

January 13, 2026

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of January, 2026 at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Larry Taylor, President, presiding. The following Members were present:

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

Misjuns, Jacqueline Timmer 7

Absent: 0

// In the matter of Work Session Agenda Overview, City Manager Wynter Benda announced the retirement of Broadcast Services Coordinator Phil Spinner and introduced his replacement, Broadcast Services Coordinator Brad Viar.

// In the matter of Lynchburg City Schools, Agenda Item #1, Council was briefed regarding the Lynchburg City Schools Request for FY 2025 Return of Fund Balance. The item will appear before Council for action at the January 27, 2026 regular meeting. Dr. Somerville-Midgette has requested the Lynchburg City School's (LCS) fund balance of \$3,317,910 from FY 2025 be returned to LCS. The request includes \$1,100,000 be returned to the Health Insurance Reserve, \$1,217,910 be appropriated to the LCS Textbook Reserve, and \$1,000,000 be appropriated to the Schools Capital Fund to establish a Vehicle Replacement Account. These items were approved by the City School Board at the December 16, 2025 meeting.

Councilmember Faraldi asked for more information about where the dollars came from, where they were not spent, and how reallocating them may be helpful.

Dr. Somerville-Midgette noted that the funds were part of the Escher grant funds, which had a spend-by date of September 30, 2025. She said she would follow up with more detailed information.

// In the matter of Community Development, Agenda Item #2, Council was briefed regarding the CDBG and HOME Program Housing and Non-Housing Goals for the Fiscal Year 2027 Annual Action Plan. The item will appear before Council for action at the January 27, 2026 regular meeting. Grants Manager Melva Walker briefed Council on the matter. The Consolidated Plan for the CDBG and HOME Program was approved in June 2025 and covers the period from July 1, 2025 through June 30, 2029. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-

housing areas). HUD requires Community Development Block Grant (CDBG) and HOME Program entitlement communities to review the goals in the plan on an annual basis. City Council will be seeking the input of citizens and other interested parties regarding the approved goals at the public hearing. A 15-day public comment period to receive citizen input regarding the goals will be initiated on January 9, 2026 through a legal notice published in The News and Advance.

// In the matter of Planning, Agenda Item #3, 286 Rockwell Road - Rezoning - Advertising Location for Shed Business, the item was removed from the agenda.

// In the matter of Planning, Agenda Item #4, Council was briefed regarding the Zoning Ordinance Amendment — Abortion Clinics. The item will appear before Council for action at the January 27, 2026 regular meeting. Director of Community Development Tom Martin briefed Council on the matter. On October 14, 2025, City Council directed staff (7-0) to initiate the process of amending the Zoning Ordinance to regulate abortion clinics. While there are currently no abortion clinics located within the City, the use is currently permitted by right as an "outpatient care clinic" in the B-1, Limited Business District, B-3, Community Business District, B-4, Urban Commercial District, B-5, General Business District, IN-1, Institutional District 1 and IN-2, Institutional District 2.

City staff were provided a draft ordinance on October 14, 2025, which was used as a starting point for the proposed amendments. City staff made adjustments to the draft ordinance to help with enforceability and defensibility. Such adjustments were made with the approval of the patron of the original draft ordinance, Councilmember Misjuns, and are not intended to circumvent the will of City Council.

Mr. Martin explained that the proposed amendments would establish a definition for abortion clinics, create standards for their location, and change the use from being permitted by right to requiring a conditional use permit in certain zoning districts, including Planning Commission review and Council action.

Mr. Martin further outlined key modifications to the draft ordinance, including the removal of the IN-1 district due to its proximity to residential areas, the addition of B-3 and B-5 districts to support enforceability and defensibility, and revisions to the definition of abortion clinics to distinguish them from

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family planning services. He also noted that staff expanded the 1,000-foot setback requirements to include motels and hotels based on prior Council concerns.

Mr. Martin reported that the Planning Commission considered the proposed ordinance and recommended denial by a vote of 2–4. He concluded by confirming that staff has adhered to the previously established timeline and that the item will appear before Council for a public hearing on January 27, 2026.

Councilmember Wilder expressed concerns that the proposed ordinance may be too restrictive.

Mr. Martin explained that the ordinance restricted, but did not completely prohibit, the establishment of an abortion clinic in certain areas of the City, allowing for potential rezoning and conditional use permits if Council desired.

Councilmember Faraldi suggested that Council approach the zoning through a broader lens, targeting a boarder section of medical services, rather than focus on one particular industry. He said that this approach would provide Council with more oversight and a stronger legal foundation than focusing on a narrow issue would.

City Attorney Matthew Freedman said that if Council were to consider Councilmember Faraldi's suggestion, they would have to wait for staff to bring the matter before the Planning Commission.

Councilmember Faraldi said he did not want the ordinance to be construed as only targeting abortion. He wanted to focus on finding a defensible and fair ordinance that would have consensus from Council and support from the community. He suggested revisiting the language of the ordinance.

Councilmember Misjuns expressed concerns about the lack of regulations for abortion clinics. He indicated that the by-right zoning of such facilities warranted further consideration.

Councilmember Timmer said that since abortion clinics attracted protests, different from other out-patient facilities, the Council had a rational basis in regulating them. She said that broadening the scope would undermine the goals, which were to address protests at the facilities and limit their operation next to schools. She supported the ordinance as presented.

Vice Mayor Diemer said he did not want abortion clinics next to schools or churches, and the ordinance matched community standards.

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Councilmember Faraldi said that councilmembers should be careful in their statements, because they could not adopt legislation with the intent to prevent specific industries from operating in the City. He expressed concerns about the potential for lawsuits, and he advocated for a more intentional and legally defensible approach.

Councilmember Misjuns raised a point of order regarding decorum, stating that Councilmember Faraldi was attributing statements or intent to other Councilmembers that he believed had not been expressed.

Councilmember Timmer emphasized the importance of having control over where clinics can operate and their exposure to students. She expressed concerns about blanket regulations over whole industries. She said that the rationale basis for the ordinance was to address unregulated medical facilities locating next to schools, and the potential for protests at these facilities. She said that broadening the ordinance would undermine these goals.

Vice Mayor Diemer said there were several places he did not want abortion clinics to be located. He said that the ordinance was a compromise which clarified the City's position for clinics that were considering locating there. He said that he did not want abortion clinics located next to schools, and this was a zoning issue.

Councilmember Faraldi emphasized that Council needed to reframe its approach from restricting clinics in certain areas to only permitting them in certain areas.

Mr. Freedman asked Council if it still desired a March 1 effective date after adoption.

There was consensus from Council on the March 1 effective date.

// In the matter of City Council, Agenda Item #5, Council was briefed regarding Councilmember Faraldi's Redistricting Resolution. Councilmember Faraldi introduced a resolution opposing the General Assembly's redistricting efforts. He said the resolution would reaffirm the City's support of the Virginia Constitution, oppose attempts to remove or amend sections related to congressional offices, and affirm legislative districts at all levels of government that were compact, contiguous, and applied with law. He said that the resolution included the City's intent to oppose unconstitutional and illegal redistricting, including through legal means where appropriate.

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Councilmember Misjuns asked if there was any active litigation against the redistricting efforts. He asked to have the following numbers reflected in the resolution from the Department of Elections: 26,436 Lynchburg voters in favor; and, 7,842 in opposition.

City Attorney Matthew Freedman said that he had last seen a request for declaratory judgment from Tazewell County, but he would need to follow up on the resolution of the case.

Councilmember Misjuns suggested that the City file an amicus brief with existing litigation.

// In the matter of Budget, Agenda Item #6, Council held a work session regarding the Budget Update and Look Ahead. Chief Financial Officer Donna Witt provided a presentation to Council. This financial presentation provides a summary of the status of the current revenue position for FY 2026, and the FY 2027 budget instructions, including budget changes from the current year.

City Manager Wynter Benda announced that Ms. Witt would be retiring at the end of the fiscal year.

Councilmember Faraldi emphasized the need to fund the pay progression plan for public safety. He said that maintaining and prioritizing existing staff was crucial, rather than just increasing starting pay.

Councilmember Misjuns asked for individual salary amounts of positions in the City Managers' Office for FY 24- FY 25. He requested information about projected or anticipated operating budget increases for the amphitheater, the pool, and the library.

Councilmember Wilder asked if the reduction in the real estate rate made doing the budget harder. Ms. Witt replied yes.

Councilmember Reed asked for information about the general increase in the costs for goods and services across City government.

Councilmember Misjuns asked for information about the expenditures on consulting services and the changes over time.

// In the matter of Roll Call, Councilmember Faraldi requested that Council consider a resolution to reaffirm the City's 2nd Amendment Sanctuary status. He announced that the past week was National Law Enforcement Appreciation Day. He mentioned a proposal in the General Assembly to allow localities to put a 1% additional sales tax for school construction, which could potentially bring in \$18 million in

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additional revenue. He said he was opposed to the proposal because the Virginia Constitution stated it was the state's obligation to provide a quality education system. He noted that the County of Fairfax would be able to generate over \$7.3 billion annually to fund capital infrastructure by bonding the additional revenue.

Councilmember Reed made an announcement for the Lynchburg Regional Business Alliance's Virginia's Emerging Industry Summit: Discover the Future of Data Center Growth. She encouraged attendees to educate themselves on the topic of data centers, as they were expected to be built in the region, bringing both revenue and potential drawbacks.

Councilmember Wilder announced that bus service would be cut on Sundays due to staffing issues, and he encouraged the City to spread the word about the need for drivers. He expressed condolences to the family of Arthur Johnson, a citizen who contributed to the community through his African dance performances and education efforts. He announced two birthday celebrations for Martin Luther King, Jr., including one at the Business Center on January 17 and another at Randolph College on January 26. He extended congratulations to Hayden Robertson, who received the Mark Spain Award.

Councilmember Misjuns extended congratulations to three Heritage High School students, Brendan Lee, Alex Funtukas, and Avery Pryor, for their commitment to either VMI or the Armed Forces. He commended the football teams at Heritage and LCA for their efforts in the playoffs.

Vice Mayor Diemer expressed concern over the high number of streetlights out in Lynchburg, with nearly 500 lights unlit. He emphasized the importance of addressing the issue for public safety. He also wanted to understand how the situation arose and how to prevent it from happening again. He highlighted the importance of recognizing the anniversary of the City's first 2nd Amendment Sanctuary resolution.

// On the motion of Councilmember Wilder, seconded by Councilmember Timmer, Council, by the following recorded vote, elected to hold a closed session to discuss the lease or disposition of publicly held or City-owned real estate, where competition or bargaining is involved, and where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to the leasing property at the Lynchburg Regional Airport; and to discuss the investment of

public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to contractual negotiations regarding City solid waste disposal.; and to discuss appointments for vacancies to the following Boards and Commissions: Greater Lynchburg Transit Company, Lynchburg Redevelopment and Housing Authority, Lynchburg Parking Authority, Social Services Advisory Board, Blue Ridge Regional Jail Authority, Planning Commission, Lynchburg Regional Airport Commission, Community Development Advisory Committee, and Horizon Behavioral Health Board of Directors pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

Mayor Taylor called the vote.

Councilmember Reed said she wanted to discuss the motion.

City Attorney Matthew Freedman explained that once the question was called, discussion concluded. He said that Council could reopen discussion by consensus, but they would have to vote again.

Councilmember Misjuns called a point of order. He said that the vote on the motion was in progress, so debate was out of order. He did not agree to reopen the discussion.

Councilmember Faraldi said that if councilmembers wanted to say something on the record, they should be given the opportunity rather than be silenced.

Councilmember Reed stated that she did not want to go into a closed session if she would be recorded.

Mayor Taylor said that closed sessions contained privileged information, so they should not be recorded by councilmembers.

Councilmember Faraldi suggested that the City Attorney defer his legal advice for a closed session.

Vice Mayor Diemer asked if there were any rules or laws that forbade him from taking notes or recordings of a closed session for personal use.

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Councilmember Faraldi asked if councilmembers were obligated to divulge if they were recording when questioned.

Councilmember Reed stated that she wanted this as an upcoming agenda item.

Councilmember Misjuns stated that people may have legal advice to record everything in City Hall.

Mr. Freedman said that if Council wanted to discuss recording closed sessions, he would suggest entering into a closed session so he could provide legal advice, especially given the pending litigation. He said that Council could adopt a rule specific to secret recordings of meetings. He clarified that when discussing closed sessions, there was no such thing as personal use of recordings, as it was all part of the public record, since it was related to public business. He said that, in response to the Vice Mayor's question, there was nothing forbidding notes or recordings during closed session.

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

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, 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 Councilmember Reed and the following vote was recorded:

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Ayes: Taylor, Wilder, Reed 3

Noes: Diemer, Misjuns, Timmer 3

Absent: Faraldi 1

Councilmember Misjuns stated he was voting in opposition because the discussion during closed session expanded beyond the scope of the agenda items and the item regarding appointments to boards and commissions was not addressed due to time.

// The meeting recessed at 6:51 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of January, 2026 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, Stephanie Reed, Chris Faraldi, Sterling A. Wilder, 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 Items #1 - #6, approval of the minutes from the September 23, 2025 meeting; October 14, 2025 meeting; October 28, 2025 meeting; November 12, 2025 meeting; November 18, 2025 legislative dinner, and; December 9, 2025 special called meeting.

Councilmember Timmer requested to defer consideration of the minutes to the January 27 meeting because she had not had time to review them.

There was consensus from Council to defer consideration of the minutes to the January 27 meeting.

//In the matter of Economic Development, Agenda Item #7, Council conducted a public hearing in consideration of introducing Ordinance #O-26-001 authorizing the sale and disposal of 1505 and 1517 Jackson Street. Director of Economic Development & Tourism Marjette Upshur provided the presentation to Council. The City of Lynchburg owns two parcels at 1505 and 1517 Jackson Street in the Diamond Hill/White Rock neighborhood. The main structure, built in 1853, served as the former "Opportunity House" - the City's former Youth Group Home, and has been largely vacant since 2016. The adjacent

one-third acre lot is also City-owned. Together both properties are assessed at \$460,000 and appraised at \$428,000.

In May 2025, the City issued a Request for Proposals (RFP), advertised for seven weeks, with two public open houses held in June. The City received one proposal from Lynchburg Services, LLC to purchase the properties for \$200,000 and redevelop it as an early learning childcare center to help serve the neighborhood and City. The purchaser is expected to invest over \$800,000 in redeveloping the property.

The 2024 White Rock/Diamond Hill Neighborhood Plan identifies expanded childcare services and neighborhood stabilization as priority needs, along with the adaptive reuse of vacant structures to strengthen community vitality. Child care continues to be a need in our community and is consistently listed as significant barrier to employment.

Mayor Taylor opened the public hearing.

Casey Servis, architect for the project and speaking in favor, noted that the building was not yet designated as a historical structure because it was located just outside the Diamond Hill District. He said that they had engaged a consultant to either expand that district or have the property listed individually as a historic property.

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

Councilmember Wilder motioned, seconded by Councilmember Reed, to adopt Ordinance #O-26-001.

Councilmember Timmer asked if the property would still be used as a childcare facility.

Mr. Servis replied that it would.

Councilmember Wilder stated that he was familiar with the property, and he was glad to see someone take it over. He noted the need for childcare services in the City.

Councilmember Reed stated her support for the project and emphasized the need for childcare services.

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

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

7

Noes:

0

// In the matter of Public Comment, Agenda Item #8, Citizen Greg Berry, representing City Elders, addressed Council regarding advent. He expressed concerns about the replacement of Councilmember Misjuns on the Finance Committee. He asked Council to act more professionally and follow the guidance of Matthew 18.

// In the matter of Public Comment, Agenda Item #9, Citizen Rise Hayes was not present.

// In the matter of Public Comment, Agenda Item #10, Citizen Sarah Bonner addressed Council regarding the need for more public housing, temporary and emergency housing shelters, and a women's shelter in Lynchburg. She cited the case of two individuals found frozen to death in December 2024. She urged Council to partner with the City's Human Services team and community organizations to address the issue.

// In the matter of Public Comment, Agenda Item #11, Citizen Gary Taylor, representing Citizens for a Better Lynchburg, addressed Council regarding elected School Board for Lynchburg. He distributed informational materials to Council advocating for an elected school board. He stated that his plan for 2026 was to get Council to adopt an elected school board.

// In the matter of Public Comment, Agenda Item #12, Citizen Sharon Anthony was not present.

// In the matter of Public Comment, Agenda Item #13, Citizen Karen Quigg addressed Council regarding her hope for Council. She spoke about the hard work of prayer, and she said she would continue to pray for Council. She recounted the parable of the rich fool in Luke 12, encouraging citizens to prioritize their relationship with God and not accumulate earthly treasures.

// In the matter of Public Comment, Agenda Item #14, Citizen Chris Quigg addressed Council regarding more hope for Council. He expressed concerns about councilmembers' willingness to walk out of meetings and cancel them to avoid public comment. He emphasized the importance of separation of powers and checks and balances. He prayed that Council return to God's will and plan for government and leadership.

// In the matter of Public Comment, Agenda Item #15, Citizen Christine Hoezee addressed Council regarding the November 24, 2025 press conference with Councilmember Misjuns and Vice Mayor Diemer. She expressed concern about the lack of transparency and proper procedures in Council meetings, citing instances of procedural gymnastics and the removal of councilmembers from committees. She emphasized the importance of following rules and governance, and then read an advice pamphlet for county officials on how to run a meeting effectively.

// In the matter of Public Comment, Agenda Item #16, Citizen Justin Gaver addressed Council regarding the use of automatic license plate readers (ALPRs) in the City. He said he had significant concerns about the use of Flock Safety's automatic license plate readers in Lynchburg. He believed the cameras, which recorded license plate information and vehicle details, created an excessive level of security surveillance that invaded the privacy of every citizen. He noted concerns about the data security of the cameras, with some models having critical or high severity vulnerabilities.

// In the matter of Public Comment, Agenda Item #17, Citizen Molly McClenon addressed Council regarding children's readiness for school. She expressed appreciation for the approach taken to address the readiness of children to enter kindergarten. She commended the initiative to prevent problems from arising in the first place, rather than solely focusing on finding solutions. She highlighted the importance of supporting families in various areas, including physical and mental health, job readiness, housing, and parenting skills.

// In the matter of Public Comment, Agenda Item #18, Citizen Jibri Poe, representing the 40 Ways Coalition, addressed Council regarding concerns about vape and tobacco product sales to persons under 21. He noted the ease with which people under 21 could purchase vape and tobacco products. He requested that the Lynchburg Police Department increase sting operations to catch establishments and individuals selling tobacco and hemp products to minors. He asked Council to adopt ordinances imposing additional fines and penalties found in violation.

Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to add three of the public comment items to a future agenda: an update from staff regarding public housing, temporary and emergency housing shelters, and a women's shelters in Lynchburg; a presentation on why the City of

Staunton terminated its Flock Safety contract, and on the Flock Safety data security issues; and a presentation on options for Council to address tobacco sales to persons under 21.

Vice Mayor Diemer said he had growing concerns about the police state, so he was interested in hearing more about the cameras and the data vulnerabilities.

Councilmember Reed requested information about the Flock Safety data retention policies, as well as the parameters and guidelines for how the data was used.

Councilmember Faraldi requested to divide the question on each agenda item.

With no further discussion from the Council, the following vote was recorded on the motion to add an item to a future agenda to receive an update from staff regarding public housing, temporary and emergency housing shelters, and a women's shelters in Lynchburg:

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

Noes: 0

With no further discussion from the Council, the following vote was recorded on the motion to add an item to a future agenda to receive a presentation on why the City of Staunton terminated its Flock Safety contract and on the Flock Safety data security issues:

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

Noes: 0

With no further discussion from the Council, the following vote was recorded on the motion to add an item to a future agenda to receive a presentation on options for Council to address tobacco sales to persons under 21:

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

Noes: Faraldi 1

// In the matter of Behavioral Health Docket, Agenda Item #19, Council conducted a first reading of Resolution #R-26-002 amending the FY 2026 City/Federal/State Aid Fund budget and appropriating \$39,954 to fund further treatment, training, and supplies for the Lynchburg Behavioral Health Docket. The matter was previously discussed at the Finance Committee meeting on December 9, 2025. The Lynchburg Behavioral Health Docket (BHD) is a court docket designed to enhance public safety by

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providing an integrated system of treatment and judicial supervision that results in participant wellness and reduced recidivism. The BHD was established in March 2024 and operates in the Lynchburg General District Court. The Honorable Randy C. Krantz is the docket's presiding judge.

As this docket continues to grow in participation numbers and community impact, the docket coordinator has been seeking additional funding. The Department of Behavioral Health and Development Services (DBHDS) State Opioid Response (SOR) Program has awarded this docket \$39,954. This funding will be put towards treatment for the participants, training for the docket team members, and supplies for the docket coordinator. No additional City funding is required, as there is no local match for the grant.

At its December 9, 2025, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Reed brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Engineering, Agenda Item #20, Council considered adopting Resolution #R-26-003 increasing the lane mileage for street maintenance entitlement funds from the Commonwealth. The matter was previously presented at the Physical Development Committee meeting. When required, usually each year, the City submits a list of new or improved streets to VDOT for acceptance into the street maintenance system for payments to the City from the Commonwealth. For FY 2027, staff has identified 0.20 lane miles of street segments that need to be added. These street segments are shown on the attached map and VDOT U-1 Form.

This action is required by VDOT to add these segments to the system.

At its January 13, 2026, 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. No second was required, and Council, by the following recorded vote approved the motion:

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

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Noes:

0

// The meeting adjourned at 7:51 p.m.

Clerk of Council