



## TOWN COUNCIL WORK SESSION

Monday, August 1, 2016 @ 7:00pm

Front Royal Town Hall

### 1. AMP Presentation on AMI Program

**Summary:** In the fall of 2014, a steering committee was formed to evaluate AMI Solutions for the Energy Services Department. The Town then engaged UtiliWorks (UWC) to perform a business case analysis which showed benefits including cost savings, operational efficiencies and revenue enhancements in areas such as: meter reading, billing, call center operations, and field customer service. The steering committee has been evaluating the next step in the process by evaluating the AMP AMI program being offered to its members.

**Staff Evaluation:** The steering committee has been evaluating the AMP's AMI program, which are currently underway with 11 other municipalities in the AMP membership. The program maximizes value with data center operations, advanced cyber security, dedicated staff to manage the system, economies of scale from collaborative procurement and sharing of experience and knowledge with other members.

**Staff Recommendations:** The steering committee recommends council consider a Non-binding Letter of Intent (LOI) to AMP to develop a detailed cost estimate along with a high-level project plan for further evaluation.

Mr. Price and Mr. Bjelovuk with AMP presented the following program summary to the Town Council:

## Advanced Metering Program

*American Municipal Power*

- Jared Price – Chief Technology Officer
- George Bjelovuk – AMI Program Manager
- Brandon Poddany – Marketing/Member Relations Manager

### AMP Overview

- AMI Business Drivers - Front Royal Business Case
- Program Overview and Cost Estimates
- Joining the AMP AMI Program
- Next Steps

## AMP History

- *Development History*

- 1971 AMP formed as “not-for-profit” corporation under Ohio

Revised Code Chapter 1702

- 1996 Private Letter Ruling permits tax-exempt financings “on behalf of”

Members

- *Industry Presence*

- Members in Ohio (83), Pennsylvania (29), Michigan (6), Virginia (5, *including Front Royal*), Kentucky (4), West Virginia (2), Indiana (1), Maryland (1) and Delaware (1, DEMEC with 9 members)

- Operations within two Regional Transmission Authorities

- Midcontinent Independent System Operator, Inc. (MISO)
- PJM Interconnection, LLC (PJM)

## AMP Governance

- *Corporate Governance*

- Owned and governed by its 132 Members in 9 states

- Each State or Joint Action Agency with 5 or more members guaranteed a Board seat

- *AMP Strengths*

- Joint Action

- Stronger voice (132 Members/9 states)

- Buying power

- Projects Based Organization

- Members subscribe to projects of their choice

- Financial Strength

- \$750 million Line of Credit to provide underlying support

## General Business Drivers for AMI

- *Public Works Projects to address utility infrastructure*

- Handheld/drive-by equipment is aging

- Water meter modules near end-of-life (batteries)

- Stopped or under-registering meters
- Other technology deployments (LED street lighting control, GIS, etc.)
- *Improve & reduce cost of customer service*
  - Surrounding utilities providing internet access to interval data
  - Enhanced customer communication
  - Enable remote connect/disconnect of electric service
- *Support for emerging needs – rates, distributed generation*
  - Distributed generation (e.g. solar) metering requirements
  - Changes in rate design – TOU, demand metering, seasonal rates
  - Distribution grid management – automation, Volt/VAR control

### Front Royal AMI Assessment

- Study completed by UtiliWorks
- Surveyed Front Royal Employees
- Evaluated operational improvement opportunities from AMI deployment
- Three scenarios proposed, along with estimates of cost
- *Scenario 2, Optimized AMI System*
- AMI deployment
- Remote connect/disconnect
- Prepaid Billing
- IVR System
- Planned Outage Notifications
- Payment Reminder Program
- Business Process Redesign

### Advanced Metering Evolution - AMI

- **Specialized employees are required for the deployment & support of IT systems**
  - **Staff may be difficult to attract and retain for AMP member municipalities**
- **Managing relationships with a new group of vendors**
  - **Utility equipment distributors help w/ this, but only w/ vendors they represent**
- **AMI projects require several key skill sets for success:**
  - **Effective presentations to leadership**
  - **Engagement of the community**
  - **Cost/benefit analysis**
  - **Project Management**
- **On-premise IT system deployments require capital investment**
- **Independent action loses opportunity to achieve economies of scale from collaborative action**

#### **Commercially Hosted Solutions**

- **Municipality may be limited in its ability to explore the AMI marketplace**
- **Expertise deferred to Hosted Solutions Provider**
- **Reliance on vendors and distributors to interact with municipality's leadership**
- **Varying degrees of maturity among vendor/distributor project management skills**
- **AMP Members would end up with individual contracts with multiple providers**

#### *AMP Smart Grid Advisory Committee*

- **Formed about 18 months ago to facilitate exchange of information among Members interested in smart grid technologies**
- **Common interest among members in advanced metering (AMI) *Leidos Engineering Study, 2014***
- **Modeled several scenarios for members**
  - **Each municipality deploying meters, networks, systems**
  - **Each municipality using a commercial hosting provider**

- Single hosting provider for all members
- AMP-developed hosting services for all members
- Determined that joint action among AMP members could provide members benefits in lower acquisition cost, sharing of more costly components and expertise

### AMP AMI Project – Vendor Selection

AMP has selected *Silver Spring Networks* & *ElectSolve* as Vendor/Partners for the Advanced Metering Program

- *Silver Spring Networks*
  - Superior AMI Communications Network – availability & security
  - Fully monitored network solution – 7x24x365
  - Allows flexibility in meter selection
  - Foundation for future requirements – street lighting control, distribution automation, Volt/VAR Control
- *ElectSolve*
  - Deep experience with working with municipal utility systems
  - Extensive billing system & integration experience
  - Hometown Connections Partner

*AMP's Board has approved the program and executed contracts with these vendors on June 3*

### AMP AMI Program – Cost Overview

*AMP has negotiated aggregated pricing from its vendor/partners*

- Silver Spring Networks AMI Communications Components
- GE Electric Meter Platforms
- MasterMeter water meters & interpreter/registers
- Installation of field equipment, as required
- ElectSolve's Meter Data Management System & Application Portfolio
- Billing System Integration
- Project Management & Training

### AMP AMI Program Overview & Costs

*Front Royal will incur one-time project costs...*

- Electric meters
- AMI Communications Network
- Installation of field equipment, as required
- Application Selections
- Project Management & Training

### **Front Royal's Capital Investment**

*Estimates for Key Cost Components of Project:*

- Electric meters (7,438): \$633,200 - \$750,300
- Water meters & communications modules – Not in Scope
- AMI Communications Network - \$62,200
- Installation of field equipment, as required - \$136,000
- Complete Meter-to-cash Integration - \$64,850

Optional Applications & Interfaces: (varies by application)

- Customer Portal
- Outage Management System Interface
- SCADA Interface
- Wholesale Meter Data Interface
- GIS Interface
- Loss Analysis
- Voltage Analysis
- Power Billing
- Transformer Load Analysis
- Demand Response

- Project Management & Training: \$129,200, based on services requested

*Total Capital Cost: \$1,025,200 - \$1,142,490*

*Annual Operating Expense: \$75,870 (3% annual increase cap)*

## AMP AMI Program Overview & Costs

*AMP will make over \$2.5 million in technology capital investments...*

- IT infrastructure
- Security components
- Data storage capacity
- Application licensing
- Dedicated staff – Program Manager & AMI Operator

*...and manage the overall program.*

### *AMP's Board Commitment*

- Over \$1 million in R&D invested
- 10-year program
- Initial goal is 200,000 meters
- Additional \$5 million support over 10 years

## AMP's Support Cost

### *Fully managed AMI-Headend system*

- Silver Spring Networks supports multiple meter manufacturers
- Vendor Service Level Agreement:
  - 99.5% read reliability for electric meters
  - 99% read reliability for water meters
- Monitored by SSN's Network Operations Center – 24x7x365

### *Fully managed Meter Data Management System*

- Integrates to member CIS system.
  - Ongoing support of CIS integration included
  - Includes Utility Portal for operations
- Support for additional modules (customer web portal)

*Full Disaster Recovery Site and annual testing.*

*Cyber-Security monitoring of all systems.*

*Future system and software upgrades*

## Annual Support includes AMP Staff

- *Program Manager*
  - Assists with Business Case Development.
  - Gives presentations on program and serves as AMP's project manager for onboarding members into the program.
  - Responds promptly to any issues brought up by members.
  - Coordinates member training on the system.
  - Coordinates communications between Muni, AMP, ElectSolve and Silver Spring to provide a seamless experience when dealing with issues.
- *AMI Operator*
  - Coordinate event reporting on communication issues between member field equipment and Silver Spring.
  - Schedule and coordinate distribution of workflows and reports that come from the system to the member field personnel.
  - Assists with problem resolution between all parties.
  - Serve as escalation point for any system problems.

## AMP Value Proposition

AMP's AMI program maximizes value to its Member participants:

- Data Center Operations
  - Fully managed primary and Disaster Recovery site
  - Annual DR and failover testing
  - Future hardware/software upgrade costs
- Advanced Cybersecurity, Intrusion Prevention, or Data Encryption
- Dedicated staff to manage the system and issue resolution
- Access to AMP staff in IT, Finance & Legal departments
- No meter vendor lock-in

Front Royal gains the full benefits of Joint Action and Collaboration.

## AMP's Support for its Members

### **Key Observation:**

*“While AMP program relieves the burden of back office system operation, it will be important for communities to understand their roles before, during and after the AMI Project Implementation. ...”*

### **Key Municipality Roles & Activities:**

- Managing the project approval process
- Financing the deployment
- System readiness
- Community readiness
- Deployment responsibilities
- Post-deployment operations

### **Financing the Deployment**

- AMP can provide clarity on costs:
  - Examples of one-time costs and on-going operating expenses:
- *One-Time Costs:* Meters, modules & installation; AMI Communications Network; Billing System Integration; Training
- *On-going operating expenses:* AMP Back Office Charges; billing System Support; Cellular data costs for access point connectivity
  - Contingencies will be included for:
- Scheduling delays caused by inclement weather, etc....
- Any permitting, franchising fees, licenses or other fees required to mount access point and relay radios.
- AMP can assist the municipality with identifying available financing options which can include:
  - AMP’s Line of Credit
  - Bond Anticipation Note

### **System Readiness**

- Provide accurate meter counts and types in order for AMP to provide a final quote
- Assist Vendors with site survey in order for them to firm up field network equipment and deployment.

- Verify properly sized internet connection is in place and network firewall is in place in the municipality.
- Firewalls and VPN tunnels required for system access and billing interface.

### Community Readiness

- Communicate benefits of advanced metering
  - Improved utility operations
  - Support for energy efficiency
  - Better communications with residents and businesses
- Meet with resident committees to notify them of the upcoming system and work involved
  - Installers may need to enter homes to exchange inside meters or work in pits on resident's property
  - Scheduling this work on behalf of the installer
- Designating a municipality spokesperson for questions related to the program

Smart Grid Consumer Collaborative is a 501(c)(3) nonprofit organization with over 75 members with a mission to serve as a trusted source of information for **industry stakeholders** seeking a broad understanding of consumers' views about grid modernization, electricity delivery, and energy usage, and for consumers seeking an understanding of the value and experience of a modern electrical grid.

- Performs primary consumer research
- Collaborate with stakeholders via hosted events and shared best practices
- Educate consumers via outreach and messaging toolkits

### Deployment Responsibilities

- Designating a project manager or coordinator at the municipality to manage the field deployments and work with the installer and field staff
- Making sure appropriate staff attend system training on the different portions of the system
- Validation of data in the system and doing a parallel process billing cycle
- Power connection to collectors and relays

- Installation of any additional poles to support equipment
- Equipment storage

### Post-Deployment Responsibilities

- Responding to system generated messages – meters not reporting, collectors/access points not communicating, etc.
- Field investigations of problematic equipment after install
- Installation and replacement of field equipment after install (adding new meters, expanding communications network, etc.
- Municipality Meter Test Lab, if desired

### Joining the AMP AMI Program

- Initial Interest confirmed
- Data submitted to obtain high level estimate

High Level Estimate presented to Town Council

- Request Non-Binding Letter of Intent (LOI)

Once LOI is received, vendor workshop scheduled in Front Royal, VA

- Detailed statements of work developed; detailed price quotation
- High Level Project Plan

Local approval process results in fully executed Member Schedule to AMP Master Services Agreement

Deployment project begins (7 – 9 months)

### **Council Discussion:**

Mayor Darr asked about historical data about the system as a whole. AMP noted that the vendor has granted and guaranteed service level credits if the system were to fail. He further added that the Town could explore other financing options if they choose to spread out the project over 2-3 years rather than buying in all up front.

To answer Councilman Tewalt's questions regarding the Letter of Intent, as it is not a binding contract, AMP stated that the LOI allows the Town the opportunity to take the opportunity to meet with the vendors by providing a measure of good faith with the LOI. He further noted that the deployment takes a Council meeting or two for approval and then a 16 week lead time for equipment to be on site, with installation decided during the scoping study.

Councilman Hrbek voiced support of moving non-binding Letter of Intent, noting that he was trusting in the AMP projects and Mr. Waltz's opinion. Mr. Tewalt noted that meeting with Mr.

Waltz should meet with Council during an upcoming worksession to give Council some more detail and discuss the project in full. Mr. Waltz noted that the Town's water department is about 50% complete with their automated water meter portion.

## **2. Front Royal Limited Partnership Special Exception Request – *Dir. of Planning/Zoning***

**Summary:** FRLP submitted a special exception request pursuant to Town Code 148-211. The requested was modified in May and is attached for reference. Also attached is a copy of the Staff Report, updated for Town Council following the public hearing held by the Planning Commission on June 15th.

**This agenda item is scheduled for a work session review on August 1, 2016. The application will need to be scheduled for a public hearing with Town Council, and a 2nd reading is advised.**

### **FROM PLANNING & ZONING:**

#### **SUMMARY OF REQUEST**

Front Royal Limited Partnership has applied for a special exception, pursuant to Town Code Section 148-211.A(2)(c), for alternative standards to Town Code Section 148-820.D.6, including table 148-820.D.6, that would allow a reduction to street widths on FRLP's property that is presently zoned R-1A and consisting of approximately 149-acres. (See **Attachment 1** – Applicant's May 20, 2016 Submission)

#### **LEGAL REVIEW:**

Virginia Code § 15.2-2310 authorizes localities to consider special exceptions when adopted as part of the localities ordinances.

Town Code 148-211 authorizes Town Council to issue special exceptions to the standards of the Subdivision & Land Development Ordinance, after review and recommendation by the Planning Commission, and under certain criteria, including a determination that the special exception will help facilitate the creation of affordable housing; will better facilitate traditional neighborhood design principles; or will better facilitate the conservation of natural features to protect water and open space resources. The entire code language of Town Code 148-211 is as follows:

#### **148-211 SPECIAL EXCEPTIONS**

A. A special exception to the general regulations of this Chapter may be granted by Town Council, for either of the following circumstances:

1. When strict adherence to the general regulations would result in substantial injustice or hardship; provided that, the special exception would not diminish public health, safety or general welfare, including, but not limited to, consideration that adequate provisions are provided to ensure long-term maintenance of public and shared private facilities, and conformance with the goals and objectives of the Comprehensive Plan.
2. When it is demonstrated that use of alternative regulations for a particular development would better achieve at least one of the goals listed below; provided that, the special exception would not diminish public health, safety or general welfare, including, but not limited to, consideration that adequate provisions are provided to ensure long-term maintenance of public and shared private facilities, and conformance with the goals and objectives of the Comprehensive Plan.

- a. Creation of affordable housing.
  - b. Design emphasis on the principles of traditional neighborhood design, including pedestrian-friendly roads, interconnection of new local streets with existing local streets, connectivity of pedestrian networks, and mixed-use neighborhoods.
  - c. Conservation or use of on-site natural features to protect water quality or open spaces.
- B. Any request for an exception, shall be submitted to the Director, and shall include a signed and completed application form, any application fees, and any supporting documentation submitted by the applicant.
- C. Prior to approval or denial of any request for an exception, the Planning Commission shall hold a public hearing, in accordance with Virginia Code § 15.2-2204, to review and provide recommendations to Town Council.
- D. Prior to approval or denial of any exception to the design standards of this Chapter, Town Council shall hold a public hearing, in accordance with Virginia Code § 15.2-2204.
- E. Town Council may impose such conditions or restrictions upon the premises benefited by an exception as may be necessary to comply with intent of this Chapter and to protect the public interest, safety and/or general welfare.

The Applicant's May 20<sup>th</sup> submission is a change from FRLP's original request. The original submission included a request to modify subsections A through N under Town Code 148-820. During work session discussions with the applicant, the Planning Commission expressed concerns about the original special exception requests. This include concerns about bonding, entrance road requirements, maintenance, street parking, emergency vehicular access, private streets, VDOT review and interpretations, and more. The Planning Commission expressed the need for a development plan before such significant changes to the Town's development standards. The current modified special exception requested was then submitted by the Applicant that just pertained to street widths. Furthermore, the street widths requested were less narrow than the original submission.

The current special exception requested submitted by the applicant pertains to Town Code Section 148-820.D.6., related to minimum street widths. In general, the requests proposes a 4' wide reduction to the minimum street widths. However below is a more detailed comparison of the current requirements of Town Code 148-820.D.6. and the modified requirements requested by the Applicant.

The current request limits the special exception to address only the minimum street width requirements. If approved, the special exception would allow street widths of 32' and 36' in lieu of the current code requirements of 36' and 40'. This is effectively a reduction in street widths by 4' for all roads. For comparison and point of reference purposes, existing examples of roads that are approximately 32' in width include Chester Street and W. Main Street from Royal to Massie. Virginia Avenue and Kerfoot Avenue are examples of 36-foot wide streets. A street profile of a 36-foot wide street is shown below. A 32-foot wide street would include travel lanes 9' in width (combined width of 18 feet).

The widths of 32', 36', and 40' were previously recommended by the Planning Commission when the Subdivision and Land Development Ordinance was drafted and reviewed in 2014/2015. The proposed change does differ in that the 40' wide street widths are proposed to be removed entirely, regardless of ADTs. For this reason, the special exception should not be accepted for the East/West Connector Road. Town Staff does not object to the proposed street widths but recommends that the Planning Commission specify in their

motion that the street width reduction not apply to the East/West Connector Road that is planned to traverse the applicant's property from Shenandoah Shores Road to 8<sup>th</sup> Street/Commerce Ave.

**UPDATE:** During the June 15, 2016 Planning Commission Regular Meeting, Vice Chairman Jones moved "to recommend approval of Special Exception Application #15-10-01, for a special exception to Town Code 148-82.D.6, to allow alternative standards to the minimum required pavement, base course, and subbase widths for local and collector streets with the applicant's property that is presently zoned R-1A. The alternative standards shall reduce the pavement, base course and subbase widths by 4 feet, as outlined in the Staff Report and the applicant's submission." Mr. Jones extended his motion to "further move to recommend that the special exception specifically not apply to the East/West Connector Road, the primary access road into the proposed future development by FRLP. The motion was seconded and approved by the Planning Commission.

#### **Council Discussion:**

Councilman Tewalt expressed concern with making alterations to the subdivision ordinance that Council just passed a few months ago. He noted that a 36' street with cars on both sides is very tight. Councilman Egger asked if the Planning Commission recommended the exception for no narrower than 36'. Mayor Darr asked why Council is looking at the road exceptions at this point in the process without seeing the road plans. Mr. Camp stated that he understood, noting that the applicant did not wish to commit to a set road plan at this time.

Councilman Egger noted that she has no issue with the exception as requested. Councilman Tewalt noted that he would not be willing to vote on anything without matters on paper with a random blanket approval.

Councilman Hrbek asked about reasons Council can override the Town Code. Mr. Camp noted that the applicant feels that narrower streets are safer streets and other conservation measures, such as water quality issues. Mayor Darr asked what the Town would gain from approving this matter now rather than when the roads are on the paper before the Town. Mayor Darr noted that he would like to see the Planning Commission's minutes and obtain more information.

Councilman Meza noted that the way the layout seems redundant, as the issue is they want to design their streets at 32' period. Councilman Tewalt noted that the 32' should take into account those use said streets during emergencies, such as firetruck drivers and also school bus drivers. He noted the VDOT standards do not seem to account for the fact that the streets are urban in Front Royal and VDOT are more rural stipulations.

The consensus of Council was to have a public hearing on the matter.

### **3. Ramsey Boundary Adjustment – *Town Manager***

**Summary:** At the July 21st Liaison Meeting, Warren County requested that the Town confirm all issues and concerns regarding the request to boundary adjust 55.88 acres of property located on Guard Hill Road into the Town limits. The submitted concept

plan includes ten multi-family dwellings in an age-restricted development. Council is requested to identify issues that would need to be addressed prior to consideration this request.

**Staff Evaluation: Development concerns include: 1) Road Maintenance of and necessary improvements to Guard Hill Road; 2) Additional traffic on Guard Hill Road and intersection with Rt 340/522; 3) Additional development of proposed property; 4) Additional properties to be included in the boundary adjustment request**

**Council Discussion:**

Council discussed that the County of Warren made it clear that they would not do any boundary adjustments on this. Councilman Hrbek asked why the applicant would like to be in Town. Mr. Ramsey noted that water, sewer and other Town services was preferred. He stated that he would not put wells and septic on that site.

Councilman Tewalt asked about the proffers for the community. Mayor Darr noted that there may be some for fire and rescue, etc., but not for school, for example because it was an over 55 community. Councilman Hrbek stated that he would be in favor of the project at this point. Mayor Darr noted that conceptually he was in favor of the project as this point, though he would be like to have Town Staff evaluate the matter in full.

Councilman Egger stated that she had concerns about who would pay for the traffic light at Guard Hill Road. She also questioned the legality of a community limiting access to homes by someone's age and she expressed concern with the entrance – one way in and out.

Councilman Connolly stated that he previously was in favor of the project and he is at this point as well, even though the Town has not specifically dove into the project. He noted that if the County is not willing to consider the project than there is no need to move forward and expend Staff resources.

Councilman Hrbek stated that the Town will dive into the matter if conceptually the County is willing to take the matter serious and discuss the matter in full.

**4. Donation Received from Bike Virginia – Tourism Director**

**Summary: The Town hosted the Bike Virginia Event on June 24, 2016. The event was part of a six day pilgrimage from Woodstock to Harrisonburg with Front Royal being one of their rest stops. The rest stops were provided by volunteer groups Appalachian Trail Conservancy and Boy Scouts of America Venture Crew). A donation of \$350.00 was given to the Town of Front Royal from Bike Virginia to distribute evenly between these two volunteer groups. Council is requested to accept the donation and to approve the distribution to the Appalachian Trail Conservancy and Boy Scouts of America Venture Crew evenly at their next regularly scheduled meeting on August 8, 2016.**

**Council Discussion:**

Council noted that it would go on the consent agenda for a vote.

**6. Gazebo HD Camera Installation – *Councilman Tewalt***

**Summary:** Following the July 11 Meeting where Council approved the installation of cameras at the Gazebo and the policy for their use, Councilman Tewalt requested staff investigate the cost associated with the acquisition and installation of higher resolution camera system. Council is requested to discuss authorizing the acquisition and installation of higher resolution cameras at the Gazebo.

**Staff Evaluation:** Staff have identified a cost of approximately \$6,500 for four - 6 megapixel (HD) cameras and a recording system. The wireless network has been offered as a donation by Ruckus Communications (approximately \$2,500). The HD cameras offer infrared (night-time) viewing up to 165 feet; distance to parking lot is 125 feet. Staff have identified funding is available through the existing Police Department's Asset Forfeiture funds.

**Council Discussion:**

Council voiced support of the HD cameras.

Councilman Egger noted that the camera footage is releasable according to Mr. Napier's email. Mr. Sonnett noted that it is fundamentally a public record. Mr. Burke stated it is not an item that lasts very long; as the video lasts only a few days before it is overwritten.

**7. Community Development Director Budget Request**

Ms. Hart noted that the Town and the Small Business Development Center contract has been considered null and void and begin from scratch, which has saved the Town almost \$16,000 by leaving that amount in the budget. She stated that it was a true partnership now, with the Chamber, FRIBA, SBDC and People, Inc.

Mr. Burke stated that there was a hold up with the funding until the audit was over and simply have Council reallocate the budget. Councilman Meza suggested not breaking down the budget matters so indepth.

Council noted that it would go on the consent agenda.

**8. Council Discussion/Goals**

Mayor Darr noted that the self-evaluations are taking place.

August 15<sup>th</sup> worksession would be at least down by three members and Council chose to cancel that evening.

**CLOSED:**

*Councilman Connolly moved, seconded by Councilman Hrbek, that Council convene and go into Closed Meeting for the following purposes in connection with establishing the Town's rights to utility easements with respect to a certain property owner or owners in the vicinity of Cherrydale Avenue:*

*(1) 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; "probable litigation" meaning 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; pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.*

*(2) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.*

Vote: Yes – Connolly, Egger, Hrbek, Meza and Tewalt

No – N/A

Abstain – N/A

Absent – Tharpe

(Mayor Darr did not vote as there was no tie to require his vote)

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**CERTIFY:**

*Councilman Connolly moved, seconded by Councilman Egger, that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Action as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.*

Vote: Yes – Connolly, Egger, Hrbek, Meza and Tewalt

No – N/A

Abstain – N/A

Absent – Tharpe

(Mayor Darr did not vote as there was no tie to require his vote)

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**Present:** Mayor Darr, Councilman Connolly, Councilman Egger, Councilman Meza, Councilman Hrbek, Councilman Tewalt, Interim Finance Director Wilson, Assistant Town Attorney Sonnett, Clerk of Council Berry, Police Captain Hite, IT Director Jones, Planning & Zoning Director Camp, Energy Service Director Waltz, Environmental Services Director Hannigan, members of the media and members of the public.

**Absent:** Vice Mayor Tharpe and Town Attorney Napier