



Architectural Review Board
Supplemental Meeting Minutes
March 28, 2016
City Hall Council Chambers
Fredericksburg, Virginia

Members Present

John Harris, Chair
Susan Pates
Sabina Weitzman
Ken McFarland
Kerri Barile
Jamie Scully

Members Absent

Jon VanZandt

Staff

Erik Nelson
Kate Schwartz
Chuck Johnston

OPENING REMARKS

Mr. Harris called the Architectural Review Board meeting to order at 7:30 p.m. He determined that a quorum was present and asked if public notice requirements had been met. Mr. Nelson stated that they had.

APPROVAL OF AGENDA

Mr. Harris asked if there were any changes or additions to the agenda.

Ms. Weitzman asked to add an item under New Business – lighting at 904 Princess Anne Street.

Dr. Barile made a motion to accept the agenda as amended. Ms. Weitzman seconded. Motion carried unanimously.

DISCLOSURE OF EX PARTE COMMUNICATION

Mr. Harris asked if any Board member had engaged in any *ex parte* communication on any item before the Board.

No one indicated that they had engaged in any *ex parte* communication.

DISCLOSURE OF CONFLICTS OF INTEREST

Mr. Harris asked if any Board member had a conflict of interest for any item before the Board.

No one indicated that they had a conflict of interest.

OLD BUSINESS

1. Community Bank of the Chesapeake – Installation of signs at 425 William Street

Diane Hicks, Assistant Vice President and Marketing Director, was present.

Dr. Barile noted that the signs were dramatically better than what they had seen previously. The new signs respected the building while also getting their message across.

Mr. Scully clarified the location of the projecting sign and the design of the awnings.

Ms. Pates asked if the awnings were adjustable. Ms. Hicks said they were fixed.

Ms. Weitzman said she agreed with her colleagues, that the signs were much improved.

Dr. Barile said she found the signs to be architecturally compatible with the historic aspects of the Historic District and made a motion to approve them, as submitted. Ms. Weitzman seconded. Motion carried unanimously.

Ms. Hicks thanked the Board.

NEW BUSINESS

1. Shawn Phillips – Informal review of murals at 106 George Street

Mr. Phillips said he wanted to add some visual interest to the corner of the building, which was built in 1955 as a department store. He proposed to paint a historic beer making/tavern scene on one side of the corner and a modern beer making/tavern scene on the other side.

Mr. McFarland said that the painter, Bill Harris, was a well known artist and would do a good job. The concept is also appealing and innovative, but they must carefully consider the painting of unpainted bricks.

Mr. Phillips said he did not want to harm the building and noted that the building owner was going to make him sign a written agreement to remove the mural if the business moves elsewhere.

Dr. Barile said the concept was imaginative.

Ms. Weitzman said her issue would be more with removing what will surely be a piece of art. She suggested less emphasis with taking it off and more attention to ensuring the bricks are not damaged. If the mural is a good one, why remove it?

Mr. McFarland noted that the mid-twentieth century bricks were hard fired and could handle any removal process.

Ms. Pates asked if any other options had been considered.

Mr. Philips said they had looked at putting vinyl graphics on a metal sheet that would wrap the corner and had also looked at the potential for attaching wood panels that would be painted. Attaching something to the walls, however, would provide places where bugs could thrive, otherwise damage the mortar, and generally cause other problems with maintenance of the building.

Mr. Scully expressed support for painting directly on to the surface rather than attaching something, but noted that the Board's concern would be maintaining the breathability of the bricks. Any painting should not make the bricks behave differently.

Mr. Phillips thanked the Board and said he would return with a formal proposal as well as have answers to the issues raised.

2. Zoning and Zoning Overlay Procedures

Mr. Nelson noted that Councilmember Matt Kelly had raised an interesting issue at the last meeting, by suggesting that the Board was not supposed to consider zoning matters when reviewing submitted designs. Mr. Nelson noted that this interpretation of the Board's legal due process was a departure from what it normally does and asked if any discussion was needed regarding the Board's obligation to follow the jurisdiction's zoning code.

No one on the Board expressed any need to discuss Mr. Kelly's interpretation of the Board's responsibilities.

3. Supplemental Meeting Procedures

Kate Schwartz presented slides to show comparative supplemental meeting procedures. She said this matter and others would be worth discussing at future meetings.

4. Lighting at 904 Princess Anne Street

Ms. Weitzman expressed concern with the new LED lighting at 904 Princess Anne Street. Mr. Johnston explained that his office had looked into the matter and that there were photographs that revealed that the building had already been outlined with lights and that the new lighting was a replacement of previously existing lighting.

CLOSED SESSION

Mr. Harris noted that the Board needed a closed session to discuss legal matters with one of their attorneys, L. Eden Burgess, who would be calling in.

Mr. Harris made a motion for a closed meeting to discuss legal matters related to *City Council of the City of Fredericksburg v. Architectural Review Board*, as allowed under the Virginia Freedom of Information Act, Code of Virginia Section 2.2-3711(A)(7). Dr. Barile seconded. Motion carried 6-0.

The Planning staff departed the meeting.

Upon conclusion of the closed meeting, Mr. Harris made a motion to adopt a resolution (ARB Resolution 16-02) certifying that the closed session had been properly conducted. Dr. Barile seconded. Motion carried 6-0.

ADJOURN

Upon a motion made and duly seconded, the meeting adjourned at 8:58 p.m.

John Harris, ARB Chair



MOTION: Harris

SECOND: Barile

**March 28, 2016
Supplemental Mtg.
ARB Resolution 16-02**

RE: CERTIFICATION OF CLOSED MEETING

ACTION: APPROVED: Ayes: 6; Nays: 0

WHEREAS, the Architectural Review Board of the City of Fredericksburg has this day adjourned into a Closed Meeting in accordance with a formal vote of the Board, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires the Architectural Review Board to reconvene in open session and to certify that such a Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Architectural Review Board of the City of Fredericksburg does hereby certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discuss in the Closed Meeting to which this certification applies, and (ii) only such public business matter as was identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by the Architectural Review Board.

-Adjourned into Closed Meeting at 8:32 p.m.
-Adjourned out from Closed Meeting at 8:58 p.m.

Votes:

Ayes: Harris, Barile, Weitzman, Scully, Pates, McFarland

Nays: None

Absent from Vote: VanZandt

Absent from Meeting: VanZandt

Staff's Certificate

I, Erik F. Nelson the undersigned, certify that I am the Senior Planner for the City of Fredericksburg, Virginia, and that the foregoing is a true copy of ARB Resolution 16-02 duly adopted at the Architectural Review Board meeting held March 28, 2016 at which a quorum was present and voted.



Erik F. Nelson



Motion for Closed Meeting Under
The Virginia Freedom Of Information Act

I move that the Architectural Review Board convene a closed meeting under the Virginia Freedom of Information Act, Code of Virginia Section 2.2-3711(A)(7) in order to discuss:

□ **Legal Matters**

- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open session would adversely affect the negotiating or litigating posture of the Architectural Review Board, **OR**
- Briefing by staff members or consultants, pertaining to actual or probable litigation, where such briefing or consultation in open session would adversely affect the negotiating or litigating posture of the Architectural Review Board.

The legal action is as follows: City Council of the City of Fredericksburg v. Architectural Review Board and NBB LLC