

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, OCTOBER 22, 2007, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, H. Judson Lambert, John W. Jones, Jr.

Members absent: William B. Weisiger

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Police Officer Chris Irvin, Police Officer Heath Hyatt, Sergeant Jim Harrington, Danny Gordon with WYVE/WXBX, Nate Hubbard with Wytheville Enterprise, David Saliba, Dennis Bullins, George Morgan, Trey Morgan, Tony Spellings, Scott Beasley, David Rose, Rachel Jones, Becky Grubb, Pat Snapp, John Jones, Rob Fields, Al Aymer, Dorothy Lacy, Bettye Campbell, Louise Crockett, Sylvia Baldwin, Laird Baldwin, Barbara Bass, Mary Jane Lester, Bob Lester, Joyce Hackler, Roy Hackler, Jeffrey Char, Dot Alexander, Anne B. Crockett-Stark, Kerry Eans, Liza Field, Sara Kluttz, Tony Seagle, Dreamia Seagle, Patty Midkiff, Agnes Eades, Maria Timoney

**RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE**

Mayor Crewe called the meeting to order and established that a quorum of Council members was present. The invocation was given by Councilman Lambert followed by the Pledge of Allegiance led by Vice-Mayor King.

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of October 8, 2007, and the request of George Wythe High School After Prom for approval of a special exception facility use permit. A motion was made by Vice-Mayor King and seconded by Councilman Lambert to approve the consent agenda consisting of the minutes of the regular meeting of October 8, 2007, and the request of George Wythe High School After Prom for approval of a special exception facility use permit. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., H. Judson Lambert. Against: None.

**RE: RESOLUTION – REFUNDING BOND**

Mayor Crewe stated an item was added to the agenda and David Rose would speak on behalf of Davenport & Company. Mr. Rose stated he had additional paperwork he had previously given to Town Manager Sutherland, and would also like to give to Council. Mr. Rose noted on behalf of Davenport & Company, he had been working in conjunction Town Manager Sutherland and Treasurer Michael Stephens as well as the Town's bond counsel, Webster Day, to review the opportunity to save money on refinancing the Town's outstanding Rural Development loans. Mr. Rose stated he is pleased to announce after going through the process of reviewing the bonds with several different banking institutions that they would like to move forward and close with BB&T Bank. Mr. Rose noted the Town is in a position to refinance roughly \$5.6 million and shorten the outstanding loan time by up to nine years and save close to \$950,000.00. Mr. Rose stated the interest rate BB&T is providing for the next fifteen years is 4.03 percent. He noted this is a fixed rate should the Town move forward with the resolution. Mr. Rose remarked the Town is in a position if the percentage rates come down in future years that they will be able to once again refinance without a penalty. He noted the structure would be similar to what is currently being used, and BB&T would not have to be utilized but the option would still be available. Mr. Rose noted if Council voted to move forward on this issue that Davenport & Company would notify legal counsel and the bank to advise that the Town would like to move forward to close. He reiterated the rate is locked in, as well as the structure. Mayor Crewe inquired that it is his understanding that Council would need to adopt the resolution that states Davenport & Company will move forward and the Town would need to finalize the adoption by the closure date of November 16, 2007. Town Manager Sutherland stated the resolution has been prepared by Mr. Day. Mr. Rose noted to Council that Mr. Day was the Town's standing legal counsel. Mayor Crewe stated the resolution was not on hand for Council. He inquired if the adoption should take place at tonight's Council meeting or should Council wait until the next meeting on Monday, October 29, 2007, of the Joint Governing Bodies. Mr. Rose recommended even though the Council is comfortable with the proposal to wait until the proposal was at hand. Mayor Crewe inquired if Council had any questions about going ahead with the proposal or

about waiting until the following Monday to finalize the proposal. There being none, Mayor Crewe thanked Mr. Rose for coming and noted they would wait until the October 29, 2007, meeting of the Joint Governing Bodies to adopt the resolution.

### **RE: PUBLIC HEARING – WALGREENS SPECIAL EXCEPTION PERMIT**

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the request of Mid-Atlantic Commercial Properties, Incorporated for a special exception permit to operate a Walgreens Pharmacy on property located on the west side of North Fourth Street between West Ridge Road and West Fulton Street. Mayor Crewe noted he was aware the majority of citizens that came to the Town Council meeting tonight were attending in regard to the Walgreens Pharmacy, and he would like to limit each speaker to five minutes. He reminded everyone to please identify themselves so the recording of the minutes will be accurate. Mayor Crewe advised that the Council packet each member had contained the minutes of the prior Planning Commission meeting. He noted if anyone had spoken at that meeting, the Council had record of the comments and has reviewed them.

Mayor Crewe stated David Saliba was the first speaker on the sign-in sheet. Mr. Saliba stated he was attending as legal counsel for Mid-Atlantic Commercial Properties and also as a resident of the Town and County. He stated he would be speaking on behalf of his clients in support of the proposed development, and noted he had illustrations of what was planned in the development should Mid-Atlantic receive the authorization to proceed with the proposed development. Mr. Saliba noted several people were in attendance on behalf of Mid-Atlantic, and Mr. George Morgan was attending to address the project in more detail, along with Mr. Beasley, who also attended the Planning Commission meeting to address the engineering issues. Mr. Saliba remarked he was in attendance to address why his client was requesting a special exception permit. He noted a discussion of zoning took place at the Planning Commission meeting, and he wanted to reiterate that it is not a request for rezoning but for a special use permit. He stated the proposed site is currently zoned as medical arts, and in medical arts, it does allow for the use of an apothecary. Mr. Saliba noted that an apothecary is an old term used, however, he feels the Walgreens chain fits into that category and would ask the Council to remember his clients feel they are within that definition, despite that they would still like the special use permit so that nothing would be in question, and the development could move forward. He remarked that specifically what is being asked for is a rezoning under business district rules, which clearly allow drugstores under Article 11-1.A, stating everyone is aware of what a drugstore is and clearly this is an apothecary. He noted they are not asking that residential sites be changed into commercial property since these are already commercial properties, stating that unknown entities in the medical arts field could locate to this site, whereas his client is a known entity with a track record that has due regard to the adjacent land owners and to the Town's Comprehensive Plan, which identifies the Fourth Street corridor as a commercial artery. Mr. Saliba noted he would like to introduce two petitions to Council. Mayor Crewe accepted the petitions and noted they would be made part of the minutes for anyone to review.

Mayor Crewe stated Mr. Beasley, on behalf of Mid-Atlantic, would be next addressing the Council. Mr. Beasley stated that he was with the engineering firm that would be working with Mid-Atlantic Commercial Properties on this project and would like to describe the site plan. He noted that the site plan on display seemed to be the original one, and a couple of changes had been made to that plan. He stated it was a ninety seven by one hundred fifty foot building with one drive thru located on the side with fifty one parking spaces. Mr. Beasley advised that the only difference of the current site plan in regard to the site plan on display is that the one displayed shows three entrances and now one entrance has been removed. He stated one entrance on West Ridge Road is as far back from Fourth Street as the property will allow, obviously assisting with traffic from the traffic signal, and the other entrance on West Fulton Street is closer to the intersection for two reasons, one to discourage cut through traffic, and two because of grade conditions. Mr. Beasley stated in regard to environmental concerns and the runoff, they were held to state standards and Town codes stating that any increased runoff from the pre-development condition to the post-development condition cannot occur. He remarked any additional runoff from the developed site would be maintained through an underground storage system that would contain and store the runoff and would actually make it lower than the pre-development rate. Mr. Beasley addressed lighting stating this was not his specialty but his understanding is the lights are turned off thirty minutes to an hour after closing and they would be glare shielded to prevent spillover passed the property line. He noted a wall would be built adjacent to the creek that ran along the property. He stated no connection plan or paving across the creek area of the property was in mind and noted that no signal was in the plan on Fourth and Fulton Streets. He remarked that the plan is an improvement over current conditions where the doctors' offices presently sit on the property, and the paving is closer to the creek

area than what the proposed site plan shows. He noted the paving currently in place is crumbling.

Mayor Crewe advised he should have clarified before the public hearing that this matter comes to the Town Council on the recommendation from the Planning Commission that the request of Mid-Atlantic be disapproved. He explained that the attendees from Mid-Atlantic were aware of this but Council wanted to inform everyone else as well. He noted that the purpose of the public hearing is for the Town Council to hear from the public, and, later in the agenda, the matter would be addressed further.

Mayor Crewe stated Mr. George Morgan of Mid-Atlantic would speak next. Mr. Morgan noted he was a managing member of Mid-Atlantic Commercial Properties, Incorporated, stating they were commercial real estate developers operating in Virginia for several years, noting several projects in the immediate area. He noted construction sites in Marion, Pulaski, and Dublin. Mr. Morgan stated in Walgreens' latest annual report, it noted where the chain's sales volume is coming from and noted that seventy-five percent was in the prescription drug area, which resorts back to the "old time" pharmaceutical service. Mr. Morgan remarked that Walgreens is a company that takes pride in keeping the outside of the building and surrounding area as clean as the inside, with examples of contained, fenced in storage and trash areas, which, therefore, reduce the excessive sights of disorder. Mr. Morgan noted that spill off from parking lot lights was not a factor of the Walgreens stores. He stated that appearance is important to this store.

Mayor Crewe noted Mr. Al Aymer was next to speak. Mr. Aymer stated the issue in question was not of neatness and cleanliness but of what impact the store will have on the area in regard to traffic flow. He noted the new construction developments near the Wal-Mart properties that will also increase the traffic flow on Fourth Street. Mr. Aymer stated he was aware that the physicians' offices did warrant traffic in the area, however, it would not be comparable to the twenty-four hour traffic a store such as Walgreens would warrant. He noted it is not the growth to the community that he is opposing, but stated he feels that this facility could be placed in other areas of the community without increasing problems with traffic and would not be in a residential area. Mr. Aymer summarized by stating this is the Commonwealth of Virginia not just the State, and that everyone should strive for what is most beneficial to the citizens.

Mayor Crewe noted Laird and Sylvia Baldwin were next on the list to speak. Mrs. Baldwin noted she lived at 695 North 6<sup>th</sup> Street, and stated she understood that seventy-five percent of the business was in the pharmacy area, although, however a person looks at it, this was still a convenience store, and with a convenience store, they would receive all the traffic that is associated with a store of this nature. Mrs. Baldwin advised that she understands the community is thriving and growing, but the residential area she is accustomed to should remain in a controlled environment and that a Walgreens at this location would open a gateway. She noted she is not in opposition to the Walgreens store itself, but feels other sites are available to build this facility without disrupting a residential area.

Mr. Laird Baldwin stated he was concerned with the topic of the 6<sup>th</sup> Street access and feels the plan is misleading, and a majority of the traffic will be using this as access to the store. He noted his major concern is the traffic increase, and in conjunction with other residents of the area feels that area should remain a residential area. Mayor Crewe noted the present proposal does not involve changing 6<sup>th</sup> Street and that it would not be an opened or paved street, and that it would remain the same as it is.

Mayor Crewe noted Mr. Roy Hacker was next on the list to speak. Mr. Hackler stated his primary concern was the ten foot retaining wall, noting the wall will push water from the Town branch into his backyard. He noted the majority of his neighborhood is retired couples with plans of retiring in a residential community, not one with commercial properties adjoining it. Mayor Crewe remarked that some answers he can provide until the matter is brought before Council is that under the current Town ordinance and State law, it requires water retention onsite to keep the water onsite and to release it at a slower, lower, less volume rate. He noted he understood that was what the regulations stated for the Walgreens side of the wall, and he knew Mr. Hackler was concerned about the other side of the wall for the residents. Mr. Hackler noted that the water had no flow pattern but to the west. Mr. Hackler stated also he was concerned about this property being commercial in a residential area.

Mayor Crewe noted Jeffrey Charr was next on the list to speak. Mr. Charr stated he has been a resident for nearly twenty years, and he lives on North 6<sup>th</sup> Street which is in close proximity to the proposed site. He noted he wished to discuss the traffic, and stated in the past years he has been a resident, traffic has greatly increased. Mr. Charr noted the water flow in past years through the creek, and he expressed his concern as to how it would be managed. Mr. Charr stated there would be noise increase with excessive traffic. Mr. Charr noted the Walgreens in

Marion was a nice store, however, the store did not encroach into a residential area, along with the Pulaski store. He stated he had been a practicing pharmacist for twenty years and stated that this location may bring the customers in, however, the service provided is what keeps customers. Mr. Charr remarked that the Town and residents could be better served if the site was relocated.

Mayor Crewe stated that Dot Alexander was next to speak. Ms. Alexander stated she had no problems with the Walgreens store itself but did feel that the proposed site was a residential area for children. She stated she liked walking, and it would be beneficial to everyone for the company to look at an alternate site location.

Mayor Crewe thanked Ms. Maria Timoney for attending and advised she was the next speaker. Ms. Timoney stated she has lived on 8<sup>th</sup> Street and West Fulton Street for fifteen years and has enjoyed the neighborhood as most have stated. She noted on several occasions she travels to Marion and noticed that Walgreens had just opened, and the difference she notes is on one side is a McDonald's, the other is an Advance Auto Parts, and located across the street is Ingle's grocery store, a car dealership, two doors up is Pizza Hut, and three doors down is Sonic. She stated this seems to be the perfect location for Walgreens to be, for the convenience of the patrons and for enhancing the neighborhood and noted she feels that is exactly what would not happen if Walgreens same attractive store came to this specific spot. Ms. Timoney stated that it would change the character, but in Marion where McDonald's is along the commercial strip, nobody is trying to have a quiet atmosphere and darkness to sleep, not riding scooters, not pushing baby strollers, and no one wants to do these things there, therefore, it is a perfect and compatible place for Walgreens to be. She stated that is not the case for the proposed site here, and she feels Walgreens would substantially change the character of the neighborhood. She stated this is every reason to discourage Walgreens not to come.

Mayor Crewe stated Ms. Anne B. Crockett-Stark was next on the list to speak. Mayor Crewe thanked Ms. Crockett-Stark for being there and welcomed her back. Ms. Crockett-Stark stated she was there as a private citizen to complain and noted she would start by saying that in the early 1950's her father opened Crockett's Addition. She stated there was no road called Fulton Street and that it ended at Dr. Kegley's home and it had been a quiet, comfortable neighborhood. She noted it has grown old as a neighborhood although there are young families coming into the subdivision, and there is a good combination. Ms. Crockett-Stark noted safety is the first thing she wanted to talk about. She remarked that kids ride bikes, and people of all ages walk all hours of the night and are now safe to do that. She stated she does advocate development but she advocates it in a way that protects the citizens and the businesses. She stated the Town can allow growth, and that is why Wythe County has started industrial parks and maintains them, and that is why there are shopping malls and a downtown area because the Town has kept the neighborhoods separate from the shopping areas. She noted building at this location may be acceptable if there was no place to go, but there is space left, even in the Wal-Mart shopping center and new spaces across from it. She noted there is a shopping center for all intents and purposes completely empty, and she would like to see those places available in the zoned areas used. Ms. Crockett-Stark stated she was an advocate of zoning and that zoning was meant to protect property value, and to not abide by the zoning is infringing on residential areas. She remarked admittedly she had no problem with the Walgreens store, it was just infringing on a neighborhood that has been established for sixty years with residents that purchased land with covenant and conditions. Ms. Crockett-Stark stated they have evolved and grown old, but advised she remembers that houses could not be under \$30,000 and land could be purchased for \$4,000. Ms. Crockett-Stark noted that granted in the 1950's, this was a lot of money. She noted over the years, it has remained a nice neighborhood. Ms. Crockett-Stark stated that until Mayor Crewe defeated her husband, she was never able to receive curb and guttering and thanked Mayor Crewe for finally letting them have this after twenty years of waiting. Ms. Crockett-Stark noted she wanted to thank Mr. Roy Hackler for keeping the branch up, noting that Mr. Hackler had a house full of grandchildren that play in the yard. She remarked she had decided not to speak but when citizens spoke of Fourth Avenue becoming retail and business oriented, she kept picturing Williamson Road in Roanoke and thought of beautiful Withers Park, which already receives a lot of gas fumes. She noted when turning into 6<sup>th</sup> Street there is a hill, and traffic cannot be seen until they are right up on motorists. She remarked that in the past, she remembered an accident in that area that resulted in a fatality, noting that it is such a short street between West Ridge Road and Fulton Street, and it is truly a hazard. Ms. Crockett-Stark stated since new houses are being built beyond Crockett's Addition in the next area, that makes the area that much more hazardous. She noted two traffic lights within one half a block would certainly make more traffic delays. She stated that all the Walgreens stores she is familiar with were open twenty-four hours a day, and she believes that encourages strangers to enter into a quiet neighborhood, where people are walking late at night and early morning. Ms. Crockett-Stark stated that speaking as a resident, the majority of the people she has spoken with care greatly about keeping their lives and home residential.

Mayor Crewe noted Ms. Liza Field would be next to speak. Ms. Field stated she was a Town resident and lives one block from the proposed Walgreens site and wanted to say she is one of the walkers Ms. Crockett-Stark spoke of and noted that it is a great thing to be able to do. She stated Fulton Street has no sidewalks and yet that is where she walks and that it is a sign of a great town to be able to have people walking late at night and are not afraid of doing so. Ms. Field stated she appreciated the Planning Commission taking a stand, not just for good land use but also for the residents and believes that so often in today's times, governing bodies can often make a decision that is based on what will make the most money. She noted it is good to see that values are honored that are not just based on materialism. Ms. Field stated the citizens do not have a lawyer, they are not making a profit on this decision, and they cannot afford a lawyer. She remarked in her opinion, Mr. Saliba is a good lawyer, however, she does not have legal expertise, but does recognize a non sequitur when she hears one and to say if the Town does not have a Walgreens, it is going to turn into a methadone clinic is a non sequitur. She noted the developer from Mid-Atlantic that attended the Planning Commission meeting was not in attendance at this meeting. She remarked that a resident of the neighborhood stated to the developer that he did not have to live next to the Walgreens, he can make his money and go home, and that the developer replied to the resident by stating he understood what the resident was saying because he moved from Florida because of the sprawl and now lived in the Smokies. Ms. Field stated her neighbors cannot afford to or do not want to move from Wytheville and move to the Smokies, which is being overrun with developers from Florida. She advised she believed there is a great mix of older citizens who have lived in the area for a long time, along with people with young children, and she feels they are not likely to make a big killing and move to the Smokies. Ms. Field stated that finally she would like to reinforce that the creek does flood. She advised that she has tried letting the buffer grow up as she was supposed to but noted that when it used to rain, she would find trash in the trees after every rainfall. She stated she knows it will not be a through road but people will be using it as a short cut and 6<sup>th</sup> Street is already suffering from the traffic flow. She noted that Mr. Homer Winter was not able to attend but he can barely get out onto Fourth Avenue, and she noted his white car sitting and trying to pull out when she was on the opposite side of the street trying to walk across. Ms. Field remarked that when the developers state Fourth Avenue will not become a commercial zone is arrogant as an outsider to state. She noted that Walgreens is not suitable for this area.

Mayor Crewe noted Ms. Sara Klutz would speak next. Ms. Klutz stated she is against a business encroachment on a residential area. She noted she lives on 18<sup>th</sup> Street and would not be impacted by the development at this time, but inquired if Walgreens comes in now, what would be next. Ms. Klutz advised, however, she does know some of the residents and knows they would be impacted by the traffic, glare from the lights, and the noise.

Mayor Crewe stated everyone who indicated they wanted to speak had been recognized and asked if there was anyone they had missed, or if anyone had later decided to speak.

Mayor Crewe recognized Mr. Rob Fields as wishing to speak. Mr. Fields stated he has lived on 8<sup>th</sup> Street all of his life, his family still lives there, and he joined the military and returned to Wytheville to live on 8<sup>th</sup> Street due to the neighborhood. He stated that his biggest concern is the increased flow of traffic mainly on Fulton Street as other citizens have expressed. He noted if a person comes down Fulton and Fourth Streets and tries to turn left at any given time, the traffic is so bad he/she cannot make a turn. He remarked that he feels traffic will come down Fulton Street and come around 8<sup>th</sup> Street. He stated his property is right near Mr. Hackler's, and actually his wife watches Mr. Hackler's grandchildren, and he is concerned about the children and people walking in that neighborhood and that the increased traffic will be a hazard to them. Mayor Crewe inquired if anyone else wished to speak.

Mayor Crewe stated that he did not want anyone to feel cut off and reminded them that the Council had the minutes from the Planning Commission meeting along with fifteen to eighteen letters attached to the Council packets as well. Mayor Crewe inquired if anyone had anything else to state in regard to the public hearing.

Mayor Crewe inquired of Mr. Morgan if he had any additional comments or a reply and that Council would be glad to hear him speak. Mr. Morgan stated there were a lot of things brought up and he will try to be quick with his response. He stated first with drainage, in Pulaski, they were building a store that is thirty feet above the grade of the roadway, the parking lot is actually at roof level of the two story homes directly behind it and yet they have proven and shown there is no impact from the drainage standpoint. He noted they actually had a drainage problem there and the construction improved it dramatically. He stated right now, there was no water management of any kind going on at this proposed site, and water simply hits from rain or otherwise it sheds into the stream. He stated people cannot build that way today, however, they were able to build that way before. Mr. Morgan noted they have a plan created that will satisfy both the Town and State, and they will not generate increased water flow, but they will actually

decrease water flow to the stream because the water will be stored onsite. Mayor Crewe noted this is required by the ordinance. Mr. Morgan confirmed that it was all required and that the citizens did not have to trust him but trust the ordinances along with the State's regulations. Mr. Roy Hackler reiterated that what concerned him was the retaining wall. Mr. Morgan noted that in terms of the traffic concerns, this is always an issue no matter where they tried to build a store or where any commercial development is being built. He stated that a Walgreens business or drug store business, whether it is Rite Aid or CVS, is a neighborhood business. Mr. Morgan remarked that if someone comes to the dentist, which is located now on this property, they could come from twenty miles away. He advised that, generally, people do not drive great distances to a drug store and that is why they are building so many of them because people will only go a very short distance. He noted that Walgreens is trying to capture the business of a hometown. He stated that people coming from the north side of Interstate 81 will not go past a Wal-Mart or Food Lion to get to a Walgreens, therefore, they are trying to service the community. Mr. Morgan noted the similarity between the stores in Marion and Pulaski is they are located near hospitals and doctors' offices to serve the local people. He reiterated that they are not increasing the traffic but taking the traffic already there and giving it a place to go. Mr. Morgan noted another couple of points are the Town's land use plan calls for this stream to be a commercial stream, and there is no question it is a neighborhood stream to the people who live near it, however, this is a commercial corridor. He noted that less than one block away to the north is a gas station and grocery store, just coming to the south there is another neighborhood grocery store and yet another gas station. He noted there is a bank located caddy corner across the street from this property, the entrance to the hospital is a few hundred feet away, and if this is truly a residential street, then the Town needs to change its land use plan. He noted the land use plan clearly states this is one of the main arterial roads coming into the town, therefore, this is already self-evident. Mr. Morgan noted that at one of the Planning Commission meetings Mid-Atlantic attended, a citizen was petitioning to the Planning Department for a variance to take a home and turn it into office and commercial use, and it was approved unanimously, and it was approved because the Planning Board said Fourth Street is a commercial street. He stated he understands the concerns of anyone who has lived in the neighborhood, particularly ones who have lived there for numerous years. Mr. Morgan advised he understands this is their home, but this is a road that comes from an interstate highway and the neighborhood is within one half a mile of a two hundred thousand square foot Wal-Mart and only a few feet from the main street and people believe that Fourth Street will stay a residential street. He stated that belief ended the day the interstate interchange was created and the Wal-Mart and other businesses built at the specific locations. He noted, again, that he is only looking at the Town's Land Use Plan, and they are not looking for a rezoning, just a clarification of the way the Town defines an apothecary. He stated Mid-Atlantic is trying to be as user friendly as possible and he does not see noise as being a factor. He remarked this will not be a twenty-four hour store and this is not a twenty-four hour neighborhood. He noted the stores in Marion and Pulaski are not twenty-four hour stores, and most twenty-four hour stores are in high traffic areas and in large commercial development areas. He stated this site is not like that. Mayor Crewe thanked Mr. Morgan.

Mayor Crewe recognized Mr. Baldwin who wished to address the Council and Mr. Morgan's comments. He stated if Mid-Atlantic was so insistent on catching traffic from the interstate why they did not look at the new site located across from Wal-Mart. Mr. Morgan responded that he understood that area was reserved by Home Depot.

Mayor Crewe noted Ms. Dot Alexander wished to comment. Ms. Alexander stated she had one further question. She noted on the agenda that Council was having the public hearing in request of a special exception permit. Mayor Crewe confirmed that this was correct and that Walgreens was asking for a special exception permit and not a rezoning.

Vice-Mayor King stated she would like to make a comment. She stated that Council was enlightened on the news of a Home Depot being interested in that location and Council was not aware that Home Depot was locating to the site. Mr. Morgan noted he was speaking out of turn and that it was not his property.

Mr. Baldwin noted that the whole question of rezoning was confusing. He stated at one point of the public hearing, Mr. Saliba stated it was not a rezoning and at another point, he said it was and noted the sign located on the site said "proposed rezoning" and smaller letters below stated special exception permit. Mayor Crewe stated the sign is a form sign that it is filled in to state that it is a special exception. He reiterated this is not a request for rezoning and it is a request for a special exception. He noted the Town has taken the position that this Walgreens store does not fit within the present zoning of being an apothecary and the Town has taken the position this is not an apothecary being proposed but a retail store, therefore, it does not fit in the present medical arts zoning classification presently there. Mayor Crewe reiterated that the Mid-Atlantic Corporation has asked for a special exception to make it clear that this facility would fit into this particular zone, and they are not asking to change the zone but asking for a

special exception permit to state even if it does not fit the present defined apothecary definition, it fits into this zone by a special exception for this use to occur in this medical arts zoning. Mayor Crewe remarked the best explanation he could give of the terminology was the Town states this is a round peg in a square hole and it does not fit, however, Mid-Atlantic is stating to make this peg fit into the hole. Mayor Crewe stated this is the best analogy that he can use. He noted that it is to remove all doubt before Mid-Atlantic proceeds with their project. Mayor Crewe inquired of Council if he stated that correctly. It was noted that was correct.

Mayor Crewe inquired if anyone else wished to speak during the public hearing or if anyone from Council wished to speak before he closed the public hearing. Mayor Crewe noted his thanks to everyone for attending and wanting to speak their mind in the polite manner in which they followed. He declared the public hearing closed and advised that the subject will be brought up later on in the agenda. He encouraged that if anyone was interested in this matter to stay because it will be continued.

### **RE: CITIZEN'S PERIOD**

Mayor Crewe stated the next item on the agenda is Citizens' Period. He noted that Council was glad to have everyone present at the meeting. Mayor Crewe inquired if there are persons present who wished to address Council during Citizens' Period. He advised that the sign up sheets indicated no one desired to speak. There being no one who desired to speak during Citizens' Period, Mayor Crewe thanked everyone and proceeded with the agenda.

### **RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. The Budget and Finance Committee will meet tomorrow morning and there will not be a Public Works meeting this week. Mayor Crewe confirmed that Councilman Lambert will be attending the Budget and Finance Committee meeting.

### **RE: BUDGET AND FINANCE COMMITTEE REPORT**

Councilman Jones, reporting for the Budget and Finance Committee, noted that at the last meeting, the Committee reviewed information that was provided to them by the Police Department concerning new State laws regarding speeding in residential districts. He stated that over the past several months, they have asked the Police Department to increase its enforcement efforts in residential neighborhoods in response to a number of complaints that the Town has had. Councilman Jones indicated that apparently, speeding in residential areas is a problem statewide, and, as such, there has been new legislation passed that would substantially increase the fines for speeding in these areas. He explained that State law provides, if adopted by a governing body, that a conviction of speeding in a residential area would be a mandatory \$200 fine plus \$7 per mile per hour over the posted limit. Councilman Jones advised that in addition to these fines, there would be a \$61 court cost imposed. He stated the Committee is not suggesting that the Council implement this fine schedule, but they are encouraging citizens to be responsible by obeying the posted speed limits in residential districts. Councilman Jones advised that the Committee does not think any action is required of the Council at this time, but did want to note that this statute is available to the Council if the Town continues to have problems with speeding in residential areas. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

### **RE: PUBLIC WORKS COMMITTEE REPORT**

Councilman Lambert, reporting for the Public Works Committee, noted that the Town continues to have certain problems with some residents who place large amounts of tree trimming debris and leaves on the pavement for a number of weeks prior to the scheduled removal date. He explained that debris lying in the street poses several problems. Councilman Lambert stated that first, in some cases, it is an impediment to vehicular travel. He stated that in addition, this debris is sometimes scattered to other locations and properties and, also, causes drainage structures to be clogged during a rain event. Councilman Lambert remarked that the Town, again, wants to encourage citizens to obey the rules for the brush cleanup program. He stated that property owners should not put more than one truckload of debris at the street, and the debris should only be placed along the edge of the street immediately prior to the scheduled pickup date. He stated the pickup dates are published in a variety of locations, but citizens can also call the Town Office to obtain the dates for the monthly pickup. Councilman Lambert indicated that the Committee believes that this brush pickup program is one of the most popular services that the Town provides, and they would not want the actions of some to negatively

impact everyone. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

**RE: APPOINTMENT– RECREATION COMMISSION**

Mayor Crewe stated the next agenda item is to consider the recommendation of the Recreation Commission for an appointment of a youth member. He noted that the Recreation Commission recommends the reappointment of Ms. Allison Phillips and the appointment of Mr. Thomas Harrison to a one year term that will expire September 30, 2008. A motion was made by Vice-Mayor King and seconded by Councilman Jones to reappoint Allison Phillips and appoint Thomas Harrison as a youth member to the Recreation Commission for a one year term. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., H. Judson Lambert. Against: None

**RE: OTHER BUSINESS – WALGREENS SPECIAL EXCEPTION PERMIT**

Mayor Crewe stated the next agenda item is the issuance of the special exception permit to Mid-Atlantic Commercial Properties for the Walgreens Pharmacy, which was the subject of the public hearing earlier this evening. He noted that it was brought before the Council from a Planning Commission recommendation that the special exception permit not be granted. Mayor Crewe inquired of any motions on behalf of Council. A motion was made by Councilman Jones and seconded by Councilman Lambert to accept the recommendation of the Planning Commission and deny the request of Mid-Atlantic Commercial Properties, Incorporated for a special exception permit to operate a Walgreens Pharmacy on property located on the west side of North Fourth Street between West Ridge Road and West Fulton Street in an MA-1 Medical Arts District. Mayor Crewe noted that accepting the recommendation of the Planning Commission would mean the special exception permit would not be granted. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., H. Judson Lambert. Against: None

**RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (8:30 p.m.).

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Trenton G. Crewe, Jr., Mayor

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Sharon P. Hackler, MMC, Clerk of Council

## BUDGET AND FINANCE COMMITTEE REPORT

OCTOBER 22, 2007

1. At our last meeting, our Committee reviewed information that was provided to us by the Police Department concerning new State laws regarding speeding in residential districts. Over the past several months, we have asked our Police Department to increase its enforcement efforts in residential neighborhoods in response to a number of complaints that we have had. Apparently, speeding in residential areas is a problem statewide, and, as such, there has been new legislation passed that would substantially increase the fines for speeding in these areas. State law provides, if adopted by a governing body, that a conviction of speeding in a residential area would be a mandatory \$200 fine plus \$7 per mile per hour over the posted limit. In addition to these fines, there would be a \$61 court cost imposed. We are not suggesting that we implement this fine schedule, but we are encouraging citizens to be responsible by obeying the posted speed limits in residential districts. We do not think any action is required of the Council at this time, but did want to note that this statute is available to us if we continue to have problems with speeding in residential areas.

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Jacqueline K. King

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John W. Jones, Jr.

## **PUBLIC WORKS COMMITTEE REPORT**

**OCTOBER 22, 2007**

1. We continue to have certain problems with some residents who place large amounts of tree trimming debris and leaves on the pavement for a number of weeks prior to the scheduled removal date. Debris lying in the street poses several problems. First, in some cases, it is an impediment to vehicular travel. In addition, this debris is sometimes scattered to other locations and properties and, also, causes drainage structures to be clogged during a rain event. We, again, want to encourage citizens to obey the rules for the brush cleanup program. Property owners should not put more than one truckload of debris at the street, and the debris should only be placed along the edge of the street immediately prior to the scheduled pickup date. The pickup dates are published in a variety of locations, but citizens can also call the Town Office to obtain the dates for the monthly pickup. We believe that this brush pickup program is one of the most popular services that the Town provides, and we would not want the actions of some to negatively impact everyone.

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William B. Weisiger

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H. Judson Lambert