

**RICHMOND REGIONAL PLANNING DISTRICT COMMISSION**  
**Minutes of Meeting**  
**November 11, 2010**

**Members/Alternates Present**

Richard Ayers (M) .....County of Powhatan  
Willie L. Bennett (M) ..... County of Henrico  
Malvern R. “Rudy” Butler (M).....County of Goochland  
Douglas G. Conner (M) .....City of Richmond  
Robert R. Cosby (M).....County of Powhatan  
Timothy W. Cotman, Sr. (M)..... County of Charles City  
James B. Donati (M), Chairman ..... County of Henrico  
Evan Fabricant (M) .....County of Hanover  
Daniel A. Gecker (M) .....County of Chesterfield  
Richard W. Glover (M)..... County of Henrico  
John E. Gordon, Jr. (M), Secretary .....County of Hanover  
John C. Grier (M).....City of Richmond  
Dorothy Jaeckle (M) .....County of Chesterfield  
E. Martin Jewell (M).....City of Richmond  
John F. Miniclier (A) ..... County of Charles City  
C. Harold Padgett (M).....County of Hanover  
Faye O. Prichard (M), Treasurer.....Town of Ashland  
Robert R. Setliff (M).....County of Hanover  
Randall R. Silber (A) ..... County of Henrico  
Stran L. Trout (M), Vice Chairman ..... County of New Kent  
Ernest B. Vanarsdall (M) ..... County of Henrico  
Joseph B. Walton (M) .....County of Powhatan  
Deborah B. Winans (A) .....County of Hanover

**Members Absent**

James D. Crews (M) .....County of Goochland  
Marleen K. Durfee (M).....County of Chesterfield  
Kathy C. Graziano (M) .....City of Richmond  
Russell J. Gulley (M) .....County of Chesterfield  
James M. Holland (M) .....County of Chesterfield  
David A. Kaechele (M)..... County of Henrico  
Lynn McAteer (M).....City of Richmond  
Patricia S. O’Bannon (M) ..... County of Henrico  
Edward W. Pollard (M)..... County of New Kent  
George K. Roarty (M).....County of Chesterfield  
Charles R. Samuels (M).....City of Richmond  
Millard D. Stith (M).....County of Chesterfield  
Frank J. Thornton (M)..... County of Henrico  
Arthur S. Warren (M) .....County of Chesterfield

**Others Present**

John R. Amos..... RRPDC Legal Counsel  
Peter Bacque ..... Richmond Times-Dispatch  
J.R. Hipple ..... Hipple & Co.  
Andy Jenks.....NBC News Channel 12  
Bill Kincaid..... Del. Roxann Robinson  
Bryan Krause ..... NurseFinders  
Jon Mathiasen ..... Capital Region Airport Commission  
Lauren McChesney ..... Hipple & Co.  
Jennifer Panders ..... Hipple & Co.  
Kim Scheeler..... Greater Richmond Chamber of Commerce

**Staff Present**

Robert A. Crum, Jr..... Executive Director  
Jo A. Evans ..... Assistant Executive Director  
Julie H. Fry..... Executive Secretary  
Chuck Gates ..... Communications Coordinator  
Barbara Jacocks ..... Principal Planner  
Daniel N. Lysy ..... Director, Transportation  
Peter M. Sweetland ..... Finance and Contracts Administrator

**Call to Order**

Chairman Donati called the regularly scheduled November 11, 2010 RRPDC meeting to order at approximately 1:05 p.m. in the RRPDC board room.

Chairman Donati noted that as this is Veterans’ Day, he would like to take a moment to recognize all members of the Commission who had served in the armed forces. He asked those who are veterans to stand, and they were recognized with a round of applause. Chairman Donati said that it is important to remember this country’s veterans every day and to honor the sacrifice they have made to serve the country. He asked for everyone to observe a moment of silence to honor those who have made the ultimate sacrifice.

Chairman Donati then led members in the pledge of allegiance to the flag.

**I. ADMINISTRATION**

**A. Certification by Commission Executive Director of Meeting Quorum**

Mr. Crum certified that a quorum of members was present.

## **B. Requests for Additions or Changes in Order of Business**

Chairman Donati asked if there were any additions or changes to be made to the agenda. Mr. Crum said he would like to add an item under New Business, as Item IV. B – Consideration of a Proposed Sublease Agreement from Leadership Metro Richmond. This will follow Mr. Mathiasen’s presentation on the Capital Region Airport Commission. On motion made by Mr. Butler and seconded by Mr. Cotman, the agenda was approved unanimously as amended.

## **C. Open Public Comment Period**

Chairman Donati asked if there was anyone from the public in attendance who wished to make a comment to members of the Commission. He reminded speakers that their time is limited to three minutes. As there were no requests from the public to address the Commission, the Chairman closed the public comment period.

## **D. Chairman’s Report**

Chairman Donati reported that he attended the Virginia Association of Counties (VACo) annual conference earlier this week. He said speakers included Mr. Jeff Schapiro (Richmond Times Dispatch); Lt. Governor Bill Bolling; Speaker of the Virginia House Howell; and Senator Mark Warner.

Chairman Donati said there have been rumors that the VPOL, BPOL, and machinery and tool taxes may be eliminated. Elimination of these taxes will not happen this year; it is still being studied. This is a lot of revenue to the localities. Overall, Chairman Donati said it was a good conference with a lot of information sharing.

## **E. Executive Director’s Report**

Mr. Crum brought the members’ attention to the monthly staff activity report, which is included in the agenda book under Tab 1, and details work being advanced by staff on behalf of the localities. He said staff would be happy to address any questions on what is included in the report.

Mr. Crum reported that there has been a lot press coverage of the Capital Region Collaborative (CRC) over the past few weeks. The public review process of the draft regional priorities continues. During the last part of October, the Richmond Times-Dispatch hosted a Public Square event that featured the CRC’s draft priorities presentation. About 150 people attended, and emphasis had been placed on having young persons attend the event. There was a lot of participation from young professionals as well as high school and college students. Mr. Crum said he and Mr. Scheeler were very impressed with the turnout and the contributions. Mr. Gordon also attended the event. Over the past month, an additional ten public

review meetings have been held. This process is expected to continue over the next few months.

On Tuesday, November 16, the CRC will be part of a live broadcast on WCVE, in front of a live audience. Members of the Commission received an invitation to be part of the audience. There are some seats still available, and Mr. Crum encouraged members to RSVP as soon as possible to Ms. Fry if their schedules would permit them to attend.

Following the presentation, feedback will be accepted from the studio audience and from those watching at home via telephone call-in and social networking on Facebook and Twitter.

Turnout at the public review meetings continues to be excellent and the feedback continues to be positive.

Chairman Donati recognized Mr. Bill Kincaid, the legislative aide to Delegate Roxann Robinson, who was elected to fill the seat in District 27 that was held by Sam Nixon. Chairman Donati thanked Mr. Kincaid for his attendance.

## **II. CONSENT AGENDA**

Chairman Donati indicated items on today's Consent Agenda include:

- A. Approval of Minutes – October 14, 2010 Meeting**
- B. Approval of the September 2010 Financial Reports**

Chairman Donati asked if anyone wished to have either of these items pulled from the Consent Agenda for additional discussion.

As there were no requests for discussion, on motion made by Mr. Butler and seconded by Mr. Bennett, the Consent Agenda items were approved unanimously as presented.

## **III. OLD BUSINESS**

### **A. Jurisdictional Committees Reports**

Chairman Donati asked Ms. Prichard to give a report on meetings held by these committees.

Ms. Prichard reported that the committees met jointly on October 28 to discuss and finalize the 2011 Regional Legislative Agenda. The committees reviewed over 60 policy statements and narrowed those down to about 15 statements of principles, with three action items. These will be reviewed later during today's meeting.

Ms. Prichard said the committees continue to work well. Because it is recognized that everyone has other responsibilities, committee members decided to change the committees' meeting dates to quarterly meetings. The committees will meet jointly twice a year and will meet individually twice a year. It is hoped that this new schedule will allow more interaction and input by the local county, city, and town managers and administrators.

#### **IV. NEW BUSINESS**

##### **A. Update on Activities of the Capital Region Airport Commission**

Chairman Donati asked Mr. Crum to introduce today's speaker.

Mr. Crum said during last month's meeting, Chairman Donati gave a report on activities of the Capital Region Airport Commission (CRAC). During his report, Chairman Donati addressed the importance of utilizing low-cost carriers at Richmond International Airport (RIC) and how this will encourage Southwest Airlines to remain at RIC once the merger with AirTran is completed and the subsequent impact on airfares in the Region.

Several Board members asked what role the Commission should take in helping retain low-cost carriers at RIC. The Board directed Mr. Crum to invite Jon Mathiasen, President and CEO of the Capital Region Airport Commission, to address the Board on activities at RIC and to offer suggestions on how RRPDC can assist in maintaining low-cost carriers.

Mr. Mathiasen thanked members for the opportunity to speak with them this afternoon. Major points of Mr. Mathiasen's presentation included:

- residents can pay a little more today or much more later
- passenger traffic at RIC is up 5 percent over October
- New York is the number one market; JetBlue is eliminating this route
- American Airlines will be adding additional routes to Miami
- Southwest Airlines will merge with AirTran
- parking has been expanded with an additional 2,500 spaces
- door-to-door service will begin by the end of the year with no increase in parking fees
- Virginia Air National Guard is leaving the airport; CRAC and the FBI are negotiating take over of that hanger by the FBI aviation unit
- airport master plan has been approved; cargo, FBI, general aviation, and aeronautical-industrial operations will move to the east side
- improvements are based on growth
- low-cost carriers include AirTran, JetBlue, and Southwest
- walk-up fares have been lowered significantly since the introduction of low-cost carriers
- average fares are about four percent lower than national averages

- Region is now on a level playing field for economic development, tourism dollars, etc., because of low-cost carriers
- \$800 million in spending by airport tenants go into the local economy
- \$82 million in workforce productivity; 9,200 jobs at RIC
- \$24 million in tax benefits to local and state governments
- business and consumer savings is \$80 million per year
- new spending with local businesses is about \$50 million per year
- without low-cost carriers the airport would lose business
- low-cost carriers attract and keep large businesses in the Region
- there is a missed opportunity for economic development without low-cost carriers
- loss of large events/conventions without low-cost carriers; loss of local tax revenues
- RIC would be classified as a “rip-off” airport without low-cost carriers
- about \$2,000 per year is saved over walk-up fares with low-cost carriers
- walk-up fares to New York have risen 150 percent since JetBlue announced the elimination of its New York service
- having Southwest at RIC is a regional need; merger should be completed by spring 2011
- anticipated that Southwest will serve its existing routes and those served by AirTran
- Region has not supported low-cost carriers with ridership
- flying habits must change in order to keep a low-cost carrier at RIC
- consider the cost variance to support use of AirTran and JetBlue over other carriers
- businesses should consider requiring employees and travel management companies to use low-cost carriers whenever possible
- consumers should consider splitting trips between carriers
- use and frequency will eventually have affect on route frequency
- mandate low-cost carriers for consultants, suppliers, and third-party trips
- jurisdictions can offer resolutions to support use of low-far airlines

Mr. Mathiasen distributed a copy of the resolution of support adopted by CRAC and a sample resolution that can be adapted to the local jurisdictions. He said these resolutions will be delivered to the presidents of both Southwest and AirTran airlines.

Mr. Mathiasen noted that there is a direct correlation to the planes at RIC that fly to different cities to the number of jobs, factory earnings, and income per capita.

All development at the airport is based on a scenario that does not include low-cost carriers. He said the airport will be fine from a financial standpoint, but his concern is that the Region will not survive without the low-cost carriers. High speed rail is a long term plan and will not have the immediate impact as low-cost carriers and the connectivity they provide to other regions.

Ms. Prichard asked if CRAC is reaching out to large corporations to discuss the need to change purchasing habits with regard to air travel. Mr. Mathiasen said CRAC has partnered with the Greater Richmond Chamber to form the Major Users Group that meets every two weeks. This group is implementing these recommendations for air travel.

Mr. Padgett asked which carrier will replace JetBlue for New York routes. Mr. Mathiasen said there are not a lot of low-cost carriers to take over this route. Most of the flying public will not give up the perks received from the larger carriers to switch to a low-cost carrier. Mr. Mathiasen said all carriers should be used. He said there is no concentration at RIC for one particular destination which makes this difficult to accomplish.

Ms. Jaeckle asked if CRAC has been working with travel agencies to emphasize the need to use low-cost carriers. Mr. Mathiasen said CRAC is working with travel agencies to emphasize the need for their clients to change their travel habits.

Mr. Bryan Krause, NurseFinders, said he appreciates the leadership shown by CRAC to make improvements to RIC and to bring low-cost carriers to the Region. The infrastructure at RIC is incredible. The community needs to do everything possible to support CRAC and the low-cost carriers. The only way air service through RIC can improve is for everyone to use RIC.

Mr. Butler made a motion that the resolution in support of low-cost carriers as presented by Mr. Mathiasen be approved.

Chairman Donati said he remembers a low-cost carrier at RIC many years ago and when that carrier left, fares did increase. Mr. Mathiasen said that carrier relocated to Newport News. He said Newport News will always be competition for RIC.

Chairman Donati said he feels RIC is very easy to get to and from as well as being one of the largest economic development tools in the Region.

Mr. Mathiasen said if the low-cost carriers are lost, RIC will decline.

Chairman Donati said the Chamber is working very hard to support RIC and efforts by CRAC to improve the facilities.

Mr. Walton seconded the motion made by Mr. Butler.

Mr. Crum confirmed that Mr. Butler's motion was to approve the resolution as set forward by Mr. Mathiasen. Mr. Butler said that was correct. Staff will make the necessary adjustments to the resolution before it is signed.

There being no further discussion, the motion was adopted unanimously. Chairman Donati thanked Mr. Mathiasen for his presentation.

**B. Proposed Sublease Agreement with Leadership Metro Richmond (new item)**

Chairman Donati said the next item for discussion is the item added to the agenda earlier. He asked Mr. Crum to make the presentation.

Mr. Crum said the RRPDC Executive Committee is making the recommendation for a proposed sublease agreement with Leadership Metro Richmond (LMR). LMR would like to lease the empty space within the office suite. There are about 2,000 square feet of unused space that LMR would take over. This space has been vacant since RRPDC moved into the office suite about three years ago. During that time, the economy has not been conducive to lease the space. There have been about a dozen showings of the space over that time.

Mr. Crum said the Executive Committee is recommending that RRPDC enter into a sublease agreement with LMR according to the following terms:

- sublease rate will be \$11 per square foot; RRPDC pays a rate of about \$18 per square foot
- over a 12-month period, revenue received will total just over \$23,000 per year
- included in the agreement is a three percent escalator per year, which is what is included in the RRPDC lease agreement

Mr. Crum said he believes LMR is about a very complementary organization to put next to RRPDC. This is a regional organization and many Commission members have graduated from an LMR class. Membership is about 1,700 members. Staff has been encouraging walk-up traffic to RRPDC to increase visibility. There will be a lot of traffic to LMR that may also want to learn about RRPDC.

Another positive aspect is that LMR would like to lease the space for a time that will mirror the amount of time RRPDC has remaining on its current lease, which is about seven years. Previous interested parties were only interested in short-term leases.

Mr. Crum said he would like to ask for Commission approval of this sublease agreement contingent on the following:

- RRPDC legal counsel will review the lease to make any changes and recommendations
- LMR will need to provide RRPDC with financial statements per the RRPDC lease to be reviewed by the landlord

- landlord approval

Chairman Donati asked if there were any questions.

Mr. Fabricant asked if there was an escalation clause in the current RRPDC lease. Mr. Crum said that is a three percent escalator per year.

Mr. Jewell asked if all of the vacant space will be leased. Mr. Crum said that was correct.

Chairman Donati asked when LMR could take possession. Mr. Crum said LMR will be in the space, if the agreement is approved, effective February 1.

Mr. Glover asked if the space has been offered for less than RRPDC is paying per square foot to anyone else. Mr. Crum said he has offered a rate of \$10 per square foot to other parties based on direction from the Executive Committee. Mr. Glover asked if the space had been advertised at a lesser rate. Mr. Crum said RRPDC had been under contract with Thalhimers. The lease rate at the time was about \$17 per square foot, which is what Thalhimers was asking for any subtenants. After a time, this rate was lowered to \$15 per square foot after consultation with Thalhimers. This was advertised on the RRPDC website and direct mailed to other real estate agents and non-profit organizations.

Thalhimers had advised that the space would not be able to be leased at the higher rates. At that time, Mr. Crum consulted with the Executive Committee and asked for authorization to offer the space at a lower rate. The agreement with Thalhimers ended and Mr. Crum determined not to renew the contract so that if the space could be leased, no commission would be paid. Mr. Crum contacted LMR after hearing that the organization was looking for a new space. He said he consulted with the Executive Committee during last month's meeting and was given authorization to offer between \$11 to \$9 per square foot. LMR accepted the \$11 rate.

Mr. Glover asked for the total square footage of the office space. Ms. Evans said the total space including what is occupied by RRPDC is just over 16,000 square feet. The sublease space is just over 2,000 square feet. Mr. Glover asked if RRPDC had tried to renegotiate its \$23 rate with the landlord. Mr. Crum said RRPDC is paying \$18 per square foot; revenue generated at the \$11 per square foot rate will be about \$23,000 per year.

Mr. Grier asked if the net rate included any pass through costs. Mr. Crum said the RRPDC's rate is inclusive to include utilities and parking, which will be offered in kind to the subtenant. Mr. Grier asked if the three percent escalator would be offered at the \$11 per square foot rate and not a pro rata share of the RRPDC rate. Mr. Crum said that was correct.

Mr. Crum said he is not optimistic that the space can be leased for a higher rate. He said he understood what Mr. Grier was saying, but at this time, RRPDC is receiving no revenue. If the sublease agreement is not approved, Mr. Crum said he would ask that RRPDC be allowed to take over the space and utilize it for staff.

Mr. Glover said Thalhimer's had indicated the space could be sublet with no problems. Mr. Crum said he was not involved in those negotiations. Mr. Glover said he does not like the fact that RRPDC will have to rent the space for less than what RRPDC is paying.

Mr. Fabricant said the \$11 per square foot rate is acceptable because he understands the market. Mr. Fabricant said the escalation is not going to be adequate to match the three percent paid by RRPDC. He said he felt the increase should be pro rata with what RRPDC is paying. He said he felt that would be more agreeable to the jurisdictions.

Mr. Trout said the agency has been missing the revenue for three years. He said to go three more years without a tenant will miss even more revenue. To lease the space at \$11 per square foot will be about a break-even point over that three-year period. At the end of the current lease, perhaps a better rate can be determined based on the economic conditions.

Mr. Cosby made a motion that the sublease proposal with LMR be accepted as presented by Mr. Crum. Mr. Jewell seconded the motion. There was no further discussion and the motion carried. Mr. Fabricant voted nay.

### **C. Proposed 2011 Regional Legislative Agenda**

Chairman Donati asked Mr. Gates to make this presentation.

Mr. Gates said the proposed legislative agenda is included in the agenda book under Tab 4. He reviewed the development process of the agenda.

Mr. Gates reviewed the purpose, objective, and goal of the agenda. He also reviewed what types of issues should be included in the agenda:

- not all issues are regional
- VML/VACo agendas are designed to cover issues common to all localities
- need agreement from all nine jurisdictions; doesn't necessarily mean it is regional

There are five types of issues to include:

- truly regional issues
- planning issues shared by localities

- transportation issues
- prior action items
- shared issues that may be considered if regional support will provide strength

What is included in the proposed agenda has been reviewed and recommended by the Small and Large Jurisdictions Committees. Input was received from other RRPDC and MPO committees over the course of the last few weeks. All input was reviewed and discussed by the Jurisdictions Committees.

There are three different types of legislative items as recommended by the Jurisdictions Committees: Requested State Legislative Actions; Legislative Priorities; and Policy Statements.

Requested State Legislative Actions are those issues that are action requests. Mr. Gates said he will work with legislators and other agencies to request specific legislation be proposed for these issues.

- Commonwealth Transportation Board
- Rail Transportation Funding (priority of the McDonnell administration)
- Regional Emergency Management Cooperation

Requested Federal Legislative Actions: Public Infrastructure Investment.

Legislative Priorities are statements of support or opposition on priority issues impacting the Richmond Region. These will guide staff on priority issues that should be monitored and actively supported but no specific bill is being requested. There are 11 state priorities and one federal priority as recommended by the Jurisdictions Committees:

- State Priorities;
- Government Reform
  - Transportation
  - Land Use
  - Resource Protection
  - Education Funding

Mr. Glover asked about the item under Transportation: *We support the development of funding mechanisms to meet the state's current and future transportation funding needs.* He asked what is meant by this statement. Mr. Gates said the Jurisdictions Committees discussed this as a recommendation from the MPO which was very detailed. The general consensus was that the state needs to solve its own problems and fund its obligations. Should bills be introduced that relate to this, Mr. Gates has been instructed to review the legislation and to report back to the Executive Director, Jurisdictions Committees, the MPO, and the Commission for further direction on how to lobby.

Mr. Glover said in the state of Virginia, roads are *partially* [as amended 12-9-10] paid for with revenue from the gasoline tax. Historically, the Richmond Region is a donor region to northern Virginia. Virginia no longer receives construction funding for its localities. He asked if the statement could be expanded to ask for equal funding of the gasoline tax – the Region should receive an equal amount in return for what the Region generates. Mr. Gates asked if Mr. Glover meant the Richmond construction region of VDOT should receive state funding equal to the amount contributed through the gasoline tax. Mr. Gates said funding is allotted by VDOT according to construction districts. Mr. Glover said the CTB tends to favor northern Virginia in funds allocation. Mr. Gates said this can be modified to be more specific.

Mr. Glover said he would like this statement reviewed by a subcommittee to make sure the RRPDC is asking for something that is realistic. He said the Region has never received its total share. Mr. Gates said he would recommend leaving the statement as it is for now and a motion can be made to establish a subcommittee within the MPO to study and analyze past spending and whether a different position should be taken with regard to the gasoline tax and spending. This committee would study the spending of VDOT in the Region as it compares to the Region's contributions.

Mr. Glover said that would be his motion.

Chairman Donati asked how many construction districts are in the state. Mr. Lysy said there are nine. The northern Virginia district includes Loudoun, Prince William, Fairfax, and Arlington among others. Chairman Donati said he was concerned as to how successful RRPDC would be in gaining equal funding. Mr. Lysy said allocations can be made based on need and that area has many more projects to consider. He also pointed out that the allocation formula has not been followed for several years.

Chairman Donati asked if this would adversely affect Henrico County since Henrico maintains its own roads. Mr. Glover said that would be correct. He also said the Region only receives about 85 percent of what the Region contributes through the gasoline tax.

Chairman Donati said Henrico County has a different formula. Mr. Glover said Henrico receives funding based on lane miles within the county. Mr. Gates said he would recommend that staff be directed, through the MPO, to study and analyze to what level the Richmond Region functions as a donor region to other areas. Mr. Glover said this Region only receives 85 percent of what it puts in and he feels the legislators need to be told of this issue. Mr. Glover said the MPO has been aware of this for many years and has not acted on it. There are VDOT administrators on the MPO, and it may not be the best organization to do this research. Mr. Gates said he would recommend that the information be gathered

and a report made back to the Commission at a future meeting. Mr. Glover said the MPO needs to address this issue and the legislators need to be made aware of the concern.

Mr. Glover said that Mr. Lysy and his staff do what they can; however, they have others dictating to them as to what they can and cannot do.

Mr. Crum said he would suggest that when the legislative agenda is presented to the legislators in January, that concerns about the Richmond Region being a donor region be included. He suggested that assistance from the legislators be requested in collecting information to determine if this is the case.

Chairman Donati asked for clarification that the motion on the floor was for staff to gather the information and to report back to the Commission. Mr. Glover said that was correct. The motion was seconded by Mr. Fabricant.

There was no further discussion and the motion carried unanimously.

Federal Priorities:

- Federal Mandate for Collective Bargaining
- Passenger Rail Funding

Mr. Gates said the last type of statements are Policy Statements. These are a little more specific than those included in last year's legislative agenda. These will not be included in the legislative agenda brochure that will be distributed to legislators. The Jurisdictions Committees asked that these statements be maintained on the RRPDC website and be used for guidance to RRPDC staff when representing RRPDC in legislative venues.

Mr. Grier said he was pleased to see the statement regarding the privatization of the state liquor stores. He said he believes there will be a lot of pressure for liquor stores to be treated the same as any other retail store with regard to land use.

Mr. Grier said he felt there may be some pressure with regard to reigning in eminent domain authority. He wondered if there should be some specificity with regard to those statements. He said there are many unintended consequences that will need to be addressed.

Mr. Gates said that on page five, there is a statement under Land Use, Growth Management Tools, that says *We support local government authority to apply zoning laws and comprehensive plans to all private businesses including businesses that sell liquor and assisted living centers of all sizes.*

Mr. Gates said there was a lot of concern regarding the privatization of liquor sales as well as the assisted living facilities with regard to the fact that based on legislation passed last year, counties lost control, through comprehensive plans, of

assisted living facilities for less than eight persons. It was determined that the statement before members says that local governments should maintain authority to govern all private businesses regardless of what service they are providing through zoning laws and comprehensive plans.

Mr. Gates said to his knowledge, RRPDC has never discussed a position on eminent domain. Mr. Grier said if the state wants to help its franchisees under this new regime, then they could condemn property. He said he felt there may be pressure to limit the definition of public use under eminent domain. Mr. Grier asked if there should be additional procedures for establishing value. Mr. Grier said the position RRPDC should take is one of caution regarding unintended consequences. Local governments all use eminent domain judicially now and that is not the issue. He said he felt the unintended consequences should be taken into consideration.

Mr. Glover asked about the Growth Management Tools section with regard to cash proffers and impact fees. He said this is a voluntary tool and not all jurisdictions use them. Mr. Gates said the statement refers to allowing cash proffers and impact fees to remain as tools should a locality wish to use them.

Ms. Jaeckle asked why the use was limited to private businesses and not to private residences as well. Mr. Gates said the statement can be changed to include private residences. Mr. Setliff said the state government should not be involved in local land use.

Mr. Gates said there is a motion by Ms. Jaeckle to change the statement to include private businesses and private residences. The motion was seconded by Mr. Jewell and carried unanimously.

Mr. Gates recommended that the issue of eminent domain be discussed further at another time.

Mr. Gordon made a motion that the 2011 Regional Legislative Agenda be approved as presented and modified. The motion was seconded by Mr. Cotman. Mr. Jewell asked if the agenda needed to be approved today or if it could be brought back for more discussion in December. Mr. Crum said the agenda can be amended at any time but it would be helpful to staff if the agenda can be approved today to allow time for production and distribution.

There was no further discussion and the motion carried unanimously.

**V. OTHER BUSINESS**

**A. Committee Reports**

There were no other committee reports.

**B. Announcements**

There were no announcements.

**V. ADJOURNMENT**

There being no further business to come before the Commission, Chairman Donati adjourned the meeting at approximately 2:40 p.m.

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Robert A. Crum, Jr.  
Executive Director

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James B. Donati, Jr.  
Chairman