



**Architectural Review Board**  
Supplemental Meeting Minutes  
December 15, 2015  
City Hall Conference Room  
Fredericksburg, Virginia

**Members Present**

Kerri S. Barile  
John Harris  
Susan Pates  
Sabina Weitzman  
Ken McFarland  
Jon VanZandt  
Jamie Scully

**Members Absent**

**Staff**

Erik Nelson

**Other staff present:** Chuck Johnston

---

---

**OPENING REMARKS**

Dr. Barile called the meeting to order at 6:04 p.m. She introduced Greg Werkheiser and L. Eden Burgess, attorneys at law, and indicated the meeting was to discuss legal matters.

Mr. Scully 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). Mr. Harris seconded. Motion carried 7-0.

Mr. McFarland asked if City employees should be present. Mr. Werkheiser said they should not be there, as they were not being represented by them and their presence could potentially pierce the envelope of attorney/client privilege.

Mr. Nelson and Mr. Johnston withdrew from the meeting.

Upon conclusion of the closed meeting, Mr. VanZandt made a motion to adopt a resolution certifying that the closed session had been properly conducted. Mr. Harris seconded. Motion carried 7-0.

**ADJOURN**

Upon a motion made and duly seconded, the meeting adjourned at 8:15 p.m.

---

Kerri S. Barile, ARB Chair



**MOTION:** VanZandt

**SECOND:** Harris

**December 15, 2015  
Supplemental Mtg.  
ARB Resolution 15-02**

**RE: CERTIFICATION OF CLOSED MEETING**

**ACTION: APPROVED: Ayes:7; 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 6:04 p.m.  
-Adjourned out from Closed Meeting at 8:15p.m.

**Votes:**

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

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

\*\*\*\*\*

***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 15-02 duly adopted at the Architectural Review Board meeting held December 15, 2015 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