



Architectural Review Board
Supplemental Meeting Minutes
February 8, 2016
City Hall Conference Room
Fredericksburg, Virginia

Members Present

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

Members Absent

Jon VanZandt

Staff

OPENING REMARKS

Mr. Harris called the meeting to order at 6:00 p.m. He noted that the meeting was to discuss legal matters with their attorneys, Greg Werkheiser and L. Eden Burgess, who were present.

Dr. Barile 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. Scully seconded. Motion carried 6-0.

Upon conclusion of the closed meeting, Dr. Barile made a motion to adopt a resolution certifying that the closed session had been properly conducted. Mr. Scully seconded. Motion carried 6-0.

ADJOURN

Upon a motion made and duly seconded, the meeting adjourned at 7:13 p.m.

John Harris, ARB Chair



MOTION: Kerri S. Barile

SECOND: Jamie Skully

**February 8, 2016
Supplemental Mtg.
ARB Resolution 16-01**

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 6:05 p.m.
-Adjourned out from Closed Meeting at 7:13 p.m.

Votes:

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

Nays: 0

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 16-01 duly adopted at the Architectural Review Board meeting held February 8, 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