

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 20TH DAY OF DECEMBER, NINETEEN HUNDRED NINETY-SIX, AT 4:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

David L. Sisk, Chairman, Roberts District
Robert A. Magoon, Jr., Vice Chairman, Jamestown District (Absent)

Jack D. Edwards, Berkeley District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATION - Chairman's Award 1996

Mr. Sisk read and presented the Chairman's Award to Mr. Richard M. Miller, Fire Chief.

Chief Miller thanked the Board and accepted the award on behalf of the Fire Department and volunteers.

**C. MINUTES - December 3, 1996, Work Session
December 10, 1996, Regular Meeting**

Mr. Sisk asked if there were additions or corrections to the minutes.

Mr. Sisk made a motion to approve the two sets of minutes.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

D. BOARD CONSIDERATIONS - Addendum

1. Williamsburg Land Conservancy Request for Tax Exempt Status

Mr. Frank M. Morton, III, County Attorney, stated that Mr. Norman Beatty, Executive Director, had requested the Board to assist the Williamsburg Land Conservancy in obtaining tax exemption for property of the Conservancy located in the County.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

RESOLUTION**WILLIAMSBURG LAND CONSERVANCY REQUEST****FOR TAX EXEMPT STATUS**

WHEREAS, the Williamsburg Land Conservancy (Conservancy) is the first private nonprofit 501(c)3 and trust in Virginia incorporated specifically to carry out the provisions of the Virginia Conservation Easement Act; and

WHEREAS, the Conservancy is dedicated to acquiring real property for the purpose of preserving and conserving of natural resources; and

WHEREAS, the Conservancy has requested that James City County seek tax exemption for property of the Conservancy located in said County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that pursuant to Section 6(a)(6) of Article X of the Constitution of Virginia the General Assembly of Virginia that property owned by the Williamsburg Land Conservancy located in James City County, Virginia, be exempt from local taxation.

2. **Appointment of an Alternate Member to the James City County Board of Building Adjustments and Appeals**

Mr. Sanford B. Wanner, County Administrator, stated that Mr. Doug Murrow, Interim Building Official, requested appointment of an additional alternate member to the Board of Building Adjustments and Appeals to allow scheduling of a January 1997 meeting to which neither the regular member, Roger Guernsey, or his alternate, Beth Crowder, can attend.

Mr. Sisk made a motion to appoint Mr. Alan Jenner to the Board of Building Adjustments and Appeals as a second alternate member for regular member, Mr. Roger Guernsey.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

D. **BOARD CONSIDERATIONS**

2. **Award of Exercise Equipment Bid - James City/Williamsburg Recreation Center**

Mr. Bernard M. Farmer, Jr., Capital Projects Administrator, stated that bids were received for exercise equipment on a lot by lot basis with additional quotes for individual items within a lot or group, with the combined total of equipment bid awards being \$109,330.

Staff recommended approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

RESOLUTION**AWARD OF CONTRACTS, EXERCISE EQUIPMENT****JAMES CITY/WILLIAMSBURG RECREATION CENTER**

- WHEREAS, the Board of Supervisors and bond referendum have previously authorized construction of an expanded recreation center facility; and
- WHEREAS, bids were opened for exercise equipment for the facility on November 27, 1996; and
- WHEREAS, the lowest qualifying bids, totaling \$109,330 are within the amount of funds available as allocated from the bond referendum.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the James City/Williamsburg Recreation Center exercise equipment contracts to the lowest qualifying bidders noted, for a total award not to exceed \$109,330.04. This award is subject to approval of all documents by the County Attorney.

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute the purchase contracts in the above amount.

Mr. Magoon arrived at 4:20 p.m.

1. **Case No. SUP-25-96. Texaco Convenience Store at Five Forks**

Mr. Paul D. Holt, III, Planner, stated that the special use permit was deferred at the Board of Supervisors' December 10, 1996, meeting pending a revised site plan and a meeting with Virginia Department of Transportation (VDOT).

Mr. Holt stated that Mr. Magoon, staff, applicant and representatives of VDOT met and agreed in concept to increase the landscaped and buffered area on site and decrease the radius on the access entry into the site from Ironbound Road.

Staff determined that the proposed uses are too intensive for the area and additional traffic would create safety concerns. Staff recommended denial of the special use permit.

Mr. Taylor made a motion to approve the resolution.

The Board indicated support for small businesses and determined that the permitted use would benefit the community more than some of the other allowed alternatives.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

RESOLUTION**CASE NO. SUP-25-96. TEXACO CONVENIENCE STORE AT FIVE FORKS**

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to allow for the renovation of an existing Texaco gas and service station to operate a gourmet deli, gas pumps, and a convenience store at the corner of Route 5 and Ironbound Road further identified as Parcel No. (1-32) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, the Planning Commission, following its public hearing on November 4, 1996, voted 5-2 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-25-96 as described herein with the following conditions:

1. Any access to the site from Ironbound Road shall be so designed as to be "right-in" only. Signage indicating the "right-in only" access shall be installed and approved by the Virginia Department of Transportation prior to the issuance of a Certificate of Occupancy. The existing driveway closest to the Route 5/Ironbound Road intersection shall be closed.
2. No parking space shall be located within twenty-five (25) feet of the property line along John Tyler Highway (State Route No. 5).
3. Store size shall be limited to 1,800 square feet.
4. No more than two (2) gas pumps shall be installed on this site, with the island set back from the Route 5 property line a sufficient distance to facilitate u-turns.
5. The parking spaces at the east side of the site shall be at an angle to the spaces along the rear property line and shall be installed to facilitate u-turns around the gasoline pumps.
6. The exterior of the main building, the canopy over the gas pumps, and the canopy signage shall have an appearance consistent with the elevations of the building and canopy details prepared by AES entitled "CamCam Grocery and Deli, 4454 John Tyler Highway, Elevations," dated August 14, 1996, and revised on December 19, 1996, with the final design subject to approval by the Planning Director.
7. Canopy signage shall be limited to that shown on the drawings prepared by AES entitled "CamCam Grocery and Deli, 4454 John Tyler Highway, Elevations," dated August 14, 1996, and revised on December 19, 1996, and such signage shall only be illuminated with bar lighting. No internally illuminated signage or decorative features shall be installed on the canopy. All such lighting shall be used to illuminate the signage and logo only and not the canopy itself. Lighting installed under the canopy to illuminate the fueling area shall have recessed lenses.
8. All lighting shall have recessed lenses, and shall not create more than 0.1 foot candle of illumination at the property line.
9. The applicant shall submit a landscaping plan with enhanced landscaping for the project at the time of site plan submittal for review and approval by the Planning Director. For purposes of this condition, "enhanced landscaping" means landscaping that exceeds the numerical requirements of the Landscaping Ordinance by at least 15 percent, with at least 33 percent of the required trees to be evergreen. Enhanced

landscaping of less than 15 percent may be allowed with approval from the Planning Director.

10. A Certificate of Occupancy shall be obtained within one (1) year of approval of this special use permit or the permit shall become void.
11. This special use permit is valid only for the operation of gas pumps, convenience store and delicatessen.

E. PUBLIC COMMENT

1. Mr. Ed Riley, 611 Tam-O-Shanter, spoke about a book of recipes using venison.

F. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Hampton Roads Mayors and Chairs were requesting public opinion of evaluation of the location of a minor league baseball team on the Peninsula and construction of a 6,500 seat stadium. He further stated site identification and financial proposal would need to be negotiated during January 1997, with a public hearing advertised and held for public input on forming a sports authority

Board discussion of financing formula by distance to stadium, population, review of agreements from other franchises and acquisition from land owners followed.

G. BOARD REQUESTS AND DIRECTIVES - None

Mr. Sisk declared a five-minute recess to convene into a work session on 1997 Comprehensive Plan.

The Board recessed at 4:50 p.m.

H. WORK SESSION - 1997 Comprehensive Plan

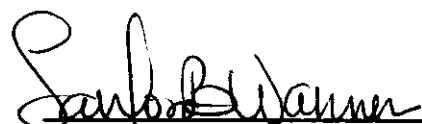
Mr. Sisk reconvened the Board into a work session on 1997 Comprehensive Plan at 5:00 p.m.

Staff and Board discussed policy issues of application of PSA line and Economic Development strategy and several land use issues. The Board directed staff by straw votes to finalize the issues and bring forward on the January 14, 1997, Board of Supervisors' meeting agenda.

Mr. Sisk made a motion to recess until 5:00 p.m., Tuesday, January 14, 1997, for an executive session on organizational meeting.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

The Board recessed at 8:25 p.m.



Sanford B. Wanner
Clerk to the Board