

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, SEPTEMBER 20, 1999

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 7:00 P.M. on September 20, 1999.

Present: Chair Rick Givens; Vice Chair Uva Holland; Commissioners Margaret Pollard, Carl Outz, and Gary Phillips; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant Manager, Reneé Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 7:10 PM.

AGENDA

The Chairman asked if there were additions, deletions or corrections to the Agenda.

The County Manager requested the following:

- Ø Request by B. G. Gaines for subdivision sketch, preliminary and final approval of “**B. G. Gaines & Sons Oil Company, Inc.**”, be added to the Consent Agenda as Item #6A
- Ø Zoning Board of Adjustment request by JoAnne Johnson for a variance from the Chatham County Zoning Ordinance be moved to be the first item after the Public Input Session
- Ø Rural Operating Assistance Program Public Hearing be deferred and rescheduled for the October 18, 1999 Board meeting
- Ø Amending of Educational Facilities Impact Fee Ordinance be deferred and rescheduled for the October 18, 1999 Board meeting
- Ø Impact Fee Exemption Request by Jackie Franks for exemption of Impact Fees on six mobile home spaces was acted on at the work session
- Ø Durham Interconnect Agreement to purchase water be added to the Agenda as Item #17

Commissioner Holland moved, seconded by Commissioner Outz, to approve the Agenda with the noted requests. The motion carried five (5) to zero (0).

CONSENT AGENDA

Commissioner Outz moved, seconded by Commissioner Holland, to approve the Consent Agenda with the noted request. The motion carried five (5) to zero (0).

1. **Minutes:** Consideration of approval of Board Minutes for regular meeting held September 07, 1999, Work Session held September 07, 1999, and Regional Water Board Meeting held September 02, 1999

The motion carried five (5) to zero (0).

2. **Funds Acceptance for Chatham County Teen Center:** Consideration of a request for acceptance of additional funds in the amount of \$5,500 donated to the Health Department for the Chatham County Teen Center in Siler City

The motion carried five (5) to zero (0).

3. **Funds Acceptance for Environmental Health Service:** Consideration of a request for acceptance of additional funds in the amount of \$169.35 allocated to the Environmental Health Services Division of the Health Department

The motion carried five (5) to zero (0).

4. **Private Roads:** Consideration of a request to name private roads in Chatham County as follows:

- A. Jourdan Acres
- B. Muddy Lane

The motion carried five (5) to zero (0).

5. **Final Approval of "The Hills of North Chatham":** Consideration of a request by Buck Branson, developer, for subdivision final approval of "The Hills of North Chatham", consisting of 17 lots on approximately 86.945 acres, off SR #1535 (Gilmore Road) in Baldwin Township

The motion carried five (5) to zero (0).

6. **Final Approval of "Norwood Crossing, Phase Two - A":** Consideration of a request by Chuck Lewis, developer, for MAC Development, LLC for subdivision final approval of "Norwood Crossing, Phase Two - A" consisting of 4 lots on 7.536 acres off SR #1536 (Lamont Norwood Road) in Baldwin Township

The motion carried five (5) to zero (0).

- 6A. **Sketch, Preliminary, and Final Approval of "B. G. Gaines & Sons Oil Company, Inc.":** Consideration of a request by B. G. Gaines for subdivision sketch, preliminary and final approval of "B. G. Gaines & Sons Oil Company, Inc.", be added to the Consent Agenda as Item #6A

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Barbara Alotis, 613 Spindlewood, Pittsboro, NC, stated she sent a letter, on behalf of seven other residents, outlining specific reasons for and asking that a moratorium be placed on building until the Chatham County Land Use Plan is adopted.

RURAL OPERATING ASSISTANCE PROGRAM

Public Hearing

~~**Rural Operating Assistance Program:** Public hearing to receive public comments on FY 1999-2000 Rural Operating Assistance Program~~

This item was deferred until the October 18, 1999 Board of Commissioners' meeting.

PLANNING DEPARTMENT

Zoning Board of Adjustment

Requested Variance from the Chatham County Zoning Ordinance: Consideration of a request for a Zoning Board of Adjustment request by JoAnne Johnson for a variance from the Chatham County Zoning Ordinance, Section 10.3 (C), Dimensional Requirements, specifically minimum required side yard, on property located at 8210 Wake Road [SR #1730], in Williams Township

Commissioner Phillips moved, seconded by Commissioner Pollard, to recess as the Board of Commissioners and convene as the Board of Adjustment. The motion carried five (5) to zero (0).

The Chairman administered the Board of Adjustment oath to those in attendance who wished to make public comments.

Commissioner Outz moved, seconded by Commissioner Holland, to accept the Planning Board recommendation and approve the variance request with the following condition:

- 1) The Environmental Health Division of the Chatham County Health Department approves the location of the carport and the method of termite treatment.

The motion carried five (5) to zero (0).

Commissioner Phillips moved, seconded by Commissioner Pollard, to adjourn as the Chatham County Board of Adjustment and reconvene as the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

Public Hearings

Revision to Conditional Use Business District: Public hearing to receive public comments on a request by Chris Brown for a revision to his existing Conditional Use Business District with a Conditional Use Permit for landscape and grading business, to allow a revision to the existing site plan on 1.35 acres, off NC Highway #751, in Williams Township

There was no one present who wished to make public comments.

Amendment to Chatham County Zoning Ordinance: Public hearing to receive public comments on a request by CE Group, Inc. for an amendment to the Chatham County Zoning Ordinance to provide for compact community planned unit developments, including, but not limited to, the following: a minimum acreage of 100 acres and a maximum size of 2500 acres, 2.5 units to the gross acre, and a minimum open space percentage of 30%

The Planning Director answered questions from the audience.

Russell Moore, 1519 Main Street, Sarasota, FL, stated that the proposed zoning text change allows for the creation of a new zoning district, "The Compact Community District"; that the creation of this new district will allow for the approval and development of planned communities of the kind that are encouraged in the County's proposed future land use plan; that the County's future land use plan calls for encouraging compact village development along the US #15-501 corridor between Pittsboro and Chapel Hill; that their development will be in that corridor; that the proposed text change to the zoning code will allow the Commissioners to encourage the kind of development that the citizens desire to see along this corridor; that the text change allows for the submission of

PUD developments that have village core densities that are higher than are currently allowed; that the village core areas are proposed to:

- Increase quality community centers
- Minimize impact to the surrounding environment
- Minimize cost of services for the County Manager's Office
- Minimize automobile trips on the main roads
- Encourage neighborhood schools
- Increase tax revenues
- Minimize crime
- Increase quality of life
- Encourage central sewage treatment systems
- Provide for the demand for new housing without impacting the environmental quality of the area

He further stated that with the approval of the text change, the development plan for Hunter's Hollow can be approved; that to assist the Board with its evaluation of the zoning text change, they have included a preliminary plan for their proposed community

Mark Ashness, 100 Durant, Chapel Hill, NC, stated that the Hunter's Hollow Development's density is less; that there is a focus on mixed-use development with light industrial areas specified; that the minimum open space requirement is 30% in the text amendments, however, it is 50% in the Hunter's Hollow Development. He further noted that the County would have available park space for recreational use.

Bruce Raymond, 127 Persimmon Hill, Pittsboro, NC, stated that the current ordinances are in place to protect citizens; that this development is in the Haw River Watershed and will have a major impact on two of its tributaries; that there is a high percent of run-off from golf courses; and that the proposed wastewater disposal system would put 600,000 gallons per day into the Haw River Watershed.

Ray Greenlaw, 2 Jordan Drive, Pittsboro, NC, urged the Board of Commissioners to proceed cautiously and stated that this is a precedent-setting request. He noted that the County Land Development Plan has not been formally approved by the Board of Commissioners; and that no residential development could produce enough tax revenue services that would be needed from the County.

Kristy Manning, 403 Rock Rest Road, Pittsboro, NC, President of the Haw River Assembly, stated that the organization opposes the proposed amendment; that only 8% of the development would actually be untouched open space; and that in the event of flooding, that there would be run-off into Jordan Lake. She further stated that this development is an example of the new urbanism which strives to recreate villages and communities by building developments that include all of these amenities; and that the County should invest more in its existing communities rather than creating new ones.

James Prah, 2760 Meacham Road, Chapel Hill, NC, stated that he was concerned with regard to the environmental impact and that this is not a good example; and that it would be difficult to control future development.

Larry Hicks, 128 Persimmon Hill, Pittsboro, NC, urged the Board to not let the pressures of development and growth rush decisions; that the environmental impact of this development is sufficient to deny the request; and that he is concerned that this request is not targeted to this specific development but could impact future development. Written comments are attached hereto and by reference made a part hereof.

Stephen Whaley, 103 Shale Stone, Chapel Hill, NC, stated that as a resident of Polks Landing, he has several concerns: 1) subdivision of Polks Landing is on wells and this is a short distance from that development; 2) threat of possible sewer contamination; 3) proposed school area is some of the lowest land in the County; 4) 30% of the designated open space is actually a right-of-way for CP&L; and 5) road/right-of-way (traffic) into Polks Landing.

Greg Solomon, 406 Buck Branch Road, Pittsboro, NC, stated that he is concerned about the run-off and water quality in Polks Landing; that traffic problems could increase on Manns Chapel Road; that the land designated for the school is swamp land; that more than thirty acres will be needed for a school; and that tax revenue from the residential development will not pay for needed services.

Liz Cullington, 390 Rolling Hills Road, Pittsboro, NC, stated that she is concerned because the 30% open space includes roads, parking lots, and schools; and that it would be premature to change the zoning ordinance before the Land Use Plan is approved.

Hubert Oakley, 256 Oakleys Peak, Chapel Hill, NC, stated that there were many discrepancies on the map and asked that the width of the right-of-way for CP&L be further examined.

Jolie Berke-Law, 204 Holly Ridge Road, Chapel Hill, NC, stated that she is a resident of Polks Landing and that developers should be required to play by the existing rules and not always seek to change them.

Paul E. Norton, 220 Hubert Herndon Road, Chapel Hill, NC, stated that there is an entire community that is not indicated on the map.

Nancy Brown, 106 Persimmon Hill Trail, Pittsboro, NC, stated that developers should follow existing development rules; and that this would be a burden on County services such as fire protection and law enforcement.

Kathy Putnam, 1206 Highland Trail, Chapel Hill, NC, stated that she is concerned about water quality in the area and that the traffic in that area is already very congested.

Jennifer Coffman, 373 Wilkinson Creek Lane, Chapel Hill, NC, stated that traffic was difficult on Manns Chapel Road and that four-laning the road would encourage further development.

Wendy Richardson, 316 Creeks Edge Road, Chapel Hill, NC, stated that as a member of the Carolina Canoe Club, she was concerned about pollution into the Haw River.

Richard Wilson, 130 Half Dollar Road, Chapel Hill, NC, stated that if a fence was not erected around the development, it would adversely affect adjoining property owners.

Russell Stott, 111 Creeks Edge, Chapel Hill, NC, stated that the land allocated for church use is far too small; that a minimum of fifteen acres per church is now suggested and that only 1.7 acres was allotted for this church.

Joyce S. Craig, 127 Andrews Store Road, Pittsboro, NC, stated that the only people in favor of this development are the people who stand to make a profit from it and that no usable tax revenue will come from it.

Kevin Powell, 124 Persimmon Hill, Pittsboro, NC, stated that there is a place for high-density development but only where it makes sense; that Pittsboro and Siler City need new energy; that this type of development only makes sense in a coherently developed pattern; and that a new rural zoning designation may be needed.

Proposed Revision to the Chatham County Watershed Protection Ordinance: Public hearing to receive public comments on a request by CE Group, Inc. for a proposed revision to the Chatham County Watershed Protection Ordinance special intensity allocation for WS-IV Protected Area

The Chair called for a five-minute break.

Ray Greenlaw, 2 Jordan Woods, Pittsboro, NC, stated that watershed regulations have been lowered in the interest of development and that Chatham County has been strict but has allowed industrial development in the Jordan Lake Watershed; that we need to protect Jordan Lake as a potable water source; and that relaxing regulations could put the County in danger of unhealthy developments. Written comments are attached hereto and by reference made a part hereof.

Kristy Manning, 403 Rock Rest Road, Pittsboro, NC, stated that the recreation on the Haw River and Jordan Lake are already maxed out; that this would be a good time for the restoration of the Haw River; and that the reasons for these existing rules is to protect these valuable resources.

Liz Cullington, 390 Rolling Hills Road, Pittsboro, NC, stated that there could be many

adverse consequences to the water quality in the Haw River and Jordan Lake.

John Kent, 394 Cub Creek Road, Chapel Hill, NC, stated that urban run-off is a big problem in this area and that the wildlife in this area is not doing well.

Zoning Change Request for Land Draining into University Lake: Public hearing to receive comments on a request by the Chatham County Board of Commissioners to change the zoning of approximately 1,700 acres of land north of Manns Chapel Road [SR #1532], west of US #15-501, draining to University Lake from RA-40 to RA-90. The change would generally increase the required size for new lots from about one acre to two acres.

Kristy Manning, 403 Rock Rest Road, Pittsboro, NC, stated that the Haw River Assembly supports the request to increase the lot size.

Larry Hicks, 128 Persimmon Hill, Pittsboro, NC, stated that this area was previously zoned RA-90 and that steps must be taken to rezone it RA-90. Written comments are attached hereto and by reference made a part hereof.

James Prah, 2760 Meacham Road, Chapel Hill, NC, stated that he was in favor of this proposal and that he has seen the effects of small lots in the past.

Charles K. Strowd, 4623 Manns Chapel Road, Chapel Hill, NC, asked that the zoning remain as it is and that regulations are implemented to help safe-guard the environment.

John N. Kent, 394 Cub Creek Road, Chapel Hill, NC, stated that he was in favor of this proposal.

HEALTH DEPARTMENT

Reclassification of PHN III Position: Consideration of a request to reclassify the position of PHN III Child Health Program Coordinator/Team Leader (Grade 20) to PHN II Child Health Program Coordinator (Grade 19)

Commissioner Outz moved, seconded by Commissioner Pollard, to approve the reclassification of the PHN III position Grade 20 with a hiring rate of \$36,760 to a PHN II position Grade 19 with a hiring rate of \$34,155. The motion carried five (5) to zero (0).

TAX DEPARTMENT

Triangle Land Conservancy Property Tax Exemption Request: Consideration of a request to approve late application for property tax exemption for Triangle Land Conservancy

Kevin Brice, Director of Land Protection for the Triangle Land Conservancy, stated that the Triangle Land Conservancy (TLC) purchased in December, 1998, 308 acres in Chatham County on the Deep River near Goldston; that as part of the larger 636 acre L. B. Hester Farm, TLC used a grant from the NC Clean Water Management Trust Fund and contributions from private donors to buy the farm's extensive floodplain; that the property sits in a large C-shaped stretch of the Deep River and that acquisition of it by TLC meant the protection of 2.5 miles of river frontage; that in addition to acquisition of floodplain, TLC purchased an area of the Hester Farm that has been identified in the *Chatham County Inventory of Natural Areas* as a site of statewide significance; that the inventory

calls the site the La Grange Diabase Bog; that the TLC plans to construct hiking trails on the 308 acre tract; that in January, 1999, he submitted an application for property tax exemption to the Chatham County Tax Office; that several months later, he contacted the tax office about the status of TLC's application and was informed that review of the tax exemption applications would not begin until the month of May; that after May, he again contacted the tax office and was told that TLC's application was not on file; that he was instructed to resubmit a copy of TLC's exemption application from January; that because of an error on his part, he was unable to locate the January tax exemption application; that he was informed that he had the option of appearing before the Board to make an appeal for tax exemption; that the \$1,738.95 that would go toward the payment of property taxes would be better used to protect more land; that TLC began a capital campaign last month to raise \$200,000 to add to their \$1,200,000 Clean Water Management Trust Fund grant which will be used to purchase more than six hundred acres on the Deep River; that TLC has already closed on two Chatham County properties using this grant, raising the number of TLC-protected acres in Chatham County to more than 790 acres; and that this represents 38% of the 2,055 total acres protected by TLC across six counties. He urged the Board to exempt this property from property taxes because TLC will use the savings to protect the land which is what makes Chatham County a great place to live and work.

A copy of Mr. Brice's letter to the Tax Administrator, application for property tax exemption, map, and LaGrange Diabase Bog are attached hereto and by reference made a part hereof.

Commissioner Phillips stated that in purchasing the land, the Triangle Land Conservancy has done so for the benefit of Chatham County; that they do not make a substantial income from the hunt club; that the hunt club is used as a "helper" to make sure that the property is not trespassed by trespass hunters; that it is not used as a money making venture; that in purchasing it, they have preserved the land for Chatham County's benefit; that they should not be penalized by having to pay real estate taxes when they clearly meet the definition of "non-profit" and that the property itself is used in a way to benefit Chatham County

After further discussion, this item was tabled for further study.

Carolina Meadows, Inc. Discovery Penalty Relief Request: Consideration of a request to approve relief of discovery penalty on business personal property for Carolina Meadows, Inc.

Commissioner Pollard moved, seconded by Commissioner Phillips, to uphold the recommendation of the staff and deny the request for release of discovery penalty and uphold the penalty imposed by General Statute 105-312 (h). The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS MATTERS

Impact Fees Public Hearing: Consideration of a request to set a date on which to hold a public hearing to consider amending the existing Educational Facilities Impact Fee Ordinance to include County-wide impact fee implementation to expand from Northwood and Jordan Matthews Districts to include the Chatham Central High School District on October 18, 1999

Commissioner Phillips moved, seconded by Commissioner Outz, to set October 18, 1999 as the date on which to hold a public hearing to receive public input for consideration to amend the existing Educational Facilities Impact Fee Ordinance. The motion carried five (5) to zero (0).

~~**Approval of Amended Educational Facilities Impact Fee Ordinance:** Consideration of a~~

~~request to amend the existing Educational Facilities Impact Fee Ordinance~~

The County Attorney distributed a draft copy of the amended Educational Facilities Impact Fee Ordinance to be discussed at their October 18, 1999 Board of Commissioners' meeting.

Durham Interconnect Contract: Consideration of a request to approve an agreement between Chatham County and the City of Durham Establishing Conditions for the Purchase of Water

Commissioner Phillips moved, seconded by Commissioner Holland, to approve the Agreement Between Chatham and Durham Establishing Conditions for the Purchase of Water, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager informed the Board of the following:

- 1) **Hurricane Floyd:** The County Manager expressed his appreciation for the staff who worked diligently and many long hours during Hurricane Floyd, particularly those who manned the shelters. He stated that the County had no reported damage, and distributed FEMA brochures and flyers for anyone needing help/telephone numbers due to wind and/or rain damage.
- 2) **Solid Waste Management Group** – The Chatham County Solid Waste Department has been recognized as one of three finalists for superior excellence in reducing waste for the Governor's Award for Excellence in Waste Reduction. The winner will be recognized at a 10:00 AM ceremony on September 21, 1999 at Meredith College in Raleigh. Three Chatham County staff members will be attending the function.

COMMISSIONERS' REPORTS

Resolutions of Support for Chatham County Staff and Board of Education:

Commissioner Pollard moved, seconded by Commissioner Phillips, to prepare two resolutions of support for 1) Board of Education and 2) Chatham County Staff, commending them for their response, support, and assistance during Hurricane Floyd. The motion carried five (5) to zero (0).

Commissioner Pollard stated that she felt that Hurricane Floyd brought to citizen's attention the importance of water quality; that she is more aware of what Jordan Lake means to the people; that she is concerned with boats using gasoline with known carcinogens using the lake; that although the lake is a tremendous source of recreation for the people, she feels that the Board has an obligation to ask the State to monitor the lake to assure that the water quality is not impaired because of the fossil-fuel burning boats that occupy the lake; that everyone is concerned with regard to the water-shed; and that she would feel better if she knew what the boats contribute in the way of pollution to the lake. She asked that a letter be sent with regard to the findings from studies done on this matter.

Commissioner Pollard reiterated the problem of the Fairground Road stating that it was filled with holes on which the public schools have a garage, the County convenience center, and the

farmer's market are located. She stated that it seemed to her that it would be fair for the County to help with re-paving the road. She asked that a letter be sent to the State requesting help in this matter.

Letter Regarding Second Round of High Unit Cost Grant Applications:

Commissioner Outz asked that a letter be written to Roland Rodgers informing him how the water situation in Silk Hope will be addressed in the second round of the high unit cost grant application. A copy of the letter is attached hereto and by reference made a part hereof.

Hunters in Heavily Populated Areas:

Commissioner Holland stated that she is concerned with regard to people hunting and shooting in heavily populated areas. She asked that a letter be written to the Chief Wildlife Officer, Julian Alman regarding wildlife officers monitoring this situation. A copy of the letter is attached hereto and by reference made a part hereof.

Silk Hope Fire Department:

Commissioner Phillips stated that he had received a request from the Silk Hope Fire Department with regard to receiving some monetary help in paving their back access to the fire station. He asked for help in securing funds for this project.

Joint Board of Commissioners and Board of Education Meetings:

Commissioner Phillips stated that he had been concerned since receiving the County Attorney's letter regarding "joint planning" in connection with the school; that he would like to suggest to the school system, in as conciliatory way as possible, that in order to promote greater mutual understanding in immediate and long-term budgetary issues and constraints affecting public schools and county governments, periodic meetings are encouraged during each fiscal year; that if the Board could work with the school board to create a five-year capital needs' plan and then to review it each year in a supportive way, everyone would benefit from the effort; that he would like to have a letter sent requesting such from the Board of Commissioners to the Board of Education.

Immigration and Naturalization Service:

Chairman Givens expressed concern with regard to the letter he received from H. Nolo Martinez, Director of Hispanic/Latino Affairs in response to a letter sent to the INS asking for help with undocumented immigrants. He stated that the letter sent asked for help in Chatham County with regard to this matter; that the letter was unthreatening; that he is concerned if the Governor is aware of the type of this reply on the Governor's official stationery; that he would like for a letter to be sent to the Director of Hispanic Affairs in the Governor's Office clarifying the County's position in this matter and asking for help in ridding the County of trouble-making, illegal immigrants. A copy of the Board's original letter is attached hereto and by reference made a part hereof. Also, the original letter from the Director of Hispanic/Latino Affairs is attached hereto and by reference made a part hereof.

Moratorium on Building:

After considerable discussion, a moratorium on all building until the County's Land Use Plan is adopted, was tabled until the issue can be addressed and discussed with the Planning Board and the Water Board.

Commissioner Phillips stated that he will commit, in a meeting with the Institute of Government, to getting some language on developers' contributions and exemptions within the month in order that the Board may begin to look at and think about a moratorium on building.

CLOSED SESSION

Commissioner Holland moved, seconded by Commissioner Pollard to go out of Regular Session and into Closed Session for the purpose of discussing personnel. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Outz moved, seconded by Commissioner Pollard to go out of Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

Buildings and Grounds Position:

Commissioner Phillips moved, seconded by Commissioner Outz, to abolish the Buildings and Grounds Coordinator Position and create a Maintenance Worker Position. The motion carried five (5) to zero (0).

Commissioner Pollard moved, seconded by Commissioner Outz, to authorize the County Manager to hire up to a Grade 6, Step 7 for the Maintenance Worker Position. The motion carried five (5) to zero (0).

Appointments to the Personnel Advisory Committee:

Commissioner Phillips moved, seconded by Commissioner Pollard, to appoint the following members to the Chatham County Personnel Advisory Committee and request that staff review the composition of the committee to insure diversity:

John Custer, Dispute Settlement Mediator
Cheryl Galin, Dispute Settlement Mediator
Janice Almond, Dispute Settlement Mediator

The motion carried five (5) to zero (0).

ADJOURNMENT

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Commissioner Pollard moved, seconded by Commissioner Phillips, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:08 PM.

Rick Givens, Chairman

ATTEST:

Sandra B. Lee, Clerk to the Board
Chatham County Board of Commissioners