose mailing address is City of Lynchburg, Virginia, Attn: Department of Community Development / Stormwater Management Official, 900 Church Street - 2nd Floor, Lynchburg, Virginia 24504.

WITNESSETH:

In accordance with the Virginia Stormwater Management Program (VSMP) requirements specific to Conserved Open Space land, the requirements of the City of Lynchburg's Department of Parks and Recreation Project No. GOV2410-0001 ("Perrymont Park Improvements"), and in accordance with the Virginia Department of Environmental Quality Stormwater Design Specifications specific to Conserved Open Space land, a copy of which is attached hereto as Exhibit "A", all the following real estate, located in the City of Lynchburg, Virginia, owned in fee simple by the City, is hereby restricted to and dedicated as Conserved Open Space land, *to-wit*:

> Part of Tax Map No. 056-13-002; 409 Perrymont Avenue
> All that certain real estate shown as a shaded area and identified as "PROPOSED VRRM CONSERVED OPEN SPACE (1.556 ACRES)" on an exhibit drawing attached hereto, made by Hurt and Proffitt, entitled "EXHIBIT DRAWING SHOWING PROPOSED OPEN SPACE EASEMENT PERRYMONT PARK CITY OF LYNCHBURG, VIRGINIA", dated April 4, 2025, and designated City File No. B-2486.

All of the above real estate shall perpetually be subject to all the requirements, covenants, terms, conditions, and the like specific to Conserved Open Space land, the Perrymont Park Improvements, and Exhibit "A", unless and until the restriction and dedication made hereby is released by the Lynchburg City Council. Documentation illustrating such a release shall be placed of record in the Clerk's Office of the Lynchburg Circuit Court.

No person shall, on the grounds of race, color, national origin, or other basis prohibited by Federal law, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the City of Lynchburg, Virginia receives Federal financial assistance, including financial assistance from the Department of Transportation, including the Federal Highway Administration.

This deed was authorized by a duly adopted Resolution or Ordinance of the Lynchburg City Council on September 9, 2025, after a public hearing was advertised and held in accordance with § 15.2-1800 of the Code of Virginia, 1950, as amended.

[Remainder of Page Intentionally Left Blank]

WITNESS the following signature and seal.

CITY OF LYNCHBURG

By: ____________________________(SEAL)

Print Name: Wynter C. Benda
Title: City Manager

COMMONWEALTH OF VIRGINIA }
CITY OF LYNCHBURG, *to-wit*: }

The foregoing instrument was acknowledged before me on this the __________ day of ________________________, 2025, by Wynter C. Benda, the City Manager of the City of Lynchburg on behalf of the city.

____
Notary Public

My registration number is: ____________________
My commission expires on: ___________________

Affix Notary Seal:

(SEAL)

ATTEST:

THIS DEED IS APPROVED AS TO FORM:

____
Alicia L. Finney, Clerk of Council
City of Lynchburg, Virginia

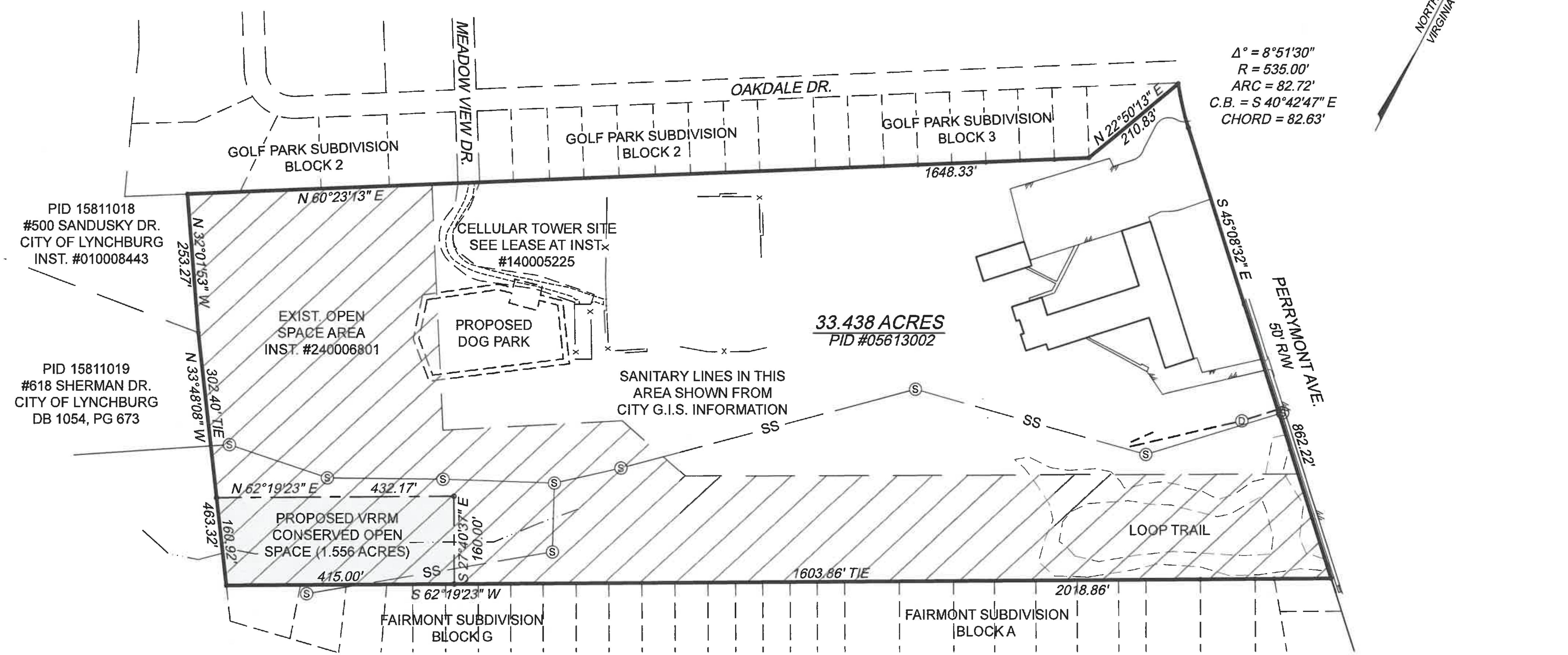
____
Matthew C. Freedman, City Attorney
City of Lynchburg, Virginia

NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM RECORD INFORMATION ONLY. A FIELD SURVEY HAS NOT BEEN COMPLETED AT THIS TIME.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
3. THIS PLAT WAS PREPARED AT THE REQUEST OF THE CITY OF LYNCHBURG PARKS AND REC.

SOURCE OF TITLE:
THE CITY OF LYNCHBURG
DB 258, PG 583

SUBJECT PLAT OF REFERENCE:
PLAT BY ACCUPOINT SURVEY & DESIGN, TITLED 'RESURVEY PLAT OF PARCEL ID #05613002 & 15811018...", DATED JUNE 13, 2023



LEGEND

- PROPERTY CORNER FOUND
- COMPUTED POINT
- Ⓓ STORMWATER MANHOLE
- Ⓢ SANITARY MANHOLE
- CREEK
- UG STORMWATER LINE
- AREA DEDICATED AS "OPEN SPACE"

200 100 0 200 400
GRAPHIC SCALE IN FEET

CITY FILE NO. B-2486

HURT & PROFFITT
INSPIRED / RESPONSIVE / TRUSTED
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
434.847.7796 | HANDP.COM
ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

EXHIBIT DRAWING
SHOWING PROPOSED OPEN SPACE EASEMENT
PERRYMONT PARK
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20230623
LAT.	37.38902°
LONG.	-79.18768°
DATE:	04/04/2025
DRAWN BY:	JEH
CHECKED BY:	JEH

SHEET NO.
1 OF 1

Apr 04, 2025 - 12:10pm Z:\2023\20230623\Survey\CAD\dwg\Easement Plat.dwg

THIS SHEET IS INTENDED TO BE REPRODUCED AT 11"X17". REPRODUCTION OF THIS SHEET AT A DIFFERENT SIZE THAN INTENDED SHALL VOID THE SCALE SHOWN ON THE SHEET.

Exhibit "A"

VIRGINIA DEQ STORMWATER DESIGN SPECIFICATION No. 2

SHEET FLOW TO A VEGETATED FILTER STRIP OR CONSERVED OPEN SPACE

VERSION 1.9
March 1, 2011

SECTION 1. DESCRIPTION

Filter strips are vegetated areas that treat sheet flow delivered from adjacent impervious and managed turf areas by slowing runoff velocities and allowing sediment and attached pollutants to settle and/or be filtered by the vegetation. The two design variants of filter strips are (1) *Conserved Open Space* and (2) designed *Vegetated Filter Strips*. The design, installation, and management of these design variants are quite different, as outlined in this specification.

In both instances, stormwater must enter the filter strip or conserved open space as sheet flow. If the inflow is from a pipe or channel, an engineered level spreader must be designed in accordance with the criteria contained herein to convert the concentrated flow to sheet flow.

SECTION 2. PERFORMANCE

With proper design and maintenance, these practices can provide relatively high runoff reduction as shown in **Table 2.1**.

Table 2.1: Summary of Stormwater Functions Provided by Filter Strips [1]

Stormwater Function	Conservation Area		Vegetated Filter Strip	
	HSG Soils A and B	HSG Soils C and D	HSG Soils A	HSG Soils B [4], C and D
	Assume no CA [2] in Conservation Area		No CA [3]	With CA [2]
Annual Runoff Vol. Reduction (RR)	75%	50%	50%	50%
Total Phosphorus (TP) EMC Reduction[5] by BMP Treatment Process	0		0	
Total Phosphorus (TP) Mass Load Removal	75%	50%	50%	50%
Total Nitrogen (TN) EMC Reduction by BMP Treatment Process	0		0	
Total Nitrogen (TN) Mass Load Removal	75%	50%	50%	50%
Channel Protection and Flood Mitigation	**Partial.** Designers can use the RRM spreadsheet to adjust curve number for each design storm for the contributing drainage area; *and* designers can account for a lengthened Time-of-Concentration flow path in computing peak discharge.			

[1] CWP and CSN (2008); CWP (2007)
[2] CA = Compost Amended Soils (see Design Specification No. 4)
[3] Compost amendments are generally not applicable for undisturbed A soils, although it may be advisable to incorporate them on mass-graded A or B soils and/or filter strips on B soils, in order to maintain runoff reduction rates.
[4] The plan approving authority may waive the requirement for compost amended soils for filter strips on B soils under certain conditions (see Section 6.2 below)
[5] There is insufficient monitoring data to assign a nutrient removal rate for filter strips at this time.

SECTION 3. DESIGN TABLE

Conserved Open Space and Vegetated Filter Strips do not have two levels of design. Instead, each must meet the appropriate minimum criteria outlined in **Table 2.2** (next page) and **Section 6** (below) to qualify for the indicated level of runoff reduction. In addition, designers must conduct a site reconnaissance prior to design to confirm topography and soil conditions.

SECTION 4. TYPICAL DETAILS

Figure 1 shows a typical approach for sheetflow to a Conserved Open Space (Cappiella *et al.*, 2006). **Figures 2 and 3** provide standard details for an engineered level spreader developed by North Carolina State University (Hathaway and Hunt, 2006). An alternative design for an "energy dissipater" can be found in Henrico County's *Environmental Program Manual* (Chapter 9, Minimum Design Standard 9.01) at: http://www.co.henrico.va.us/works/eesd/

Table 2.2. Filter Strip Design Criteria

Design Issue	Conserved Open Space	Vegetated Filter Strip
Soil and Vegetative Cover (Sections 6.1 and 6.2)	Undisturbed soils and native vegetation	Amended soils and dense turf cover or landscaped with herbaceous cover, shrubs, and trees
Overall Slope and Width (perpendicular to the flow) (Section 5)	0.5% to 3% Slope – Minimum 35 ft width 3% to 6% Slope – Minimum 50 ft width The first 10 ft. of filter must be 2% or less in all cases [2]	1% [1] to 4% Slope – Minimum 35 ft. width 4% to 6% Slope – Minimum 50 ft. width 6% to 8% Slope – Minimum 65 ft. width The first 10 ft. of filter must be 2% or less in all cases
Sheet Flow (Section 5)	Maximum flow length of 150 ft. from adjacent pervious areas; Maximum flow length of 75 ft. from adjacent impervious areas	
Concentrated Flow (Section 6.3)	Length of ELS [6] Lip = 13 lin. ft. per each 1 cfs of inflow if area has 90% Cover [3] Length = 40 lin. ft. per 1 cfs for forested or re-forested Areas [4] (ELS [6] length = 13 lin.ft. min; 130 lin.ft. max.)	Length of ELS [6] Lip = 13 lin.ft. per each 1 cfs of inflow (13 lin.ft. min; 130 lni.ft. max.)
Construction Stage (Section 8)	Located outside the limits of disturbance and protected by ESC controls	Prevent soil compaction by heavy equipment
Typical Applications (Section 5)	Adjacent to stream or wetland buffer or forest conservation area	Treat small areas of IC (e.g., 5,000 sf) and/or turf-intensive land uses (sports fields, golf courses) close to source
Compost Amendments (Section 6.1)	No	Yes (B, C, and D soils) [5]
Boundary Spreader (Section 6.3)	GD [6] at top of filter	GD [6] at top of filter PB [6] at toe of filter

[1] A minimum of 1% is recommended to ensure positive drainage.
[2] For Conservation Areas with a varying slope, a pro-rated length may be computed only if the first 10 ft. is 2% or less.
[3] Vegetative Cover is described in **Section 6.2.**
[4] Where the Conserved Open Space is a mixture of native grasses, herbaceous cover and forest (or re-forested area), the length of the ELS [6] Lip can be established by computing a weighted average of the lengths required for each vegetation type. Refer to **Section 6.3** for design criteria
[5] The plan approving authority may waive the requirement for compost amended soils for filter strips on B soils under certain conditions (see **Section 6.1**).
[6] ELS = Engineered Level Spreader; GD = Gravel Diaphragm; PB = Permeable Berm.

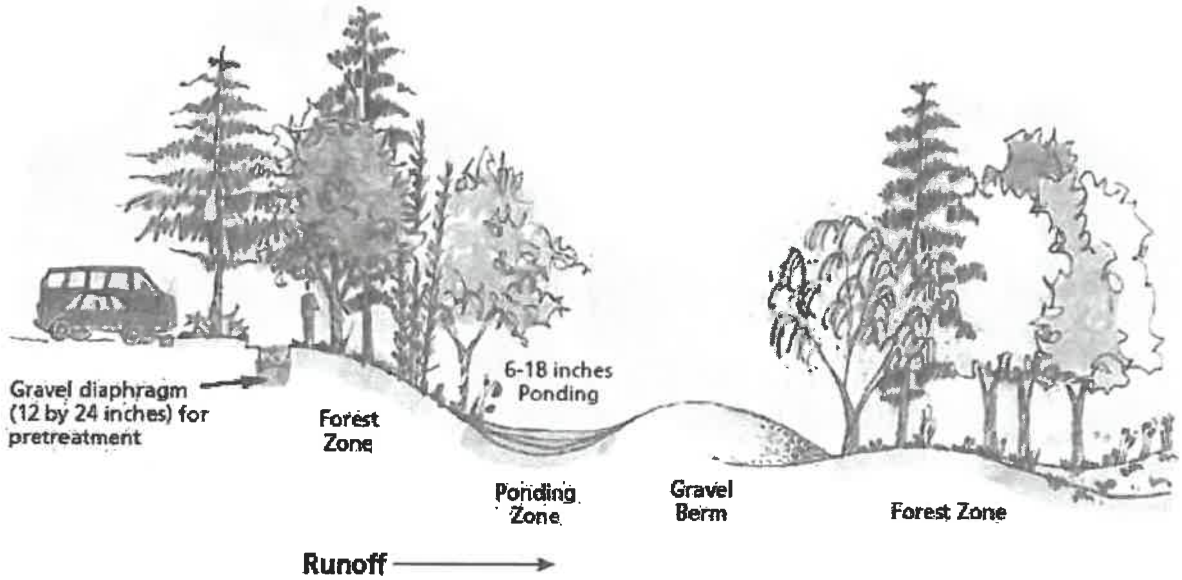


Figure 2.1. Typical Sheetflow to Conserved Open Space

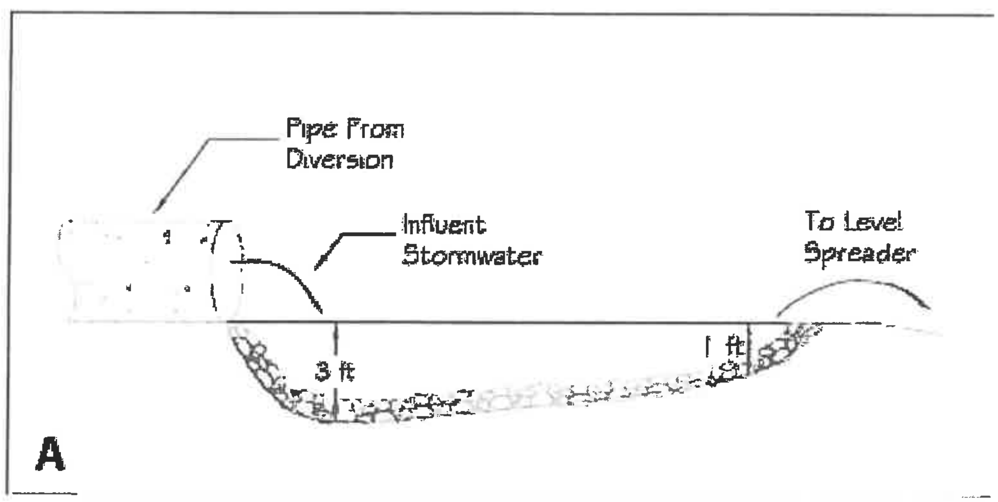


Figure 2.2. Level Spreader Forebay (Hathaway and Hunt 2006)

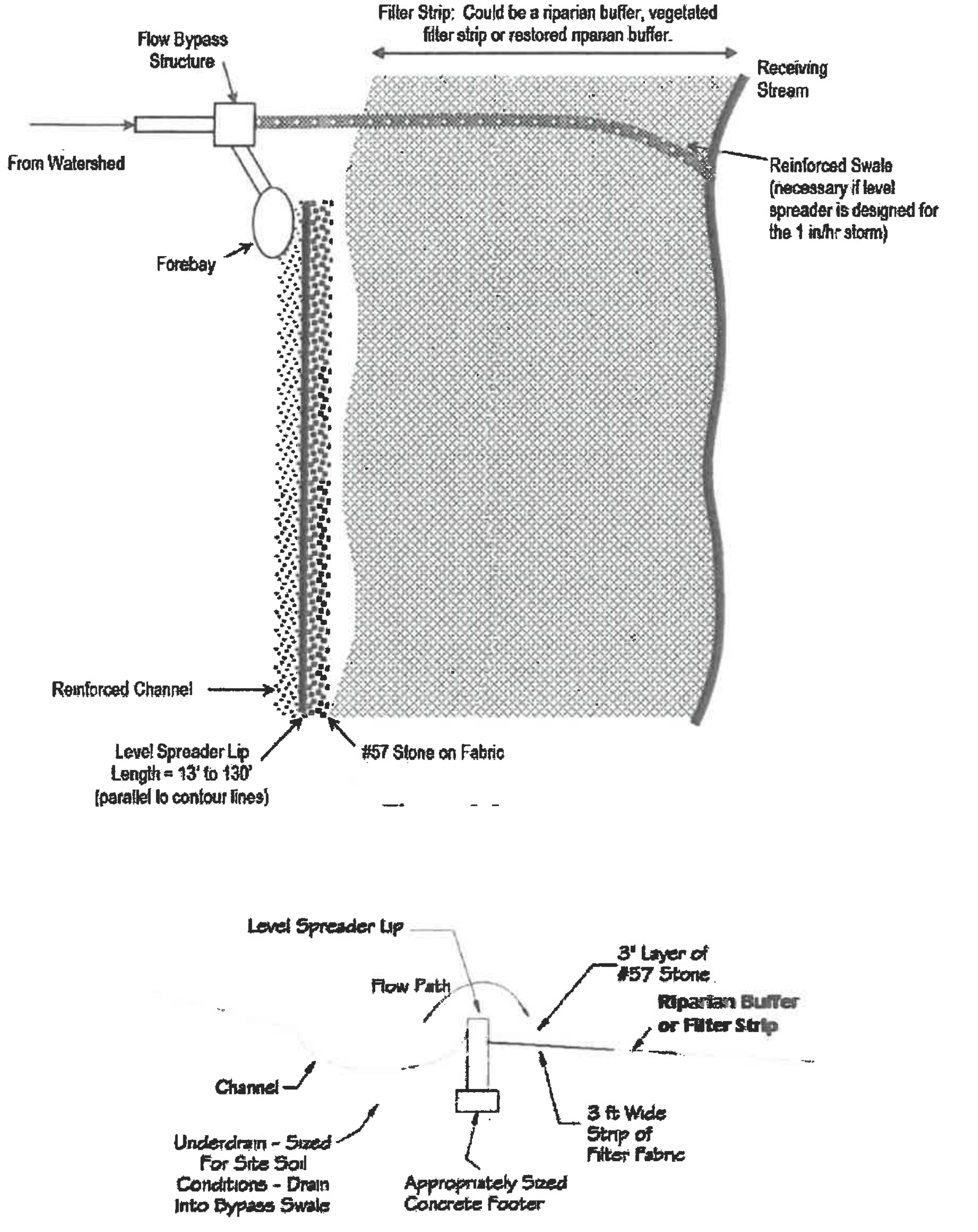


Figure 2.3: Plan and Cross Section of Engineered Level Spreader (ELS) (Hathaway 2006)

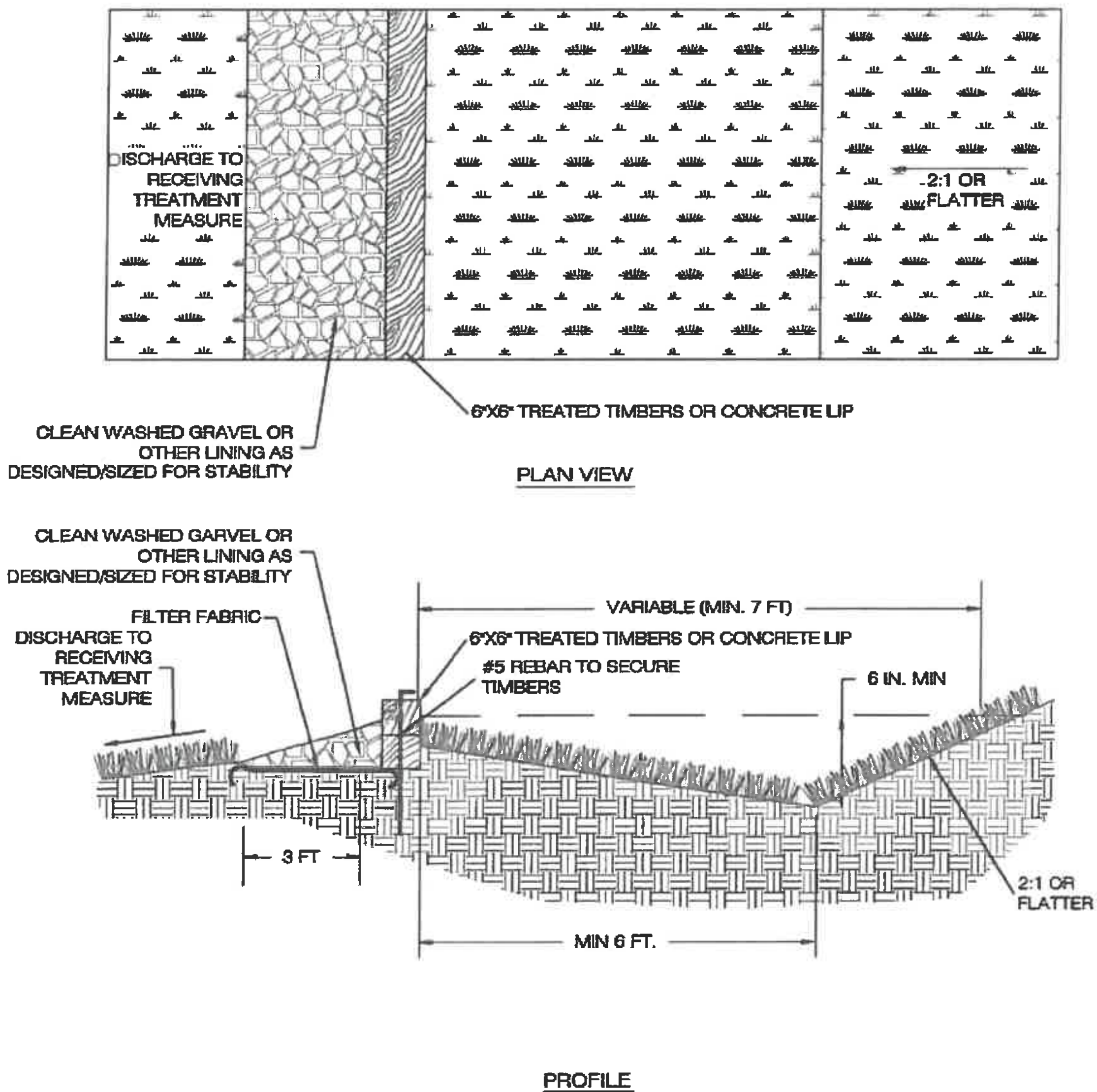


Figure 2.4A: Section - Level Spreader with Rigid Lip

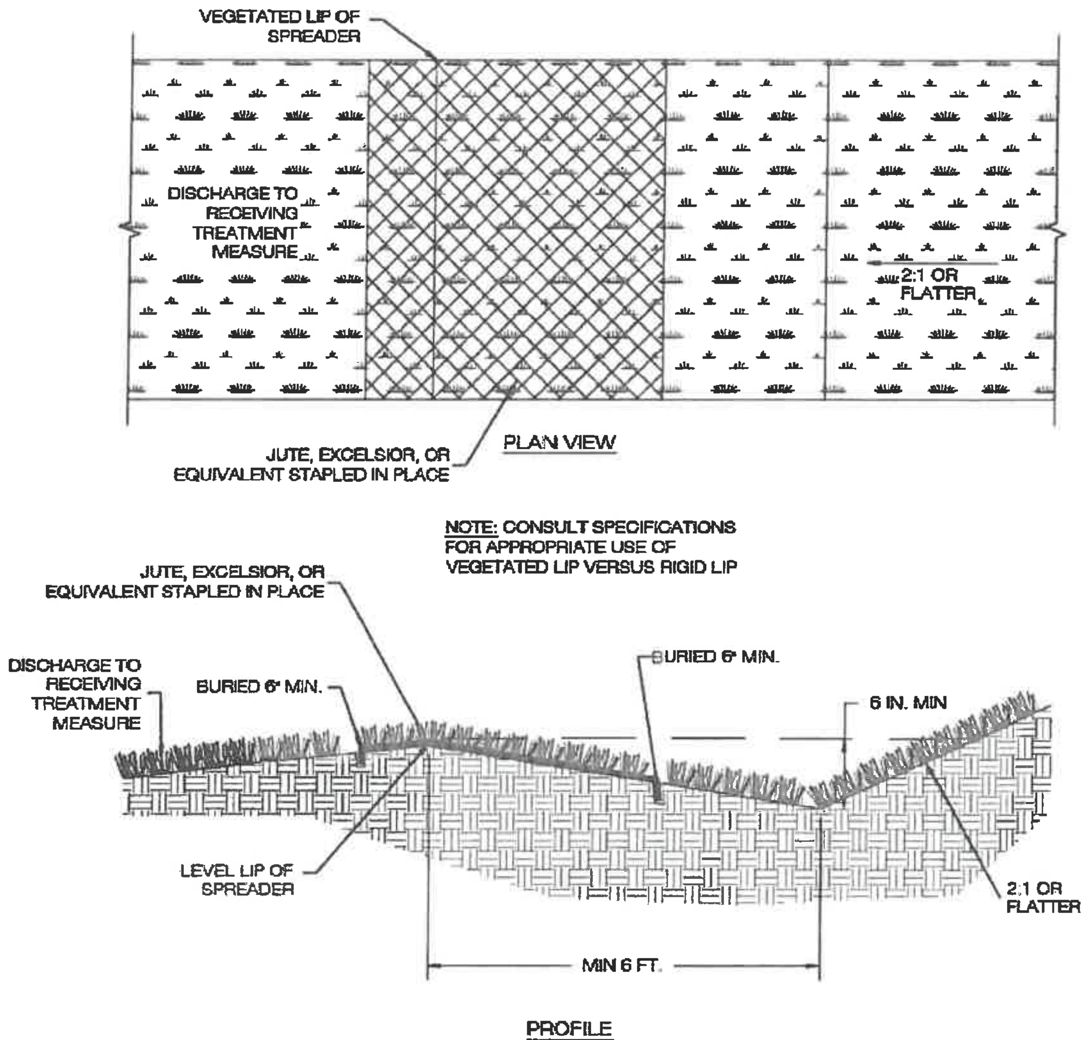


Figure 2.4B: Section - Alternative Level Spreader with Vegetated Lip

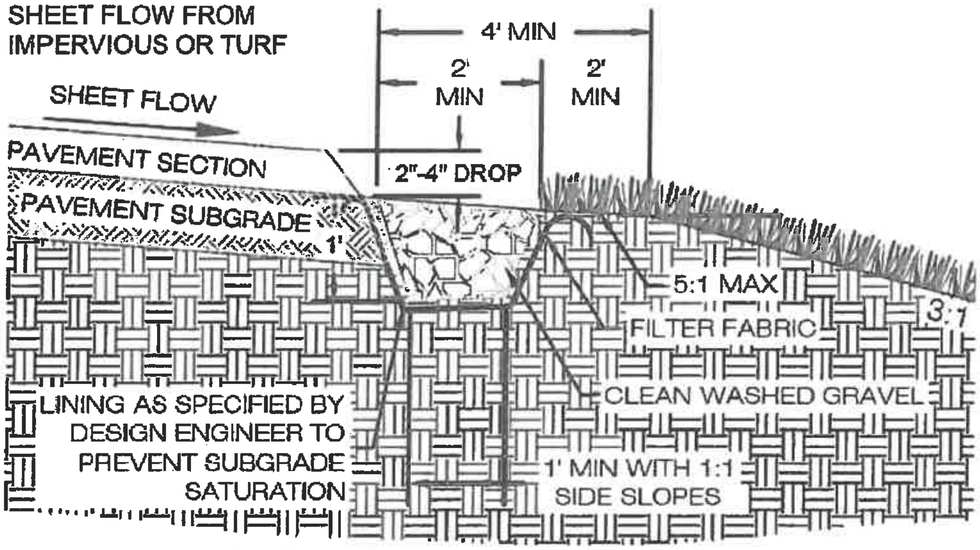


Figure 2.5 – Gravel Diaphragm – Sheet Flow Pre-treatment

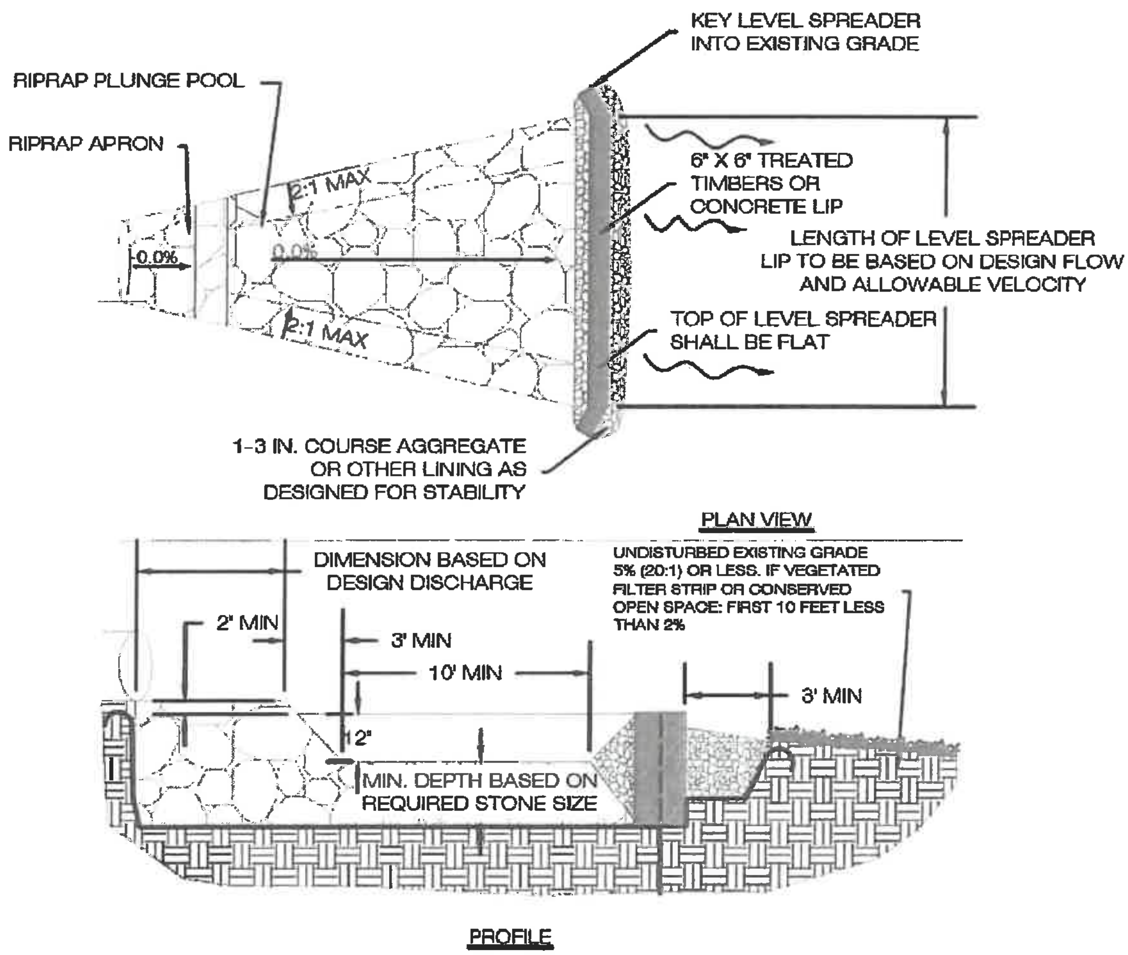
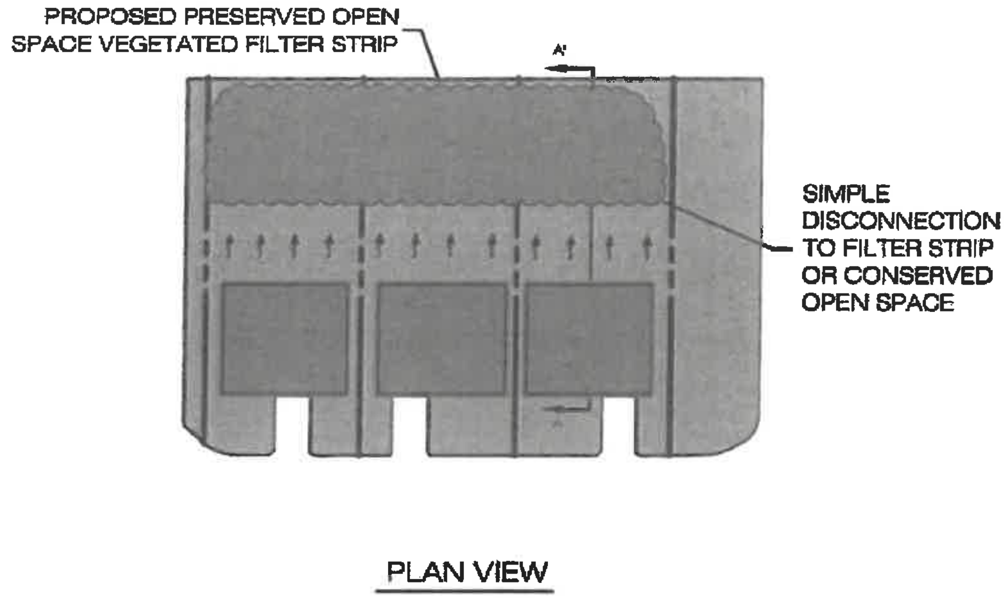


Figure 2.6: Level Spreader: Pipe or Channel Flow to Filter Strip or Preserved Open Space



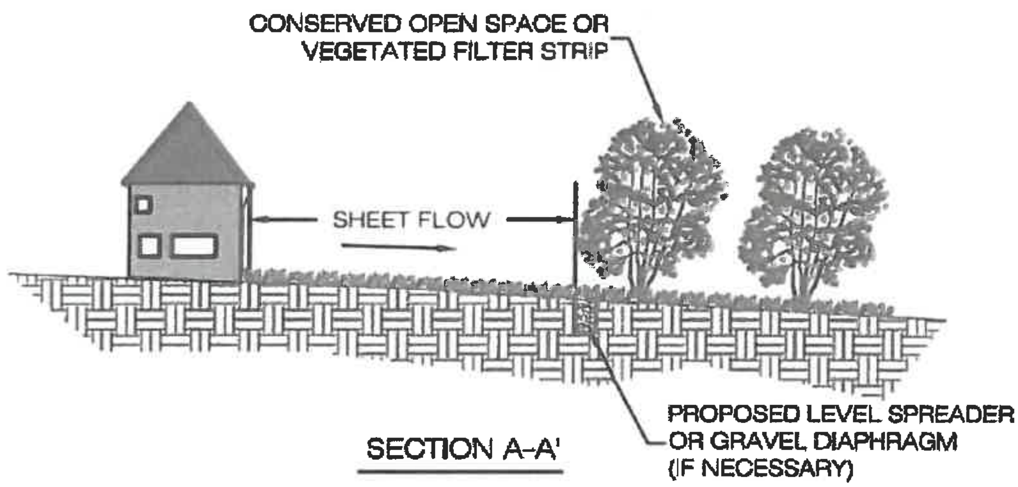


Figure 2.7: Simple Disconnection to downstream Preserved Open Space or Vegetated Filter Strip

SECTION 5. PHYSICAL FEASIBILITY & DESIGN APPLICATIONS

5.1 Conserved Open Space

The most common design applications of Conserved Open Space are on sites that are hydrologically connected to a protected stream buffer, wetland buffer, floodplain, forest conservation area, or other protected lands. Conserved open space is an ideal component of the "outer zone" of a stream buffer, such as a Resource Protection Area (as is required in some parts of the state), which normally receives runoff as sheetflow. Care should be taken to locate all energy dissipaters or flow spreading devices outside of the protected area.

Designers may apply a runoff reduction credit to any impervious or managed turf cover that is hydrologically connected and effectively treated by a protected Conserved Open Space that meets the following eligibility criteria:

- The goal of establishing Conserved Open Space is to protect a vegetated area contiguous to a receiving system, such as a stream or natural channel, for treating stormwater runoff. Establishing isolated Conserved Open Space pockets on a development site may not achieve this goal unless they effectively serve to connect the surface runoff to the receiving system. Therefore, a locality may choose to establish goals for minimum acreage to be conserved (in terms of total acreage or percentage of the total project site), and the physical location (adjacent to a stream, or other criteria) in order for the cumulative conserved open space to qualify for the RRM credit.
- No major disturbance may occur within the conserved open space during or after construction (i.e., no clearing or grading is allowed except temporary disturbances associated with incidental utility construction, restoration operations, or management of nuisance vegetation). The Conserved Open Space area shall not be stripped of topsoil. Some light grading may be needed at the boundary using tracked vehicles to prevent compaction.
- The limits of disturbance should be clearly shown on all construction drawings and protected by acceptable signage and erosion control measures.
- A long term vegetation management plan must be prepared to maintain the Conserved Open Space in a natural vegetative condition. Generally, Conserved Open Space management plans do not encourage or even allow any active management. However, a specific plan should be developed to manage the unintended consequences of passive recreation, control invasive species, provide for tree and understory maintenance, etc. Managed turf is not considered an acceptable form of vegetative management, and only the passive recreation areas of dedicated parkland are eligible for the practice (e.g., the actively used portions of ball fields and golf courses are not eligible), although conservation areas can be ideal treatment practices at the edges of turf-intensive land uses.
- The Conserved Open Space must be protected by a perpetual easement or deed restriction that assigns the responsible party to ensure that no future development, disturbance, or clearing may occur within the area.
- The practice does *not* apply to jurisdictional wetlands that are sensitive to increased inputs of stormwater runoff (e.g., bogs and fens).

5.2 Vegetated Filter Strips

Vegetated Filter Strips are best suited to treat runoff from small segments of impervious cover (usually less than 5,000 sq. ft.) adjacent to road shoulders, small parking lots and rooftops. Vegetated Filter Strips may also be used as pretreatment for another stormwater practice such as a dry swale, bioretention, or infiltration areas. If sufficient pervious area is available at the site, larger areas of impervious cover can be treated by vegetated filter strips, using an engineered level spreader to recreate sheet flow. Vegetated Filter Strips are also well suited to treat runoff from turf-intensive land uses, such as the managed turf areas of sports fields, golf courses, and parkland.

Conserved Open Space and Vegetated Filter Strips can be used in a variety of situations; however there are several constraints to their use:

- ***Filter Slopes and Widths.*** Maximum slopes for Conserved Open Space and Vegetated Filter Strips are 6% and 8% respectively, in order to maintain sheet flow through the practice. In addition, the overall contributing drainage area must likewise be relatively flat to ensure sheet flow draining into the filter. Where this is not possible, alternative measures, such as an engineered level spreader, can be used. Minimum widths (flow path) for Conserved Open Space and Vegetated Filter Strips are dependent on slope, as specified in **Table 2.2** above.

- ***Soils.*** Vegetated Filter Strips are appropriate for all soil types, except fill soils. The runoff reduction rate, however, is dependent on the underlying Hydrologic Soil Groups (see **Table 2.1** above) and whether soils receive compost amendments.

- ***Contributing Flow Path to Filter.*** Vegetated Filter Strips are used to treat very small drainage areas of a few acres or less. The limiting design factor is the length of flow directed to the filter. As a rule, flow tends to concentrate after 75 feet of flow length for impervious surfaces, and 150 feet for pervious surfaces (Claytor, 1996). When flow concentrates, it moves too rapidly to be effectively treated by a Vegetated Filter Strip, unless an engineered level spreader is used. When the existing flow at a site is concentrated, a vegetated swale should be used instead of a Vegetated Filter Strip (Lantin and Barrett, 2005).

- ***Hotspot Land Uses.*** Vegetated Filter Strips should not receive hotspot runoff, since the infiltrated runoff could cause groundwater contamination.

- ***Turf-Intensive Land Uses.*** Both Conserved Open Space and Vegetated Filter Strips are appropriate to treat managed turf and the actively-used areas of sports fields, golf courses, parkland, and other turf-intensive land uses.

- ***Proximity of Underground Utilities.*** Underground pipes and conduits that cross the Vegetated Filter Strip are acceptable.

SECTION 6. DESIGN CRITERIA

6.1. Compost Soil Amendments

Compost soil amendments will enhance the runoff reduction capability of a vegetated filter strip when located on hydrologic soil groups B, C, and D, subject to the following design requirements:

- The compost amendments should extend over the full length and width of the filter strip.
- The amount of approved compost material and the depth to which it must be incorporated is outlined in Stormwater Design Specification No. 4.
- The amended area will be raked to achieve the most level slope possible without using heavy construction equipment, and it will be stabilized rapidly with perennial grass and/or herbaceous species.
- If slopes exceed 3%, a protective biodegradable fabric or matting (e.g., EC-2) should be installed to stabilize the site prior to runoff discharge.
- Compost amendments should not be incorporated until the gravel diaphragm and/or engineered level spreader are installed (see **Section 6.3**).
- The local plan approval authority may waive the requirement for compost amendments on HSG-B soils in order to receive credit as a filter strip if (1) the designer can provide verification of the adequacy of the on-site soil type, texture, and profile to function as a filter strip, and (2) the area designated for the filter strip will not be disturbed during construction.

6.2. Planting and Vegetation Management

Conserved Open Space . No grading or clearing of native vegetation is allowed within the Conserved Open Space. An invasive species management plan should be developed and approved by the local plan approval authority.

Reforested Conserved Open Space. At some sites, the proposed stream buffer or Conserved Open Space may be in turf or meadow cover, or overrun with invasive plants and vines. In these situations, a landscape architect or horticulturalist should prepare a reforestation or restoration plan for the Conserved Open Space. The entire area can be planted with native trees and shrubs or planted to achieve a gradual transition from turf to meadow to shrub and forest. Trees and shrubs with deep rooting capabilities are recommended for planting to maximize soil infiltration capacity (PWD, 2007). Over-plant with seedlings for fast establishment and to account for mortality. Plant larger stock at desired spacing intervals (25 to 40 feet for large trees) using random spacing (Cappiella *et al.*, 2006). Plant ground cover or a herbaceous layer to ensure rapid vegetative cover of the surface area.

Vegetated Filter Strips. Vegetated Filter Strips should be planted at such a density to achieve a 90% grass/herbaceous cover after the second growing season. Filter strips should be seeded, not sodded. Seeding establishes deeper roots, and sod may have muck soil that is not conducive to infiltration (Wisconsin DNR, 2007). The filter strip vegetation may consist of turf grasses, meadow grasses, other herbaceous plants, shrubs, and trees, as long as the primary goal of at least 90% coverage with grasses and/or other herbaceous plants is achieved. Designers should choose vegetation that stabilizes the soil and is salt tolerant. Vegetation at the toe of the filter, where temporary ponding may occur behind the permeable berm, should be able to withstand both wet and dry periods. The planting areas can be divided into zones to account for differences in inundation and slope.

6.3. Diaphragms, Berms and Level Spreaders

Gravel Diaphragms: A pea gravel diaphragm at the top of the slope is required for both Conserved Open Space and Vegetated Filter Strips that receive sheetflow. The pea gravel diaphragm is created by excavating a 2-foot wide and 1-foot deep trench that runs on the same contour at the top of the filter strip. The diaphragm serves two purposes. First, it acts as a pretreatment device, settling out sediment particles before they reach the practice. Second, it acts as a level spreader, maintaining sheet flow as runoff flows over the Filter Strip. Refer to **Figure 2.5.**

- The flow should travel over the impervious area and to the practice as sheet flow and then drop at least 3 inches onto the gravel diaphragm. The drop helps to prevent runoff from running laterally along the pavement edge, where grit and debris tend to build up (thus allowing by-pass of the Filter Strip).
- A layer of filter fabric should be placed between the gravel and the underlying soil trench.
- If the contributing drainage area is steep (6% slope or greater), then larger stone (clean bank-run gravel that meets VDOT #57 grade) should be used in the diaphragm.
- If the contributing drainage area is solely turf (e.g., sports field), then the gravel diaphragm may be eliminated.

Permeable Berm: Vegetated Filter Strips should be designed with a permeable berm at the toe of the Filter Strip to create a shallow ponding area. Runoff ponds behind the berm and gradually flows through outlet pipes in the berm or through a gravel lens in the berm with a perforated pipe. During larger storms, runoff may overtop the berm (Cappiella *et al.,* 2006). The permeable berm should have the following properties:

- A wide and shallow trench, 6 to 12 inches deep, should be excavated at the upstream toe of the berm, parallel with the contours.
- Media for the berm should consist of 40% excavated soil, 40% sand, and 20% pea gravel.
- The berm 6 to 12 inches high should be located downgradient of the excavated depression and should have gentle side slopes to promote easy mowing (Cappiella *et al.*, 2006).
- Stone may be needed to armor the top of berm to handle extreme storm events.
- A permeable berm is not needed when vegetated filter strips are used as pretreatment to another stormwater practice.

Engineered Level Spreaders. The design of engineered level spreaders should conform to the following design criteria based on recommendations of Hathaway and Hunt (2006), or a locally approved standard that meets the intent of these criteria, in order to ensure non-erosive sheet flow into the vegetated buffer area. **Figure 2.3** above represents a configuration that includes a bypass structure that diverts the design storm to the level spreader, and bypasses the larger storm events around the Conserved Open Space or Vegetated Filter Strip through an improved channel.

An alternative approach is that utilized by Henrico County, where pipe or channels discharge at the landward edge of a floodplain or stream (Resource Protection Area or RPA) buffer. The entire flow is directed through a stilling basin energy dissipater and then a level spreader such that the entire design storm for the conveyance system (typically a 10-year frequency storm) is discharged as sheet flow through the buffer. (Refer to Henrico County's *Environmental Program Manual;* Chapter 9, Minimum Design Standard 9.01 "Energy Dissipator": http://www.co.henrico.va.us/works/eesd/ .)

Key design elements of the engineered level spreader, as provided in **Figures 2 and 3**, include the following:

- High Flow Bypass provides safe passage for larger design storms through the filter strip. The bypass channel should accommodate all peak flows greater than the water quality design flow.
- A Forebay should have a maximum depth of 3 feet and gradually transition to a depth of 1 foot at the level spreader lip (**Figure 2**). The forebay is sized such that the surface area is 0.2% of the contributing impervious area. (A forebay is not necessary if the concentrated flow is from the outlet of an extended detention basin or similar practice).
- The length of the level spreader should be determined by the type of filter area and the design flow:
  - 13 feet of level spreader length per every 1 cubic foot per second (cfs) of inflow for discharges to a Vegetated Filter Strip or Conserved Open Space consisting of native grasses or thick ground cover;
  - 40 feet of level spreader length per every 1 cfs of inflow when the spreader discharges to a Conserved Open Space consisting of forested or reforested buffer (Hathaway and Hunt, 2006).
  - Where the Conserved Open Space is a mix of grass and forest (or re-forested), establish the level spreader length by computing a weighted average of the lengths required for each vegetation type.
  - The minimum level spreader length is 13 feet and the maximum is 130 feet.
  - For the purposes of determining the Level Spreader length, the peak discharge shall be determined using the Rational Equation with an intensity of 1-inch/hour.

- The level spreader lip should be concrete, wood or pre-fabricated metal, with a well-anchored footer, or other accepted rigid, non-erodible material.
- The ends of the level spreader section should be tied back into the slope to avoid scouring around the ends of the level spreader; otherwise, short-circuiting of the facility could create erosion.
- The width of the level spreader channel on the up-stream side of the level lip should be three times the diameter of the inflow pipe, and the depth should be 9 inches or one-half the culvert diameter, whichever is greater.
- The level spreader should be placed 3 to 6 inches above the downstream natural grade elevation to avoid turf buildup. In order to prevent grade drops that re-concentrate the flows, a 3-foot long section of VDOT # 3 stone, underlain by filter fabric, should be installed just below the spreader to transition from the level spreader to natural grade.

- Vegetated receiving areas down-gradient from the level spreader must be able to withstand the force of the flow coming over the lip of the device. It may be necessary to stabilize this area with temporary (VDOT EC-2) or permanent (VDOT EC-3) materials in accordance with the calculated velocity (on-line system peak, or diverted off-line peak) and material specifications, along with seeding and stabilization in conformance with the Virginia Erosion and Sediment Control Handbook.

6.4. Filter Design Material Specifications

Table 2.3 describes materials specifications for the primary treatment within filter strips.

Table 2.3. Vegetated Filter Strip Materials Specifications

Material	Specification	Quantity
Gravel Diaphragm	Pea Gravel (#8 or ASTM equivalent) or where steep (6% +) use clean bank-run VDOT #57 or ASTM equivalent (1-inch maximum).	Diaphragm should be 2 feet wide, 1 foot deep, and at least 3 inches below the edge of pavement.
Permeable Berm	40% excavated soil, 40% sand, and 20% pea gravel to serve as the media for the berm.	
Geotextile	Needled, non-woven, polypropylene geotextile meeting the following specifications: Grab Tensile Strength (ASTM D4632): > 120 lbs. Mullen Burst Strength (ASTM D3786): > 225 lbs./sq. in. Flow Rate (ASTM D4491): > 125 gpm/sq. ft. Apparent Opening Size (ASTM D4751): US #70 or #80 sieve	
Engineered Level Spreader	Level Spreader lip should be concrete, metal, timber, or other rigid material; Reinforced channel on upstream of lip: VDOT EC-2 (or EC-3 if velocities require permanent reinforcing). See Hathaway and Hunt (2006) or Henrico County Program Manual.	
Erosion Control Fabric or Matting	Where flow velocities dictate, use woven biodegradable erosion control fabric or mats that are durable enough to last at least 2 growing seasons. (e.g., VDOT Erosion Control matting EC-2).	
Topsoil	If existing topsoil is inadequate to support dense turf growth, imported top soil (loamy sand or sandy loam texture), with less than 5% clay content, corrected pH at 6 to 7, a soluble salt content not exceeding 500 ppm, and an organic matter content of at least 2% shall be used. Topsoil shall be uniformly distributed and lightly compacted to a minimum depth of 6 to 8 inches	
Compost	Compost shall be derived from plant material and provided by a member of the U.S. Composting Seal of Testing Assurance (STA) program, as outlined in Stormwater Design Specification No. 4.	

SECTION 7: REGIONAL & SPECIAL CASE DESIGN ADAPTATIONS

7.1. Karst Terrain

Conserved Open Space areas are highly recommended in karst terrain, particularly when storm flow discharges to the outer boundary of a karst protection area (see CSN, 2009).

Vegetated Filter Strips can also be used to treat runoff from small areas of impervious cover (e.g., less than 5,000 square feet). Some communities use wide grass filter strips to treat runoff from the roadway shoulder.

In no case should the use of a Conserved Open Space or Vegetated Filter Strip be considered as a replacement for an adequate receiving system for developed-condition stormwater discharges, unless the adequacy of the design has been demonstrated consistent with the the Virginia Stormwater Management Handbook.

7.2. Coastal Plain

The use of Conserved Open Space areas and Vegetated Filter Strips are highly recommended in the coastal plain, particularly when sheetflow (or concentrated flow with an appropriately-sized level spreader) discharges to the outer boundary of a shoreline, stream or wetland buffer. Vegetated Filter Strips can also be used to treat runoff from small areas of impervious cover (e.g., less than 5,000 square feet). In both cases, however, the designer must consider the depth to the water table. In general, shallow water tables may inhibit the function of Vegetated Filter Strips.

7.3. Linear Highway Sites

Vegetated Filter Strips are highly recommended to treat highway runoff if the median and/or road shoulder is wide enough to provide an adequate flow path.

SECTION 8: CONSTRUCTION

8.1. Construction Sequence for Conserved Open Space Areas

The Conserved Open Space must be fully protected during the construction stage of development and kept outside the limits of disturbance on the Erosion and Sediment (E&S) Control Plan.

- No clearing, grading or heavy equipment access is allowed except temporary disturbances associated with incidental utility construction, restoration operations or management of nuisance vegetation.
- The perimeter of the Conserved Open Space shall be protected by super silt fence, chain link fence, orange safety fence, or other measures to prevent sediment discharge.
- The limits of disturbance should be clearly shown on all construction drawings and identified and protected in the field by acceptable signage, silt fence, snow fence or other protective barrier.

- Construction of the gravel diaphragm or engineered level spreader shall not commence until the contributing drainage area has been stabilized and perimeter E&S controls have been removed and cleaned out.
- Some light grading may be needed at the Filter Strip boundary; this should be done with tracked vehicles to prevent compaction.
- Stormwater should not be diverted into the Vegetated Filter Strip until the gravel diaphragm and/or level spreader are installed and stabilized.

8.2. Construction Sequence for Vegetated Filter Strips

Vegetated Filter Strips can be within the limits of disturbance during construction. The following procedures should be followed during construction:

- Before site work begins, Vegetated Filter Strip boundaries should be clearly marked.
- Only vehicular traffic used for Filter Strip construction should be allowed within 10 feet of the Filter Strip boundary (City of Portland, 2004).
- If existing topsoil is stripped during grading, it shall be stockpiled for later use.
- Construction runoff should be directed away from the proposed Filter Strip site, using perimeter silt fence, or, preferably, a diversion dike.
- Construction of the gravel diaphragm or engineered level spreader shall not commence until the contributing drainage area has been stabilized and perimeter E&S controls have been removed and cleaned out.
- Vegetated Filter Strips require light grading to achieve desired elevations and slopes. This should be done with tracked vehicles to prevent compaction. Topsoil and or compost amendments should be incorporated evenly across the filter strip area, stabilized with seed, and protected by biodegradable erosion control matting or blankets.
- Stormwater should not be diverted into the Filter Strip until the turf cover is dense and well established.

8.3. Construction Inspection

Construction inspection is critical to obtain adequate spot elevations, to ensure the gravel diaphragm or ELS is completely level, on the same contour, and constructed to the correct design elevation. As-built surveys should be required to ensure compliance with design standards. Inspectors should evaluate the performance of the Filter Strip after the first big storm to look for evidence of gullies, outflanking, undercutting or sparse vegetative cover. Spot repairs should be made, as needed.

An example construction phase inspection checklist for Sheet Flow to a Filter Strip or Conserved Open Space can be found on the Center for Watershed Protection website at:

http://www.cwp.org/Resource_Library/Controlling_Runoff_and_Discharges/sm.htm
(scroll to Tool6: Plan Review, BMP Construction, and Maintenance Checklists)

SECTION 9. MAINTENANCE

9.1. Maintenance Agreements

Section 4 VAC 50-60-124 of the regulations specifies the circumstances under which a maintenance agreement must be executed between the owner and the local program. This section sets forth inspection requirements, compliance procedures if maintenance is neglected, notification of the local program upon transfer of ownership, and right-of-entry for local program personnel.

All Vegetated Filter Strips must be covered by a drainage easement to allow inspection and maintenance. If the filter area is a natural Conserved Open Space, it must be protected by a perpetual easement or deed restriction that assigns the responsible party to ensure that no future development, disturbance or clearing may occur within thc area, except as stipulated in the vegetation maintenance plan.

If the Vegetated Filter Strip is located on a residential private lot, the existence and purpose of the Filter Strip shall be noted on the deed of record. Homeowners will need to be provided a simple document that explains the purpose of the Filter Strip and routine maintenance needs. A deed restriction or other mechanism enforceable by the qualifying local program must be in place to help ensure that Filter Strips are maintained and Conserved Open Space Areas are not converted or disturbed. The mechanism should, if possible, grant authority for local agencies to access the property for inspection or corrective action.

9.2. Maintenance Inspections

Annual inspections are used to trigger maintenance operations such as sediment removal, spot re-vegetation and level spreader repair. Ideally, inspections should be conducted in the non-growing season when it easier to see the flow path. Example maintenance inspection checklists for Sheet Flow to a Filter Strip or Conserved Open Space areas can be accessed in Appendix C of Chapter 9 of the Virginia Stormwater Management Handbook or at the Center for Watershed Protection's website at:

http://www.cwp.org/Resource_Library/Controlling_Runoff_and_Discharges/sm.htm
(scroll to Tool6: Plan Review, BMP Construction, and Maintenance Checklists)

Inspectors should check to ensure that:

- Flows through the Filter Strip do not short-circuit the overflow control section;
- Debris and sediment does not build up at the top of the Filter Strip;
- Foot or vehicular traffic does not compromise the gravel diaphragm;
- Scour and erosion do not occur within the Filter Strip;
- Sediments are cleaned out of Level Spreader forebays and flow splitters; and
- Vegetative density exceeds a 90% cover in the boundary zone or grass filter.

9.3. Ongoing Maintenance

Once established, Vegetated Filter Strips have minimal maintenance needs outside of the spring clean up, regular mowing, repair of check dams and other measures to maintain the hydraulic efficiency of the strip and a dense, healthy grass cover. Vegetated Filter Strips that consist of grass/turf cover should be mowed at least twice a year to prevent woody growth.

SECTION 10. REFERENCES

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Public Comment Sign-Up

Clerk of Council
City Hall
900 Church Street - Lynchburg, VA 24504
Phone: (434) 455-3990
Email: alicia.finney@lynchburgva.gov

Purpose
Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.

Prerequisites
You must acknowledge the following to continue with the sign-up request:

Acknowledgement - Decorum and Prohibited Content	• I acknowledge that I have read the following statement: All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to: campaign for public office; promote private business ventures; use profanity or vulgar language or gestures; use language which insults or demeans any person or which, when directed at a public official or employee, is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures; make non-germane or frivolous statements; interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.; engage in behavior that intimidates others; or, address the Council on issues that do not concern the services, policies, or affairs of the Council or the City.

Requirements
Remarks shall be addressed directly to the Council and not to City staff, the audience, or the media.

Eligibility
The deadline for sign-up is the Friday preceding the Council meeting by noon.
You must acknowledge the following to continue with the sign-up request:

Acknowledgement - Three (3) Month Rule	• I acknowledge that I have read the following statement: Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the Councilmembers present and voting.

First Name	Zachary
Last Name	Karnavas
Locality of Residence (Address or Location)	Ward 3
Email	karnavaszach70@gmail.com
Phone	252-305-3447
Council Meeting	09/09/2025
Topic of Discussion	This is in regards to the crosswalk on the block of 5000 Fort Avenue. There would need to be a light for the crosswalk similar to the one on candlers mountain road by Thomas Road Church, to be able to alert traffic on a four lane road.

From: Zach Karn
To: Fuentes, Sarah
Subject: public comment
Date: Friday, September 5, 2025 8:34:50 AM

CAUTION: External Sender

Good morning I have signed up for public comment on Tuesday the 9th however I will not be able to make it there that night.

Zak Karnavas

From: Finney, Alicia
To: JEFF ROSNER
Cc: Fuentes, Sarah
Subject: RE: Public Comment
Date: Thursday, September 4, 2025 2:53:07 PM
Attachments: image001.png

Hello,

Confirming you are on the agenda for Public Comment at the September 9, 2025, City Council meeting beginning at 7:00pm. Thank you!

Alicia L. Finney
CLERK OF COUNCIL
CITY COUNCIL
O 434.455.3981
F 434.847.1536

From: JEFF ROSNER <rosner03@comcast.net>
Sent: Thursday, September 4, 2025 2:51 PM
To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>
Cc: JEFF ROSNER <rosner03@comcast.net>
Subject: Public Comment

CAUTION: External Sender

Please add me to the public comments portion of the 7:00 PM. September 9 City Council meeting. My topic is "The way forward for City Council".

Thank you.

from Jeff Rosner, Lynchburg resident.

Public Comment Sign-Up

Clerk of Council
City Hall
900 Church Street - Lynchburg, VA 24504
Phone: (434) 455-3990
Email: alicia.finney@lynchburgva.gov

Purpose
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Requirements
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Eligibility
The deadline for sign-up is the Friday preceding the Council meeting by noon.
You must acknowledge the following to continue with the sign-up request:

Acknowledgement - Three (3) Month Rule	• I acknowledge that I have read the following statement: Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the Councilmembers present and voting.

First Name	Greg
Last Name	Berry
Name of group represented, if applicable	City Elders
Locality of Residence (Address or Location)	Ward 3
Email	berry55glock@yahoo.con
Phone	4348519503
Council Meeting	09/09/2025
Topic of Discussion	Principles

Public Comment Sign-Up

Clerk of Council
City Hall
900 Church Street - Lynchburg, VA 24504
Phone: (434) 455-3990
Email: alicia.finney@lynchburgva.gov

Purpose
Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.

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First Name	FJ
Last Name	Jalil
Locality of Residence (Address or Location)	Lynchburg
Email	mrjalil@proton.me
Council Meeting	09/09/2025
Topic of Discussion	AI in Education

City Council
Agenda Item VI.12.
Action

AGENDA ITEM SUMMARY

MEETING DATE	PRESENTED BY
September 9, 2025	Joseph Newland, City Engineer

AGENDA ITEM # VI.12

Consideration of adopting Resolution #R-25-062 endorsing the Virginia Department of Transportation Revenue Sharing Applications for FY 2027.

RECOMMENDATION

This item will appear for City Council's consideration during the September 9, 2025, regular meeting for approval of the resolution.

SUMMARY

Staff is recommending applying for VDOT state revenue sharing funds for the four projects listed.

- Langhorne/Vassar Roundabout - This project was a previously awarded SMARTSCALE Project that VDOT is administering within the City Limits. City Council passed a resolution of support for the project in May 2022. The project is approximately $2.3M short due to the relocation of the City's 36" raw waterline. This application would share the cost of the relocation 50/50 with VDOT. The City's maximum share is $1.2M. The project's total cost is estimated to be $12.2M.
- Hollins Mill Road Bridge w/Pedestrian Improvements - This application is to increase the funding for this project approved by City Council in 2021. This project is the replacement and enhancement of the bridge on Hollins Mill Road at the Hollins Mill Park, located at 521 Hollins Mill Road. There is a low-water bridge underneath the Hollins Mill Bridge that connects the Blackwater Creek Bikeway with the Point of Honor Trail that constantly requires maintenance to remain safely accessible to pedestrians and bicyclists. This project would replace the bridge and provide bike and pedestrian enhancements when the low-water bridge is not available. The request is approximately $3.6M, of which the City's share would be $1.8M. The project's total cost is estimated to be $20.1M and the City's share will be $10.1M.
- Breezewood Drive - This application is to increase the funding for this project approved by City Council in 2019. The increase is due to inflation, extending a retaining wall to better address the slope on the western side of the road and additional stormwater requirements. The request is approximately $486,000, of which the City's share would be $243,000. The project's total cost is estimated to be $10.2M and the City's share will be $5.1M.
- Link Road Intersection Improvements - This application is to increase the funding for this project approved by City Council in 2019. The increase is due to inflation and additional stormwater requirements. The request is approximately $350,000, of which the City's share

would be $175,000. The project's total cost is estimated to be $3.4M and the City's share will be $1.7M.

PRIOR ACTION(S)

Previous applications for these projects were in 2019, 2021, 2022 & 2023.

FISCAL IMPACT

The total new funds required $3,402,850.

CONTACT(S)

Gaynelle Hart, Director of Public Works
Joseph Newland, City Engineer

ATTACHMENT(S)

1. R-25-062
2. Grant Application Listing
3. Power Point - PDC -Revenue Sharing_Jason vs

REVIEWED BY

Gaynelle Hart

Gaynelle Hart, Director of Public Works — Date: September 03, 2025

Gregory Patrick, Deputy City Manager — Date: September 04, 2025

Alicia L. Finney

Alicia Finney, Clerk of Council — Date: September 04, 2025

A RESOLUTION BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, ENDORSING THE VDOT REVENUE SHARING PROGRAM APPLICATIONS

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution of support be received from the local jurisdiction requesting the Virginia Department of Transportation (VDOT) establish and fund projects in the City of Lynchburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lynchburg does support and requests the Commonwealth Transportation Board to establish and fund, for any successful program application and all stages of construction, the following projects as listed in the agenda item titled "*Proposed Virginia Department of Transportation (VDOT) Revenue Sharing Applications for FY 2027*".

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of these projects in accordance with the project financial documents.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to enter into project administration agreements with VDOT and provide the necessary oversight to ensure the projects are developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the projects.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg will be responsible for maintenance and operating costs of the facilities as constructed unless other arrangements have been made with VDOT.

BE IT FURTHER RESOLVED THAT: If the City of Lynchburg subsequently elects to cancel any of the projects, the City of Lynchburg hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The City of Lynchburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: The Council of the City of Lynchburg hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as other documents necessary for the approved projects.

Adopted: September 9, 2025

Certified: Alicia L. Finney
Clerk of Council

VDOT Grant Application Listing FY 2027

Revenue Share - VDOT portion only	**FY 2027**
Langhorne Vassar Roundabout – Additional Costs	$ 439,068
Hollins Mill Road Bridge Replacement w/ Pedestrian Features –Additional Costs	1,807,671
Breezewood Drive Reconstruction and Widening - Additional Costs	4,708
Link Road Intersection with Rivermont Avenue - Additional Costs	20,931
TOTAL	**$2,272,378**
Total CITY Match needed (50/50 match)	***$2,272,378***
Total Appropriation - Grant and City combined	**$4,544,756**

REVENUE SHARING APPLICATIONS

September 9, 2025

PURPOSE & ACTION

Purpose:

To apply for Virginia Department of Transportation (VDOT) Revenue Sharing funds for transportation projects. VDOT cost shares with localities on a 50/50 percentage for qualifying projects.

Action:

Seeking approval of resolution required by VDOT for four separate projects totaling $2,737,085.

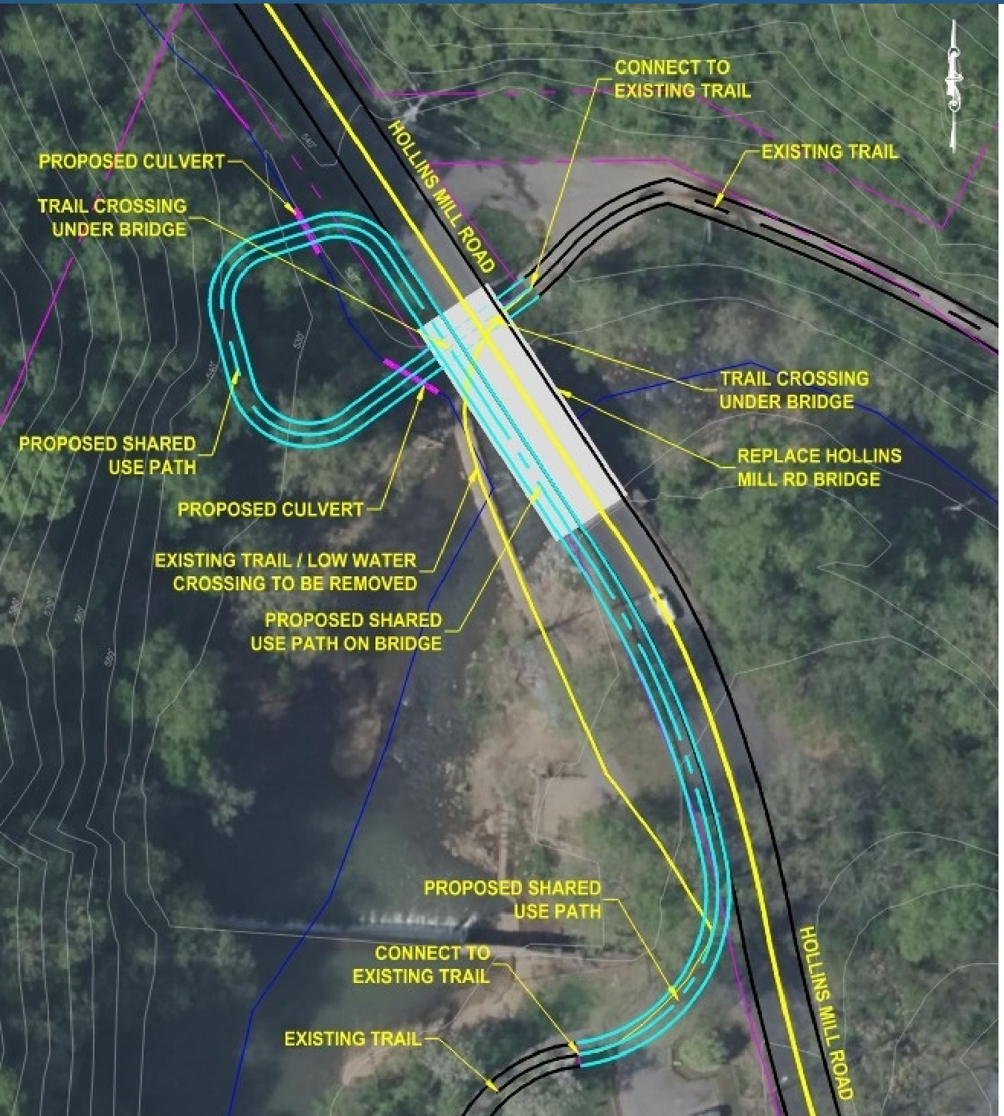
THE CITY OF LYNCHBURG

LANGHORNE/VASSAR ROUNDABOUT

- **Council Resolution:** May 2022
- **Total project cost :** $10.7M
- **SMARTSCALE (100% Federal Funds):** $9.9M
- **Relocation of City's raw waterline:** $0.88M
- **Proposing Revenue Sharing funds:** 50% City / 50% State
- **Lynchburg's total cost:** $0.44M

THE CITY OF LYNCHBURG

HOLLINS MILL RD BRIDGE REPLACEMENT



- **Council Resolution:** September 2021
- **Total project cost :** $20.1M
- **Previous Revenue Sharing project funded:** 2022 and 2024
- This request is for $3.6M with City share being $1.81M
- **Lynchburg's total cost:** $10.1M

THE CITY OF LYNCHBURG

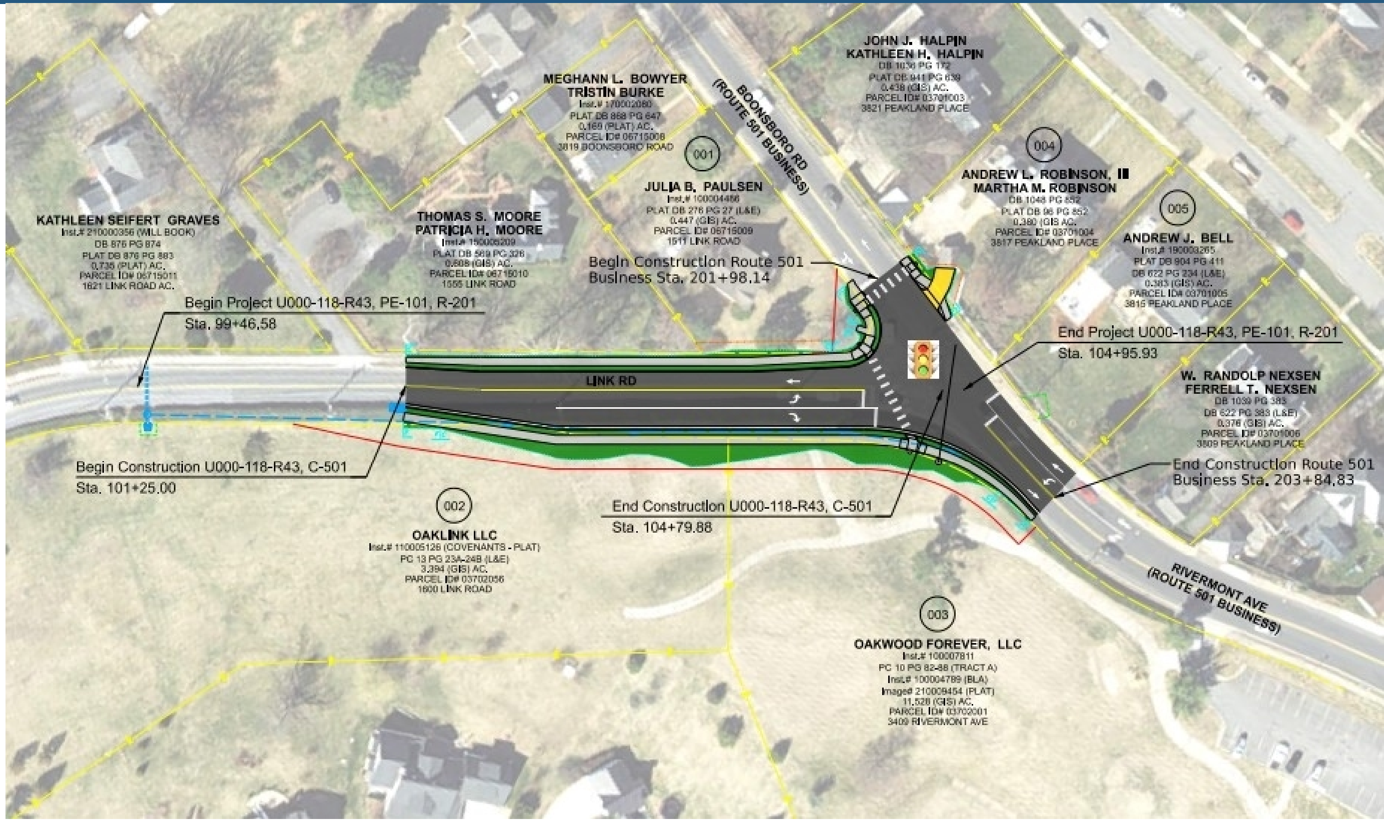
BREEZEWOOD DRIVE RECONSTRUCTION

- **Council Resolution:** September 2019
- **Total project cost :** $9.8M
- **Previous Revenue Sharing project funded:** 2020, 2022 & 2024
- This request is for $9,416 with City share being $4,708
- **Lynchburg’s total cost:** $4.88M

THE CITY OF LYNCHBURG

LINK RD/RIVERMONT AVE INTERSECTION

- **Council Resolution:** September 2019
- **Total project cost :** $3.08M
- **Previous Revenue Sharing project funded:** 2020, 2022 & 2024
- This request is for $41,862 with City share being $20,931
- **Lynchburg’s total cost:** $1.54M



THE CITY OF LYNCHBURG

RECOMMENDATION

Requesting the following action at tonight's City Council meeting:

- Approval of proposed resolution required by VDOT to apply for revenue sharing for four major transportation projects in Lynchburg.

City Council
Agenda Item VI.13.
Action

AGENDA ITEM SUMMARY

MEETING DATE	PRESENTED BY
September 9, 2025	Matthew Freedman, City Attorney

AGENDA ITEM # VI.13

Consideration of adopting Resolution #R-25-063 approving the City's participation in the direct settlement of opioid-related claims against the Sackler family and Resolution #R-25-064 approving of the proposed settlements of opioid-related claims against Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus and directing the City Attorney to execute the documents necessary to carry out the participation in the settlements.

RECOMMENDATION

Adopt the Resolutions Approving the City's Participation in the Settlements.

SUMMARY

As the City Council recalls, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through legal counsel, negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic. The Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU"), an attachment to R-21-095, illustrates the results of such negotiations.

100% participation in the previous multistate opioid settlements with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Johnson & Johnson, Teva, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart, and Kroger was achieved. As of August 14, 2025, the City's Finance Department indicated the City has received $752,640.78 from the National Opioid Litigation Settlements. As of August 14, 2025, Virginia Opioid Abatement Authority grants involving the City are as follows: Horizon Behavioral Health ($1,946,372) and Roads to Recovery ($193,421.31) for a total of $2,139,793.31.

The City Council will need to decide if they desire the City to participate in the negotiated settlements with the Sackler family and Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus. The amount of funds that will flow to Virginia and its localities from these settlements depends on maximizing participation. Participating Virginia counties and independent cities may receive some of the settlement funds pursuant to the allocation framework described in the Virginia Opioid Abatement Fund and the MOU previously described.

Technical changes were made to the proposed Resolutions after August 26, 2025.

PRIOR ACTION(S)

Business Item Briefing: August 26, 2025

July 9, 2024: Adoption of R-24-055

March 14, 2023: Adoption of R-23-027

December 14, 2021: Adoption of R-21-096

December 14, 2021: Adoption of R-21-095

FISCAL IMPACT

TBD as the amount of settlement funds that will flow to the City depends on the amount of participation around Virginia.

CONTACT(S)

Matthew Freedman, City Attorney
Donna Witt, Chief Financial Officer

ATTACHMENT(S)

1. R-25-063
2. R-25-064
3. Purdue Pharma L.P. & Sackler Family Settlement Overview
4. Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus Settlement Overview
5. R-24-055
6. R-23-027
7. R-21-096
8. R-21-095
9. Executive Summary
10. OAG PowerPoint - Opioid Litigation Settlement

REVIEWED BY

Alicia L. Finney

Alicia Finney, Clerk of Council

Date: September 04, 2025

RESOLUTION: **#R-25-063**

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY OF LYNCHBURG'S PARTICIPATION IN THE PROPOSED DIRECT SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST THE SACKLER FAMILY, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY OF LYNCHBURG'S PARTICIPATION IN THE SETTLEMENT

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, Virginia, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City of Lynchburg's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City of Lynchburg; and

WHEREAS, a settlement proposal has been negotiated that will cause the Sackler family, the owners of the Purdue Pharma family of companies, to pay an aggregate of $6.5 billion dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the City of Lynchburg has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with the Sackler family shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, Walmart, and Kroger; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlement with the Sackler family and has recommended that the City of Lynchburg participate in the settlement in order to recover its share of the funds that the settlement would provide.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA that the Lynchburg City Council, this 9th day of September, 2025, approves of the City of Lynchburg's participation in the proposed settlement of opioid-related claims against the Sackler family, and directs the City Attorney to execute the documents necessary to effectuate the City of Lynchburg's participation in the settlement, including the required release of claims against the Sackler family.

Adopted: September 9, 2025

Certified: Alicia L. Finney
Clerk of Council

RESOLUTION: **#R-25-064**

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY OF LYNCHBURG'S PARTICIPATION IN THE PROPOSED SETTLEMENTS OF OPIOID-RELATED CLAIMS AGAINST ALVOGEN, AMNEAL, APOTEX, HIKMA, INDIVIOR, MYLAN, SUN, AND ZYDUS, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY OF LYNCHBURG'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, Virginia, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City of Lynchburg's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City of Lynchburg; and

WHEREAS, settlement proposals have been negotiated that will cause the opioid manufacturers Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus (collectively, "the Manufacturers") to pay an aggregate of approximately $720 million dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the City of Lynchburg has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that each of the pending settlements with the Manufacturers shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, Walmart, and Kroger; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlements with the Manufacturers and has recommended that the City of Lynchburg participate in the settlements in order to recover its share of the funds that the settlements would provide.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF LYNCHBURG, VIRGINIA that the Lynchburg City Council, this 9th day of September, 2025, approves of the City of Lynchburg's participation in the proposed settlements of opioid-related claims against the Manufacturers, and directs the City Attorney to execute the documents necessary to effectuate the City of Lynchburg's participation in the settlements, including the required release of claims against the Manufacturers.

Adopted: September 9, 2025

Certified: Alicia L. Finney
Clerk of Council

National Opioid Settlement: Purdue Pharma L.P.
Rubris Reference Number: «=rubris_identifier»

TO LOCAL POLITICAL SUBDIVISIONS:
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT A NEW NATIONAL OPIOID SETTLEMENT.

PURDUE PHARMA L.P. & SACKLER FAMILY SETTLEMENT OVERVIEW

A proposed nationwide settlement agreement has been reached with Purdue (and certain of its affiliates) and the Sackler family concerning alleged misconduct related to opioids.

The proposed settlement is being implemented in connection with Purdue's bankruptcy proceedings, and consists of, among other things, a settlement of Purdue's claims against the Sacklers and certain other parties (referred to as the "Estate Settlement"), and a settlement of direct claims against the Sacklers held by States, local governments and other creditors (the "Direct Settlement", and together with the Estate Settlement, the "Settlement"). The Settlement contemplates that the Sacklers will be paying an aggregate of $6.5 billion in 16 payments over 15 years, including $1.5 billion on the settlement's Effective Date (expected to be in 2026), though some amounts are subject to discounted prepayments. These amounts are in addition to amounts available from the Purdue estate including amounts available on the Effective Date (expected to be around $900 million) and amounts that may be paid in the future.

The Settlement also contains injunctive relief governing opioid dispensing practices and requires the successor-in-interest of Purdue Pharma L.P. to implement safeguards to prevent diversion of prescription opioids, and also restrict certain Sacklers from directly or indirectly engaging in the manufacturing or sale of opioids, as detailed in the Settlement.

The proposed settlement has two key participation steps now that **all eligible states and territories elected to participate in the Direct Settlement.**

First, eligible subdivisions within each participating state decide whether to participate in the Direct Settlement. The Direct Settlement is documented in the Governmental Entity and Shareholder Direct Settlement Agreement, which is commonly referred to as the "GESA". The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the Direct Settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds.

YOU MUST PARTICIPATE IN THE DIRECT SETTLEMENT BY RETURNING YOUR PARTICIPATION FORM IN ORDER TO RECEIVE THE BENEFITS OF THE SETTLEMENT.

Second, concurrently with the solicitation of eligible subdivisions to participate in the Direct Settlement, votes will be solicited for approval of Purdue Pharma L.P.'s bankruptcy plan, which plan will provide distributions in respect of the Estate Settlement. NOT ALL SUBDIVISIONS ELIGIBLE TO PARTICIPATE IN THE SETTLEMENT WILL RECEIVE PACKAGES TO VOTE ON THE PLAN.

Please note that this is NOT a solicitation or a request for subdivisions to submit votes on the Purdue bankruptcy plan. This settlement package only pertains to a decision to participate in the Direct Settlement with the Sacklers.

If you receive a package to vote on the plan you should follow the applicable instructions for voting. PLEASE NOTE THAT VOTING ON THE PLAN IS SEPARATE FROM PARTICIPATION IN THE DIRECT SETTLEMENT. **IT IS NOT NECESSARY TO VOTE ON THE PLAN IN ORDER TO RECEIVE THE BENEFITS OF THE SETTLEMENT.**

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Direct Settlement provides that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for the Direct Settlement and was also retained for the prior national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in the Settlement, and therefore your subdivision may participate in the Direct Settlement. This notice is also being sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

If you are represented by an attorney with respect to opioid claims, please contact them. **Subdivisions can participate in the Settlement whether or not they filed a lawsuit or are represented.**

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlement, including each settlement agreement, may be found at: https://nationalopioidsettlement.com/purdue-sacklers-settlements/. This website will be updated to include information about how the Settlement is being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the terms of the settlement agreements and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state.

Your subdivision will need to decide whether to participate in the proposed Settlement, and subdivisions are encouraged to work through this process before the **September 30, 2025** deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENT?

The Settlement requires that you take affirmative steps to "opt in" to the Settlement.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator. In order to participate in the settlement, a subdivision must sign and return the required documentation.

Please add the following email addresses to your "safe" list so emails do not go to spam / junk folders: dse_na3@docusign.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Form and instructions.

All required documentation must be signed and returned on or before **September 30, 2025**.

National Opioids Settlements: Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, Zydus
Opioids Implementation Administrator
opioidsparticipation@rubris.com

York County, VA
Rubris Reference Number: CL-1768503

TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS: THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT NATIONAL OPIOID SETTLEMENTS.

SETTLEMENT OVERVIEW

Proposed nationwide settlement agreements ("Settlements") have been reached that would resolve opioid litigation brought by states, local political subdivisions, and special districts against eight opioids manufacturers, Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus (the "Manufacturers"). Local political subdivisions and special districts are referred to as "subdivisions."

The Settlements require the settling Manufacturers to pay hundreds of millions of dollars to abate the opioid epidemic. The Settlements will provide a maximum of approximately $720 million in cash to participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the Settlements require:

- Alvogen to immediately pay up to approximately $19 million;
- Amneal to pay up to approximately $74 million over 10 years, and to provide either approximately $177 million of its generic version of the drug Narcan or up to an additional approximately $44 million in cash;
- Apotex to immediately pay up to approximately $65 million;
- Hikma to immediately pay up to approximately $98 million, and to provide either approximately $35 million of its naloxone product or up to an additional approximately $7 million in cash;
- Indivior to pay up to approximately $75 million over five years, a portion of which, at the election of the state, could be paid in the form of Indivior's branded buprenorphine and/or nalmefene products with a value of up to $140 million.;
- Mylan to pay up to approximately $290 million over nine years;
- Sun to immediately pay up to approximately $32 million; and
- Zydus to immediately pay up to approximately $15 million.

The Settlements also contain injunctive relief governing opioid marketing, sale, distribution, and/or distribution practices and require the Manufacturers to implement safeguards to prevent diversion of prescription opioids.

Each of the proposed settlements has two key participation steps.

First, each eligible state decides whether to participate in each Settlement. A list of participating states for each settlement can be found at https://nationalopioidsettlement.com/.

Second, eligible subdivisions within each participating state decide whether to participate in each Settlement. The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. If the state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Settlements provide that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for these new Settlements and was also retained for the prior national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in one or more of the Settlements, and your subdivision may participate in those Settlements in which your state has elected to participate. This notice is also sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

If you are represented by an attorney with respect to opioid claims, please contact them. **Subdivisions can participate in the Settlements whether or not they filed a lawsuit or are represented.**

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlements, including each settlement agreement, may be found at: https://nationalopioidsettlement.com. This website also includes information about how the Settlements are being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the settlement agreement terms and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state. Information and documents regarding the Settlements and your state allocation can be found on the settlement website at https://nationalopioidsettlement.com/.

Your subdivision will need to decide whether to participate in the proposed Settlements, and subdivisions are encouraged to work through this process before the ***October 8, 2025*** deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

The Settlements require that you take affirmative steps to "opt in" to the Settlements.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator or, in some cases, your Attorney General's Office. In order to participate in a settlement, a subdivision must sign and return the required Participation Form for that settlement.

Please add the following email addresses to your "safe" list so emails do not go to spam / junk folders: dse_na3@docusign.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Forms and instructions.

All required documentation must be signed and returned on or before ***October 8, 2025***.

RESOLUTION: #R-24-055

A RESOLUTION OF THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA APPROVING THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENT

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, Virginia ("City"), by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City; and

WHEREAS, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

WHEREAS, the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with Kroger shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlement and has recommended that the City participate in the settlement in order to recover its share of the funds that the settlement would provide.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

1. That the Council of the City of Lynchburg, Virginia hereby approves of the City's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlement, including the required release of claims against Kroger.

2. That this Resolution shall be effective upon its adoption.

Adopted: July 9, 2024

Certified: Alicia L. Finney
Clerk of Council

RESOLUTION: #R-23-027

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY OF LYNCHBURG'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY OF LYNCHBURG'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, Virginia ("City"), by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlements and has recommended that the City participate in the settlements in order to recover its share of the funds that the settlement would provide.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Lynchburg City Council, this 14th day of March, 2023, approves of the City's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.

2. That this Resolution shall be effective upon adoption.

Adopted: March 14, 2023

Certified: Alicia L. Finney
Clerk of Council

RESOLUTION: #R-21-096

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to $26 billion nationwide to resolve opioid-related claims against them;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lynchburg, Virginia, this 14th day of December, 2021, approves of the City's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.

Adopted: December 14, 2021

Certified: Alicia L. Finney

Clerk of Council

RESOLUTION: #R-21-095

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING ("MOU") AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE MOU

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lynchburg, Virginia, this 14th day of December, 2021, hereby authorizes and approves of the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") attached hereto and incorporated by reference as Exhibit "A", and directs the City Attorney to execute the MOU on behalf of the City.

Adopted: December 14, 2021

Certified: Alicia L. Finney
Clerk of Council

VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

4. "Counsel" shall mean the undersigned private attorneys representing the Political Subdivisions.

5. "The Parties" shall mean the Commonwealth of Virginia, the Political Subdivisions, and Counsel.

6. "Negotiating Committee" shall mean a three-member representative group of the Parties. The Commonwealth shall be represented by the Virginia Attorney General or his designees. The Political Subdivisions and Counsel shall be represented by W. Edgar Spivey of Kaufman & Canoles, P.C. or his designee, and J. Burton LeBlanc of Baron & Budd, P.C. or his designee.

7. "Settlement" shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant named in Complaints filed by all the Political Subdivisions in court on or before April 30, 2020 when that resolution has been jointly entered into by the Commonwealth, the Political Subdivisions, and Counsel. "Settlement" also shall include the approval by a United States Bankruptcy Court of a plan of reorganization or liquidation of a Pharmaceutical Supply Chain Participant, or any other determination, ruling, or decision by a United States Bankruptcy Court, in which legal or equitable claims against the Pharmaceutical Supply Chain Participant by the Commonwealth and the Political Subdivisions are settled, adjudicated, released, or otherwise resolved.

8. "Opioid Funds" shall mean monetary amounts obtained through a Settlement as defined in this MOU.

9. "Approved Abatement Purposes" shall mean efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the

opioid epidemic, including but not limited to those efforts described in Section C(4)(a) through (j) of this MOU. In addition, "Approved Abatement Purposes" shall include the types of efforts approved for funding by the Authority that is defined in Section C(1). "Approved Abatement Purposes" also shall include any other abatement or remediation purposes to the extent such purposes are described in a Settlement.

10. "Pharmaceutical Supply Chain" shall mean the process and channels through which opioids or opioid products are manufactured, marketed, promoted, distributed or dispensed.

11. "Pharmaceutical Supply Chain Participant" shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

B. Allocation of Settlement Proceeds

1. All Opioid Funds shall be initially divided with fifteen percent (15%) going to the Participating Political Subdivisions ("Subdivision Share"), seventy percent (70%) going to the Virginia Opioid Abatement Fund and to other Approved Abatement Purposes as further described herein ("Opioid Abatement Share"), and fifteen percent (15%) going to the Commonwealth of Virginia ("Commonwealth Share").

2. The Subdivision Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

3. In the event a Participating Political Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Participating Political Subdivision shall be redistributed equitably based on the composition of the successor subdivision.

4. The Commonwealth Share shall be deposited to the Attorney General's Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund with moneys transferred to the Commonwealth's General Fund as provided by law. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Commonwealth Share shall be deposited and distributed accordingly.

5. The Opioid Abatement Share of 70% of the Opioid Funds shall be allocated and paid as follows:

   a. Fifty-five percent (55%) of the Opioid Funds shall be allocated and paid to the Virginia Opioid Abatement Fund ("Fund").

   b. Fifteen percent (15%) of the Opioid Funds shall be allocated and paid to the Participating Political Subdivisions and shall be used for Approved Abatement Purposes ("Direct Subdivision Abatement Share"). Upon request, a Participating Political Subdivision shall make publicly available information showing the purposes for which the Participating Political Subdivision used Direct Subdivision Abatement Share funds. The Direct Subdivision Abatement Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

6. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Subdivision Share and the Commonwealth Share shall be used for Approved Abatement Purposes.

7. To receive funds allocated under this MOU from any Settlement, the Commonwealth and the Participating Political Subdivisions will comply with the terms of any such Settlement, including, among other things, any reporting requirements or restrictions on the use of funds for administrative purposes.

C. Virginia Opioid Abatement Fund and Virginia Opioid Abatement Authority

1. The Parties have sought creation of a Virginia Opioid Abatement Authority ("Authority") through legislation submitted to the Virginia General Assembly, which passed in the form attached hereto as Exhibit B. The Authority shall administer the Fund, which also shall be created through the legislation. The Authority shall seek to abate and remediate the opioid epidemic in Virginia through financial support from the Fund in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in Virginia.

2. The Authority shall be governed by a Board of Directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources, or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a Participating Political Subdivision, to

be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority of an urban or suburban region containing Participating Political Subdivisions and one representative of a community services board or behavioral health authority of a rural region containing Participating Political Subdivisions, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a Participating Political Subdivision, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing City or County Attorney of a Participating Political Subdivision, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

a. The members appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor.

b. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. Ex officio members shall serve terms coincident with their terms of office.

c. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.

3. The Authority shall establish specific criteria and procedures for awards from the Fund; establish requirements for the submission of funding requests; evaluate funding requests in accordance with the criteria established by the Authority; make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of minimum percentages of funds that must be awarded to each Participating Political Subdivision; and evaluate the implementation and results of all efforts receiving support from the Authority.

4. The Authority may make grants and disbursements from the Fund that support efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic. Such efforts may include but shall not be limited to the following:

   a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies.

   b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved, or are at risk of becoming involved, in the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;

e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;

f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;

g. Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;

h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and

j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services.

5. The Authority shall provide financial support only for efforts that satisfy the following conditions:

a. The efforts shall be conducted or managed by a Virginia state agency or Participating Political Subdivision;

b. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;

c. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and

d. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.

6. The Authority shall give priority to applications for financial support for efforts that:

a. Collaborate with an existing program or organization that has an established record of success treating, preventing or reducing opioid use disorder or the misuse of opioids;

b. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate relative to population;

c. Treat, prevent or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community, as that term is defined in Va. Code § 56-576; or

d. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.

7. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:

a. Fifteen percent (15%) shall be restricted for use by state agencies;

b. Fifteen percent (15%) shall be restricted for use by Participating Political Subdivisions with these funds distributed in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

c. Thirty-five percent (35%) shall be restricted for use for regional efforts (a partnership of at least two Participating Political Subdivisions within a community services board region); and

d. Thirty-five percent (35%) shall be unrestricted and may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by the Participating Political Subdivisions, or for regional efforts in addition to the amounts set forth in subparagraphs 7(a)-(c), provided that the Authority shall ensure that such funds are used to accomplish the purposes described above or invested as described immediately below.

8. In distributing money from the Fund, the Authority shall balance immediate and anticipated needs with projected receipts of funds in order to best accomplish the purposes for which the Authority is established.

9. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System.

D. **Payment of Counsel and Litigation Expenses**

1. The Parties anticipate that any national Settlement will provide for payment of all or a portion of the attorneys' fees and litigation expenses of named plaintiff Participating Political Subdivisions. Counsel for any named plaintiff Participating Political Subdivision that seeks to recover attorneys' fees and litigation expenses from Settlement funds shall first seek to recover such fees and expenses from any national Settlement fund established to pay such fees and expenses. For such purposes, the Parties agree that the monetary recoveries obtained via Settlement are attributable to the Commonwealth and the Political Subdivisions 50% each.

2. In addition, the Parties agree that a supplemental attorneys' fees and costs fund (the "Deficiency Fund") will be created; provided, however, that such Deficiency Fund may not violate the terms of any national Settlement. In such event, the Parties

agree to exert diligent efforts to accomplish an alternate arrangement that preserves the payment of counsel and litigation expenses outlined hereunder. Administration of the Deficiency Fund shall be the responsibility of the Political Subdivisions, and the costs of administration may be paid out of the Deficiency Fund.

3. The Deficiency Fund is to be used to compensate counsel for the Participating Political Subdivisions that filed suit on or prior to April 30, 2020. Eligible contingent fee contracts shall have been executed on or before April 30, 2020.

4. The Deficiency Fund shall be funded as follows: from any national Settlement, the funds deposited in the Deficiency Fund shall be 25% of the Subdivision Share and 25% of the Direct Subdivision Abatement Share of each payment (annual or otherwise) that is allocated to the Commonwealth of Virginia (including its political subdivisions) for that Settlement. These funds shall be deposited to the Deficiency Fund prior to distribution to the Participating Political Subdivisions. No portion of the Deficiency Fund shall be drawn from the Commonwealth Share or the Fund.

5. The maximum percentage of any contingency fee agreement permitted for compensation shall be 25% of the portion of the Subdivision Share and the Direct Subdivision Abatement Share attributable to the named plaintiff Participating Political Subdivision that is a party to the contingency fee agreement, plus expenses attributable to that named plaintiff Participating Political Subdivision. Under no circumstances may counsel collect more for its work on behalf of a named plaintiff Participating Political Subdivision than it would under its contingency agreement with that named plaintiff Participating Political Subdivision.

6. To the extent that funds available in the designated amounts or percentages set forth in this Section D are inadequate to fully pay amounts due under contingent fee contracts, funds shall be distributed to private counsel for named plaintiff Participating Political Subdivisions who filed suit and entered into contingent fee contracts prior to April 30, 2020 on a pro rata basis based on the percentage of the total population of named plaintiff Participating Political Subdivisions contained in the named plaintiff Participating Political Subdivision that private counsel represents.

7. Any funds remaining in the Deficiency Fund in excess of the amounts needed to cover private counsel's representation agreements shall revert to the Participating Political Subdivisions and be allocated to the sources from which they derived.

8. Any attorneys' fees related to representation of the Commonwealth of Virginia shall not be paid from the Subdivision Share, the Direct Subdivision Abatement Share, or the Fund but shall be drawn directly from the Commonwealth Share or through other sources. Any payments of attorneys' fees related to representation of the Commonwealth of Virginia from such other sources shall not be deemed Opioid Funds subject to allocation under this MOU.

E. Settlement Negotiations

1. The Negotiating Committee members agree to inform each other in advance of any negotiations relating to any Virginia-only Settlement with a Pharmaceutical Supply Chain Participant that includes both the Commonwealth and its Political Subdivisions and shall provide each other the opportunity to participate in such negotiations.

2. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants. Neither this provision, nor any other, shall be construed to state or imply that the Commonwealth or the Political Subdivisions are unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the Commonwealth's and the Political Subdivisions' efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.

3. As this is a Virginia-specific effort, the Negotiating Committee shall be chaired by the Attorney General or his designee.

4. The Commonwealth of Virginia, the Political Subdivisions, or Counsel may withdraw from coordinated Settlement discussions detailed in this Section upon 5 days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section E.

5. The obligations in this Section E shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case-specific resolution with that particular Pharmaceutical Supply Chain Participant.

6. Nothing in this MOU alters or changes the right of the Commonwealth or any Political Subdivision to pursue its own claim. The intent of this MOU is to join the Parties to reach a Settlement or Settlements.

Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above MOU, including comments solicited from client Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the Commonwealth and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require acceptance by the Commonwealth of Virginia and the Participating Political Subdivisions.

We, the undersigned, hereby accept the VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING. We understand that the purpose of this MOU is to permit collaboration between the Commonwealth of Virginia and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential Settlement funds obtained under this MOU between the Commonwealth of Virginia and the Participating Political Subdivisions in a manner that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Virginia.

Executed this 20th day of August, 2021.

FOR THE COMMONWEALTH OF VIRGINIA:

Mark R. Herring

MARK R. HERRING
ATTORNEY GENERAL

Executed this 20th day of August, 2021

Signature:____________________

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EXHIBIT A

Table 1: Opioid Settlement Allocations to Counties and Independent Cities

Location	%	Location	%	Location	%
Accomack	0.348%	Franklin City	0.079%	Norton City	0.110%
Albemarle	0.863%	Frederick	1.277%	Nottoway	0.133%
Alexandria City	1.162%	Fredericksburg City	0.524%	Orange	0.638%
Alleghany	0.213%	Galax City	0.139%	Page	0.410%
Amelia	0.100%	Giles	0.409%	Patrick	0.329%
Amherst	0.299%	Gloucester	0.424%	Petersburg City	0.395%
Appomattox	0.133%	Goochland	0.225%	Pittsylvania	0.750%
Arlington	1.378%	Grayson	0.224%	Poquoson City	0.186%
Augusta	0.835%	Greene	0.178%	Portsmouth City	1.937%
Bath	0.037%	Greensville	0.124%	Powhatan	0.262%
Bedford	0.777%	Halifax	0.353%	Prince Edward	0.190%
Bland	0.147%	Hampton City	1.538%	Prince George	0.351%
Botetourt	0.362%	Hanover	1.079%	Prince William	3.556%
Bristol City	0.434%	Harrisonburg City	0.523%	Pulaski	1.061%
Brunswick	0.107%	Henrico	4.473%	Radford City	0.247%
Buchanan	0.929%	Henry	1.220%	Rappahannock	0.091%
Buckingham	0.127%	Highland	0.023%	Richmond	0.084%
Buena Vista City	0.078%	Hopewell City	0.344%	Richmond City	4.225%
Campbell	0.456%	Isle of Wight	0.356%	Roanoke	1.498%
Caroline	0.318%	James City	0.612%	Roanoke City	1.859%
Carroll	0.440%	King George	0.306%	Rockbridge	0.235%
Charles City	0.073%	King William	0.178%	Rockingham	0.614%
Charlotte	0.138%	King and Queen	0.072%	Russell	1.064%
Charlottesville City	0.463%	Lancaster	0.135%	Salem City	0.786%
Chesapeake City	2.912%	Lee	0.556%	Scott	0.421%
Chesterfield	4.088%	Lexington City	0.093%	Shenandoah	0.660%
Clarke	0.125%	Loudoun	2.567%	Smyth	0.592%
Colonial Heights City	0.283%	Louisa	0.449%	Southampton	0.137%
Covington City	0.100%	Lunenburg	0.088%	Spotsylvania	1.417%
Craig	0.070%	Lynchburg City	0.816%	Stafford	1.443%
Culpeper	0.790%	Madison	0.163%	Staunton City	0.440%
Cumberland	0.100%	Manassas City	0.452%	Suffolk City	0.710%
Danville City	0.637%	Manassas Park City	0.095%	Surry	0.058%
Dickenson	0.948%	Martinsville City	0.494%	Sussex	0.081%
Dinwiddie	0.196%	Mathews	0.088%	Tazewell	1.606%
Emporia City	0.050%	Mecklenburg	0.344%	Virginia Beach City	4.859%
Essex	0.101%	Middlesex	0.108%	Warren	0.766%
Fairfax	8.672%	Montgomery	1.205%	Washington	0.996%

Fairfax City	0.269%	Nelson	0.147%	Waynesboro City	0.363%
Falls Church City	0.102%	New Kent	0.156%	Westmoreland	0.223%
Fauquier	1.210%	Newport News City	2.047%	Williamsburg City	0.086%
Floyd	0.182%	Norfolk City	3.388%	Winchester City	0.649%
Fluvanna	0.194%	Northampton	0.122%	Wise	1.756%
Franklin	0.954%	Northumberland	0.129%	Wythe	0.642%
				York	0.561%

EXHIBIT B

Va. Code Ann. § 2.2-2365

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2365. Definitions

As used in this article, unless the context requires a different meaning:

"Authority" means the Opioid Abatement Authority.

"Board" means the board of directors of the Authority.

"Community services board region" means a region as determined by the Department of Behavioral Health and Developmental Services for purposes of administering Chapter 5 (*§ 37.2-500* et seq.) of Title 37.2.

"Fund" means the Opioid Abatement Fund.

"Historically economically disadvantaged community" means the same as such term is defined in *§ 56-576*.

"Local apportionment formula" means any formula submitted to the Attorney General by participating localities pursuant to the provisions of subsection B of *§ 2.2-507.3.*

"Participating locality" means any county or independent city that agrees to be bound by the terms of a settlement agreement entered into by the Attorney General relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and that releases its own such claims.

"Regional effort" means any effort involving a partnership of at least two participating localities within a community services board region.

History

2021, Sp. Sess. I, cc. 306 , *307* .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2366

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2366. Opioid Abatement Authority established

The Opioid Abatement Authority is established as an independent body. The purpose of the Authority is to abate and remediate the opioid epidemic in the Commonwealth through financial support from the Fund, in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth. The Authority's exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2367

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2367. Board of directors; members

A.The Authority shall be governed by a board of directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a participating locality, to be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority serving an urban or suburban region containing participating localities and one representative of a community services board or behavioral health authority serving a rural region containing participating localities, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a participating locality, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing county or city attorney of a participating locality, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

The member appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor. If the term of the office to which a member appointed pursuant to clause (iii) or (v) was elected expires prior to the expiration of his term as a member of the board, the Governor may authorize such member to complete the remainder of his term as a member or may appoint a new member who satisfies the criteria of clause (iii) or (v), as applicable, to complete the remainder of the term.

B.1. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms.

2. Ex officio members shall serve terms coincident with their terms of office.

C.The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board.

D.A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business.

E.The Board shall meet annually or more frequently at the call of the chairman.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EDITOR'S NOTE. --

Acts 2021, Sp. Sess. I, cc. 306 and 307, cl. 2 provides: "That the initial appointments of nonlegislative citizen members to the board of directors of the Opioid Abatement Authority shall be staggered as follows: (i) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of one year, (ii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of two years, (iii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of three years, and (iv) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. For purposes of this enactment, "nonlegislative citizen member" means any member identified in clauses (iii) through (viii) of § 2.2-2367 of the Code of Virginia, as created by this act. Any nonlegislative citizen member appointed to an initial term of less than four years shall be eligible to serve two additional full four-year terms."

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2368

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2368. Duties of the Authority

The Authority shall:

1. Establish specific criteria and procedures for awards from the Fund;

2. Establish requirements for the submission of funding requests;

3. Evaluate funding requests in accordance with the criteria established by the Authority and the provisions of this article;

4. Make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of mandatory minimum percentages of funds to be awarded from the Commonwealth to each participating locality;

5. Evaluate the implementation and results of all efforts receiving support from the Authority; and

6. Administer the Fund in accordance with the provisions of this article.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2369

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2369. Powers of the Authority

In order to carry out its purposes, the Authority may:

1. Make grants and disbursements from the Fund that support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids or otherwise abate or remediate the opioid epidemic;

2. Pay expenditures from the Fund that are necessary to carry out the purposes of this article;

3. Contract for the services of consultants to assist in the evaluation of the efforts funded by the Authority;

4. Contract for other professional services to assist the Authority in the performance of its duties and responsibilities;

5. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other assistance from federal agencies, the Commonwealth, or any other public or private source to carry out the purposes of this article;

6. Enter into any agreement or contract relating to the acceptance or use of any grant, assistance, or support provided by or to the Authority or otherwise in furtherance of the purposes of this article;

7. Perform any lawful acts necessary or appropriate to carry out the purposes of the Authority; and

8. Employ such staff as is necessary to perform the Authority's duties. The Authority may determine the duties of such staff and fix the salaries and compensation of such staff, which shall be paid from the Fund. Staff of the Authority shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees. Staff of the Authority shall not be subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2370

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2370. Conditions and restrictions on financial assistance

A.The Authority shall provide financial support only for efforts that satisfy the following conditions:

1. The efforts shall be designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic, which may include efforts to:

a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved in, or are at risk of becoming involved in, the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;

e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;

f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions and the needs of their families, including infants with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;

g. Support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;

h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and

j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services;

2. The efforts shall be conducted or managed by any agency of the Commonwealth or participating locality;

3. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;

4. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and

5. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.

B.The Authority shall give priority to applications for financial support for efforts that:

1. Collaborate with an existing program or organization that has an established record of success treating, preventing, or reducing opioid use disorder or the misuse of opioids;

2. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate, relative to population;

3. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community; or

4. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2371

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2371. Cooperation with other agencies

All agencies of the Commonwealth shall cooperate with the Authority and, upon request, assist the Authority in the performance of its duties and responsibilities.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

§ 2.2-2372. Form and audit of accounts and records

A.The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B.The accounts and records of the Authority are subject to an annual audit by the Auditor of Public Accounts or his legal representative.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2373

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2373. Annual report

The Authority shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Authority no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. The executive summary shall include information regarding efforts supported by the Authority and expenditures from the Fund.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

EFFECTIVE DATE. –

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2374

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2374. Opioid Abatement Fund

A.There is hereby created in the state treasury a special, nonreverting fund to be known as the Opioid Abatement Fund, referred to in this section as "the Fund," to be administered by the Authority. All funds appropriated to the Fund, all funds designated by the Attorney General under § 2.2-507.3 from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and any gifts, donations, grants, bequests, and other funds received on the Fund's behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be authorized by majority vote of the Board.

B.Moneys in the Fund shall be used to provide grants and loans to any agency of the Commonwealth or participating locality for the purposes determined by the Authority in accordance with this article and in consultation with the Office of the Attorney General. The Authority shall develop guidelines, procedures, and criteria for the application for and award of grants or loans in consultation with the Office of the Attorney General. Such guidelines, procedures, and criteria shall comply with the terms of any applicable settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities.

C.The Authority shall fund all staffing and administrative costs from the Fund. Its expenditures for staffing and administration shall be limited to those that are reasonable for carrying out the purposes of this article.

D.For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:

1. Fifteen percent shall be restricted for use by state agencies;

2. Fifteen percent shall be restricted for use by participating localities, provided that if the terms of a settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities, require this portion to be distributed according to a local apportionment formula, this portion shall be distributed in accordance with such formula;

3. Thirty-five percent shall be restricted for use for regional efforts; and

4. Thirty-five percent shall be unrestricted. Unrestricted funds may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by participating localities, or for regional efforts in addition to the amounts set forth in subdivisions 1, 2, and 3, provided that the Authority shall ensure that such funds are used to accomplish the purposes of this article or invested under subsection F.

E.In distributing money from the Fund under subsection D, the Authority shall balance immediate and anticipated needs with projected receipts of funds to best accomplish the purposes for which the Authority is established.

F.The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in *§ 51.1-124.40.* The State Treasurer is not liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

History

2021, Sp. Sess. I, cc. 306 , *307* .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2375

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2375. Exemption from taxes or assessments

The exercise of the powers granted by this article shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and shall at all times be free from state and local taxation. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2376

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2376. Exemption of Authority from personnel and procurement procedures

The provisions of the Virginia Personnel Act (*§ 2.2-2900* et seq.) and the Virginia Public Procurement Act (*§ 2.2-4300* et seq.) shall not apply to the Authority in the exercise of any power conferred under this article.

History

2021, Sp. Sess. I, cc. 306 , *307* .

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Executive Summary of National Opioid Settlements

[5.06.2024. Subject to ongoing corrections and updates]

In 2021, nationwide settlements were reached to resolve all opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen ("Distributors") and against manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"). These National Settlements have been finalized, and payments have already begun. In all, the Distributors will pay up to $21 billion over 18 years, and J&J will pay up to an additional $5 billion over no more than nine years.

In late 2022, agreements were announced with three pharmacy chains—CVS, Walgreens, and Walmart—and two additional manufacturers—Allergan and Teva. In January 2023, each of those pharmacy chains and manufacturers confirmed that a sufficient number of states had agreed to the settlements to move forward. The 2022 National Settlements have now all been finalized.

As was with the 2021 National Settlements, the greater the level of subdivision participation, the more funds will ultimately be paid out for abatement. The process by which subdivisions will receive funding for the 2022 National Settlements is currently being finalized. Assuming maximum participation, the 2022 National Settlements require:

- Teva to pay up to $3.34 billion over 13 years and to provide either $1.2 billion of its generic version of the drug Narcan over 10 years or $240 million of cash in lieu of product, as each state may elect;
- Allergan to pay up to $2.02 billion over 7 years;
- CVS to pay up to $4.90 billion over 10 years;
- Walgreens to pay up to $5.52 billion over 15 years; and
- Walmart to pay up to $2.74 billion in 2023, and all payments to be made within 6 years.

(These figures include amounts attributable to prior settlements between the Defendants and certain states/subdivisions and amounts for attorneys' fees and costs.)

Under both the 2021 and 2022 National Settlements, at least 85% of the funds going directly to participating states and subdivisions must be used for abatement of the opioid epidemic, with the overwhelming bulk of the proceeds restricted to funding future abatement efforts by state and local governments.

In addition to providing billions of dollars for abatement, the settlements also impose changes in the way the settling defendants conduct their business. For example:

- The Distributors will create a groundbreaking clearinghouse through which they will be required to account not only for their own shipments, but also the shipments of the other distributors, in order to detect, stop, and report suspicious opioids orders;
- J&J (which ceased marketing Opioids in 2015 and ceased selling Opioids in 2020) will not market or sell any opioid products in the next ten years and has agreed to cease lobbying concerning prescription opioids for ten years;
- Teva and Allergan have agreed to strict limitations on their marketing, promotion, sale, and distribution of opioids, including a ban on: (1) promotion and lobbying; (2) rewarding or disciplining employees based on volume of opioid sales; and (3) funding or grants to third parties; and
- Walmart, CVS, and Walgreens are required to implement changes in how they handle opioids, including requirements addressing their compliance structures, pharmacist judgment, diversion prevention, suspicious order monitoring, and reporting on red-flag processes, as well as blocked and potentially problematic prescribers.

The 2021 and 2022 National Settlements are the culmination of many years of intense negotiations among representatives of the State Attorneys General, the court-appointed Plaintiffs' Executive Committee and Negotiation Committee, which are comprised of lawyers in the National Prescription Opiate MDL who represent subdivisions, and counsel to the Settling Defendants. These negotiations were facilitated by Judge Dan Polster (who oversees the federal MDL litigation), by the Special Masters appointed by the MDL Court, and by experienced, neutral mediators.

Agreements with other defendants including Kroger and Hikma have also moved forward and are in the process of being finalized. The agreements do not settle or release any claims brought by Tribes or by private parties, including private individuals, private hospitals, or private third-party payers.

Additional information, including answers to FAQs, can be found at **nationalopioidsettlement.com/news (https://nationalopioidsettlement.com/news)**.

Opioid Litigation Settlements Participation Overview

Presentation by the
Office of the Attorney General of Virginia

October 25, 2021

Distributors and Janssen Settlements

- $26 Billion National Settlement
- Approximately ***$530 Million*** available to Virginia and Localities
  - Amount Depends on Participation of Localities
- Funds Distributed over 18 and 9 years with sums front-loaded
- Join by January 2, 2022

Other Opioid Settlements and Litigation

- McKinsey
- Bankruptcy Cases
  - Purdue Pharma
  - Mallinckrodt
- Teva/Cephalon Litigation
- Other Investigations

VA Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding

- Agreement Between Commonwealth and Localities Regarding Allocation of Settlement Proceeds
- Impetus for Creation of Virginia's Opioid Abatement Authority and Opioid Abatement Fund
  - Va. Code §§ 2.2-507.3, 2.2-2365 through 2.2-2376
- Provisions for Payment of Localities' Litigation Counsel

OFFICE OF THE ATTORNEY GENERAL

Allocation of Settlement Funds under MOU

- 15% to Participating Localities – Unrestricted*
- 15% to Participating Localities – Abatement Purposes
- 15% to Commonwealth – Unrestricted*
- 55% to Opioid Abatement Fund

*Unless settlement requires that all or more funds be used for abatement

Opioid Abatement Fund Allocation

- 15% to Participating Localities*
- 35% to Participating Localities' Regional Partnerships*
- 15% to State Agencies
- 35% Unrestricted – Any of the above and administrative expenses*

*Up to 85% available for Participating Localities

VIRGINIA OPIOID ABATEMENT AUTHORITY

BOARD OF DIRECTORS

- **Joseph P. Baron**
  Sheriff, City of Norfolk

- **Sharon H. Buckman**
  Director of Clinical Services, Piedmont Community Service

- **The Honorable James Holland**
  Chair, County Board of Supervisors, Chesterfield County

- **Victor McKenzie Jr.**
  Executive Director, Substance Abuse and Addiction Recovery Alliance of Virginia

- **Sarah T. Melton, PharmD, BCPP**
  Associate Professor of Pharmacy Practice, Gatton College of Pharmacy, East Tennessee State University

- **Timothy R. Spencer**
  City Attorney, City of Roanoke

- **James Thompson**
  Founder and Chief Medical Officer, Master Center for Addiction Medicine

- **Daryl Washington, LCSW**
  Executive Director, Community Services Board, Fairfax-Falls Church

- **Corey Pleasants**
  Assistant Secretary of Health and Human Resources

- **Todd Pillion, DDS**
  Senator, 40^{th} Senatorial District

- **Jay Jones**
  Delegate, 89^{th} District

VIRGINIA OPIOID ABATEMENT AUTHORITY

CURRENT SCHEDULE STATUS

- **First Meeting: October 5, 2021**
- **Next Meeting: November 8, 2021 @ 1:00 p.m.**
  - **Will adopt By-Laws**
  - **Election of Officers**

Participation Logistics

- Localities Must Join **Both** the Settlements and the Virginia MOU to Receive Funds

- Adopt Resolutions to Join the Settlements **and** the Virginia MOU

- Submit Required Documentation ***by January 2, 2022***

Participation Logistics

STEP 1 – Join the Virginia MOU

- Adopt a resolution approving the MOU
    - Model resolution language can be provided

- Send copies of the resolution to:
    - Tom Beshere, Virginia Attorney General's Office: tbeshere@oag.state.va.us
    - Ed Spivey, Kaufman & Canoles: wespivey@kaufcan.com

Participation Logistics

STEP 2 – Sign on to the Settlement Agreements

- Adopt a resolution approving the settlements and delegating authority to enter/execute the settlements to the relevant subdivision officer.

- Go to https://nationalopioidsettlement.com and register with your assigned registration code to register. Provide the name and e-mail address of the person who will be authorized to sign formal and binding documents on your subdivision's behalf.

- Once you receive the settlement participation documents, use the DocuSign service to complete and execute the documents, and submit the completed and signed documentation via the website.

**Note: Steps 1 and 2 can be done concurrently.*

Participation Logistics

<u>REMEMBER</u>:

To maximize Virginia's share (and the share of Participating Localities) of money from the National Settlements . . .

Localities must complete all steps by:

January 2, 2022

National Opioids Settlement
P.O. Box 43196
Providence, RI 02940-3196

NPD

122810009281
Postal service: Please do not mark barcode
NPD AT-717-754
W. Edgar Spivey Kaufman & Canoles, P.C.
150 W. Main Street, Suite 2100
Norfolk VA 23510

TO LOCAL POLITICAL SUBDIVISIONS: IMPORTANT INFORMATION ABOUT THE NATIONAL OPIOID SETTLEMENT. SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE. THE DEADLINE FOR PARTICIPATION TO MAXIMIZE SETTLEMENT BENEFITS IS JANUARY 2, 2022.

If your subdivision is represented by an attorney with respect to opioid claims, please immediately contact them.

SETTLEMENT OVERVIEW

After years of negotiations, two proposed nationwide settlement agreements ("Settlements") have been reached that would resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (collectively, "Janssen").

The proposed Settlements require the Distributors and Janssen to pay billions of dollars to abate the opioid epidemic. Specifically, the Settlements require the Distributors to pay up to $21 billion over 18 years and Janssen to pay up to .$5 billion over no more than 9 years, for a total of $26 billion (the "Settlement Amount"). Of the Settlement Amount, approximately $22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the [illegible] of the opioid crisis.

The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states' and subdivisions' lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids.

Each of the proposed Settlements has two key participation steps. First, each state decides whether to participate in the Settlements. Virginia has joined both Settlements. Second, the subdivisions within each participating state must then decide whether to participate in the Settlements. Generally, the more subdivisions that participate, the greater the amount of funds that flow to that state and its participating subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds.

This letter is part of the formal notice required by the Settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

You are receiving this letter because Virginia has elected to participate in both of the two national Settlements against (1) the Distributors, and (2) Janssen, and your subdivision may participate in the Settlements; This notice is being sent directly to subdivisions and also to attorneys for subdivisions that we understand are litigating against these companies. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlements.

WHERE CAN YOU FIND MORE INFORMATION?

This letter is intended to provide a brief overview of the Settlements. Detailed information about the Settlements may be found at https://nationalopioidsettlement.com/. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state. This website will be supplemented as additional documents are created.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

You must go to the national settlement website to register to receive in the coming weeks and months the documentation your subdivision will need to participate in the Settlements (if your subdivision is eligible). All required documentation must be executed and submitted electronically through the website and must be executed using the "DocuSign" service. As part of the registration process, your subdivision will need to identify, and provide the email address for, the individual who will be authorized to sign formal and binding documents on behalf of your subdivision.

Your unique Subdivision Identification Number to use to register is: _______

HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN EACH STATE?

The settlement funds are first divided among the participating states according to a formula developed by the Attorneys General that considers population and the severity of harm cause by the opioid epidemic in each participating state. Each state's share of the abatement funds is then further allocated within each state according to agreement between the state and its subdivisions, applicable state allocation legislation, or, in the absence of these, the default provisions in the agreements.

Many states have or are in the process of reaching an agreement on how to allocated abatement funds within the states. Allocation agreements, legislation, and other information about Virginia's allocation agreement or legislation can be found on the national settlement website. The allocation section of the website will be supplemented as more intrastate allocation arrangements are finalized.

In reviewing allocation information, please note that while all subdivisions may participate in the Settlements, not all subdivisions are eligible to receive direct payments. To promote efficiency in the use of abatement funds and avoid administratively burdensome disbursements that would be too small to add a meaningful abatement response, certain small subdivisions do not automatically receive a direct allocation. However, participation by such subdivisions will help maximize the amount of abatement funds being paid in the Settlements, including those going to counties, cities, parishes, and other larger subdivisions in their communities.

Questions About Subdivision Identification Number?

Email:

registration@nationalopioidsettlement.com

National Opioid Settlement

National Opioids Settlement

Update: Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

[Please use Google Chrome, Microsoft Edge, or another Modern Browser]

On Wednesday, July 21, 2021, the National Prescription Opiate Litigation MDL Plaintiffs' Executive Committee, several State Attorneys General, and four major defendants announced agreement on terms of proposed nationwide settlements to resolve all Opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"). These settlements, if agreed and adopted, will provide substantial funds to states and subdivisions for abatement of the Opioids epidemic across the country and will impose transformative changes in the way the settling defendants conduct their business

This website provides copies of the agreements, as well as additional documents and information concerning these historic proposed settlements. The agreements themselves control the terms of the settlements and entities eligible to participate in the settlements should consult with counsel about participation

- Distributor Master Settlement Agreement

STATE-SPECIFIC DOCUMENTS

Arizona
Colorado
Delaware
Florida
Kansas
Kentucky
Massachusetts
Minnesota
[illegible]
Nevada
[illegible]
New York
North Carolina
Ohio
Tennessee
Texas
Virginia
Wisconsin

National Opioid Settlement

HOME EXECUTIVE SUMMARY EXPLANATORY CHARTS DISTRIBUTOR SETTLEMENT AGREEMENT J&J SETTLEMENT AGREEMENT SETTLEMENT CONFIRMATIONS ORDERS ETHICS OPINION FAQ

This site will be supplemented and updated as new information becomes available.

Virginia Documents

- Allocation Deal – Virginia

STATE-SPECIFIC DOCUMENTS

Arizona

Colorado

Delaware

Florida

Kansas

Kentucky

Massachusetts

Minnesota

Nebraska

Nevada

New Jersey

New York

North Carolina

Ohio

Tennessee

Texas

Virginia

Wisconsin

ttps://nationalopioidsettlement.com

VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

National Opioid Settlement

HOME EXECUTIVE SUMMARY EXPLANATORY CHARTS DISTRIBUTOR SETTLEMENT AGREEMENT J&J SETTLEMENT AGREEMENT SETTLEMENT CONFIRMATIONS ORDERS ETHICS OPINION FAQ

This site will be supplemented and updated as new information becomes available.

National Opioids Settlement

Update: Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

[Please use Google Chrome, Microsoft Edge, or another Modern Browser]

On Wednesday, July 21, 2021, the National Prescription Opiate Litigation MDL Plaintiffs' Executive Committee, several State Attorneys General, and four major defendants announced agreement on terms of proposed nationwide settlements to resolve all Opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"). These settlements, if agreed and adopted, will provide substantial funds to states and subdivisions for abatement of the Opioids epidemic across the country and will impose transformative changes in the way the settling defendants conduct their business.

This website provides copies of the agreements, as well as additional documents and information concerning these historic proposed settlements. The agreements themselves control the terms of the settlements and entities eligible to participate in the settlements should consult with counsel about participation.

- Distributor Master Settlement Agreement

STATE-SPECIFIC DOCUMENTS

Arizona

Colorado

Delaware

Florida

Kansas

Kentucky

Massachusetts

Minnesota

Nebraska

Nevada

New Jersey

New York

North Carolina

Ohio

Tennessee

Texas

Virginia

Wisconsin

settlement-registration.web.app

Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

Step 1: Verify Registration Code

Select your state, your political subdivision, enter your Subdivision's unique registration code, and click "Verify Registration Code"

State

Political Subdivision

Registration Code

Verify Registration Code

settlement-registration.web.app

Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

Registration Code Verified

State: Virginia

Political Subdivision: **PRINCE WILLIAM COUNTY | PRINCE WILLIAM COUNTY**

Step 2: Complete the required information below

Fill in the information for the person authorized to sign the settlement documents for your Political Subdivision and click "Submit"

First Name

Last Name

Note: Please provide the email address that the person who will be signing regularly uses for their government work

Email

Street Address

Suite (optional)

City

State

Zip

Phone Number

(000) 000-0000

Will your political subdivision be executing your settlement participation form via DocuSign or paper signature?

○ DocuSign ○ paper signature

Type the name of the person submitting this form

Name

Submit

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS [CITY COUNCIL] APPROVING OF THE COUNTY'S [CITY'S] PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY [CITY] ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S [CITY'S] PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to $26 billion nationwide to resolve opioid-related claims against them;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors [City Council], this ___ day of , 2021, approves of the County's [City's] participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County [City] Attorney to execute the documents necessary to effectuate the County's [City's] participation in the settlements, including the required release of claims against settling entities.

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RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS [CITY COUNCIL] APPROVING OF THE COUNTY'S [CITY'S] PARTICIPATION IN THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING ("MOU") AND DIRECTING THE COUNTY [CITY] ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S [CITY'S] PARTICIPATION IN THE MOU

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors [City Council], this ___ day of , 2021, hereby authorizes and approves of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") attached hereto and incorporated by reference as Exhibit "A," and directs the County [City] Attorney to execute the MOU.

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Questions?

Office of the Attorney General Contacts:

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Deputy Attorney General

Richard S. Schweiker, Jr.
Senior Assistant Attorney General and Section Chief

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Assistant Attorney General
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