

September 23, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of September, 2025 at 4:00 p.m. in the 2nd Floor Conference Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

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

// In the matter of Planning, Agenda Item #1, Mr. Tom Martin gave a brief overview of a Conditional Use Permit for 1115 Wise Street to reuse an existing structure for four apartment units, and the property is currently zoned to be five and recommended for Neighborhood Commercial on the City's future land use map. He noted that historically, this property has been used for up to three apartments in the past and has been condemned since 2014 with numerous weed and trash complaints there, as well as being in the City's derelict program. He said this encouraged the previous owner to sell it to this owner, who plans to rehabilitate it. He commented that this shows that the derelict program was working, and approving this CUP would not change the underlying commercial zoning but would make the existing 1905-built structure contribute to the neighborhood again.

Councilmember Wilder said he had received some calls regarding the parking on Wise Street, but it seems there is a driveway there.

Mr. Martin responded that they would be required to have one space per unit, and there is on-street parking in the area and ample space off the driveway in the rear of the structure to have parking.

// In the matter of Planning, Agenda Item #2, Mr. Martin gave a brief overview of a rezoning of 826 Kemper Street, which proposes to rezone a 0.37 acres from Light Industrial District to B4 Urban Commercial District. He said this was formerly Mary Jane's Restaurant and has been vacant for several years, with the building now vacant and in disrepair. He noted that if the property is rezoned, they would use the first floor for a gift shop and add a second story, which would be used for two short-term rentals as depicted in the architect's rendering. He added that this would be a great use in the area of the Kemper Street train station, as well as being adjacent to the Greater Lynchburg Transit Company's transfer facility.

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Councilmember Wilder commented that he is glad to see they would be sprucing up the train station area with the Kemper Street development.

Vice Mayor Diemer commented that a restaurant is badly needed in this area, as it is definitely a food desert.

// In the matter of Planning, Agenda Item #3, Mr. Martin gave a brief overview of a petition to rezone townhomes at 663 Leesville Road from R1 to R4 conditional, which is high-density residential. He said if this were approved by Council, it would add 14 additional townhomes that would become part of the Cedar Ridge townhome development that Council approved in May 2025 for 54 townhomes. He said there would be no additional access points onto Leesville Road other than what was previously approved by Council, and the existing single-family home on this parcel would be subdivided off and remain the frontage character of Leesville Road.

Vice Mayor Diemer stated that he had voted against the Leesville Road zoning request, and his concerns remain regarding eight unanswered developments approved on that road with no traffic capacity determined. He asked if there would be a comprehensive Leesville Road transportation study done once these eight or nine developments go in.

Mr. Martin responded that his staff could speak with public works engineering about it, but he was not aware of one at this time.

Vice Mayor Diemer commented that the situation was not getting better, and this would just add more cars to it. He mentioned that citizens had spoken to him emphatically about this, and he is trying to represent their interests.

// In the matter of Boards and Commissions, Agenda Item #4, Clerk of Council Alicia Finney gave an overview of the fourth quarter boards and commissions reporting. She stated reported that these quarterly briefings are meant to increase awareness around Council-appointed boards and commissions, whether that's time commitment or backgrounds or membership qualifications, and it also gives Council ample time to understand the needs of these boards, which include vacancies or reappointments to the Social Services Advisory Committee, Lynchburg Redevelopment & Housing Authority, Business Development Centre, Lynchburg Parking Authority, and the Greater Lynchburg Transit Company's Board of Directors.

Ms. Finney stated that she will be taking resumes and applications through October 7, and Council is scheduled for a closed session on October 14 to discuss them.

// In the matter of City Council, Agenda Item #5, Lynchburg City Council Rules of Procedure Discussion, City Attorney Matthew Freedman presented Council with information regarding possible updates to the Rules of Procedure. The proposed updates are included in a draft resolution. At Council's request, proposed revisions submitted by Councilmember Timmer have been incorporated into the draft resolution. Councilmember Timmer's previously submitted draft is also included with the agenda materials for reference. City staff seek Council direction regarding which proposed revisions to the Rules of Procedure should be considered for adoption.

By consensus, Council agreed to conclude discussion at resolving clause #9 which addressed Rules of Procedure Section § 4-1. Preparation, and pick up at the following meeting.

// In the matter of City Council, Agenda Item #6, Councilmember Misjuns introduced the proposed ordinance to amend the City Code to add Section § 27-12.1 addressing obscene or indecent performances and exhibitions. He stated that the proposal was prompted by raised constituent concerns and the anticipated opening of a City amphitheater. He explained that the intent was to protect minors and families in a manner consistent with state law and constitutional standards. Councilmember Misjuns stated that the ordinance would apply only to conduct that violates state obscenity law and is visible from a public place, and that it incorporates established legal tests and exceptions to avoid restricting protected artistic, literary, or educational expression. He noted that the ordinance includes provisions intended to align with existing state classifications and enforcement mechanisms and stated that he believed the proposal to be legally defensible.

Councilmember Faraldi stated that he supported the intent of the proposal but emphasized the importance of ensuring strict alignment with state law under the Dillon Rule. He raised concerns that certain provisions in the draft ordinance could exceed authority granted under state code, including proposed exceptions and intent-based provisions not expressly authorized by statute. Councilmember Faraldi cautioned against adopting language that could create legal vulnerability and advocated for a narrower approach that mirrors state code without additional local modifications.

City Attorney Matthew Freedman acknowledged the legal concerns raised and advised that the proposed ordinance presents complex constitutional and statutory considerations, including potential First Amendment and vagueness issues. He stated that while the City's charter authorizes regulation of immorality and vice, careful analysis is required to determine whether the proposed provisions fall within the scope permitted by the Dillon Rule. He recommended treating the draft ordinance as a starting point and suggested seeking additional input from the Commonwealth Attorney's Office, the Lynchburg Police Department, and outside counsel before returning the matter to Council for further consideration.

Councilmember Reed stated that she shared concerns about exposure of minors to inappropriate material but emphasized the need to carefully balance those concerns with First Amendment protections. She raised questions regarding how the ordinance would be interpreted and enforced, including which parties would be responsible for determining violations and how consistency would be ensured. Councilmember Reed also expressed concern regarding potential City liability and suggested that additional guidance from legal authorities could be helpful before advancing the proposal.

Councilmember Timmer stated that constituent feedback regarding the character of downtown and family-oriented spaces was relevant to the discussion. She emphasized the fiscal and community value of maintaining environments that align with family expectations and tourism goals and stated that consideration of these factors was appropriate as Council evaluated the proposed ordinance.

Vice Mayor Diemer stated that Lynchburg has historically maintained a family-friendly reputation and that this has economic and community value. He expressed appreciation for the work on the proposal and stated that he was comfortable with enforcement being handled by law enforcement within appropriate legal bounds. Vice Mayor Diemer raised questions regarding whether aspects of the draft ordinance could be refined to better align with state law and agreed that additional review by the Commonwealth Attorney would be appropriate.

Councilmember Reed sought clarification regarding whether profane language would be regulated under the proposed ordinance and expressed concern regarding the practical challenges of enforcement if regulation were limited to conduct rather than speech.

Councilmember Misjuns responded that the ordinance is grounded in established obscenity standards derived from Supreme Court precedent and state law and stated that most performances

would not be affected. He reiterated that the proposal was intended to provide enforcement tools consistent with existing legal definitions.

Councilmember Faraldi reiterated his preference for a simplified ordinance strictly limited to what state law expressly permits and cautioned against including provisions that could be interpreted as expanding local authority.

Mr. Freedman reiterated his recommendation that staff engage in further review with relevant legal and enforcement partners and return the matter to Council at a future work session.

// On motion of Councilmember Reed, seconded by Mayor Taylor, Council, by the following recorded vote, elected to hold a closed meeting for the purpose of consulting with the City Attorney (or his designee) and, where needed, receive briefings by City staff members in connection with actual litigation involving the Lynchburg City Council where such consultation or briefings in an open meeting would adversely affect the negotiating or litigating posture of the Lynchburg City Council, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to the Timberlake Investments, LLC v. Lynchburg City Council litigation.

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

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

Noes: 0

// The meeting was reopened to the public.

// Vice Mayor Diemer made the following motion:

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification

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resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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

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

Noes: 0

Absent: Faraldi, Reed 2

// The meeting recessed at 6:41 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of September, 2025 at 7:00 p.m. in the 2nd Floor Conference Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

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

Misjuns, Jacqueline Timmer. 7

Absent: 0

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

// In the matter of Agenda, Clerk of Council Alicia Finney stated that the agenda is divided into four sections: Consent Agenda, Public Hearing, Public Comment, and General Business.

Mayor Taylor said they needed to do roll call, and Ms. Finney explained that there had been an issue with broadcasting for roll call, so the Mayor is suggesting that they do roll call now in a formal setting.

Councilmember Faraldi said he did not need to reiterate what had already been said just so people can see it.

Councilmember Reed said that Councilmember Faraldi had said a lot of wonderful things about the City, but there has also been a lot of sadness around the country over the past few weeks. She stated that she would like to see the community and citizens come together, unify, put differences aside, and work better together.

Councilmember Wilder stated that a lot of great things have been happening in the community this weekend. He said Diamond Hill Rec Center had a Unity Day for the community, which was amazing.

He said they also had a party on Pierce Street, which has such a rich history in the community, and the annual art show at E.C. Glass.

Councilmember Timmer spoke about a video that she had played during the Work Session Roll Call which showed Erika Kirk, wife of Charlie Kirk. Councilmember Timmer said the message was to respond to hate with love, which is something they should all be able to rally behind. She commented that she greatly appreciates Ms. Kirk's leadership, testimony, and boldness and courage in open dialogue to invite people of differing opinions and viewpoints into conversation. She asked that they take a moment of silence and pray for the nation.

Councilmember Misjuns reflected on the recent passing of Charlie Kirk and referenced his role in founding the Falkirk Center at Liberty University, now known as the Standing for Freedom Center, as well as his connection to Turning Point USA. Councilmember Misjuns also thanked Parks and Recreation Director Wyatt Woody for assisting with arrangements to reserve the City stadium for a community memorial service held on September 28.

Vice Mayor Diemer referenced the recent death of Mr. Kirk and encouraged community members to attend the associated vigil. Vice Mayor Diemer also acknowledged comments shared in a previously shown video regarding forgiveness. He recognized Steve Dunn, Superintendent of the Lynchburg Regional Water Resource Recovery Facility, for receiving the William D. Hatfield Award for Outstanding Performance and Professionalism at the Virginia Water Environment Association awards luncheon held September 10 in Virginia Beach. Vice Mayor Diemer also recognized Sarah Fuentes, formerly of the Clerk's Office, on her appointment as Assistant Director of Human Resources for the City of Lynchburg.

// In the matter of Consent Agenda, Councilmember Misjuns said he is objecting to the entire Consent Agenda which included the approval of minutes from the June 10, 2025; June 23, 2025; June 24, 2025; June 30, 2025; and July 8, 2025 meetings and thus it must be pulled via Council's Rules of Procedure. He said that under Section 5-2.D, "Upon the request of a Councilmember, an item shall be removed from the Consent Agenda," and he is objecting to the entire Consent Agenda.

Vice Mayor Diemer said that he is also objecting, noting that it has to be 7-0 on consent.

Councilmember Reed moved that they put all five items from the Consent Agenda to General Business and that they discuss them all tonight.

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Councilmember Misjuns seconded the motion and asked if Councilmember Reed was okay with a friendly amendment to move the item to the end of General Business.

Councilmember Reed said that she was not okay with that, as she would like it to be discussed at the beginning of General Business.

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

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

Noes: Faraldi 1

// In the matter of Community Development, Agenda Item #6, Council held a public hearing and considered adopting Resolution #R-25-065 approving the submittal of the FY25 Consolidated Annual Performance Report for the CDBG and HOME Program. Grants Manager Melva Walker provided a presentation to Council. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME Program) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress towards the housing and community development goals established within the 2020-2024 Consolidated Plan and the PY 2024 (FY 2025) Annual Action Plan. This CAPER is for the period of July 1, 2024 through June 30, 2025. With the City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program. A public notice for the public comment period and public hearing was published in *The News and Advance* on September 5, 2025.

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

At its September 23, 2025 meeting, the Finance Committee reviewed this item and as Chair of that committee, Councilmember Misjuns made the motion to adopt Resolution #R-25-065. Vice Mayor Diemer seconded the motion.

Councilmember Wilder acknowledged all the work being done with this program.

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

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

Noes: Faraldi 1

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// In the matter of Budget, Agenda Item #7, Council conducted two public hearings in consideration of Ordinance #O-25-066 approving the FY 2025 Fourth Quarter and Ordinance #O-25-067 approving the FY 2026 First Quarter Adjustments, Chief Financial Officer Donna Witt provided a presentation to Council. The General, City/Federal/State Aid, Children's Services Act (CSA), City Capital Projects, Schools Capital Projects, Fleet Services, and City Payroll Agency Funds are amended to reflect the FY 2025 Fourth Quarter Adjustments. The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Home Investment Partnerships Program (HOME), Technology, Fleet Services, and City Capital Projects Funds are amended to reflect the FY 2026 First Quarter Adjustments.

Clerk of Council Alicia Finney clarified that the first public hearing would be for the fourth quarter adjustments, and the second would be for first quarter adjustments.

Mayor Taylor opened the public hearing for #O-25-066, fourth quarter adjustments and asked if there were any members of the public speaking either in favor or in opposition, and if there were any voicemails received. There being none, he closed the public hearing.

Mayor Taylor opened the public hearing for #O-25-067, first quarter adjustments and asked if there were any members of the public speaking either in favor or in opposition, and if there were any voicemails received. There being none, he closed the public hearing.

Councilmember Misjuns moved, seconded by Councilmember Reed, to adopt Ordinance #O-25-066 approving the fourth quarter FY25 adjustments.

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

Ayes: Taylor, Reed, Faraldi, Wilder 4

Noes: Misjuns, Diemer, Timmer 3

Councilmember Misjuns moved, seconded by Councilmember Wilder, to adopt Ordinance #O-25-067 approving the first quarter FY26 adjustments.

Councilmember Misjuns stated that there were some significant adjustments with this, including \$13 million in appropriations for Smart Scale funding for a badly needed intersection, public safety items for police and emergency communications, and other important items.

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

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

Noes: Faraldi

1

// In the matter of Public Comment, Agenda Item #8, Citizen Greg Berry said he was speaking on behalf of the City Elders group. He quoted several Bible passages and Christian tenets, and he recognized the September 11, 2001 attack and subsequent war in Iraq. He stated that people have forgotten the threats of “radical Islamists,” some of whom are running for office, and he mentioned the killing of Charlie Kirk. He urged City Council to take a firm stand and enact a resolution recognizing Mr. Kirk’s sacrifice and condemning those who resort to violence to silence people who believe in the First Amendment.

// In the matter of Public Comment, Agenda Item #9, Susan Stengal, representing Indivisible Lynchburg, described the organization’s mission, history, and commitment to nonviolent civic engagement. Ms. Stengel expressed concerns regarding political rhetoric she characterized as dangerous and urged City Council to take action in response, while reaffirming the organization’s intention to continue peaceful organizing and collaboration within the community.

// In the matter of General Business, consideration of former Consent Agenda Items #1–5, Ms. Finney reminded Council that this item would be consideration of the minutes of June 10, June 23, June 24, June 30, and July 8 meetings.

Councilmember Faraldi motioned, seconded by Councilmember Reed, to approve the previous Consent Agenda items #1, 2, 3, 4, and 5 as presented and vote on them in a block.

Councilmember Misjuns stated that with the Consent Agenda, there is a motion to approve a block of items but these are now individual items and thus should be considered separately, as stipulated in Section 5-2.D of the Rules of Procedure. He said the rules are pretty clear, and these need to be considered one by one. He stated that the motion is out of order, and he has a point of order.

Mr. Freedman stated that as he understands that rule and the Consent Agenda itself, the Consent Agenda is approval without discussion whereby everyone has agreed to proceed and is still on board, with no conflict with the issue at a previous meeting and is put on the Consent Agenda for the second approval. He said that as far as splitting the items, his interpretation of the rule Councilmember Misjuns cited is that it does not necessarily mean that Council is forced to consider independently every single item that may come off the Consent Agenda, in the event they are related. He said the issue here is whether or not approval of the minutes is related, and he understands that historically, approving the

minutes together has always been done by the Council. He stated that Council could decide to address them separately, and there could be a substitute motion to that effect, or Council could decide with the motion on the table to consider them all as one. He emphasized that however they're considered, there would be discussion on all of the minutes.

Mayor Taylor stated that he does not find the point of order in order.

Councilmember Faraldi stated that the items were related and appropriate for consideration together, noting that all pertained to approval of meeting minutes. He expressed confidence that any concerns would be raised during discussion and stated that the Clerk had reviewed requested edits, made clarifying revisions where appropriate, and provided feedback on others. Councilmember Faraldi indicated that the minutes, as presented, accurately reflected the meetings.

Councilmember Reed stated that Council had previously granted additional time to allow the Clerk to review requested edits to the minutes. She noted that the Clerk subsequently provided a written response to Council, which she read into the record:

"Following the discussion, I have reviewed all requested edits to the June 23rd, 24th, June 30th, and July 8th meeting minutes. I compared the original language with the proposed changes and determined whether revisions were necessary. The attached chart documents each request, the proposed change, and the final outcome. In summary, most requests did not warrant edits as the original minutes accurately captured the sequence of events and remain consistent with established practice. Several clarifying modifications were made to reflect accurate context and ensure objectivity. Proposed insertions that were not germane to the motions on the floor or that are better preserved in historical records, i.e., supporting documents, were left unchanged, as is normal practice. A copy of the detailed review is attached for your reference."

Councilmember Reed stated that the Clerk's review reflected standard practice and that the City Attorney had also reviewed the minutes, and she expressed her view that the minutes did not misrepresent the meetings. She indicated that Council had been provided sufficient time for review and urged Council to proceed with a vote.

Councilmember Timmer offered a substitute motion requesting that the minutes include City staff advice regarding the real estate tax rate if no Council action were taken, as well as corrections to reflect

that no vote to adjourn occurred on June 23 and that a vote to adjourn the June 23 meeting occurred on June 24. She indicated that she supported approval of the June 10 minutes.

Councilmember Misjuns seconded the substitute motion.

Councilmember Faraldi asked for clarification on what the motion is.

Councilmember Timmer clarified that her motion is a three-part motion: include the recommendation from City staff that they would hold over at the \$0.89, rather than equalization plus 1% per Virginia law, and that needs to be included in the minutes. She said the other two parts are that on June 23, there was no vote for adjournment; but on June 24, there was a vote for adjournment to the June 23 meeting.

Councilmember Timmer read into the record from a prepared statement:

"Thank you, Mr. Mayor, fellow Councilmembers, and citizens of Lynchburg. I appreciate the opportunity to speak on a matter that goes to the heart of our City's Council's integrity, transparency, and adherence to the law. In sum, the minutes should reflect the inaccurate advice of City staff regarding the default real estate rate and that the motion to adjourn at the June 23 meeting was not voted on. And that on June 24, those who walked out of the June 23 meeting moved to adjourn the June 23 meeting and the vote passed 4 to 3. To some, this may sound like much ado about nothing, but it is far from that. This failure to provide proper legal advice and the manipulation of our rules has silenced citizen input, improperly and radically altered our discussion on real estate taxes, could have exposed the City to litigation had we defaulted to the \$0.89 as Mr. Freedman advised was the law, and allowed Mr. Faraldi to generate smearing headlines against those with whom he disagrees. Before I detail the factual support [and this is all cited with timestamps for this statement], let me speak to the common and repeated effort by some on Council to divert from substantive discussion. We are likely to hear when I give up the floor loud proclamations of fidelity to staff that my comments are heaping a burden on City staff and that other members of Council would trust staff 'with their lives.' This sound and fury is unfounded and smoke and mirrors. I appreciate the hard work of staff and have expressed this to them directly and publicly. But if we are unwilling to discuss staff errors, particularly errors which directly impact transparency and Council discussions, then we are not doing our job. We have the

responsibility to ensure staff does their job properly, consistently with the law, and as the law requires, transparently.”

Councilmember Timmer continued:

“Imagine a ship's crew misreading the navigation charts and steering the vessel toward dangerous water or the wrong direction. When a few vigilant passengers raise the alarm, instead of correcting course, some crew members accuse them of disrespecting the sailors. But the issue isn't about loyalty. It's about accuracy. If the charts are wrong, the ship is at risk, no matter how dedicated that crew may be. Now let's look at the facts. Over the past few months, we've seen a pattern of procedural manipulations and legal misrepresentations that have eroded public trust. Today, I want to set the record straight. Based on facts, our rules of procedure, Virginia law, transcripts, and even audio that captures what really happened during our June 23rd and 24th meetings.”

Councilmember Timmer continued:

“Mr. Faraldi successfully maneuvered his no-car tax plan, a proposal to greatly reduce taxes while raising real estate rates taxes to 1.025 per \$100 of assessed value on the agenda for public hearing, as required by Virginia code 58.1-3007, under false pretenses. The Council was wrongly advised by City Attorney, Mr. Matt Freedman, that this hearing was mandatory or the rate would default to 89 cents, leading to a — some say 16, some say 18% — tax hike due to reassessments, potentially increasing taxes on the average homeowner by about \$300. This false concern prompted members to believe a vote on a new rate was necessary or the tax increase would be imposed automatically. The rate would remain at 89 cents and impose that burden. Unfortunately, that was not true. But that's not what the Virginia law says. Under Virginia code 58.1-3321, if no hearing was held, the rate would default to the equalized rate plus 1%, much lower by law, erasing the tax increase. The statute is clear.”

Councilmember Timmer continued:

“The state law takes precedent over City ordinance and certainly over a City Attorney's incorrect interpretation. This false inducement to place the hearing on the agenda shaped the entire debate. An incorrect interpretation of law that the City Attorney still has not acknowledged. Mr.

Freedman's interpretation inverted the law, inserting language in last year's ordinance that contradicted this, forcing an unnecessary hearing and setting the stage for chaos. The fact that the Council, as a result, the public, was told the real estate tax would default to 89 cents dramatically impacted the nature and discussion of the budget. First, the City Manager proposed a budget assuming the 89 cent rate would be there, thus resulting in an average \$300 increase in real estate taxes for the average homeowner and couching any reductions in the overall increase as a budget cut."

Councilmember Timmer continued:

"Secondly, Mr. Faraldi consistently resisted any discussion of the real estate tax rate until the budget was approved, thus forcing acceptance of the real estate rate at least 89 cents. All the while, the City staff was telling Council incorrectly that the rate would default to 89 cents. Only when the incorrect advice was exposed and Mr. Faraldi's proposal to shift the car tax to real estate taxes was exposed as protecting the tax increase of reappraisal was the Council finally able to set a real estate tax rate. The incorrect advice dramatically altered the discussion of the real estate tax such that it resulted in spending driving policy rather than policy driving spending. As I have previously read into the record twice during the debate, the full text of Virginia Code 58.1-3321 establishes mandatory procedures for real estate tax rates following the general reassessment."

Councilmember Timmer continued:

"In summary, the provision states when a reassessment results in an increase in total assessed property values exceeding 1% as occurred in Virginia with a 16% valuation growth, the local governing body must reduce the tax rate to a level that generates no more than 101% of the previous year's real property tax revenues unless it opts for a higher rate after conducting required public hearings and providing specific notices. This provision protects taxpayers by treating any revenue increase beyond the 101% as a deliberative tax hike that demands transparency and justification rather than allowing it to occur automatically through an action. Yet during our deliberations, statements were made that suggest the opposite, that the pre-reassessment 89-cent rate was the default and would persist if we took no action, positioning it as

a neutral rather than an increase. This framing shifted the burden onto those advocating for equalization, making it seem as though we were proposing drastic cuts — when in reality, we were adhering to the law's baseline.”

Councilmember Timmer continued:

“For example, on June 24th, 2025, during our work session, Deputy City Manager Greg Patrick stated, ‘There's adopting a rate because right now there is a rate, and unless Council takes action, that rate doesn't change, right?’ Council Member Chris Faraldi echoed this, saying, ‘Whether that means we leave it at 89 or we lower other rates to get there or we go to 83 on real estate and do nothing else, I'm very open to any option.’ And on June 30th, 2025, City Attorney Matt Freedman advised, ‘The 89 cents that's on Council's books is continuing [inaudible], okay? So Council, should it not want to, doesn't have to address that. It does not need to be addressed if Council doesn't want to do it.’ When Vice Mayor Diemer clarified, ‘So if we don't address the real estate tax rate tonight by midnight, it will stay at 89 cents,’ Mr. Freedman confirmed. And this is a quote from Mr. Freedman: ‘Well, it would stay until you changed it.’ To retort directly to this interpretation that the Council need not vote or doesn't have to address the rate for it to remain at 89 cents, this view inverts the statute's mandate, treating the law as optional when it is imperative.”

Councilmember Timmer stated that City staff advice regarding the real estate tax rate materially influenced Council's prior deliberations and asserted that this information should be reflected in the minutes.

Councilmember Timmer continued:

“Analogously imagine if state law required cities to elect Council members every two years and not to cancel an election, and one City decided not to have an election one year, justifying their actions by claiming they did not violate state law because they didn't cancel an election, they just continued to honor the results of the last election.”

Councilmember Timmer continued:

“Moreover, if the City had collected taxes at the 89-cent rate without voting to adopt it post reassessment, generating revenues far exceeding 101% of the prior year, it could have exposed

Lynchburg to liability from taxpayers after collection. Under Virginia Code Section 58.1-3984, taxpayers could challenge the excess as an erroneous levy, seeking refunds, interests, or injunctions. A brief analysis: The statute's mandatory process makes any unjust rate noncompliant, rendering the taxes erroneous due to procedural failure. Courts have upheld similar challenges, potentially leading to class actions or corrections that burden City finances and erode trust. Fortunately, we avoided this by adopting a rate, but the guidance provided by Mr. Patrick and Mr. Matt Freedman could have steered us into such risks, and it should be included in our minutes. These statements had an effect of inverting the law's intent."

Councilmember Timmer said that she has a few more statements, and she was going to complete them and submit them formally for the record.

Mayor Taylor stated that they have been through this; going back to June 23rd, he gaveled in the meeting; a motion was made, and the motion was seconded; and he gaveled it out. Mayor Taylor stated that they had a special meeting the following day, June 24th, and they came in and voted on a rate. He noted that they agreed on the 84-cent rate, which is what was recorded and the rate was set.

Speaking to his second, Councilmember Misjuns stated that statements made by City staff during the June 23 meeting regarding the real estate tax rate should be reflected in the minutes and requested inclusion of the Clerk's memo for the record. He also questioned whether the City Attorney had provided input on whether certain information was material to the minutes. The City Attorney responded that he provides legal guidance to the Clerk when asked whether information is material to a vote or motion.

Councilmember Faraldi called a point of order, stating that according to their Rules of Procedure, their time has expired on debate, and they should vote on the substitute motion and then the primary motion.

Vice Mayor Diemer said there was a point of order, which the Mayor must rule on.

Mayor Taylor said his point of order was for them to move forward.

Councilmember Misjuns requested clarification regarding meeting recordings and referenced external video materials he stated reflected Council action.

Mayor Taylor called the question.

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Councilmember Timmer restated her substitute motion, which requested revisions to the minutes to include advice given by Mr. Freedman and Mr. Patrick regarding the real estate tax rate in the absence of Council action, to reflect that no vote to adjourn occurred during the June 23 meeting, and to reflect that a vote to adjourn the June 23 meeting occurred on June 24.

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

Ayes: Diemer, Misjuns, Timmer 3

Noes: Faraldi, Reed, Wilder, Taylor 4

Ms. Finney stated that the main motion is on the floor, which is to move items 1–5 for approval.

Councilmember Misjuns stated that they have not had discussion on this, only on the substitute.

Councilmember Reed said she would like to speak to this since she made the motion.

Councilmember Faraldi said the 30 minutes has expired.

Councilmember Misjuns stated that this is a different item.

Mr. Freedman explained that all of this is connected to the same matter — the substitute motion and the main motion — and the Mayor has the ability to call for the vote at this point.

Mayor Taylor clarified that he has called for the vote.

Councilmember Misjuns said their rules of procedure allow them to amend a motion twice. He stated that he would like to amend the motion on the floor to adopt all the minutes, and he would like to include the minutes with the timestamp YouTube links that show the comments that were made by Mr. Patrick and Mr. Freedman. He said that he has a hard copy, in case it got deleted, of the video published by the Lynchburg Democrat Committee showing what happened on the 24th. He reiterated that he would like to amend the motion to insert that in the official record as well.

Vice Mayor Diemer seconded the motion.

Councilmember Timmer reiterated her position that the minutes should reflect what occurred during prior meetings and stated that she supported including the items referenced in her motion.

Vice Mayor Diemer, speaking to his second of the amendment, expressed support for the proposed revisions to the minutes and stated that he believed accuracy of the record and adherence to Council procedures were at issue.

Mayor Taylor called a recess.

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// The meeting was recessed at 8:39 p.m.

// The meeting reopened at 8:49 p.m. Larry Taylor, President, presiding. The following Members were present:

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

Misjuns, Jacqueline Timmer 7

Absent: 0

Mayor Taylor called the meeting back to order and asked for a motion to vote on the Consent Agenda.

Councilmember Misjuns said there is an amended motion that has been properly seconded, pending before the body.

Mayor Taylor said they would be voting on the amended motion.

Councilmember Misjuns clarified that the amended motion is to adopt the minutes with the inclusion of the YouTube links referenced showing the comments regarding the real estate tax rate remaining the same and also incorporate, however they can get a video into public record, the Lynchburg Democratic Committee's video showing the motion and the vote that took place while the audio was cut off on their YouTube feed for City Council on June 24th.

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

Ayes: Diemer, Misjuns, and Timmer 3

Noes: Faraldi, Reed, Wilder, and Taylor 4

Mayor Taylor called for a vote on the main motion approving the Consent Agenda Items #1-5.

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

Ayes: Faraldi, Reed, Wilder, and Taylor 4

Noes: Diemer, Misjuns, and Timmer 3

Councilmember Faraldi moved to adjourn the meeting, seconded by Councilmember Reed.

Councilmember Wilder asked if there was anything pertinent that they needed to act on today.

Councilmember Misjuns stated that adjourning the meeting would delay consideration of several pending items, including law enforcement equipment, social services positions, and funding for the

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Central Virginia Alliance for Community Living, noting that some items were described as having no cost to the City.

Vice Mayor Diemer asked Councilmember Faraldi to withdraw his motion and said they need to do their business, as there are six more items to consider.

Mayor Taylor asked Ms. Witt about the impact of delaying these votes.

Ms. Witt responded that she did not think there was any reason this had to be voted on tonight, and they can come back to the next meeting.

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

Ayes: Faraldi, Reed, Wilder, and Taylor	4
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Noes: Diemer, Misjuns, and Timmer	3
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// The meeting adjourned at 9:03 p.m.

Clerk of Council