

December 9, 2025

// A special meeting of the Council of the City of Lynchburg was held on the 9th day of December, 2025 at 1:02 p.m. in the Council Chamber, City Hall, for the purpose of receiving the FY 2025 Annual Comprehensive Financial Report, to hold a closed session for the purpose of receiving legal counsel and to vote to cancel the 4:00 p.m. Work Session and 7:00 p.m. formal meeting scheduled the same night.

Larry Taylor, President, presiding. The following Members were present:

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

Misjuns, Jacqueline Timmer 7

Absent: 0

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

// In the matter of City Council, Agenda Item #1, Council considered approving the cancellation of the December 9, 2025, regular meetings. Mayor Taylor stated the floor was open for a motion to cancel the December 9, 2025 regular meetings scheduled at both 4:00 p.m. and 7:00 p.m.

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to cancel the December 9, 2025 regular meetings.

Councilmember Misjuns called a point of order. He said that Rules of Procedure § 2-5 stated if one member objected to the cancellation of a meeting, then the meeting could not be cancelled. He said he objected to the cancellation of the meeting in writing, so the motion was out of order unless the Rules of Procedure were suspended.

City Attorney Matthew Freedman explained that interpretation of the Rules of Procedure was up to the Mayor and a majority of Council. He interpreted § 2-5 as pertaining to administrative cancellations for the convenience of Council. He said that if a majority of Council agreed to cancel the meeting, then the meeting could be cancelled. He noted that the Rules of Procedure were designed for the convenience of Council, since the majority was able to rule on and interpret them, and no single member of Council could prevent the majority from acting.

Councilmember Timmer claimed that all of the Rules of Procedure were administrative in nature, so they could not isolate one component as administrative and another as not. She said that the majority

December 9, 2025

could simply suspend the Rules of Procedure to make the vote to cancel the meeting, but it was not appropriate to shift the meaning of the rules or otherwise waive them without taking an official vote.

Vice Mayor Diemer said he wanted to accommodate the people who had signed up for public comment as well as those who were watching from home. He felt at times that the Council had no rules and was lawless. He said the rules were not for Council's convenience; but they were to avoid controversies, conflict, and serve as a guiding star. He opposed cancelling the meeting because it was cancelling a chance to receive comments from the public.

Councilmember Wilder explained that the request to cancel the meeting was in part due to inclement weather and deteriorating weather conditions.

Councilmember Reed stated that initially, the Mayor released a notice cancelling the meeting, however, Councilmember Misjuns objected to the notice from the Mayor, so an item to cancel the meeting was added to the special meeting agenda for a vote. She said the original objection did not apply to the present matter, and the present matter was not an objectionable action.

Councilmember Misjuns reviewed the emails he sent regarding the matter. He stated that he sent an email on December 5 at 4:22 p.m. in response to the cancellation claiming that the matter could not be voted on and asking if the Vice Mayor agreed. On December 7 at 10:51 p.m., he sent an email stating that they could address the special meeting agenda item with the rules suspended. He stated that he objected to the matter after the special meeting was called.

Councilmember Timmer argued that the rules stated the Mayor could cancel a meeting if there was agreement from the Vice Mayor and no objections from Council, and this applied even if there was a vote from Council, as had been applied in the email thread.

Vice Mayor Diemer said that they had to make sure the trains ran on time, and the meeting should continue for efficiency and to allow public comment.

Councilmember Faraldi said that the Rules of Procedure should not be manipulated. He claimed that there could be ulterior motives from those who objected to the motion to take advantage of the suspended rules and add items to the agenda.

Vice Mayor Diemer called a point of order, arguing that speculating about the intent of councilmembers was not appropriate.

Mayor Taylor allowed Councilmember Faraldi to continue.

Councilmember Faraldi noted the Rules of Procedure allowed Council to create rules when needed, and this could be interpreted as one of those instances. He called the question.

Councilmember Misjuns called a point of order. He asked the Mayor to rule on his initial point of order. He reiterated his point of order, which was that he believed Council could not vote to cancel or reschedule the meeting unless they suspended the Rules of Procedure.

Mayor Taylor ruled that a meeting could be cancelled by a majority vote of Council. He called the question on the motion to cancel the December 9 regular meeting.

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

Ayes: Taylor, Reed, Faraldi, Wilder 4

Noes: Diemer, Misjuns, Timmer 3

// In the matter of Finance, Agenda Item #2, Council was briefed regarding the FY 2025 Annual Comprehensive Financial Report (ACFR) and Related Reports. Chief Financial Officer Donna Witt introduced the City's external auditor Chris Banta from Brown Edwards, LLC. Mr. Banta provided a presentation on the reports to Council. Representatives from the City's external auditing firm, Brown Edwards, LLC, will present the results of the annual audit to City Council. The following reports will be discussed:

- FY 2025 Annual Comprehensive Financial Report
- Audit Committee Letter (ACL) – Required Communication with those Charged with Governance
 - City of Lynchburg
- Management Letter (ML) – City of Lynchburg
- Audit Committee Letter (ACL) – Required Communication with those Charged with Governance
 - Lynchburg City Schools
- Management Letter (ML) – Lynchburg City Schools
- Independent Auditor's Report on Applying Agreed Upon Procedures – City of Lynchburg's

Sheriff's Office

- Independent Auditor's Report on Census Data submitted to the Virginia Retirement System-City of Lynchburg

Councilmember Misjuns asked if the City could hire an external CPA firm to conduct internal auditing functions.

Mr. Banta said that they could, but it required extra care from the CPA to maintain its independence, and it was typically more expensive than hiring internally.

Vice Mayor Diemer noted that an internal auditor would be able to provide better and more detailed information related to some financial and policy questions due to their position and their ability to access cross-departmental information.

Councilmember Wilder asked when the City last had an internal auditor.

Ms. Witt said it had been about 20 years since the City had an internal auditor. She explained that when the internal auditor was working for the City, their main function was to review the audit from the external auditor, not audit internal projects. She said that the auditor did handle credit card statements and payroll; however, there was already a function within the Finance Department to do the same.

// On the motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed session to consult with legal counsel representing the City, regarding specific legal matters that require the provision of legal advice; the subject of the closed meeting being specific to providing legal advice and legal guidance regarding (i) a Councilmember's involvement in personnel matters that are the responsibility of the City Manager; (ii) a Councilmember's inappropriate treatment of City staff and Council appointees; and (iii) other matters related thereto that are applicable to Councilmember conduct.

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

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

Noes: 0

// On motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting pursuant to § 2.2-3711(A)(8) of the Code of Virginia,

December 9, 2025

1950, as amended, to consult with legal counsel representing the City, regarding specific legal matters that require the provision of legal advice; the subject of the closed meeting being specific to providing legal advice and legal guidance regarding (i) a Councilmember's involvement in personnel matters that are the responsibility of the City Manager; (ii) a Councilmember's inappropriate treatment of City staff and Council appointees; and (iii) other matters related thereto that are applicable to Councilmember conduct.

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

Ayes: Taylor, Wilder	2
Noes: Misjuns, Timmer, Diemer	3
Absent: Faraldi, Reed	2

// 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 Councilmember Reed, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Wilder	2
Noes: Diemer, Misjuns, Timmer	3
Absent: Faraldi, Reed	2

// The meeting adjourned at 2:54 p.m.

December 9, 2025

Clerk of Council