

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
March 28, 2016***

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, March 28, 2016, was called to order at 7:10 p.m. by Chairman Robin Long in the County Administration Conference Room of the George L. Gordon, Jr. Government Center.

Members Present: Robin Long, John Howe, Jeff Adams, Benjamin Rudasill, Tom Gregory

Members Absent: Marty McClevey, Craig DeBernard

Staff Present: Kathy Baker, Joe Fiorello, Sylvia Dyson

Guests Present: Marshall Locklear

1. Call to Order
2. Public Comment

Mrs. Long briefly went over the rules to remind everybody about the procedures concerning public comment portion of the meeting. She reiterated that members of the public were allotted 3 minutes each to make their presentation. She added that the committee would not be able to comment on any public presentation or ask questions.

3. Approval of Minutes – February 22, 2016

Mr. Adams asked for the minutes to be amended as follows:

Line 140: Add “Soil and Water” between “the” and “Committee”.

With no further changes, Mr. Adams made the motion to approve the minutes. Mr. Gregory seconded the motion. The motion passed 5-0.

4. Staff Update

- PDR program and PDR grant funds

Ms. Baker stated that there were now 5 farms under the PDR easement to include the most recent one, the Jones Farm, which brought the total acreage to 347 with 90 development rights. Ms. Baker added that during the month of April staff would be visiting the four former properties to ensure that they were still in compliance with the PDR requirements. Regarding Silver Farm, Ms. Baker stated that to her knowledge the owner was working on a building permit for their one allotted residence. She added that the Shelton, Adams, and Jones properties had existing residences and that Holsinger did currently not have a residence on the property.

Mr. Adams inquired whether the location of the residence was predetermined. Ms. Baker stated that a building envelope was recorded with the deed which gave the general area with setbacks to protect the view shed.

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Ms. Baker stated that the end of the fiscal year was approaching on June 30th at which time she would have an update on funding. She added that the Board of Supervisors did express interest in putting the rollback funds towards the REPI program which would likely consume most of the rollback funds. Ms. Baker stated that depending on how much money was left over, there might not be enough funds for another PDR round this year.

- REPI applications

Ms. Baker stated that she had not yet received information on the official steps that needed to be taken for the two applications.

Mr. Adams inquired whether the Harris property was within the REPI area. Ms. Baker stated that they were not inside the official buffer zone but that the property was close enough to be within the fly over area. She added that there was a bombing range out to the western end of the base with controlled airspace. Ms. Baker stated that the range is only being used three to four times a year and that there wasn't really a noise issue but more of a safety issue.

5. New Business

- Staffordboro Boulevard Commuter Lot Farmers Market

Mrs. Long stated that she had asked Ms. Baker to bring information about the current policy and procedures of what would happen when a market was in violation of the rules and to further clarify what the Ag Committee's responsibilities were as far as that was concerned.

Ms. Baker stated that there was a section in the ordinance regarding enforcement of zoning regulations, which was overseen by the Zoning Administrator, Susan Blackburn, who made any decisions on any zoning violation. Ms. Baker stated that typically violations were reported by citizens and that upon review by the Zoning Administrator an inspector would go out to the site to confirm the potential violation and potentially issue a notice of violation. Ms. Baker stated that typically the zoning office will try and work with the individual in trying to establish compliance. She added that at such point when the individual stops showing an effort to rectify the situation further steps would be taken and the matter may be taken to court.

Mr. Gregory inquired about the 30 day compliance period mentioned in last month's meeting minutes. He stated that according to Section 28-311 of the County Code there was a 30 day period after a notice of violation was issued, and inquired if he was correct in the assumption that a violation notice was not necessarily issued immediately upon the zoning division being aware of the violation. Ms. Baker confirmed and explained that staff would try to talk with the individual first to let them know that there is potentially a violation, before actually sending a violation notice.

2. *Public Comment - Continuation*

Mr. Gregory pointed out that as a point of order the public comment portion had been overlooked by the Chair and that there was a member of the public present.

Mrs. Long asked Mr. Locklear if he wanted to speak.

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Mr. Locklear stated that he was hoping that the PDR Committee would do the right thing concerning his market and that he did not farm himself but worked with a 7th generation farmer with 50 acres. He added that the farmer sold 80% of his produce through the market. Mr. Locklear stated that he had made some changes to the market, but had to start restricting the changes as he felt too many were being made.

5. New Business – Continuation

Mrs. Long opened the floor for the Staffordboro Boulevard Commuter Lot farmer's market application discussion.

Ms. Baker stated that the application contained the applicant's information, a map of the general area and location as well as the rules and regulations. Ms. Baker asked if the Committee wanted to hear from the applicant or if there were specific questions for her.

Mr. Gregory asked if the generally the location of the market was identified on the application by its tax map ID and pointed out that the tax map ID was not indicated on this application. Ms. Baker explained that state owned properties did not always have a tax map number. Mr. Gregory pointed out that the location owner information was also missing, but understood that it was to be presumed that the owner was the Commonwealth of Virginia.

Mrs. Long inquired about the name of the farmers market. Mr. Locklear stated that it was the North Stafford Farmer's Market, but he understood that there was a conflict as the market at the hospital was operating under that same name. He stated that there had been an issue with one out of three permits for his market not getting paid.

Mrs. Long stated that the name, North Stafford Farmer's Market, had been registered with the county and state by the corporation that runs the market at the hospital.

Mr. Locklear stated that he was aware of that but was talking to a lawyer as he believed the County failed to pay for the permit which caused him to not be able to register the name. Ms. Baker inquired which permit Mr. Locklear was referring to. He stated that he was referring to the permit from the Health Department.

Mr. Gregory inquired whether the applicant had provided any written documentation of any of the permits he was referring to. Ms. Baker stated that she was trying to decipher which permits Mr. Locklear was talking about. She stated that the only permit fees she was aware of was VDOT permit, which the county paid, and the farmer's market fee, which the applicant paid.

Mrs. Long clarified that she was not talking about the permit to operate, but was talking about the use of the name North Stafford Farmers Market, which was registered by the Long & Long LLC through the State as well as the County for the last four years. Mrs. Long asked Mr. Locklear to not continue to use the name to avoid legal action.

Mr. Locklear stated that he had been using the name ever since he opened the market but failed to have the name legally registered. He added that he did not put North Stafford Farmers Market on the application for that reason.

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Ms. Baker stated that she had been unaware at the time when the hospital market was established that Mr. Locklear was already using the name North Stafford Farmers Market, otherwise she would have certainly informed the owner of the hospital market. She added that the name issue was not a county issue and would have to be resolved by the involved parties. Mrs. Long agreed. Mr. Gregory also agreed that it was not county staff's responsibility and suggested that the name issue could be researched by one of the Committee members at the Circuit Court as that was the only place a name could be registered. He felt that it would be appropriate for the Committee to be provided with some documentation to be able to resolve the name issue on the application.

Mr. Gregory further pointed out that the rules and regulations submitted by the applicant did not contain a printed date, or signature. Mr. Locklear explained that that was an honest mistake which he would gladly rectify.

Mr. Gregory deemed the application incomplete due to the name issue, and the date and signature issue on the rules and regulations and suggested that it would be inappropriate for the Committee to vote on the application.

Ms. Baker clarified that the application as well as the rules and regulations were to be discussed by the Committee, and if necessary, the Committee should make their recommendations to the applicant.

Mr. Gregory stated that it appeared as if the submitted rules and regulations were the same ones that had been submitted by the applicant several years ago and that the applicant simply changed the date on them. Mr. Locklear confirmed. Mr. Gregory asked the applicant to change the date to reflect the date they were originally written. Ms. Baker noted that each applicant had to re-submit their rules each year.

Mr. Gregory stated that the name issue created a conflict and asked the applicant if he was willing to change the name of his market. Mr. Locklear stated that he would have to consult with his lawyer first and pointed out that the application he submitted did not contain the name in question. Ms. Baker added that the rules and regulations however did.

Mr. Adams stated that he came across a Facebook page for a Stafford Farmers Market which contained the applicant's contact information, but he was not certain if the page had even been created by Mr. Locklear himself. Mr. Locklear stated he did not and that it must have been one of his customers.

Mr. Gregory asked Mr. Locklear that since he was not willing to commit to changing the name at this time, if he would be willing to accept the Committee's decision to postpone the review of his application until next month's meeting. Mr. Locklear stated that the decision was the Committee's to make.

Mr. Gregory made a motion that the matter be deferred until such time the Committee had clear documentation from the applicant as to the correct name of his business, which was not to conflict with any existing permits. Mr. Adams seconded the motion.

Upon Mr. Locklear's question who had seconded the motion, Mr. Gregory stated that the applicant was not to ask any questions and was not to record the meeting on his phone. Ms. Baker stated that it was up to the Chair on how to run the meeting.

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Mrs. Long stated that the time for questions and answers was over since a motion and a second had already been made.

Ms. Baker felt that two of the Committee members should abstain due to conflict of interest. Mr. Gregory disagreed as he felt that it was only a motion to defer unless the County Attorney was to rule otherwise. Mrs. Long agreed with Mr. Gregory.

Mrs. Long called for the vote to defer. The motion passed 4-0 (Mr. Adams abstained).

Mr. Locklear asked if he could get the names of the voting members. Mr. Gregory and Mrs. Long stated that the vote would be recorded in the minutes.

6. Unfinished Business

- Annual Work Plan

Mrs. Long reiterated that at the previous meeting there was a discussion regarding reviewing the farmers market rules, as well as some education opportunities such as farm days in schools and watershed education.

Mr. Adams stated that June would probably be a good time to meet with Tri-County's education coordinator, Isabella Sikora, to talk about Meaningful Watershed Education program (MEWE). Mr. Adams explained that according to the State all school age children were to participate in that program.

Mrs. Long asked Mr. Howe to provide her with Ms. Sikora's contact information so she could reach out to her.

Regarding the farmers market rules, Mrs. Long stated that she would like to set up a sub-committee to review the language and make recommendations to the Committee.

Mr. Howe inquired whether the amended rules would apply to the current markets or if they would be implemented the following year. Mrs. Long felt that should be one of the things clearly spelled out in the rules.

After a brief discussion Mr. Adams and Mr. Gregory agreed to be on the sub-committee with Mr. Adams taking the primary role. Mrs. Long asked Mr. Adams and Mr. Gregory to report back by next meeting.

Mr. Gregory suggested coming up with a draft and emailing it to the other members to comment on so the final document could be presented at the next meeting and be voted on.

Mr. Adams pointed out that the rules had just been voted on at the previous meeting. Mrs. Long agreed but stated that there had been no further review before voting and that she would like to revisit.

Upon Mr. Adams' request, Ms. Baker agreed to send a copy of the current rules to all members of the Committee.

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Mrs. Long stated that the only other item she wanted to discuss was the partnership with Northern Virginia Conservation Trust (NVCT) and asked Ms. Baker if she had an update. Ms. Baker stated that the Economic Development Committee would not be meeting in April so she wouldn't be able to give an update until then.

7. Next Meeting

- April 25, 2016

Mrs. Long inquired whether the next meeting would take place in the County Administration Conference Room since there had been some confusion about the location this time. Ms. Baker stated that the meeting should always be in the County Admin room, unless she was notified otherwise.

Reports by Committee members (not on agenda originally)

Mr. Adams informed the Committee that there was a new program being rolled out by Soil and Water, which he was a member of, called VCAP. He explained that there were a total of \$250,000 in cost-share funds made available for homeowners to, for example, put rain barrels on their properties, or rain gardens, as well as certain plantings. He added that there were also maintenance requirements that came with the program. Mr. Adams reiterated that the program was just in its beginning stages. Mrs. Long asked him to bring more information as it became available.

Mr. Adams further explained that he was with Soil and Water and that he and Mike Anderson were elected, voting members from Stafford County and Mr. Howe was an associate member. He added that there were 9 voting members total.

Mr. Adams also informed the Committee that there was a rain barrel and bare root plants sale on the 16th of April at the Spotsylvania and City of Fredericksburg Farmers Market.

8. Adjournment

Mr. Howe made a motion to adjourn. Mr. Gregory seconded the motion. The motion passed 5-0.

With no further business to discuss the meeting adjourned at 8:09 p. m.