

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 16, 2022

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, August 16, 2022, in the Board Room, York Hall, by Chairman Sheila S. Noll.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, W. Chad Green, G. Stephen Roane, Jr., and Thomas G. Shepperd, Jr.

Mr. Zaremba was absent.

Also in attendance were Neil A. Morgan, County Administrator; Mark L. Bellamy, Jr., Deputy County Administrator; Brian Fuller, Assistant County Administrator; Richard Hill, Assistant County Attorney; and Heather L. Schott, Legislative Assistant.

Invocation. Pastor Stu Hodges, Waters Edge Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Mr. Shepperd led the Pledge of Allegiance.

PRESENTATIONS

UNITED WAY

Mr. Steven S. Kast, President and Chief Executive Officer of United Way, thanked the Board for the opportunity to speak. He recognized Ms. Paula Hersh, the County's Public Affairs Manager, as the ultimate United Way coordinator based on her compassion for those in need and for connecting residents with the right resources. He stated that since coming to the United Way in 2017, after a long tenure with the Boys and Girls Club, he made the following changes:

- Eliminated the so-called United Way tax, which was taking 25 to 28 percent off the top of all contributions to charitable organizations under the United Way umbrella.
- Fundraising and administrative costs were offset so that monetary donations would go directly to those in need.
- A Needs Assessment was completed on the United Way which revealed that our community was concerned about friends and neighbors who were either in poverty or in ALICE (Asset Limited Income Constrained, Employed).
- A goal was set with the community, government, non-profits, and the corporate community to move 10 percent of the community out of poverty or out of ALICE.
- When residents realized contributions were going directly to their neighbors in need, the United Way campaign contributions went from \$2.8 million collected the year before he came to the United Way, to \$11 million.
- The Community Assistance Network was established last year which is manned by United Way employees who act as advocates to those in need by making phone calls on their behalf; connecting them to the appropriate agencies in order to obtain the resources needed, and developing a sustainability plan to ensure they have the help they need moving forward.
- Instead of having multiple offices, they have been merged into one operation at the new location on York Crossing which was purchased with the help of Congresswoman Luria who earmarked a million dollars for the United Way that helped offset the purchase of the building.
- The Peninsula United Way has only one phone number now which will connect the caller with an advocate who will guide them through the process.

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In closing, Mr. Kast thanked the County for partnering with the United Way and stated that he would be pleased to answer any questions and/or to receive any suggestions the Board may have.

Chairman Noll asked for the phone number of the Community Assessment Network.

In response, Mr. Kast stated that it is (757)-229-2222.

Mr. Shepperd thanked Mr. Kast for a very informative presentation and then asked how the United Way helps residents and/or families in need to sustain and move forward out of poverty.

Mr. Kast explained that the Community Assistance Network is where all partners work together which probably entails over a hundred million dollars coming together to help these families. When you talk about sustainability, he explained that the participants have to prove that they have income moving forward or commit to participating in the Workforce Development Programs. In addition, he noted the United Way has a network of about 78,000 available jobs on the Peninsula that we can refer individuals to for employment. He suggested to Mr. Shepperd that he may want to look at the United Way website at uwvp.org which provides the details of the pathways out of poverty.

Mr. Roane stated that he is a member of the York/Poquoson Sheriff's Office Citizen Advisory Committee (CAC) which is a conduit to connect officers with the community. He suggested that this might be another valuable partnership opportunity for the United Way. He stated that he would be pleased to share his presentation this evening with the CAC at their upcoming meeting.

CITIZENS' COMMENT PERIOD

Rick Tanner, 205 Sir John Way, Seaford representing the Yorktown Pub, thanked the Board members for their service to the County and for allowing the Yorktown Pub to offer outdoor dining during the pandemic. He also appealed to the Board to allow the tents to remain up for the next year since outdoor dining will be needed until COVID is completely eliminated. In addition, with the projected temporary closure of the Water Street Grille, he stated the need for additional dining options in the County is paramount.

Arlis Reynolds, 3602 Goodwin Neck Road, owner of Larry's Hard Lemonade Brewing Company which is also located on Yorktown Beach, stated that many customers still wear masks and that he too is facing the same issues as the Yorktown Pub. He added that outdoor dining remains an absolute necessity. In closing, he commended the County staff for working with him so well and stated that he looks forward to finding a more permanent solution to this problem.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Richard Hill, Assistant County Attorney, had no comments.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Neil Morgan stated that a camera mounted on York Hall which provides a live view of the waterfront went live on the County's website yesterday. In addition, he reminded everyone that school starts the week after next so please take your time and drive safely since children will be catching the bus throughout the County.

MATTERS PRESENTED BY THE BOARD

Mr. Green reiterated Mr. Morgan's earlier comments about driving safely with schools opening on August 29.

Mr. Shepperd stated that he recently attended a meeting of the Hampton Roads Military and Federal Facilities Alliance (HRMFFA) at which time the National Aeronautical and Space Administration (NASA) Director gave a detailed briefing on the state of the NASA/Langley operations.

During the presentation, it was noted that the older structures at NASA are slowly being replaced with new, more accommodating structures that are better fitted for research. He stated that they are currently working on the Artemis Program which is a human space flight program to explore the moon and beyond. Mr. Shepperd also encouraged parents and kids to visit the Virginia Air and Space Science Center in Hampton which includes many hands-on educational and fun activities.

Mr. Roane stated that he recently met with the 2022/2023 York County Youth Commission members. He noted that once again he was impressed with the caliber of the students and emphasized to them they are the Country's future leaders. He also thanked Ms. Shannon George, the previous County liaison to the group, who had served faithfully in this position for two years.

Chairman Noll announced that everyone is invited to attend the free Virginia Symphony concert which will be held at the Yorktown Monument on September 3rd at 7:30 p.m.

CONSENT CALENDAR

The Consent Calendar was considered and **approved on a vote of 4:0**. A summary of actions taken are below.

Mr. Green asked that Item No. 8, Appeal of the Historic Yorktown Design Committee (HYDC), be pulled so that Mr. Morgan can provide additional details on this item.

Mr. Morgan explained that the County worked with two of the waterfront restaurants at the onset of COVID authorizing them to erect tents to allow for outside dining. However, he added that these temporary structures are probably not what we want in this area long-term. Although the HYDC was technically correct in finding that the tents did not meet the appropriate standard, the committee is a creation of the Board and there is a procedure that allows such decisions to be appealed to this body. He stated that the County is currently trying to create the conditions for a win-win for all concerned parties. The first step is to acquire the Board's approval for a one-year extension during which the restaurant owners/operators can devise a plan to replace the tents with something more suitable for the waterfront. Currently, he noted the County is looking for a landscape architectural firm to create conceptual designs for the landward side of Water Street since little attention has been focused on this area. Mr. Morgan stated that during the one-year extension it is hoped that some small ideas can be developed and implemented over time which may involve public and/or private property to aesthetically enhance this specific area. He continued by stating that hopefully, next spring staff will present a package of small upgrades for the landward side of Water Street which will be presented to the Board for consideration providing an opportunity for residents to comment and provide input.

Mr. Green moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, 7, 8, and 9 respectively.

On roll call the vote was:

Yea: (4) Green, Roane, Shepperd, Noll
Nay: (0)

Item No. 5. APPROVAL OF MINUTES

Thereupon, the following minutes were approved and resolutions adopted:

June 21, 2022

Item No. 6. VACATION OF PORTION OF EXISTING UTILITY EASEMENT, PROPOSED SECTION 5, PHASES 2 AND 3 COUNTRY CLUB ACRES SUBDIVISION: Resolution R22-132.

A RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF AN EXISTING UTILITY EASEMENT OVER PROPERTY OWNED BY COUNTRY CLUB PARTNERS LLC FOR THE PURPOSE OF THE DEVELOPMENT OF COUNTRY CLUB ACRES, SECTION 5, PHASES 2 AND 3

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Item No. 7. TAX REFUND FOR SEAWORLD PARKS AND ENTERTAINMENT, LLC (WATER COUNTRY USE): Resolution R22-133.

A RESOLUTION TO AUTHORIZE A TAX REFUND OF BUSINESS TANGIBLE PERSONAL PROPERTY TAXES TO SEAWORLD PARKS AND ENTERTAINMENT, LLC FOR TAX YEARS 2016 AND 2017 AND A REFUND FOR AN OVERPAYMENT OF REAL ESTATE TAXES BY BUSCH ENTERTAINMENT CORP. FOR THE FIRST HALF OF 2022

Item No. 8. APPEAL OF HYDC DENIALS OF APPLICATION NOS. HYDC-216-22 (THE YORK-TOWN PUB), AND HYDC-220-22 (LARRY'S LEMONADE): Resolution R22-134.

A RESOLUTION TO APPROVE APPEALS BY THE YORKTOWN PUB AND LARRY'S LEMONADE OF THE HISTORIC YORKTOWN DESIGN COMMITTEE DENIAL OF CERTIFICATES OF APPROPRIATENESS FOR THE ERECTION OF TENTS AT 540, 528, AND 524 WATER STREET

Item No. 9. EMPLOYEE OF THE QUARTER: Resolution R22-100.

A RESOLUTION TO COMMEND AND CONGRATULATE GREG GILLETTE, BUDGET ANALYST III, DEPARTMENT OF FINANCE, AS THE EMPLOYEE OF THE QUARTER

NEW BUSINESS

None.

CLOSED MEETING

At 6:35 p.m. Chairman Noll moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (4) Roane, Shepperd, Green, Noll
Nay: (0)

Meeting Reconvened. At 6:40 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Shepperd moved the adoption of proposed Resolution SR-1 which reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of May, 2022, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Shepperd, Green, Roane, Noll
Nay: (0)

APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD. Resolution R22-131.

Mr. Green then moved the adoption of proposed Resolution R22-131.

A RESOLUTION TO APPOINT A MEMBER TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, July 31, 2022, the term of Betty Lasris to the Colonial Community Criminal Justice Board expired, and she does wish to seek reappointment; and

WHEREAS, it has been brought to the attention of the Board of Supervisors that a need exists to fill the current vacancy with a local educator;

NOW, THEREFORE, BE IT RESOLVED by York County Board of Supervisors this 16th day of August, 2022, that Betty Lasris be, and is hereby, appointed to the Colonial Community Criminal Justice Board for a term of three years, such term to begin August 1, 2022, and end July 31, 2025.

On roll call the vote was:

Yea: (4) Shepperd, Green, Roane, Noll
Nay: (0)

APPOINTMENT TO THE MIDDLE PENINSULA JUVENILE DETENTION COMMISSION. Resolution R22-93.

Mr. Roane then moved the adoption of proposed Resolution R22-93.

A RESOLUTION TO APPOINT A YORK COUNTY REGULAR COMMISSIONER AND AN ALTERNATE COMMISSIONER TO THE MIDDLE PENINSULA JUVENILE DETENTION COMMISSION

WHEREAS, one local County official serves as a regular Commissioner for a term of four years; and

WHEREAS, one local County official serves also as an alternate Commissioner for a term of four years; and

WHEREAS, a vacancy occurs for a regular Commissioner due to the retirement of Vivian Calkins-McGettigan;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of August, 2022, that Sheri Newcomb be, and is hereby, appointed to represent York County as a regular Commissioner on the Middle Peninsula Juvenile Detention Commission such term to begin immediately, and end June 30, 2026.

BE IT FURTHER RESOLVED that Gregory Gillette be, and is hereby, appointed as an alternate Commissioner on the Middle Peninsula Juvenile Detention Commission, such term to begin immediately, and end June 30, 2026.

RECESS

Chairman Noll called a brief recess at 6:42 p.m.; the meeting reconvened at 7:00 p.m.

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PUBLIC HEARINGS

APPLICATION NO. UP-990-22, BARBARA A. TOWARD: Resolution R22-118(R).

The matter was considered and **approved on a vote of 4:0**. A summary of the preceding is below.

Ms. Jeanne Sgroi, Management Analyst, gave a presentation on Application No. UP-990-22, Barbara A. Toward to authorize a dog grooming facility as a home occupation with on-site customer client contact located at 600 Penniman Road. In conclusion, Ms. Sgroi stated the Planning Commission considered this application on June 8, 2022. Subsequent to conducting a public hearing at which only the applicant spoke, the Planning Commission recommended approval on a vote of 6:0.

Mr. Shepperd asked how many bedrooms were located in the subject house and if a relative lived in the home may he/she be hired as the applicant's employee. He also inquired about the required additional parking spaces

In response, Ms. Sgroi stated that there are three bedrooms in the home, a relative living in the home could be employed by the applicant and that two parking spaces are required for the home and two for the business.

Mr. Shepperd asked for an example of a similar existing home occupation business relative to the intensity of customer contact. Also, he expressed concern that having several dogs on site may create a noise issue. As such he asked if a stipulation was included in the approving resolution limiting how many dogs she can have on-site at one time.

Ms. Sgroi stated that a home barbershop is the best example that she can provide. She explained that the applicant has a policy of only grooming one dog at a time; however, no condition limiting the number of dogs on-site is included in the resolution.

Mr. Shepperd expressed his concern over the intensity of the business and its possible negative impact on the neighbors. He then asked if the adjacent property owners had been notified of this prospective business.

Ms. Sgroi stated that all of the adjacent property owners had been notified of the application and the applicant, Ms. Barbara Toward, had submitted a support petition signed by the neighbors in her area.

Mr. Roane asked if the additional parking spaces will be provided prior to opening the business.

Ms. Sgroi confirmed that the required parking spaces will be provided before the business can open.

Ms. Barbara Toward, the applicant came forward and stated that she would be pleased to answer any questions the Board may have. She noted that she cannot tolerate barking dogs so if any of her dogs bark she contacts the owner immediately upon completion of the grooming so they can pick them up.

Mr. Shepperd asked the applicant if the home occupation is tied to her as the applicant or to the home/land.

In response, Mr. Morgan stated that it is not currently a condition but can be added especially since the applicant is in favor of such a condition.

Chairman Noll then called to order a public hearing on proposed Resolution R22-118(R) that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DOG GROOMING FACILITY AS A HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT AT 600 PENNIMAN ROAD

There being no one who wished to speak concerning the subject application, Chairman Noll closed the public hearing.

Mr. Green then moved the adoption of proposed Resolution R22-118(R).

On a roll call the vote was:

Yea: (4) Shepperd, Green, Roane, Noll
Nay: (0)

APPLICATION NO. UP-994-22, RIVERSIDE HEATING AND AIR CONDITIONING: Resolution R22-120.

The matter was considered and **approved on a vote of 4:0**. A summary of the preceding is below.

Ms. Amy Parker, Senior Planner, gave a presentation on Application No. UP-994-22, Riverside Heating and Air Conditioning to authorize the establishment of a contractor's shop with outdoor/exposed storage located at 8529 George Washington Memorial Highway. In conclusion, Ms. Parker stated the Planning Commission considered this application on June 8, 2022. Subsequent to conducting a public hearing at which only the applicant spoke, the Planning Commission recommended approval on a vote of 5:1.

Mr. Green asked why access to the subject property was via Cockletown Road as opposed to Route 17 which is his preference.

In response, Ms. Parker stated that the Virginia Department of Transportation (VDOT) reviewed the plan and determined that access from Route 17 would be impossible due to the volume of traffic and speeds on Route 17 requiring a minimum spacing of 500 feet for the driveway which they do not have.

Mr. Green asked if it is possible that the business could share an entrance with the adjacent business, Cliff's.

Ms. Parker stated that to do so would result in Cliff's losing the valuable parking that he needs for the business.

Mr. Green asked about screening for the subject business.

Ms. Parker stated that typically when a business is adjacent to residential areas fencing is required; however, in this situation, the vegetation is so thick it is not necessary.

Mr. Roane asked about the transitional buffer to the rear of the subject property and if it will be sufficient as a transitional buffer.

Ms. Parker stated that currently there is a vegetation buffer to the rear of the property; however, if it is determined that it is insufficient the applicant will be required to plant additional evergreens.

Mr. Roane then asked if any of the proposed operations on the site will produce noise at a detrimental level to the adjacent residential neighborhood.

In response, Ms. Parker stated that she will defer to the applicant to respond to this question.

Mr. Shepperd stated that the existing buffer around this property appeared to be heavily vegetated and an adequate screen to the adjacent residential properties. He also expressed concern about possible operations on this site that might produce noise pollution as well as the proposed outdoor storage.

Ms. Parker stated that the required vegetated screen on this property must be 100 percent evergreens and that the applicant's engineer or plan reviewer will have to submit an inventory of the plants onsite at the site plan approval stage which will determine if additional evergreens

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are needed. Lastly, she reiterated that the applicant will need to respond to the queries regarding noise production onsite.

The applicant, Mr. Taylor Rowe, 3327 Morning Mist Lane, Toano came forward in support of his request. In response to the Board's queries, he stated that the business will operate from 7:00 a.m. to 5:00 p.m. and will produce only minimal noise. He also pointed out that the biggest piece of equipment he would use onsite will be a forklift and the storage would consist of materials leftover from completed jobs.

In response to Board queries about the required fencing material for the business, Ms. Parker stated that the only requirements are that it be eight feet high and the material be opaque.

Mr. Green asked how he plans to prevent large trucks from going through the Edgehill subdivision looking for access to his business. He also asked about the number of trips per day to the site.

Mr. Rowe stated that he will use signage to help delivery trucks and other large vehicles from traveling through this subdivision. In addition, he pointed out that he deals with the same drivers 99 percent of the time and once they are apprised of how they should access and exit the site, it should never happen again. He also stated that his fleet consists of 10 to 12 vehicles that exit the site in the morning and then return at the end of the workday, and other than deliveries there should be no further traffic to and from the site.

Chairman Noll then called to order a public hearing on proposed Resolution R22-120 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF A CONTRACTOR'S SHOP WITH OUTSIDE STORAGE AT 8529 GEORGE WASHINGTON MEMORIAL HIGHWAY

Ms. Jody Bauer, 106 Sheild Lane, Yorktown thanked Mr. Morgan and County staff for adding the condition to the proposed approval resolution prohibiting tractor-trailer vehicles from accessing the site through the Edgehill subdivision. She also expressed gratitude for the conditions requiring buffer plantings along the residential road frontage within the adjoining subdivision. In closing, she voiced confidence that the conditions will be enforced and expressed hope that the new business will be a good neighbor to adjacent properties.

There being no one else who wished to speak concerning the subject application, Chairman Noll closed the public hearing.

Mr. Green then moved the adoption of proposed Resolution R22-120.

On a roll call the vote was:

Yea: (4) Green, Roane, Shepperd, Noll
Nay: (0)

APPLICATION NO. UP-983-22, TRES POLLITOS, LLC: Resolution R22-49(R).

Mr. Morgan stated the applicant had withdrawn this application.

FY2022 PERSONAL PROPERTY TAX REBATE: Ordinance No. 22-14.

The matter was considered and **approved on a vote of 4:0**. A summary of the preceding is below.

Mr. Morgan stated that at their recent work session the Board considered how to best rebate many of our residents who received and paid higher than expected Personal Property Taxes in June. In accordance with the Board's direction, staff created a plan to provide an equitable rebate in response to the higher June Personal Property Tax bills. In compliance with state regulations, he pointed out that a public hearing to approve the ordinance instituting this plan is presented this evening for your consideration. He then provided a brief presentation highlighting the following information:

- The public hearing and the ordinance presented this evening will address three things: approval of the reduced late payment penalty from 10 percent to two percent for the period of July 20 to September 30; institution of the Hardship Relief Program, both of which have already been implemented; and approval of the proposed Personal Property Rebate Program to be effective in the December bills.
- Timely action on the proposed ordinance is required so there is sufficient time for the County team, composed of the Treasurer, the Commissioner of the Revenue, the County Attorney, and the Finance Department, to implement the program so that the rebate will be reflected in the December bills.
- At the Board's direction, staff was tasked with determining how to equitably apply rebates to the December bills to help offset for many an unexpected greatly increased bill last June.
- The plan devised by staff after much hard work is fair and equitable but very difficult to explain.
- Graphs depicting the June bill increase and the rebate proposed for the December bill clearly reflect the equity of the proposed program as it mirrors in reverse what happened between June and December.
- In accordance with state law, the funds to implement this program were identified as surplus revenue or windfall revenue in the first half of the calendar year.
- Staff is currently working on a tool that will hopefully be available on the website early September that will allow interested residents to determine how much their December Personal Property Tax will be in comparison to their June bill.
- The Finance Director's final estimate relative to the total amount of rebate funds for the December bill is approximately \$3.4 million.

In conclusion, Mr. Morgan stated that he hopes that the Board will adopt the proposed ordinance this evening as there is still much work that must be accomplished in order to apply this benefit to the upcoming December bill. He added that this upcoming January we will be sensitive to the National Automobile Dealers Association (NADA) values and we will address this matter with the Board as part of next year's budget process.

Mr. Roane asked, for those residents who paid their Personal Property Taxes for the entire calendar year last June, how will they be reimbursed.

Mr. Morgan stated that in such cases a check would be cut to these residents. In addition, he noted that should a resident owe back taxes or car taxes, the rebate would go towards satisfying these bills first.

Chairman Noll then called to order a public hearing on proposed Ordinance No. 22-14 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO PROVIDE A CREDIT FOR QUALIFYING VEHICLES ASSESSED IN FY2022 BY RETURNING SURPLUS PERSONAL PROPERTY TAX REVENUES COLLECTED IN FY2022 FOR QUALIFYING VEHICLES, HARDSHIP GRANTS AND JUNE PERSONAL PROPERTY AND AMENDING CODE SECTION 21-3 FOR THE EXTENSION OF 2% PENALTY ON PERSONAL PROPERTY TAX PAYMENTS TO SEPTEMBER 30, 2022

There being no one who wished to speak concerning the subject application, Chairman Noll closed the public hearing.

Mr. Green commended Mr. Morgan and County staff for devising an equitable rebate program.

Mr. Green then moved the adoption of proposed Ordinance No. 22-14.

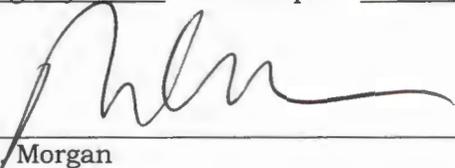
On a roll call the vote was:

Yea: (4) Roane, Shepperd, Green, Noll
Nay: (0)

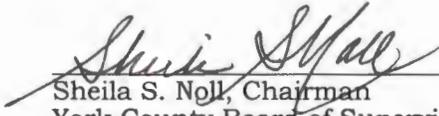
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Meeting Adjourned. At 7:48 p.m. Chairman Noll declared the meeting adjourned sine die.



Neil A. Morgan
County Administrator



Sheila S. Noll, Chairman
York County Board of Supervisors