

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING October 26, 2009

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: W. Darrell Robertson, Chairman
 Wes Bolick, Vice-Chairman
 Ryan Mayberry
 Harold M. Odom
 Larry G. Yoder

STAFF: Rick French, County Manager
 Jamie Starnes, Clerk to the Board

MEDIA: Micah Henry, The Taylorsville Times

The Alexander County Board of Commissioners held a regular meeting on Monday, October 26, 2009 in the CVCC / Alexander Center Multipurpose Room, Taylorsville, North Carolina.

CALL TO ORDER

Chairman Robertson called the meeting to order at 6:00 PM.

INVOCATION & PLEDGE OF ALLEGIANCE

Commissioner Bolick gave the invocation and also led the Pledge of Allegiance to the Flag.

COMMISSIONER'S REPORT

Commissioner Bolick discussed this year's Christmas in Bethlehem events and asked the Board to declare November 27 – December 28, 2009 as Christmas in Bethlehem. Chairman Robertson suggested this be added to the agenda after Agenda Item #13 (Board Appointments & Reappointments).

Chairman Robertson mentioned the lack of sales tax revenues throughout the state and county, pointing out that the state had not budgeted enough in the 2009-2010 budget to accommodate the anticipated shortfalls, a burden which would likely be passed down to counties. Estimations show the state is behind approximately \$3 billion plus additional shortfalls accumulated throughout the remainder of the budget year.

ADOPTION OF AGENDA

Chairman Robertson requested the addition of the Christmas in Bethlehem discussion after Agenda Item #13 (Board Appointments & Reappointments).

Commissioner Yoder made a motion to adopt the agenda as amended. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

EXPANSION PLANS FOR PARAGON FILMS, INC.

Jason Williams, Assistant Economic Development Director, announced that Paragon Films, Inc., the first industry to be located within the Alexander County Industrial Park, planned a 63,000 square foot building addition. The Economic Development Corporation is applying for \$300,000 in grant funds to construct a fire suppression water pump and tank to serve the Paragon Films facility.

Scott King, Paragon Films Plant Manager, explained that the first phase of the expansion would include a new production line and 6 silos for raw materials, scheduled for completion during the 3rd quarter 2010. The second phase will consist of moving a production line from Oklahoma to Alexander County, scheduled for completion during the 1st quarter of 2011. Mr. King reported that this expansion would create 15 new jobs and help the economy by utilizing rail and local freight companies.

Mr. King thanked David Icenhour, Economic Development Director, and Mr. Williams for their help in applying for grants from the NC Rural Economic Development Center and the NC Department of Commerce Industrial Development Fund.

A ground breaking ceremony has been planned for December 18, 2009.

UPDATE ON SISTER CITIES VISIT TO ALEXANDER COUNTY

Dwight Shook, Sister Cities Representatives, began by thanking the commissioners as well as County and Town officials who helped make the Sister Cities German Delegation visit a success. He explained that the Sister Cities Program was started by President Eisenhower in 1956 as a means to foster cultural understanding. Alexander County has participated in the program since 1995.

He stated that Altenburg Germany was chosen as our Sister City due to its similar culture, economics, and terrain as well as the fact that there are many citizens of German descent living in this area.

Mr. Shook informed the Board that the visit to Alexander County began at the Lucas Mansion and he noted that the Germans were very impressed with the home and the dedication to the arts. The group was also able to visit the Apple Festival for lunch.

The Germans hope to be able to visit again in the spring. Mr. Shook discussed the energy production from windmills in Altenburg and that a group of Sister Cities' representatives planned to travel there in June to view their "green" technologies.

PUBLIC HEARING: REZONING CASE 09-3 – BARKLEY

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 09-3 submitted by Phyllis Barkley who requested rezoning of property located at 2522 Highway 16 South from RA-20 (Residential-Agricultural) to H-C (Highway Commercial) to allow for a hotel. The size of the property tract is 1.66 acres and the current land use is residential and commercial lodging. Ms. Turnmire stated that zoning within 100 feet of the property was H-C to the north and east and RA-20 to the south and west. Land uses within 100 feet of the property include a retail storage facility to the north, a manufactured home and vacant property to the south, vacant property to the east, and single-family residential to the west.

Ms. Turnmire stated that the subject property was obtained by the current owner in 1988 and the structure was completed in 1925. Tax records show the operation of a bed and breakfast on the property but the listing does not indicate when that business was established. The property is served by an 8-inch water line and individual septic system. She explained that the current bed and breakfast establishment was allowed as a conditional use in the RA-20 district, but the owners no longer wished to serve food, requiring a rezoning to H-C to allow overnight occupancy as a hotel/commercial lodging establishment.

She reported that Section 154.140 of the Zoning Ordinance states that the RA-20 District is established to provide low-density residential and agricultural purposes including single-family dwellings, two-family dwellings, individual manufactured homes, and related uses. Section 154.170 states that the H-C District is to provide suitable locations for those commercial activities which serve primarily the traveling public, including those which function rather independently of each other.

Ms. Turnmire also pointed out that the 2008 Alexander County Comprehensive Plan showed this area as being primarily residential in nature; however, it is located directly adjacent to or in proximity of areas deemed suitable for future commercial, office-institutional, and industrial development. The 1995 Thoroughfare Plan shows upgrading this section of Highway 16 South from the Catawba River to the Wilkes County line as an identified future need that is currently unfunded. The 2007 annual average traffic count for this section of Highway 16 South is 12,000 trips per day.

She stated that letters were sent by first class mail to the property owners within 100 feet of the parcel boundary, a sign was posted on the property, and an advertisement was placed in *The Taylorsville Times*. One comment was received in favor of the rezoning.

Ms. Turnmire informed the Board that Planning & Development staff recommended approval of the request based on the following:

1. Proximity of similar zoning districts.
2. Previously existing commercial use of the property.
3. Consistency with the Comprehensive Plan.

The Planning & Zoning Commission held a public hearing on October 1, 2009 to consider the request and voted unanimously to approve the rezoning request based on the following supporting facts:

1. Proximity of similar zoning districts.
2. Previously existing commercial use of the property.
3. Consistency with the Comprehensive Plan.

Ms. Turnmire stated that based on the information provided, the Board must determine whether the rezoning request meets the guidelines set forth above. She also noted that Section 154.351(B) of the Alexander County Zoning Ordinance required the Board to state whether the request was consistent with adopted plans.

Chairman Robertson called the public hearing to order and requested any public comment. There being no comments made, Commissioner Yoder made a motion to close the public hearing. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Bolick made a motion to approve Rezoning Case 09-3 based on findings from Planning & Development staff and the Planning & Zoning Commission. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: REZONING CASE 09-4 – TROYUMUS, INC.

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 09-4 submitted by Troyumus, Inc. who requested rezoning of property owned by Kenneth Spencer located at 292 Reganswood Drive (off Richey Road) from R-20 (Residential) to RA-20 (Residential Agricultural) to allow for a public safety training facility. The size of the property tract is 79.922 acres and the current land use is residential and a recreational paintball field. Ms. Turnmire stated that zoning within 100 feet of the property was R-20 to the north, south, and west as well as RA-20 to the north, south, and east. Land uses within 100 feet of the property include single-family site-built and vacant property to the north, agricultural and vacant property to the south, single-family site-built and a doublewide manufactured home to the east, and single-family site-built and vacant property to the south. She mentioned that this property was located in a Class IV Protected Watershed Area and she noted that Isaac Creek as well as a 68 foot Duke Power utility easement crossed through the property.

Ms. Turnmire stated that the subject property was obtained by the current owner in 1987 and the dwelling was constructed on the property in 1996. A legal non-conforming use in the form of a paintball field and related accessory structures are located on the property.

She reported that Section 154.145 of the Zoning Ordinance stated that the R-20 District is established to provide quiet, low-density living areas of single-family site-built dwellings and related uses. Section 154.140 states that the RA-20 District is established to provide low-density residential and agricultural purposes including single-family dwellings, two-family dwellings, individual manufactured homes, and related uses.

Ms. Turnmire also pointed out that the 2008 Alexander County Comprehensive Plan showed this area as being primarily residential in nature; however, it is located directly adjacent to properties having the services necessary to support future commercial development including sewer access, public water, and proximity to a major thoroughfare. The 1995 Alexander County Thoroughfare Plan does not list improvements to Richey Road.

She stated that letters were sent by first class mail to the property owners within 100 feet of the parcel boundary, a sign was posted on the property, and an advertisement was placed in *The Taylorsville Times*. One adjoining property owner spoke at the public hearing with concerns regarding her horses, but had no opposition once given information.

Ms. Turnmire informed the Board that Planning & Development staff recommended approval of the request based on the fact that the requested district is in harmony with the current zoning and land uses of adjacent property.

The Planning & Zoning Commission held a public hearing on October 1, 2009 to consider the request and voted unanimously to approve the rezoning request based on consistency with adopted plans and the fact that the adjoining property were also zoned RA-20.

Ms. Turnmire stated that based on the information provided, the Board must determine whether the rezoning request meets the guidelines set forth above. She also noted that Section 154.351(B) of the Alexander County Zoning Ordinance required the Board to state whether the request was consistent with adopted plans.

Chairman Robertson had concerns with the applicant not being the property owner. Ms. Turnmire replied that NC General Statutes allowed someone other than the property owner to apply for rezoning. Chairman Robertson suggested the owner of the property also be listed as applicant.

Commissioner Yoder suggested a condition that no live ammunition be used at this proposed public safety training facility, and that another rezoning request be submitted if the owners decided to use live ammunition in the future. Ms. Turnmire suggested this condition be added as part of the conditional use permit for Troyumus, Inc. that would be brought before the Board in a few weeks.

Chairman Robertson called the public hearing to order and requested any public comment. The following comments were heard:

Public Comment

Randy Martin, President of Troyumus, Inc., stated that the training facility would use real firearms, but explained that the barrel of the guns would be removed and replaced with a simulated paint marker round. Training would be close quarter combat with no long distance firing. He informed the Board that trainees would be law enforcement, military, special operations, corporate and higher end clients, all of which would have a complete background check. Instructors will be certified.

There being no further comments made, Commissioner Yoder made a motion to close the public hearing. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Yoder made a motion to approve Rezoning Case 09-4 as a paintball training facility as recommended by the Planning & Zoning Commission.

Chairman Robertson asked that Commissioner Yoder add to his motion that the property owner also sign as applicant. Commissioner Yoder agreed.

Commissioner Bolick seconded the amended motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: CONDITIONAL USE PERMIT 09-4 – BETHLEHEM COMMUNITY VOLUNTEER FIRE DEPARTMENT

Sylvia Turnmire, Director of Planning & Development, presented Conditional Use Permit 09-4 submitted by the Bethlehem Community Volunteer Fire Department who requested conditional use approval to construct a fire station on property located on Highway 127. The size of the property is 4.94 acres, zoned RA-20, and the current land use is vacant. Ms. Turnmire stated that zoning with 100 feet of the subject property was RA-20 on all sides. There is single-family residential to the north, south, and west, vacant property to the east and west, as well as a church to the west.

She informed the Board that the RA-20 Zoning District allowed the proposed use with conditional approval by the Board. She explained that the property had direct access to Highway 127 and that a driveway permit had been approved through NCDOT with two points of ingress/egress being proposed. The property does not lie within a watershed area nor do any streams cross the site. She stated that the fire station would have access to a public waterline, along the highway, and would utilize an individual septic system. An Improvement Permit from Environmental Health has been approved.

Ms. Turnmire, as well as staff, recommended at least one row of screening along the rear and both side property lines; however, she noted that the applicant preferred to install a fence and if

allowed, the Ordinance requires a fence to be 6 feet in height and set back at least one foot from property lines. Standards for lot size, depth, and structure setbacks have been met. She pointed out that the Zoning Ordinance required a structure of this size to provide 79 parking spaces; however, given the intended use, the proposed 42 spaces are suitable.

She stated that letters were sent by first class mail, a sign was posted on the property, and a legal advertisement was placed in *The Taylorsville Times* to announce the public hearing. Staff did not receive any calls or visits regarding the request.

She reported that staff recommended approval of the conditional use permit with the following conditions:

1. Develop the project in accordance with the site plan submitted by the applicant, as the dimensions provided meet the minimum requirements of the Zoning Ordinance.
2. Provide one row of landscaping along the side property lines and rear property line in accordance with Section 154.039 of the Zoning Ordinance.

Chairman Robertson called the public hearing to order and requested any public comment. There being no comments made, Commissioner Yoder made a motion to close the public hearing. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Bolick was contacted by a neighbor who was concerned with the location of the proposed fire station. Commissioner Bolick explained to the citizen that the fire department had received the ARRA grant because it was a shovel-ready project and property was already obtained.

Commissioner Bolick made a motion to approve Conditional Use Permit 09-4 with the conditions specified by the Planning & Development staff. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: TEXT AMENDMENT 09-1 – ZONING ORDINANCE AMENDMENTS

Sylvia Turnmire, Director of Planning & Development, presented Text Amendment 09-1 to the definitions section, the RA-20 Zoning District, and the Schedule of Uses within the Alexander County Zoning Ordinance.

Definition additions include indoor firing/shooting range, outdoor firing/shooting range, and tactical training center. The amendment included allowance as a conditional use of the indoor firing/shooting range in the RA-20, H-C, and H-I districts, the outdoor firing/shooting range in the RA-20 and H-I districts, and the tactical training center in the RA-20 and H-I districts.

Ms. Turnmire reviewed the new section relating to these types of uses which included requirements for lot size, structure setbacks, lighting, buffers, hours of operation, and safety.

She informed the Board that staff contacted adjoining counties and counties similar in size to compare their zoning districts, permitted uses, and specific regulations and noted that the Planning & Zoning Commission voted unanimously on October 1, 2009 to recommend the amendment.

After discussion, several commissioners addressed concerns with the proposed amendment. Commissioner Yoder felt that Section (j) which stated that “no firing or explosive training activities shall occur daily between the hours of 9:00 PM and 7:00 AM” would be restrictive for law enforcement and other emergency personnel, especially during daylight savings time. He noted that night time training was needed and suggested allowing a special permit to be obtained as needed to allow these types of training events which could be advertised to the public.

Chairman Robertson suggested changing Section (j) to read “between the hours of 7:00 PM and 7:00 AM and night time hours by special permit.” He suggested the Sheriff, Police Chief, etc. contact Ms. Turnmire to arrange for those special permits.

Commissioner Mayberry discussed Section (h) which stated that “no retail sales shall be conducted on the site of a tactical training center or an outdoor firing range. Retail sales may be conducted inside the structure...if the use is located within an H-C zoning district.” He felt that such a statement would restrict sales of soft drinks, snacks, etc.

It was clarified that the purpose of the statement was to apply to the sale of live ammunition, which could only be allowed if the facility was approved to sell such items according to Alcohol, Tobacco, and Firearms (ATF).

Chairman Robertson suggested Section (i) specify types of buffers for both indoor and outdoor facilities. He also felt Section (f) should state “bulletproof” instead of “projectile proof” and should include some protection for projectiles such as concrete broken loose from a bullet or for citizens beyond the property line.

Chairman Robertson asked Ms. Turnmire to revise the amendment with these items discussed and return at the November 9, 2009 Commissioner’ Meeting for approval.

Commissioner Yoder made a motion to table Text Amendment 09-1 and carry over the public hearing until the November 9, 2009 Meeting. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

Ms. Turnmire also announced that Terry Killian had returned to work today after a battle with leukemia. She stated that Mr. Killian was now in remission and happy to return.

PUBLIC HEARING: IDI GRANT – SCHNEIDER MILLS

Jason Williams, Assistant Economic Development Director, informed the Board that in 2008, Schneider Mills added nearly \$3 million in new investment and hired 20 new employees, which

qualified the company for a level 2 Industrial Development Incentive grant which is awarded as follows with 5% of the grant amount each year retained by EDC for future activities:

- Year 1 – 90% property tax grant
- Year 2 – 80% property tax grant
- Year 3 – 70% property tax grant
- Year 4 – 60% property tax grant
- Year 5 – 50% property tax grant

Chairman Robertson called the public hearing to order and requested any public comment. There being no comments made, Commissioner Yoder made a motion to close the public hearing. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Yoder made a motion to approve the level 2 IDI grant as requested. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

NC DENR AIR QUALITY GUIDELINES

Russell Greene, Emergency Services Director, reported that recent changes to landfill regulations had created some concern about the possibility of open burning. He introduced Joe Crabb, NC DENR Environmental Specialist, for an overview of regulations.

Mr. Crabb stated that the basic message of the state open-burning rule was “if it doesn’t grow, don’t burn it.” No plastic, garbage, paper, lumber, tires, etc. can legally be burned. He explained that there were two main categories of open burning – residential and land clearing debris. Residential open burning is allowed for private residents to burn yard waste, tree debris, etc. on-site; however, no stumps or logs greater than 6 inches in diameter can be burned. Land clearing debris is for contractors as well as landowners clearing large amounts of acreage for commercial use or construction. Mr. Crabb noted that large stumps and tree trunks were allowed for open burning in this category and piles must be at least 1,000 feet from adjacent occupied structures. He also pointed out that open burning was allowed from 8:00 AM until 6:00 PM but that piles could smolder beyond that timeframe. Also, no burning is allowed on Code Orange Days.

Other legal open burning included firefighter training, campfires, and fires for human warmth and comfort as long as no synthetic materials are burned.

Mr. Crabb discussed the process of addressing illegal burning, stating that staff tried to educate citizens with a notice of violation before enforcing a fine. However, repeat offenders or people burning for profit can be issued a fine of up to \$25,000.

Commissioner Bolick asked if there were any regulations or violations that could be enforced for someone burning in their front yard during windy conditions, causing the smoke to drift into the

roadway and impact driver visibility. Mr. Crabb explained that regulations stated property owners could burn no closer than 250 feet from any road and would be liable for any accidents caused by smoke.

Mr. Crabb urged the public to visit www.ncair.org for more information.

CLEAN ALEXANDER DAY – OCTOBER 31, 2009

Josh Mitchell, Solid Waste Director, gave a reminder that Clean Alexander Day would be held this Saturday, October 31, 2009 from 8:00 until 4:00 PM. Citizens will be allowed to dispose of their household garbage for free.

He pointed out that only household trash would be accepted at convenience centers. Items not accepted at the landfill include freon/propane tanks, any liquid material, light ballast, fluorescent bulbs, hazardous materials, any material containing asbestos, leaves, green vegetations, or tree limbs and stumps over 6 inches. Mr. Mitchell stated that these items could be disposed of at the Hazardous Household Waste Day held in conjunction with Earth Day in April.

PROCLAMATION TO RECOGNIZE NOVEMBER 18, 2009 AS NATIONAL GIS DAY

Chairman Robertson read a proclamation to declare November 18, 2009 as National GIS Day. He pointed out that in conjunction with Geography Awareness Week, the Alexander County GIS Department would be sponsoring a GIS Day at the Alexander Central High School Auditorium on November 18th to celebrate National GIS Day.

George Brown, GIS Coordinator, explained that the recognition of National GIS Day and the sponsoring of GIS Day at ACHS were in an effort to raise awareness as to how important GIS is to daily life. He stated that GIS Day would take place in the ACHS auditorium from 9:00 AM until 2:00 PM and the public is invited to attend. Several organizations including the Forestry Service, Census representatives, public utilities, and emergency personnel will be present to explain how GIS benefits their profession.

Thanks to GIS, a new flood plain map was created a few years ago which determined approximately 300 homes that were no longer classified as being located within a flood zone. This saved those property owners in hundreds in homeowner's insurance premiums.

Commissioner Yoder made a motion to approve the proclamation to recognize November 18, 2009 as National GIS Day. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

RESOLUTION FOR LOAN/GRANT FROM NC DEPARTMENT OF COMMERCE FOR PARAGON FILMS, INC.

Rick French, County Manager, stated that in coordination with the Paragon Films Water Project, which would create 15 new jobs, the County intended to apply for a \$150,000 loan/grant from the NC Department of Commerce to assist Paragon with their endeavor. He recommended approval of a resolution outlining those plans.

Commissioner Yoder made a motion to approve the resolution. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

AUTHORIZING RESOLUTION TO REQUEST GRANT ASSISTANCE FROM THE ECONOMIC INFRASTRUCTURE GRANTS PROGRAM

Rick French, County Manager, explained that the General Assembly passed a bill making grants available to governments for financing construction costs for wastewater treatment works, wastewater collection systems, and water supply systems resulting in job creation. He presented a resolution which outlined the County's intentions to apply for grant funding from the NC Economic Infrastructure Program for the Paragon Films Water Project in the amount of \$150,000.

Commissioner Yoder made a motion to approve the resolution. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

BOARD APPOINTMENTS & REAPPOINTMENTS

Rick French, County Manager, presented the following appointments and reappointments to County boards and committees:

Unifour Home Consortium – Reappoint Sylvia Turnmire for 2 years.

Joint Nursing & Adult Care Community Advisory Committee – Reappoint Angela Johnson and Phyllis Douglas for 3 years.

Animal Control Advisory Board – Appoint Todd Jones to replace Jason Moore whose term expires 6/2011.

WPRTA Transportation Advisory Board – Appoint Karen Hoyle and Mary Hussain for 2 years.

Commissioner Yoder made a motion to approve the appointments and reappointments as presented. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

CHRISTMAS IN BETHLEHEM

Commissioner Bolick promoted Christmas in Bethlehem, stating that funding generated from this year's dinner theater would be appropriated as follows – 50% to help needy in the community with heating bills, etc. through the Ministerial Administration, 25% to improve the drive-through, and 25% to construct a sign to post events taking place throughout the county.

Commissioner Bolick made a motion to declare November 27 – December 28, 2009 as Christmas in Bethlehem. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

OTHER BUSINESS

Rick French, County Manager, discussed the following issues during Other Business:

- A. A reception for long time NCDOT employee, Lynn Marshall, is being held at East Taylorsville Baptist Church on Thursday, October 29, 2009 from 2:00-6:00 PM.
- B. The 21st Century Committee will now be meeting on November 3, 2009 at 6:00 PM at CVCC. In conjunction, the Finance Committee will meet during that same date and time at the County Administration Building.
- C. The annual Christmas Luncheon for County employees is scheduled for Friday, December 4, 2009.

CONSENT AGENDA

- A. Minutes from the October 12, 2009 Regular Commissioners' Meeting.

Commissioner Bolick made a motion to approve the Consent Agenda. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

CLOSED SESSION – N.C.G.S. 143-318.11(a)(1, 4, 5, & 6) TO PREVENT THE DISCLOSURE OF CONFIDENTIAL INFORMATION, ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL

Chairman Robertson made a motion to enter into Closed Session at 8:00 PM to prevent the disclosure of confidential information and to discuss economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(1, 4, 5, & 6). Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

ADJOURNMENT

There being no further business, Commissioner Yoder made a motion to adjourn at 8:29 PM. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

W. Darrell Robertson, Chairman

Jamie M. Starnes, Clerk to the Board