

ALERT FEATURED TOP STORY

lynchburg

## Council votes down talk of MEO resolution

Emma Martin

Oct 12, 2023

**A**t-Large Councilor Martin Misjuns' proposed resolution "to promote Merit, Excellence and Opportunity in City Government" prompted a tense conversation at Tuesday night's city council meeting, which ended in a failed vote to discuss the resolution at council's next work session.

"I think that it's prudent to ensure that we have a debate about these items, that they don't just fall off the agenda without actually debating them and voting either for or against them or amending them in some way, shape, form or fashion," Misjuns said, after making a motion to amend the meeting agenda and add a discussion on the resolution later in the meeting.

Ward III Councilor Jeff Helgeson expressed support for continuing the conversation, saying "I seconded the motion because, one, it does need to get the light of day," and he amended Misjuns' motion to instead add the item to council's Oct. 24 work session. Helgeson, Misjuns and At-Large Councilor Larry Taylor were the three votes in support.

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Misjuns first introduced the resolution in June, and it was expected to be discussed at council's June 27 meeting. Community members had the opportunity to weigh in on the proposal during public comments at that meeting, but council did not, after Vice Mayor Chris Faraldi motioned to both amend the recently adopted Lynchburg City Schools budget and adjourn the meeting without any discussion of Misjuns' resolution, the final item on the agenda.

At that meeting, Helgeson called Faraldi's motion a "parliamentary trick" and a "low class" move; Faraldi said the treatment of city staff was "downright insulting," adding, "I do not believe that resolution has earned the right to even be debated."

The draft merit resolution prohibits government communications and training that expresses, promotes, teaches, advocates, or encourages "racist or sexist concepts." The resolution's definition of these concepts includes that "one race or sex is inherently superior to another race or sex," that "an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive whether consciously or unconsciously," and that "an individual should receive favorable treatment because of his or her race or sex," among other concepts.

The resolution also directs the city manager to cease any employment practices, including training and hiring, that don't comply with its provisions.

"I mean we have discussed it," Mayor Stephanie Reed said in response to Misjuns' motion.

"We discussed it the night it was brought up even though certain people didn't like the way it ended ... I feel like this is a complete slap in the face to what Councilman Taylor has brought up twice in a row now."

Taylor brought up the resolution and DEI (diversity, equity and inclusion) training, as roll call items during council's last two work sessions in September, leading to conversations with city staff about current policies.

Reed continued: “So what I’m receiving here is a couple of council members haven’t gotten their way, are fully aware that five council members don’t believe this is necessary, have used different measures of tactics to try and get it back on the agenda once again and are disrespecting the efforts that a fellow council member has made to say it’s not needed, and the time of staff members that has been taken to explain how the city already operates with merit and excellence standards.”

In September, the Lynchburg Republican City Committee passed a resolution in support of the MEO resolution and in a news release called for Republican council members to “defend and advance” the “principles that won decisively in the November 2022 elections by taking a bold stand against the progressive agenda.”

“The LRCC urges City Council Republicans to exercise the ‘power of the purse’ and prohibit unnecessary spending on divisive concepts in city government,” the release reads.

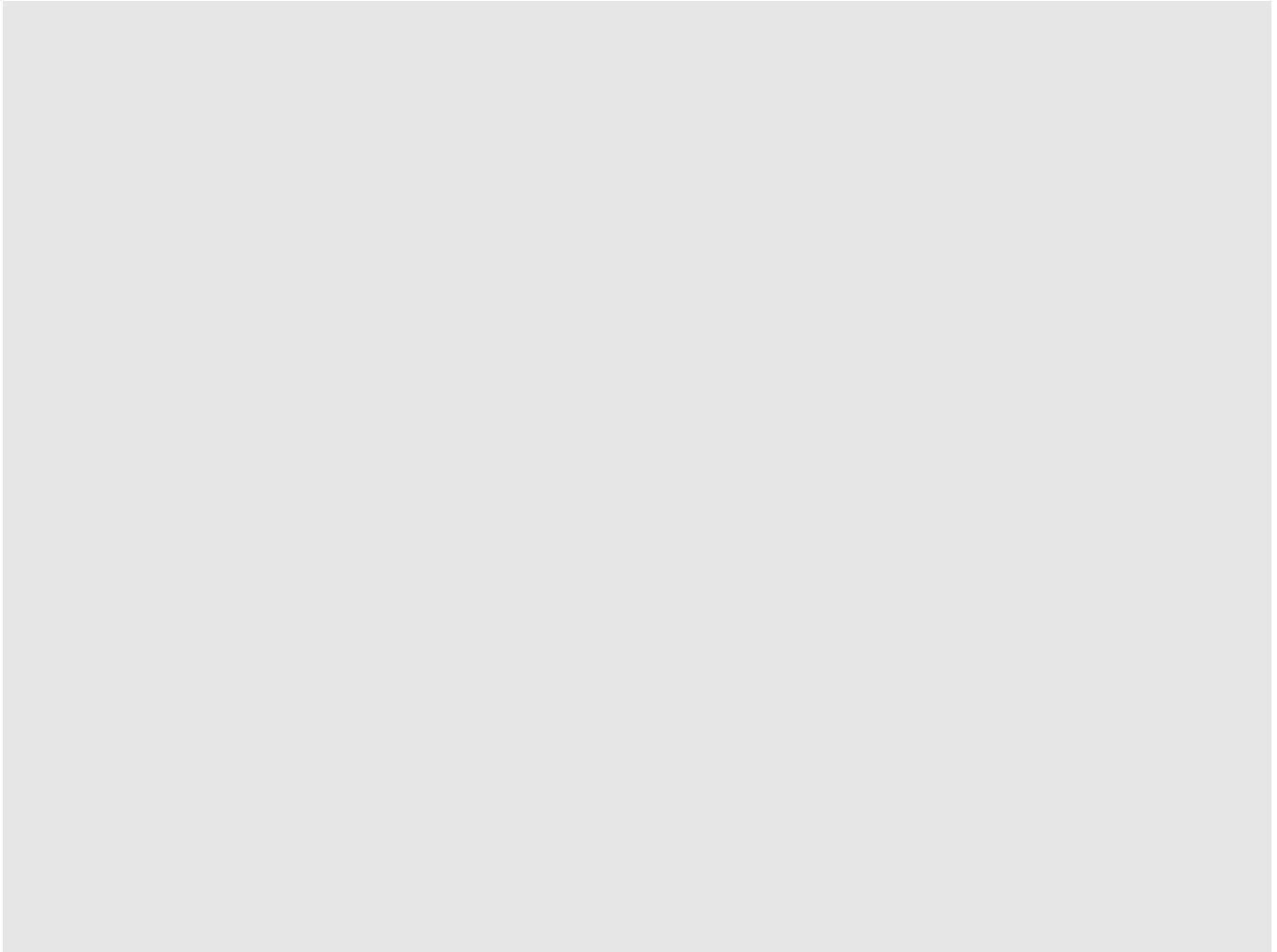
Referencing the meeting minutes council had just adopted, Misjuns said “it’s very clear here that there are certain people here that just don’t want to be put on the record or actually have a debate about this matter, that’s what’s clear and it’s unfortunate.”

Misjuns said the topic “warrants discussion.”

“It is about what our government is allowed to spend money on, and it is about ensuring that we promote merit, excellence and opportunity in the workplace because I can tell you, they’re going to sit up here and tell us all day long that that’s happening. OK, but I have seen it firsthand, and I have talked to plenty of people in the workforce that do not believe that that is the case.”

Misjuns’ amended motion to add the item to council’s Oct. 24 work session agenda failed, with Faraldi, Reed, Ward I Councilor MaryJane Dolan and Ward II Councilor Sterling Wilder voting against.

Council will meet next at 4 p.m. on Oct. 24 for its work session, followed by its regular meeting at 7:30 p.m. inside council chambers in City Hall, 900 Court St. in Lynchburg.



Misjuns

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[https://newsadvance.com/news/local/commonwealths-attorney-lynchburg-to-start-enforcing-skill-game-ban-jan-1/article\\_1e606e6c-7f50-11ee-9bbd-4fb0e3cdd2ac.html](https://newsadvance.com/news/local/commonwealths-attorney-lynchburg-to-start-enforcing-skill-game-ban-jan-1/article_1e606e6c-7f50-11ee-9bbd-4fb0e3cdd2ac.html)

ALERT FEATURED TOP STORY

virginia supreme court ruling

## Commonwealth's attorney: Lynchburg to start enforcing skill game ban Jan. 1

Emma\_Martin

Nov 10, 2023



Lynchburg Commonwealth's Attorney Bethany Harrison says the city will start enforcing a statewide ban on skill games Jan. 1.

On Thursday afternoon at the Marathon gas station on Lakeside Drive, two people were at the "skill game" machines lined up along a wall near the front door. Not uncommon in gas stations and convenience stores in Lynchburg, the machines may start to disappear soon in the Hill City, now that Commonwealth's Attorney Bethany Harrison and city officials say they'll start enforcing a statewide ban on the machines Jan. 1, in line with the Virginia Supreme Court's recent ruling.

Inside the Marathon, Mario Anderson toggled a button in front of one of the machines, and explained the game on the screen is like tic-tac-toe: three of the same bright animated symbols in a row means a win.

“I’ll play when I can, like if I can afford it. Cause it’s fun.”

Anderson said betting on a game starts at 4 cents and goes up to \$4. The most he’s won at a time is \$500 at a game on Rivermont Avenue.

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“It depends on the machine, right? If you get a hot machine, you might win some money but then again if you don’t have a hot machine, you might lose the money.”

**Virginia code** describes skill games as electronic machines that require money to play a game, “the outcome of which is determined by any element of skill of the player” and that may entitle the player to receive cash or cash equivalents.

At the Marathon, Anderson explained the skill game machine issues a ticket after a player wins which can be exchanged at a nearby machine for money.

The General Assembly passed legislation in 2020 declaring skill games to be illegal gambling devices. The laws took effect in 2021 and made possessing, operating, or playing skill games a criminal offense, providing both criminal and civil penalties for offenders.

A lawsuit was filed in Greenville Circuit Court in June 2021 challenging the skill games ban, and the court in December 2021 entered an injunction prohibiting enforcement of the ban, pending the outcome of the civil trial. On Oct. 13, 2023, the Virginia Supreme Court vacated the lower court's decision and lifted the injunction preventing enforcement of the skill games ban.

“In light of the Supreme Court's ruling and based upon the provisions of the Virginia code that prohibit playing or offering play of skill games, the law enforcement agencies in the City of Lynchburg in partnership with the Lynchburg City Attorney's office will resume enforcement of the ban on these gambling devices starting on Jan. 1 of 2024,” Harrison said at a news conference Thursday.

Harrison said anyone who finances, manages, sells or owns a gambling device could face a civil penalty to include a monetary penalty in the amount of \$25,000 per machine.

“This can also include immediate injunction or court order being issued prohibiting the operation of the gambling devices,” she added. Localities may also seize the devices and seek costs associated with the investigation and attorney fees for litigation.

In addition, the criminal penalty for illegal possession of a gambling device is a Class 1 misdemeanor punishable by up to 12 months in jail and/or a \$2,500 fine. The criminal penalty for operating an illegal gambling enterprise is a Class 6 felony punishable by up to five years in prison and up to a \$2,500 fine.

Consumers playing the games face a Class 3 misdemeanor, punishable by up to a \$500 fine. Owners leasing their property to someone operating gambling devices could also be charged with a Class 1 misdemeanor punishable by up to 12 months in jail and up to a \$2,500 fine.

“I do want to emphasize that this is for the City of Lynchburg. Each locality is picking a different date. So, if you have businesses both in Lynchburg and in some of the surrounding counties, I encourage you to contact the local law enforcement there and

ask what will be their date of enforcement.”

Harrison said the Jan. 1 enforcement date for Lynchburg is to give business owners time to get rid of the machines.

“We’ve picked this time period to allow business owners who were relying upon the law as it was prior to Oct. 13, 2023, to wrap up their businesses if they’re based solely on what is now illegal gambling, or if they have these machines in their businesses, convenience stores, to give them plenty of notice and time to get rid of the machines. This also will put us beyond the date of this lawsuit, so you’ll be able to see the outcome of this civil trial in mid-December.”

“Because we don’t want to prosecute people. We have plenty to do, sadly. But we will enforce the law. The General Assembly has made it very clear that they do not want these games operating. And I’m here to execute the law and we will do so if necessary.”

Asked about revenue from the machines, City Manager Wynter Benda said, “We actually get zero tax revenue from the machines themselves. We get a bit of business personal property if they register the machine.”

Anderson said he’ll be disappointed if the games disappear.

“Yeah, I’d be disappointed if they took it from us. Cause all the stores have them, you know what I’m saying?”

“It’s entertainment, for real, for real, more than anything for me.”

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[https://newsadvance.com/news/local/city-council-votes-5-2-to-censure-misjuns-first-in-councils-history/article\\_8e1772a4-8f05-11ee-9599-affe1acbd2f9.html](https://newsadvance.com/news/local/city-council-votes-5-2-to-censure-misjuns-first-in-councils-history/article_8e1772a4-8f05-11ee-9599-affe1acbd2f9.html)

ALERT FEATURED TOP STORY

lynchburg

## City Council votes 5-2 to censure Misjuns, first in council's history

Emma\_Martin

Nov 29, 2023



Emma\_Martin

**A**fter a tumultuous three-hour meeting Tuesday night, Lynchburg City Council voted 5-2 to formally censure At-Large Counselor Martin Misjuns for “disorderly behavior and misconduct.” At the request of The News & Advance, city

staff researched and found no evidence of a Lynchburg City Council having ever voted to censure a sitting member in its history.

The resolution, which Mayor Stephanie Reed motioned to add to the agenda at the beginning of Tuesday's meeting, admonishes Misjuns for "threatening" and insulting city staff; for attempting to "illegally impose" authority in city personnel matters that are "by law and contract within the purview of the City Manager;" and for attempting to "solicit assistance for conducting a 'set-up' for a colleague's town hall meeting with the intent of making said colleague 'look bad'." In **leaked internal emails** from October, Reed accused Misjuns of soliciting a college student to covertly record Vice Mayor Chris Faraldi.

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The censure imposes a fine equal to one month of Misjuns' councilmember's annual salary of \$10,000 due by Jan. 31, 2024.

"To prevent further negative behavior, the Councilman is hereby placed on notice, and is strongly advised to change course or potentially face future reprimands permissible under Virginia Law," the resolution reads.

Reed, Faraldi, At-Large Councilmember Larry Taylor, Ward II Councilmember Sterling Wilder and Ward I Councilmember MaryJane Dolan were the five votes in favor.

Misjuns and Ward III Councilmember Jeff Helgeson both voiced disagreement with the censure during the meeting and were the two votes against.

During the meeting's public comment period, seven speakers called for Misjuns' resignation or removal, or criticized his conduct on social media. Four speakers praised Misjuns.

"In my 35 years of observing Lynchburg City Council, I have never encountered such rancor and distrust among our elected officials, and I believe the primary source of that malevolence and resentment is one member of this council," Ward IV resident Michael Bremer said.

"To help restore decorum and functionality to council, tonight I call for Martin Misjuns to resign. Mr. Misjuns, your impropriety and failure to adhere to standards or demonstrate accountability is cause for concern."

City resident Kimberly Wynn spoke in support of Misjuns, saying "At best, the accusations against Councilman Misjuns are stunningly hypocritical, as I have witnessed divisive and contentious behavior from many councilmembers of this council.

"The citizens of Lynchburg desperately need him to stay because he has been aggressively going after corruption in this city."

During the meeting, Helgeson called the resolution a "hit job" and criticized its addition to the agenda without more notice. General business items are typically discussed during a work session before the vote; part of Reed's motion to add the item to the agenda was to temporarily suspend council's rules of procedure in order to do so.

"I think this is a very bad action. It looks nothing but political regardless of whatever motives you have on there I think it's wrong."

Interviewed after the meeting, Helgeson said he was surprised by the censure and that it's "absolutely" personal.

In support of the resolution, Wilder said, "One thing that I have seen is positive is that he has united Republicans and Democrats together to say we are tired. I have never seen so many Republicans or Democrats, thank God, to come together and say we need to change this in our community. And the thing about it is, I'm a Christian, and the Christ that I serve does not treat people like that."

Dolan said the last 11 months have been a "disaster" thanks to Misjuns' "distractions, staff humiliation, belligerent and threatening treatment of peers and community members."

"I can tell you, same as Councilmember Wilder said, without hesitation, that I cannot go anywhere in this community without citizens from all political affiliations cornering me and asking me the same question: 'why do you not as a city councilmember do something about the actions of Councilmember Misjuns?'"

Taylor ran with Misjuns and Reed on the same Republican ticket last November and explained his support for the resolution.

"Marty, we campaigned together. We campaigned together hard to have a majority on council. I love you brother, but your attitude has been out of order, OK? We need to bring it in and if you make an open apology to council, to city staff and we can just do this resolution and move forward. We can start all over again."

During his turn to speak on the motion Misjuns did not apologize, and instead went on the offensive, alleging a city staff member wrote the resolution — Reed later said it was written by outside counsel — and suggesting that members of staff were "frightened" by his election to city council as a "working class" candidate.

"If you only knew what I knew. I've got a whole list of things written down here that should never happen with your taxpayer dollars," Misjuns said.

Interviewed after the meeting, Misjuns said he's not worried about the censure.

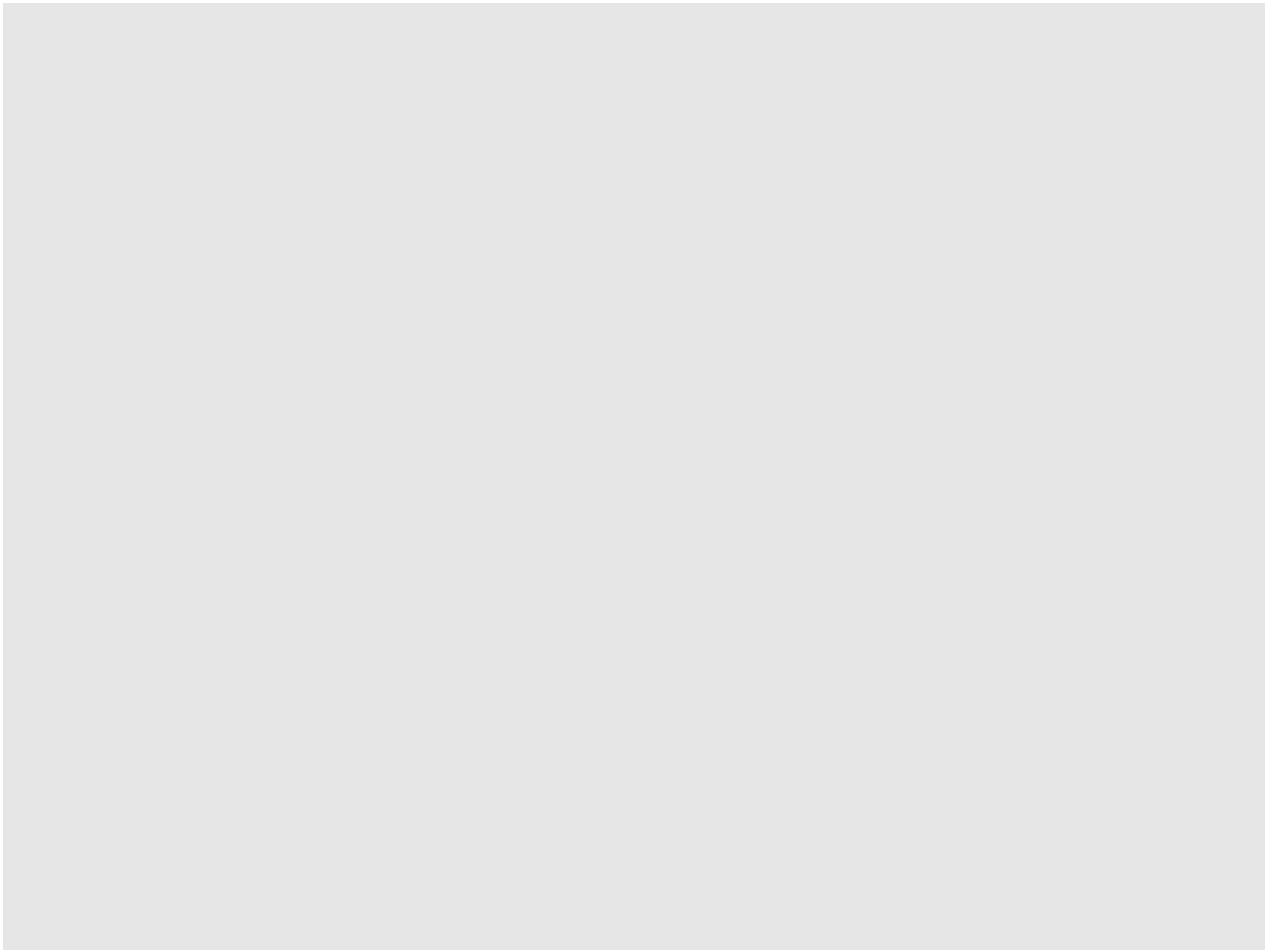
"I think what happened tonight was the lines were drawn and the citizens know who really is on which side. You're either on the side of the government or you're on the side of citizens and I'm on the side of citizens."

Asked about public commenters' remarks, Misjuns said, "They are citizens I get it, but I was elected by Republicans to govern as a Republican and I'm going to do that."

Reached by phone Wednesday, Reed said the resolution for censure "speaks for itself."

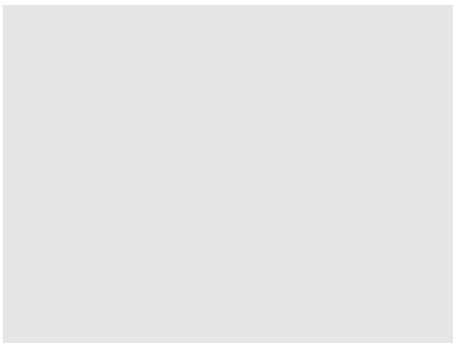
"This was not personal between me or any other Councilmember and Councilmember Misjuns. As I stated in the meeting, the censure last night was issued in an effort to hopefully correct unbecoming behavior and also show our citizens that we do a better job in representing them as their local officials with integrity and respect."

"It's my hope that we can move forward from here, get to work on the issues of the city and be a council that our citizens can be proud of."



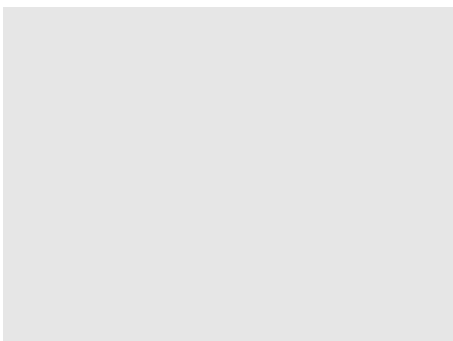
Misjuns

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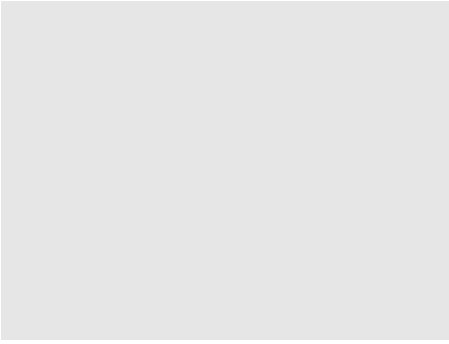
Taylor

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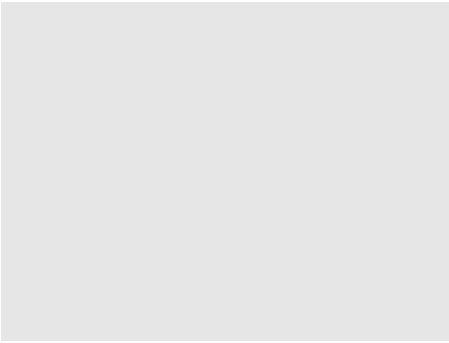
Helgeson

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Faraldi

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Wilder

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