

# LEE COUNTY

NORTH CAROLINA

Committed Today for a Better Tomorrow

## Agriculture Advisory Board Meeting Minutes January 18, 2012

**Members present:** Donald Nicholson, Tom Boerger, Worth Pickard, Wayne Watson, Molly Whitaker, AK Griffin, Jane Barringer, Bill Minard, Wayne Yarborough, Jerry Lemmond, Tony Ragan, Ed Angel

**Absent:** Mary Lou Jones

**County staff present:** Seth Holt, Susan Conclin, Tommy Brooks and Rhonda Gaster

**Guest speaker:** Dale Talbert, County Attorney

**Opening Remarks:** Jerry Lemmond, Vice-Chair, called the meeting to order and conducted the total meeting. No public comments.

### **Business:**

**Approval of Minutes** – A quorum was established. With one typographical error in the minutes corrected, Worth Pickard made a motion to accept the minutes as posted. A.K. Griffin seconded the motion. All approved with a show of hands. Motion passed.

**Fund Balance** – The VAD balance as of January 18, 2012 is \$1,186.49

Receipts = \$50.00

Expenditures = \$26.00

**New Legislation: House Bill # 406, Session Law 2011-219** – Dale Talbert, County Attorney has spoken with Representative Jonathan C. Jordan, member of the Agriculture committee and primary sponsor of House Bill # 406, Session Law 2011-219 that changed the guidelines for participating in a VAD. Dale distributed and discussed a fact sheet from the legislature's Research Division. Both documents are attached.

**Section 1** would eliminate the requirement that a farm participate in the farm present use value taxation program, and instead require only that the real property must be "engaged in agriculture," defined as:

- 1) The cultivation of soil for production and harvesting of crops including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- 2) The planting and production of trees and timber
- 3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- 4) Aquaculture as defined in G.S. 106.758.

- 5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- 6) When performed on the farm, “agriculture”, “agricultural”, and “farming” also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.

It would also clarify that eligible farmland would have to meet both county *and municipal* zoning and subdivision regulations.

**Section 2** would provide that conservation agreements are no longer required to be recorded in the same manner as deeds unless the agreement is made for the purpose of enrolling in a VAD and is irrevocable for a period of at least ten years.

Susan asked if the board can keep the filing process at the Register of Deeds as required by Lee County’s VAD Ordinance? Dale stated no, you cannot require them to file, you can recommend they file.

Dale will ask Representative Jordan the following questions on behalf of the Agriculture Advisory Board:

1. How would an individual, checking the land records at the Register of Deeds, know if the property or adjoining properties are in a VAD or within the 1-mile radius of a VAD? (VADs are noted on the GIS website and landowners post their VAD sign)
2. Members are concerned that House Bill #406 does away with the requirement of being eligible for the farm present use value taxation program (20 acres forestry, 10 Agriculture and 5 acres horticulture) therefore allowing small acreage use for subsistence agriculture, such as growing for personal consumption, to be eligible for VAD. This defeats the whole purpose of the VAD.
3. Members expressed concerns that it is foolish not to file at Register of Deeds. If an argument between landowners about an agricultural nuisance develops, the VAD participant will not have a legal document on file with Register of Deeds.

Susan asked about the changing of the Lee County VAD Ordinance. Dale stated parts would have to be changed to reflect the new law and a draft will need to go before the County Commissioners for approval. The new law also means that our VAD brochure is out of date. Dale suggested waiting to change our county ordinance and brochure to see what happens in the legislative short session. Dale thanked the committee for helping the family farmer.

Dale directed us to use the handout, House Bill 406: Voluntary Agriculture Districts to refer to until after the short session makes changes, if any and to stay in touch with him for updates this March and April.

The Board directed staff to call the two individuals that have submitted VAD applications at this meeting and ask them if they would like to file their conservation agreement with the Register of

Deeds. Jane Barringer made a motion that the committee recommends filing at the Register of Deeds if the landowner chooses. Donald Nicholson seconded the motion. All approved with a show of hands. Motion carries.

Donald Nicholson made a motion until March 1, 2012 if an applicant pays the fee and takes the committee's recommendation to file with the Register of Deeds, an Extension staff member will take the paperwork to the Register of Deeds for filing as has been done in the past. Tom Boerger seconded the motion. All approved with a show of hands. Motion carries.

**Review and Approval of Applications** – Received two Voluntary Agricultural District applications since the last meeting:

Kenneth Logan – 47.17 acres in the Pocket District - Tom Boerger made a motion to approve the application, Worth Pickard seconded. All approved with a show of hands. Motion carries

Covington Family Limited Partnership – 972.73 acres in the Pocket District and one parcel in Greenwood District - Donald Nicholson made a motion to approve the application, Ed Angel seconded. All approved with a show of hands. Motion carries

**Total to Date – 5,895.32 acres (32 landowners)**

### **Pending Applications**

William Dalrymple II – 118.82

Clyde A. and Hetty Lee D. Nicholson – 237.56 acres

John Harrington Gross, William Glen Gross, Kathy McNeill, Susan Thomas - 40.01 acres

Kenneth and Sharon Patterson – 23.408 acres

Evenly Brown Sloan – 84.53 acres

**Township Sign Update** – Gary Thomas has agreed to place a township sign on his property on Lower River Road in the Deep River District. He will sign the permission to erect a VAD township sign. A. K. Griffin spoke with Randy Castleberry and he is willing to put a township sign up but the wife owns the property and would need to sign the permission. A. K. will get the necessary paperwork signed. This property is located in the Cape Fear District.

**Announcements** – Seth is leaving Extension effective January 31, 2012. He has accepted a job at Crop Production Services.

Jane Barringer announced there will be a Forestry meeting January 19 at Ron's Barn at 6:30pm. A VAD brochure was included in the large Forestry mailing announcing the meeting.

Wayne Watson also announced the Area Farmers will also meet January 19 at 6:30pm at Ron's Barn.

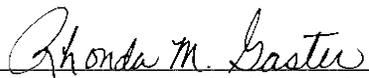
Jerry Lemmond commented that it was a pleasure to work with Seth and he has done an outstanding job, especially with the youth.

Jerry Lemmond announced the Retirement Reception that will be held for Mr. Hoyle here at the McSwain Center in the Lee County Farm Bureau Auditorium from 4:00 until 6:00 pm Thursday, January 25, 2012. All are invited to attend.

**Next Meeting Date** – Wednesday, February 15, 2012 at 4:00 pm at the McSwain Extension Education and Agriculture Center.

Worth Pickard made a motion to adjourn the meeting, Ed Angel seconded. All approved with a show of hands. Meeting adjourned at 5:30 pm.

  
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Chairman, Agriculture Advisory Board

  
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Clerk to the Agriculture Advisory Board