

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
February 20, 2006 – 7:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING**

Present: Arnold S. Chamberlain, Chairman
Jim Sides, Vice-Chairman
Steve Blount, Member
Frank Tadlock, Member
Chad Mitchell, Member

County Manager William Cowan, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Chamberlain called the meeting to order at 7:00 pm.

Commissioner Sides provided the Invocation and also led the Pledge of Allegiance.

ADDITIONS/DELETIONS

- Chairman Chamberlain said the Board needed to schedule a public hearing for the first meeting in March in order to receive public comment regarding adoption of the 3-year update to the Solid Waste Management Plan.

Commissioner Tadlock moved, Chairman Chamberlain seconded and the vote to set the public hearing for the first meeting in March passed unanimously.

Chairman Chamberlain added the issue as Consent Agenda Item #D.

- Commissioner Blount moved to add Construction Control Corporation to the agenda to provide the Board with an update on school construction

projects. Commissioner Mitchell seconded and the vote passed unanimously.

Chairman Chamberlain added the issue as Item #13 and moved Adjournment to Item #14.

APPROVAL OF THE AGENDA

Commissioner Mitchell moved, Commissioner Blount seconded and the vote for approval of the agenda passed unanimously.

APPROVAL OF THE MINUTES

Commissioner Blount moved, Commissioner Mitchell seconded and the vote to approve the minutes of the February 6, 2006 meeting passed unanimously.

CONSIDERATION OF THE CONSENT AGENDA

Commissioner Mitchell moved for approval of the Consent Agenda. Commissioner Blount seconded and the motion passed unanimously.

The Consent Agenda consisted of the following:

- a. Approval of Deed of Easement with City of Salisbury for Property in Litaker Township
- b. Request for Addition of Davis Farm Drive, Lizzie Lane, Fly Fisher Drive, Blueberry Road, Corporate Center Drive, Morrowfield Place, Jenkins Branch Lane, Timberlake Drive, Steele Trace, Dawson Downs Lane and Mill Chase Circle to State Secondary Road System for Maintenance
- c. Approval of FY 2007 Justice Assistance Grant (JAG)

PUBLIC HEARING FOR UNANIMOUS PETITION FOR PROPOSED ROAD NAME OF LEAB LANE

Fredda Greer of the Rowan County Planning Department presented the information pertaining to the proposed road name of Leab Lane. Ms. Greer explained that the property owner had submitted a petition for Leab Lane, however the property owner "would rather not have a road sign installed." Ms. Greer said Staff felt the omission would defeat the purpose of naming the road and Staff would like the Commission to give an opinion/determination on the request.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Leab Lane. With no citizens wishing to address the Board, Chairman closed the public hearing.

Commissioner Blount moved to approve the road name of Leab Lane and to install a road sign. Commissioner Tadlock seconded and the motion passed unanimously.

**PUBLIC HEARING FOR UNANIMOUS PETITION FOR PROPOSED ROAD
NAME OF DEATON PARK LANE**

Fredda Greer of the Rowan County Planning Department presented the information for the proposed road name of Deaton Park Lane. Ms. Greer said the road meets the criteria for naming as it serves a 14-site mobile home park.

Ms. Greer said the owner chose to use the name assigned by Staff and therefore, Staff recommends approval.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Deaton Park Lane and with no citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Mitchell moved, Commissioner Blount seconded and the vote to approve the road name of Deaton Park Lane passed unanimously.

**PUBLIC HEARING FOR MAJORITY PETITION FOR PROPOSED ROAD
NAME OF RICE FARM ROAD**

Fredda Greer of the Rowan County Planning Department presented the information regarding the proposed road name of Rice Farm Road. Ms. Greer said a petition was submitted, which contained 6 out of 7 signatures from the property owners along the road. Ms. Greer said Staff recommended approval.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed road name of Rice Farm Road and with no citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Blount moved, Commissioner Mitchell seconded and the vote to approve the road name of Rice Farm Road passed unanimously.

**PUBLIC HEARING FOR HISTORIC LANDMARK DESIGNATION REPORT
(HLC 01-06)**

D.C. Linn of the Historic Landmarks Commission provided a brief history of Kerr Mill, which is located on Sloan Road. Mr. Linn said the Landmarks Commission and the North Carolina Department of Cultural Resources recommended granting landmark status to Kerr Mill.

Chairman Chamberlain opened the public hearing regarding HLC 01-06 and with no citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Blount moved for approval of the designation of Kerr Mill as a historic landmark. Chairman Chamberlain seconded and the motion passed unanimously.

Commissioner Blount moved to approve the resolution as presented. Chairman Chamberlain seconded and the motion carried unanimously.

PUBLIC HEARING FOR SUBDIVISION TEXT AMENDMENT (STA) 01-05

Shane Stewart from the Rowan County Planning Department reviewed the proposed changes for Subdivision Ordinance. Mr. Stewart said the changes were due to changes with the North Carolina General Statutes relating to planning and zoning issues.

Mr. Stewart provided a power point presentation to illustrate the changes and he explained that all of the information that he would be presenting needed to be considered and/or incorporated into the ordinance.

Mr. Stewart reviewed the changes as follows:

- At the top of page 2: An addition to the definition of subdivision – “***when any one or more of those divisions are created.***”
- Section 154. Amendments: Mr. Stewart explained that the 2 paragraphs in the Board’s handout were proposed to be struck through and to reference a new statement at the bottom that reads, “**The standards of this ordinance may be amended from time to time in accordance with Article XIV Section 21-361 of the Rowan County Zoning Ordinance.**” Mr. Stewart said he felt it best to eliminate the references that duplicate one another and the proposed text basically referred to the Zoning Ordinance to determine how to do a text amendment.
- Section 53. Appeals and Variances: Mr. Stewart described these changes as “clerical housekeeping items” with strikethroughs of various references within the appeals variances.
- Section 61. Required Information for Preliminary and Final Plats: Mr. Stewart pointed out the strikethroughs for the zoning references and also item (b) striking through “Date of plat preparation” as it was a duplicate reference.
- Section 79. Subdivision Design: The reference to Article V in #1 was changed to Article IV and likewise in #2. Item #3 – the reference to 60 degrees was changed to 30 degrees. Item #4 – the reference to Article V was changed to Article IV.

Mr. Stewart said the Planning Board unanimously recommended approval on the proposed changes.

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed Subdivision Text Amendments. With no citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Blount moved, Commissioner Mitchell seconded and the vote for approval of the subdivision text amendments as presented passed unanimously.

PUBLIC HEARING FOR ZONING TEXT AMENDMENTS (ZTA) 04-05

Shane Stewart from the Rowan County Planning Department presented the proposed Zoning Text Amendments (ZTA).

Mr. Stewart reviewed the changes due to the amendments in the North Carolina General Statutes as follows:

- Section 21-4. Definitions: An addition to the definition of subdivision – ***“when any one or more of those divisions are created.”*** Mr. Stewart said there was also reference information that was “cleaning up the text in terms of these strikethroughs and periods added at the end of the sentence.” Mr. Stewart said Item #6 was an amendment to the definition of the Subdivision Ordinance – ***“Land divided by a will or the courts for the purpose of dividing up a deceased persons property.”***
- Section 21-58. Review Procedures, Item #b: ***“When deciding to issue conditional use permits, the Board of Commissioner shall follow quasi-judicial procedures.”***
- Page 4, Item #4: ***“Every such decision of the Board of Commissioners shall be subject to review of the Superior Court in the nature of certiorari consistent with G.S. 153A-345.”***
- Section 21-61.Parallel conditional use districts. Mr. Stewart pointed out the proposed text to be stricken and replaced with the following verbatim text from the NC General Statutes: ***“Specific conditions applicable to the districts may be proposed by the petitioner or the Board of Commissioners, but only those conditions mutually approved by the Board and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional use district shall be limited to those that address the conformance of the development and use of the site to applicable ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.”***
- Page 5, Item (1) c. Signs on property: Mr. Stewart reviewed the stricken text for public notice requirements and the addition of ***“When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.”***
- Page 5, Item (2) a. Conflict of Interest. ***“Zoning map and text amendments: A member of the Board of Commissioners shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of appointed boards providing advice to the Board of Commissioners shall not vote on recommendations regarding any***

zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.”

- Page 6, Item 2 (b) ***“Quasi-judicial. A member of the Board of Adjustments or any other body exercising the functions of a Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member’s participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.***

Vacant positions on the Board of Commissioners and members who are disqualified from voting on a quasi-judicial matter shall not be considered ‘members of the board’ for calculation of the requisite majority. The same is required of the Board of Adjustment hearings but only if there are no qualified alternates available to take the place of such members.

- Mr. Stewart explained that inclusion of the above proposed changes caused the numerical sequence to change to: (3) Conduct of hearing; (4) Action; (5) Vote; and (6) Omissions.
- Top of Page (7), Item (5) Vote: Mr. Stewart pointed out the addition of ***“and disqualified members indicated in section 21-315 (2)”*** to the text.
- Sec. 21-316. Exceptions for mailed notice requirements for large-scale rezoning: Mr. Stewart said the G.S. changes did allow for counties to incorporate 2 ads in the newspaper in 2 successive calendar weeks when dealing with large-scale rezonings.
- Sec. 21-361. Text amendments. Mr. Stewart said that he was proposing a change that was not in the Board’s agenda packet. Mr. Stewart continued by explaining Item (b) in the second sentence, which was to strike the word “shall” and insert the word ***“may*** provide a recommendation to the Board of Commissioners on all such requests within ***thirty (30)*** days of first consideration of the request.” Mr. Stewart then read the proposed text that would include the ability for the Board to refer items back to the Planning Board: ***“Failure of the Planning Board to transmit this recommendation within 30 days after first consideration of amendment, or a referral by the Board of County Commissioners may allow the Board of Commissioners to proceed in its consideration of the amendment without the Planning Board recommendation.”*** Mr. Stewart also read the additional proposed text in

the agenda packet regarding Item (b) as follows: **“The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.”**

- Page 7, Item (c): Mr. Stewart read the following text addition, **“Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.”**
- Sec. 21-362. Map Amendments (rezoning). Mr. Stewart said the text in bold for Item (j) was basically the same as what was included in the text amendments. Mr. Stewart read the second paragraph of Item (j) as follows: **“Rezoning requests for conditional use districts or other small-scale rezonings shall also include a statement of reasonableness analyzing the request as a recommendation for adoption by the Board of Commissioners.”** Mr. Stewart pointed out that the Planning Board must transmit its recommendation within **“thirty (30)”** days. Mr. Stewart also said one additional change not in the agenda packet was to strike through “of a modified rezoning request shall constitute a favorable recommendation” and changing that text to read **“Board of County Commissioners and before a modified rezoning request may allow the Board of Commissioners to proceed in its consideration of the rezoning without the Planning Board recommendation.”**
- Page 9: Mr. Stewart read the following additional proposed text, **“Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. Rezoning requests for conditional use districts or other small-scale rezonings shall also include adoption of a statement of reasonableness analyzing the request.”**

Planning Manager Ed Muire said the changes that were made were to reflect “that the Statute says that the Board of County Commissioners may proceed after 30 days” of giving the issue to the Planning Board. Mr. Muire said the way

the text currently reads is that the Board “shall act.” Mr. Muire recommended changing the text to reflect what the General Statutes require.

In response to a query from Commissioner Blount regarding the conflict of interest issue on page 6, Mr. Stewart responded that the Board of Commissioners would be exercising the same quasi-judicial functions as the Planning Board.

Commissioner Blount questioned the reference to “associational relationship?” Mr. Muire referred back to Sec. 21-315 pertaining to hearing procedures for zoning map and text amendments, conditional use permits and variances and interpretations. Mr. Muire said this “umbrella” treats all boards, including Planning Board, Commissioners, and Board of Adjustment under the same grouping. Mr. Muire said, “The quasi-judicial function sits with the Board of Adjustments and it also sits with this Board.” Commissioner Blount said if Staff and the County Attorney were comfortable with the language, he was “okay with it.”

Mr. Dees suggested modifying Sec. 21-315 Item #2 (b) to read, “a member of the Board of Adjustment or any other body exercising quasi-judicial functions,” thus striking “of a Board of Adjustments shall not participate.”

Commissioner Sides referred to the repeated reference of a comprehensive plan and he questioned the definition for a comprehensive plan. Mr. Stewart read the definition from the General Statutes as, “The comprehensive plan, land use plan, small area plans, neighborhood plans, transportation plans, capital improvement plan, official map and any other plans regarding land use and development that have been officially adopted by the governing Board.” Mr. Stewart felt that the ordinances were regulatory policies that must be followed but that a land use plan was a “guiding document” that didn’t necessarily have to be followed.

Commissioner Sides gave an example of a parcel that is zoned CBI and he asked how the Board could make changes and say that it is consistent with the current Zoning Ordinance?

Mr. Dees said the definition of a comprehensive plan was in a separate set of statutory changes that dealt with development agreements. Mr. Dees continued by explaining that this particular section frequently made reference to a comprehensive plan but it was clear that the Board did not have to have a comprehensive plan. Mr. Dees said the County could use thoroughfare plans, flood plain plans, etc. to create a basis for a decision. Mr. Dees said the issue had been raised as to whether a Zoning Ordinance was considered as a comprehensive plan. Mr. Dees was of the opinion that definitions within a Zoning Ordinance give an indication for zoning designations and that the ordinance could act in conjunction to provide a rational basis for approval/denial of a zoning request. Mr. Dees said the County was not mandated to adopt a comprehensive

plan. Mr. Dees said the County had 2 adopted plans, 1) transportation plan, and 2) flood development ordinance. Mr. Dees said the issue for the Board to determine what was consistent or inconsistent as required by the Statutes.

Mr. Dees said the County could use its Zoning Ordinance as a basis for the reasonableness of a decision. Mr. Dees said the statutes don't require but strongly suggest that it would be better for the Board to substantiate its decisions by referencing consistency with "some plan."

Commissioner Sides said he did not want the County to completely control property that it didn't own. Mr. Dees responded that the text was "basically saying that you need a benchmark against your decisions."

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the proposed changes to ZTA 04-05 and the following addressed the Board:

- Jeff Morris, 403 Crestwood Lane, Spencer, NC said the definition of the comprehensive plan in the statutes was not a mandate for the Board to adopt a comprehensive plan. Mr. Morris said the Board was not prohibited from doing so, however he was of the opinion that the Board "couldn't go wrong if you merely adopt the statutory definition of what you are incorporating into your ordinance." Mr. Morris said the statutory definition allows "everything that we already have to be considered our comprehensive plan, which you're going to be referring to when you grant these zoning changes."

With no other citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Blount moved to adopt the ZTA as presented by Staff with the modification as suggested by the County Attorney. Commissioner Chamberlain seconded the motion and the motion passed 4-1 with Commissioner Sides dissenting.

Chairman Chamberlain said he would vote for a land use plan "for our future so we'll know where we're going and that will not mean that we will adopt our Zoning Ordinance as our land use plan as far as I'm concerned." Chairman Chamberlain said for the record that he liked Jeff Michael and that he was willing to do more business with him.

Mr. Stewart explained that the Architectural Review Committee (ARC) for Summit Corporate Center (SCC) reviews items for site plan approval. Mr. Stewart said ARC ensures that the plans are in compliance with the covenants and restrictions. Mr. Stewart said when the covenants were recorded in 1996, SCC was located in Salisbury's ETJ. Mr. Stewart said Salisbury's standards for parking were 9 x 18, or 162 square feet.

Mr. Stewart said the Rowan County Zoning Ordinance standards for parking were 9 x 20 and when the property was rescinded back into County control, the Zoning Ordinance overrode the 9 x 18 in the restrictive covenants.

Mr. Stewart said due to the most recent proposal in the park, the ARC recommended revising the Zoning Ordinance to reduce the parking space standards.

Mr. Stewart reviewed the Staff options at the top of page 10 in the agenda packet. Mr. Stewart said the issue was before the Board due to a request to amend the Zoning Ordinance.

Commissioner Sides said he understood that the Board could not change the restrictive covenants within SCC without every property owner being in agreement. Mr. Dees explained that the County is excepted from the definition of an owner. Mr. Dees was of the opinion that it would "be all other owners besides the County that could propose a change to the restrictive covenants with the County as long as the County owns property having the right to veto." Mr. Dees said the County would have to consent to the change but the County could not initiate the change.

Commissioner Blount questioned the logic behind the Planning Board's request to have the restrictive covenants changed. Mr. Stewart said the Planning Board did not feel comfortable in putting a blanket requirement of 9 x 18 in SCC.

In response to a query from Commissioner Blount, Mr. Stewart said right now the County has 9 x 20 and 10 x 22 for parallel parking. Mr. Stewart said, "If we do nothing it will still be 9 x 20."

Chairman Chamberlain opened the public hearing to entertain citizen input regarding the Planning Board recommendations for the revision of the protective covenants and restrictions in SCC to require 9 x 20 parking spaces as opposed to amending the Zoning Ordinance. With no citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Blount moved to ask Staff to examine the list of scales of sizes based on angle and come back to the Board with a recommendation. Chairman Chamberlain seconded and the motion passed unanimously.

Mr. Stewart said due to the Board of Commissioners and the Planning Board's concerns with unrestricted Commercial, Business, Industrial (CBI) zoning, Staff has proposed an amendment to the Zoning Ordinance that would require drinking places to receive a conditional use permit in the CBI district and also remove the use from consideration in the Rural Agricultural (RA) district. Mr. Stewart said removing drinking places as an allowed use in the RA district with

Special Requirements (SR) should also take place to maintain consistency within the districts.

Commissioner Blount asked how many existing establishments would be made non-conforming uses by the change and Mr. Stewart was uncertain for RA or CBI.

Chairman Chamberlain opened the public hearing to entertain citizen input pertaining to the proposed text amendments for drinking establishments and with no citizens wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved for approval of the Planning Board's recommendations followed by a second from Chairman Chamberlain.

Commissioner Blount expressed concern with the uncertainty as to how many businesses would be impacted by the change.

Upon being put to a vote, the motion passed 4-1 with Commissioner Blount dissenting.

APPROVAL OF 2005 RECREATIONAL TRAILS PROGRAM GRANT FOR PARKS DEPARTMENT

Craige Farmer from the Rowan County Parks and Recreation Department presented the request. Parks Director Jim Foltz was also in attendance.

Mr. Farmer explained that the County was the recipient of a \$28,000 grant for the purchase of 5.4 acres of land. Mr. Farmer said the community supported the grant and had provided the matching funds in the amount of \$12,000. The total project cost was \$40,000.

Commissioner Sides referred to paragraph 14 and expressed concern with the confidentiality clause. County Attorney Jay Dees said the Board could ask to have this clause stricken.

Commissioner Mitchell moved for approval of the contract under the request that paragraph 14 be stricken. Commissioner Sides seconded the motion.

Commissioner Blount requested that Staff bring the issue back to the Board if the stricken language were to cause a problem in receiving the grant.

The motion passed unanimously.

Commissioner Sides moved, Commissioner Mitchell seconded and the vote to approve the budget amendment to receive the income plus the contribution passed unanimously.

Chairman Chamberlain called for a short break at 8:15 pm.

Chairman Chamberlain reconvened the meeting at 8:20 pm.

APPROVAL OF ROWAN-SALISBURY SCHOOLS FACILITIES NEEDS ASSESSMENT

Jim Christy, Assistant Superintendent from the Rowan Salisbury School System (RSS) presented the RSS school systems facilities needs assessment. Mr. Christy reviewed the summary in the agenda packets and said the assessment was a planning tool for the future.

Chairman Chamberlain asked that the record show the Board had received the information from Mr. Christy for review.

UPDATE FROM CONSTRUCTION CONTROL CORPORATION

Ed Watson from Construction Control Corporation presented an update regarding the school construction projects. A handout detailing the projects was provided to the Board at the beginning of the meeting.

BUDGET AMENDMENTS

Finance Director Leslie Heidrick reviewed the budget amendments as follows:

- To budget for a new used truck for the Parks Department to replace the truck that was wrecked. Ms. Heidrick said the County would receive \$1,639 in insurance proceeds.
- To appropriate funds from the Register of Deeds Automation and Enhancement Preservation Fund for program licenses.

Commissioner Sides moved, Commissioner Blount seconded and the vote to approve the budget amendments as presented passed unanimously.

CONSIDER CHANGING DATE FOR FIRST COMMISSION MEETING IN MARCH

County Manager William Cowan explained that the Commissioners first meeting in March fell during the dates of the NACO Conference, which he and Chairman Chamberlain would be attending in Washington.

Mr. Cowan suggested that the Board consider holding one meeting in the month of March. Mr. Cowan suggested that the Board meet on March 20th with an earlier start time.

Commissioner Blount moved to cancel the first regular meeting in March and to start the second meeting in March at 5:30 pm. Commissioner Mitchell seconded and the motion passed unanimously.

PUBLIC COMMENT PERIOD

Chairman Chamberlain opened the Public Comment Period and with no citizens wishing to address the Board, Chairman Chamberlain closed the Public Comment Period.

Commissioner Mitchell moved at 8:41 pm for the Board to go into Closed Session pursuant to G.S. 143-318.11(a) (3) for Attorney-Client privileged communication to discuss the possible purchase of the Wilson Properties hangar. No action would be taken. Commissioner Blount seconded and the motion passed unanimously.

Chairman Chamberlain concurred with Commissioner Blount that Finance Director Leslie Heidrick should remain for the Closed Session.

ADJOURNMENT

The Board returned to Open Session at 9:13 pm. No action was taken.

Commissioner Blount moved, Commissioner Mitchell seconded and the vote to adjourn the meeting at 9:13 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board