Minutes
Architectural Review Board
Supplementary Meeting

May 9, 2016
Room 218, City Hall
Fredericksburg, Virginia

Members Present	**Members Absent**	**Staff**
John Harris, Chair	John Van Zandt	Kate Schwartz
Sabina Weitzman, Vice Chair		
Susan Pates		
Jamie Scully		
Kerri S. Barile		
Kenneth McFarland		

Mr. Harris called the Architectural Review Board meeting to order at 6:33 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 attorneys, Greg Werkheiser and L. Eden Burgess, who were 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. No one indicated 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 they had a conflict of interest.

CLOSED SESSION

Mr. McFarland 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). Ms. Pates seconded. Motion carried 6-0. Ms. Schwartz exited the meeting at this time.

Upon conclusion of the closed meeting, Ms. Weitzman 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 7:29 p.m.

John Harris, ARB Chair

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

MOTION: Weitzman

SECOND: Scully

May 9, 2016
Supplementary Meeting
ARB Resolution 16-03

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	6:34 p.m.
-Adjourned out from Closed Meeting at	7:28 p.m.

Votes:
Ayes: Harris, Barile, Weitzman, Scully, Pates, 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 16-03 duly adopted at the Architectural Review Board meeting held May 9, 2016 at which a quorum was present and voted.

Kathryn S. Schwartz

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