



TOWN COUNCIL

Executive Session

Town Hall

December 1, 2008

5:00 p.m.

At approximately 5:00 p.m. Mayor Dora Sullivan called to order the Executive Session of the Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Burdiss, Evans and Veber. Councilman Elliott arrived at approximately 5:15 p.m. Councilman Bennett recused himself due to a conflict of interest in being an employee of Bay Creek and left the meeting prior to commencement of the Closed Session. Also in attendance were Assistant Town Manager Heather Arcos, Treasurer Paul Skolnick and Town Consultant Bob Panek.

Motion made by Councilman Bannon, seconded by Councilman Veber and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of:

Paragraph 7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Specifically: Annexation Issue

Motion made by Councilman Evans, seconded by Councilman Burdiss and unanimously approved to return to Open Session.

Motion to certify to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote: Bannon, yes; Burdiss, yes; Elliott, yes; Evans, yes; Veber, yes.

Motion made by Councilman Burdiss, seconded by Councilman Veber and unanimously approved to adjourn the Executive Session of the Town Council.

Mayor Sullivan

Town Clerk