



**Minutes**  
**Architectural Review Board**  
**Supplementary Meeting**  
September 12, 2016  
Room 214, City Hall  
Fredericksburg, Virginia

**Members Present**

John Harris, Chair  
Sabina Weitzman, Vice Chair  
Susan Pates  
Jamie Scully  
Kerri S. Barile  
Kenneth McFarland

**Members Absent**

Jon Van Zandt

**Staff**

Kate Schwartz

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Mr. Harris called the Architectural Review Board meeting to order at 6:02 p.m.

**OPENING REMARKS**

Mr. Harris determined that a quorum was present and asked if public notice requirements had been met. Ms. Schwartz stated that they had.

Mr. Harris noted that the meeting was to discuss legal matters with their attorney, L. Eden Burgess, who was present.

**DISCLOSURE OF EX PARTE COMMUNICATIONS**

Mr. Harris asked if any Board member had engaged in any *ex parte* communication on any item before the Board. Dr. Barile and Ms. Weitzman stated that they had met with City Attorney Kathleen Dooley and City Manager Tim Baroody regarding the George Street Townhomes project on September 1. Mr. McFarland and Ms. Pates stated that on September 8 they had also met with the City Manager and City Attorney regarding the same project.

**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 they had a conflict of interest.

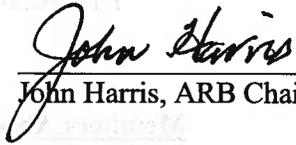
**CLOSED SESSION**

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 § 2.2-3711(A)(7). The motion was seconded and carried 6-0. Ms. Schwartz exited the meeting at this time.

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

**ADJOURN**

Upon a motion made by Mr. McFarland and duly seconded, the meeting adjourned at 6:56 p.m.

  
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John Harris, ARB Chair

**MOTION:** McFarland

**SECOND:** Barile



**September 12, 2016  
Supplementary Meeting  
ARB Resolution 16-04**

**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 discussed in the Closed Meeting to which this certification applies, and (ii) only such public business matters as were 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 6:56 p.m.

**Votes:**

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

**Nays:** None

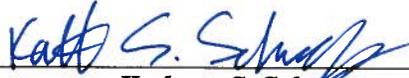
**Absent from Vote:** Van Zandt

**Absent from Meeting:** Van Zandt

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***Staff's Certificate***

*I, Kathryn S. Schwartz the undersigned, certify that I am the Historic Resources Planner for the City of Fredericksburg, Virginia, and that the foregoing is a true copy of ARB Resolution 16-04 duly adopted at the Architectural Review Board meeting held September 12, 2016 at which a quorum was present and voted.*

  
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**Kathryn S. Schwartz**





**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

