

Minutes

September 5, 2008

N. C. Board of Agriculture

Maurice K. Berry, Jr.

Elbert R. Pitt, Jr.

Jean Boseman

Larry Sampson

William E. Holliday

Douglas I. Torn

C. Osmond Kearney, Jr.

Jeffery B. Turner

Kirk Mathis

Hyman Young, Jr.

Steve Troxler, Chairman

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Call to Order

Approval of Minutes - February 13 and April 20, 2008

Referendum Request - NC Apple Growers Association

Approval of New Fire Ant Quarantine Areas

Veterinary/Emergency Programs - Amend Petting Zoo Rules

Standards - Amend Rules on Retail Motor Fuel Dispenser Half-Pricing

Other Business

- (1) Updates on Legislation and Budget
- (2) Update on Animal Shelter Euthanasia Rules
- (3) Update on Research Stations Strategic Plan

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The September 5, 2008 Board of Agriculture meeting was held beginning at 9:00 am at the Hampton Inn, 18 Rockwood Road, in Fletcher, North Carolina. Commissioner of Agriculture Steve Troxler called the meeting to order. The following Board members were in attendance: Maurice Berry, Jean Boseman, Billy Holliday, Kirk Mathis, and Hyman Young.

Agricultural Programs Administrator Zane Hedgecock opened the meeting with prayer.

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Commissioner Troxler welcomed and introduced Jean Boseman to the group. She is one of the two new members of the Board of Agriculture, replacing Brent Fleming.

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Upon MOTION by Mr. Mathis, seconded by Mr. Holliday, the minutes of the February 13 and April 20, 2008 Meetings were approved.

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Before taking up the next item on the agenda, Commissioner Troxler called on Tom Slade, Director of Marketing, and Matt Buchanan, Manager of the WNC Ag Center to update the Board on the Mountain State Fair. Mr. Slade and Mr. Buchanan talked about the opening ceremonies, attendance at the fair, and touched on a few of the upcoming renovations to the WNC Ag Center.

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The second item on the agenda was a referendum request by the NC Apple Growers Association. David McLeod discussed the Association's request for a referendum on the self assessment fee of five cents (\$.05) per bushel of fresh apples and five cents per hundred pounds of processed apples including juice apples. The assessment will be for the years 2011 through 2016 and will increase the current assessment of three cents (\$.03).

Mr. McLeod noted that the letter from the NC Apple Growers Association dated April 9, 2008 was mailed to all the Board members since their letter indicated July 1, 2008 as the date of the referendum.

MOTION was made by Kirk Mathis to ratify the approval of the referendum request. Maurice Berry seconded the motion which carried by a unanimous vote.

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The third agenda item called for approval of new fire ant quarantine areas. Dr. Richard Reich, Assistant Commissioner, presented and explained a map showing the progression of the fire ants. The new quarantine areas are Bertie, Martin, and a portion of Davidson and Franklin counties.

MOTION was made by Billy Holliday and seconded by Maurice Berry to approve the new fire ant quarantine areas. The motion carried by a unanimous vote.

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The next order of business was the amendment of the rules in 02 NCAC 52K pertaining to petting zoos. Dr. Karen Beck, a veterinarian with the Emergency Programs division, was recognized to give comments.

Dr. Beck discussed the need to change the rules after extensive review of the requirements for animal contact exhibits at sanctioned agricultural fairs and consultation with the State Veterinarian and State Public Health Veterinarian.

The proposed changes include removing the impervious surface requirements for pony rides, allowing some flexibility in the placement of hand washing stations while maintaining proper visitor flow and decreasing from ninety (90) to thirty (30) the minimum number of days prior to the fair an animal must receive its first rabies vaccination. These changes were made after careful consideration to the overall health and safety of fair patrons.

David McLeod mentioned that there have been no human disease outbreaks since these rules were put into place. Dr. Marshall, State Veterinarian, pointed out that these rules were put into place by the hard work of Dr. Karen Beck and Dr. Carol Woodlief.

Mr. Mathis made the MOTION to approve the amendments to the rules as presented. The motion was seconded by Mr. Hyman Young and unanimously carried.

A copy of these rules has been entered into the record as Exhibits A, B, and C.

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The next and final rule for consideration pertained to Retail Motor Fuel Dispenser Half-Pricing. Steve Benjamin, Director of Standards, was called upon to give comments regarding the changes to these rules.

Mr. Benjamin reported that as fuel prices have risen over the last year, a number of retail locations in North Carolina are using dispensers that are not capable of correctly calculating the total price of fuel purchases. The locations are typically small, rural, single store operations using older analog/mechanical fuel dispensers that cannot calculate the total cost of a purchase when the price is above \$3.99 a gallon. The mechanical computers available for these dispensers

would be an additional cost to the operator.

The current regulations do allow for half-pricing on a dispenser by displaying the price per half-gallon, with the total price being calculated inside the store. The qualifying sales volume of 60,000 gallons is outdated, however, and most locations far exceed this amount. Therefore, the proposed changes would increase the number of gallons per twelve month period from 60,000 to 600,000 gallons allowing many more small stores the option to advertise in this manner and continue to offer fuel to customers. In addition, the proposed changes would only allow this option until January 1, 2011. At this time, all dispensers should be capable of computing the correct total price of a fuel purchase and half-pricing will no longer be allowed.

Mr. Benjamin then entertained questions from the Board. Kirk Mathis inquired about the "Mom and Pop" small stores having to get new equipment.

After general discussion, Kirk Mathis made the MOTION to amend the rules as presented. Maurice Berry seconded the motion and it carried by unanimous vote.

A copy of this rule has been entered into the record as Exhibit D.

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The next order of business was an update on the 2008 legislative session and budget given by David McLeod. Mr. McLeod went through and discussed the highlights of a memo from Ray Starling that was given to each member of the Board.

Mr. McLeod started with the budget and explained that the Department did well this year. He discussed the various study provisions, including ones for the Research Stations and Ag Review. He explained a study provision for fees for soil testing that the Department does not want. He then went over specific dollar amounts the Department received for numerous programs and positions, including the Farm to School Program.

Commissioner Troxler explained to the Board that the Department has now taken over total control of the Farm to School Program from the Department of Defense. Commissioner Troxler said he is very proud of the work of the Farm to School Program.

David McLeod continued discussing the budget and noted that the Department received money for Got to be NC and four million dollars for Farmland Preservation.

Commissioner Troxler brought up the Governor's Task Force on Pesticide Exposure and noted that the Pesticide Division gained \$104,000.

Kirk Mathis asked about the fees for soil testing and asked why if they were mandated to get the soil tested, they needed to get hit harder. Commissioner Troxler said the Department will fight to make sure that it doesn't happen.

Continuing with the legislative update, several projects concerning different Department

buildings was discussed. First, Commissioner Troxler asked Dr. Marshall to talk about the Rollins Lab. Dr. Marshall explained to the Board that through hard work and improvements, the lab is now accredited and has received money in the budget.

Steve Benjamin then discussed the Metrology Lab and the needs for something better since the building is outdated. Commissioner Troxler informed the board that NC State University said they would help get money for this project. He also mentioned that they were making bio-diesel out of cooking oil at the State Fair this year and that the Department was already running a lot of equipment at the Research Stations with cooking oil.

In addition to these projects, the Department will be looking to expand and improve the campground at the State Fair and hopes to set up a foundation to help build an Ag Museum on the property as well.

Moving forward with the legislative update, discussion ensued about the State Highway Patrol and the weight requirements on equipment. Hyman Young thought that it would be helpful to have the Highway Patrol talk to the farmers so that it will be easier to keep up with all the changes.

Following this discussion, David McLeod ended the legislative update with an update on the AgMart hearing and noted that the General Assembly disapproved the Dyed Milk Rule. He updated the Board on the Euthanasia Rules which will be taken up this month by the Rules Review Commission after the General Assembly gave the Board additional authority to adopt the rules as they are written.

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The floor was then open for questions and general discussion. Hyman Young asked for an update on the Research Stations to which Commissioner Troxler gave an update on its current status. Commissioner Troxler noted that he felt like all parties could work together and come up with a strategic plan. Dr. Reich then explained the structure for the strategic plan.

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Mr. Holliday made the MOTION, which was seconded by Mr. Berry, that the meeting be adjourned. The motion carried by a unanimous vote.

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THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 10:43 am.

Recorded & Prepared by:

Christina L. Lucas

Adopted by the Board this 20<sup>th</sup> day  
of November, 2008.



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Steven W. Troxler  
Commissioner of Agriculture  
Chairman



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David S. McLeod  
Secretary