// 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 opposed the substitute motion, calling for accountability, and adherence to budget procedures.

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

Councilmember Timmer re-explained that Section 58.1-3321, Section A, states ““When an annual assessment, biannual assessment, or general reassessment of real property by a county, city, or town, would result in an increase of 1% or more increase in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year, so as to cause such rate of levy to produce no more than 101% of the previous year's real property tax levies, unless Subsection B is complied with. Which rate shall be determined by multiplying the previous year’s total real property tax levies by 101% and dividing the product by the forthcoming tax year’s total real property assessed value. An additional assessment or reassessment due to the construction of new or other improvements, including those improvements and changes set forth in 58.1-3285, to the property shall not be an annual assessment; assessed value of such improvements be included in calculating the new tax levy for purposes of this subsection. Special levies shall not be included in any calculations provided for under this section.” She said that Section B states, “The governing body of a county, city, or a town may, after conducting a public hearing, which shall not be held at the same time of the annual budget hearing, increases the rate above the reduced rate required in Subsection A, if any such increase is deemed to be necessary by such governing body.”

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

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

// In the matter of Agenda Item #8, Vice Mayor Diemer motioned, seconded by Councilmember Reed, to adopt Resolution #R-25-057 to set the City Council's regular meetings for CY2026 and to move the City

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