

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
April 25, 2016***

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, April 25, 2016, was called to order at 7:01 p.m. by Chairman Robin Long in the ABC Conference Room of the George L. Gordon, Jr. Government Center.

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

Members Absent: Craig DeBernard

Staff Present: Kathy Baker, Joe Fiorello, Sylvia Dyson

Guests Present: Marshall Locklear

1. Call to Order
2. Public Comment

Mrs. Long asked Mr. Locklear if he had any comments. Mr. Locklear responded that he was hoping it would go better this time. He further stated that he did not receive the minutes he had asked for. Ms. Baker reminded him that she had sent him an email with the agenda and minutes attached.

Mrs. Long stated that if there were no objections from the Committee she would like to move the Staffordboro Boulevard Commuter Lot Farmers Market up in the agenda. Mr. Howe was wondering if the farmers market rules to be considered at this meeting may have an impact on Mr. Locklear's application. Mrs. Long did not believe so since there would probably not be a vote at this meeting.

With no further comments from the other Committee members, Ms. Long proceeded with the Staffordboro Boulevard Commuter Lot Discussion.

6. Unfinished Business

- *Staffordboro Boulevard Commuter Lot Farmers Market*

Mrs. Long asked Mr. Locklear if he had any additional information with his application he wanted to present to the Committee. Mr. Locklear stated that he believed that all the required documents were in the application.

Mr. Gregory reiterated that at last month's meeting there had been different issues that were in question, such as the name of Mr. Locklear's market and whether the name had been officially registered. Mr. Gregory felt that it would be appropriate to resolve these issues and move forward with the application.

Mr. Locklear inquired whether the market had not been approved at the last meeting due to the name issue and how long Mrs. Long had been using the name as his lawyer required that information. He further pointed out that both markets had been approved under the same name "North Stafford Farmers Market". It's was Mrs. Long's belief that Mr. Locklear never filed with the state nor the county to

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register the name. She also believed that he had only received his market permit from VDOT using that name. Mr. Locklear agreed. Mrs. Long further added that she had registered for ownership of the name. Mr. Locklear stated that when the name was registered by Mrs. Long his market had already had a permit under that name for years. Mrs. Long reminded Mr. Locklear that the Committee asked him at the previous meeting to provide proof of rights to the name. Mr. Locklear was unable to do so, therefore Mrs. Long asked him if he was willing to change the name on his rules and regulations to M & K market. Mr. Locklear agreed.

Mrs. Long asked Ms. Baker if it was acceptable to have the name change reflected in the record as a formal agreement of the change. Ms. Baker affirmed.

Mr. Gregory addressed Mr. Locklear and stated that it was difficult for the Committee to make a decision on an application when there is insufficient documentation. He felt that the permits that Mr. Locklear kept referring to as well as a letter from his lawyer confirming he was in fact representing the applicant should have been provided to the Committee. Mr. Locklear stated that his lawyer, Mr. Gonzales, asked for a copy of the minutes before getting further involved. He further stated that his lawyer's recommendation was to work out a deal with the Committee.

Mr. Gregory explained that the Committee was prepared to move forward but they still required some more clarification from the applicant such as the name issue which was settled now. He further added that the Committee wanted to give Mr. Locklear a permit and the opportunity to operate under the same rules and regulations as all the other farmers markets currently permitted in Stafford County.

Mr. Gregory felt that for Mr. Locklear's benefit the last meeting minutes should be approved prior to approving Mr. Locklear's application. Mr. Howe moved to table the discussion until after the minutes are approved. Mr. Gregory seconded the motion. The motion passed 6-0.

3. Approval of Minutes – March 28, 2016

Mr. Gregory made a motion for the minutes to reflect Mr. Locklear's statement that he did not farm himself, but was selling produce from a seventh generation farmer in Stafford County. Mrs. Long asked if there were any objections to the wording. Mr. Adams felt that one would not have to farm to manage a farmers market and seconded the motion. Mrs. Long called for the vote adding that the amendment was contingent on staff's confirmation after checking the audio. The motion passed 5-0 with one abstention (Mr. McClevey).

Mr. Howe stated that on line 204 the name "Mr. Gregory" should be replaced with "Mr. Locklear". Mr. Gregory made a motion to approve the minutes as amended. Mr. Howe seconded the motion. The motion passed 5-0 with one abstention (Mr. McClevey).

6. *Unfinished Business*

- *Staffordboro Boulevard Commuter Lot Farmers Market - CONTINUATION*

Mr. Gregory made a motion that Mr. Locklear's application to operate a farmers market in Stafford County be approved provided that the applicant submits a formal document confirming the market's name. Mr. Rudasill seconded the motion.

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Mrs. Long asked if there was any discussion. Mr. Adams stated that he wanted to make sure that it was understood that produce had to be grown within the 125 mile radius which ruled out certain products such as avocados, bananas, lemons, lime, etc. in their raw form. Mrs. Long stated that it was clearly stated in the rules and felt that Mr. Locklear had a good understanding of that. Mr. Locklear affirmed.

Mr. Locklear stated that he was informed by one of his customers that strawberries were being sold at the North Stafford market. Mr. Locklear stated that he did not know of any strawberry growers in Stafford County. Mr. Howe stated that the statement made by Mr. Locklear was incorrect as he had a vendor at the Spotsylvania market who grew strawberries on his Stafford property.

Mr. Locklear further stated that there was also a vendor selling sweet potatoes which were definitely not grown in Stafford County, which he personally confirmed.

Mrs. Long directed Mr. Locklear that unless he was an official member of the Committee he was not to inspect other markets in an official way and that his accusations had nothing to do with the current discussion. She added that the Committee was simply trying to clarify the rules for all involved parties.

Mr. Gregory reiterated that the rules clearly stated that all produce must be produced within 125 miles of Stafford County and they could not be purchased from a third party. He stated that tropical fruits were clearly not being grown within the 125 mile radius. Mr. Gregory further added that it was the Committee's responsibility to enforce the rules and that all vendors were subject to inspections and in the case of non-compliance the Zoning Office would be informed. Mr. Gregory encouraged Mr. Locklear to operate within those confines as he had not in the past.

Mr. Adams handed out a publication by VDOT showing when certain produce was in season. Mr. Adams understood that the availability calendar shown on the flyer was certainly not written in stone, but it gave a good idea.

Mr. Locklear stated that he was one of 53 markets in Virginia year around. Mr. Gregory intervened and stated that Mr. Locklear did not have a market as of yet and asked him to not make such statements. He further stated that Mr. Locklear could, however, ask questions if he had any.

Mr. Locklear inquired how those 53 markets were operating and what their rules were. Mrs. Long stated that it didn't reflect the rules in Stafford County and was of no consequence.

Mr. Gregory felt that Stafford County's rules were very easy to follow and that Mr. Locklear was being argumentative because he did not agree with them.

Mr. Gregory called for the question. Mrs. Long asked if there were any further comments. With no further comment the motion passed 4-0 with 2 abstentions (Mr. Adams and Mr. Howe).

Mr. Adams asked Ms. Baker if Mr. Gregory would be able to obtain his approval paper work before Saturday. Ms. Baker stated it was possible.

4. Staff Update

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Ms. Baker stated that staff continued to work with the Harris family on the purchase of their Purchase of Development Rights (PDR) property. According to the Harris family they were getting close with having their attorney finalize the draft deed and should be submitted to the County probably sometime in May. Ms. Baker stated that the funds were available to go forward.

Ms. Baker stated that concerning the REPI program staff had not yet received any response from the Federal Government, the Department of Defense (DoD) other than the funds had been allocated for the two properties, Sterne Farm and the Jenkins property.

Regarding the Virginia United Land Trust Conference on Thursday and Friday at Central Park, Ms. Baker stated that Stafford County, as well as the Department of Conservation and Recreation and Northern Virginia Conservation Trust would be making a joint presentation regarding Crow's Nest and the collaborative efforts of many parties to make it into a natural area preserve. She added that herself, Paul Milde from the Board of Supervisors, Mike Lott from DCR, as well as Pat Coady who was the former Chair of the Northern Virginia conservation Trust Board, would be making the presentation.

Mr. Adams inquired regarding Ms. Sikora, Tri-County's education coordinator, had been contacted as discussed at the previous meeting and asked to join a meeting with the Ag/PDR Committee. Ms. Baker stated that she would most likely be attending the June meeting.

5. New Business

- Farmers Market Rules and Regulations – Sub-Committee Review

Mrs. Long reiterated that Mr. Adams and Mr. Gregory were asked to go over the current rules and come back to the Committee with ideas and recommendations for further discussions. A copy of the revised rules had been provided to all Committee members before the meeting via email from Mr. Gregory.

Mr. Adams stated that rules provided were in no way final and was simply a first attempt to tighten up the language.

The following suggestions were made:

- Market Manager

Mr. Adams asked to change the language: "It does not need to be the same person each week."

Mr. Gregory did not feel that "each week" was germane to the point, but had no objections adding the words.

- Market Season

Mr. Adams felt that the time frame for the market should be up to the discretion of the market manager rather than just April 1 – December 1 as there were vendors selling year around. Mr. Gregory stated he understood what Mr. Adams was suggesting, but felt that from a practical standpoint since there was no fresh produce being produced December through March. Mr. Gregory did however agree to remove the timeline.

- Producer-Only standard

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Mr. Adams asked to remove the language: "...coffees, meats, or wreaths sold or offered for sale at a farmers market." Mr. Gregory stated that his intent was to give some examples but had no objections removing the language. Mr. McClevey felt that "Producer-Only Standard" and item 3. "Producer-Only Requirement" were the same thing and should therefore be named the same. Mr. Gregory explained that the "Producer-Only Standard" was simply a definition and item 3 explained about the requirements, but had no objections with the change. Mr. Howe also felt that "Producer-Only Standard" and item 3, "Producer-Only Requirement" were similar and he looked at it as two floating definitions. He suggested adding the language under 3. starting with "The term Producer..." should be added to "Producer-Only Standard" as well.

Mr. Gregory agreed.

- 125 mile produce limit

Mr. Adams stated that it should say 125 product limit. Mr. Gregory agreed.

- 125 mile center point

Mr. Adams stated that it should say 125 product limit. Mr. Gregory agreed. Mr. McClevey inquired about the center point being the intersection of Route 1 and Courthouse Road rather than bounds of the County. Mr. Gregory stated that the rationale was that it was easy to find the Courthouse and it would be hard to find some of the County line. Ms. Baker felt that that might seem discriminatory to certain locations as it was not the exact center. She further added that it would be easy to determine boundaries via GIS. Mr. Gregory felt it was easier to use a center point but had no objections to using the GIS system. Mr. Howe stated that in Spotsylvania they were also using the Courthouse as a center point and had never run into any problems. No definite decision was made on this item.

- Non-Profit Organization Solicitation

Mr. Adams asked to strike the language "...except at the discretion of the market manager on an irregular basis" since he felt that leaving it to the manager's discretion would create problems. Mr. Gregory felt that a market manager should be able to allow a non 501c-3 corporation to sell at the market and that the only stipulation was that they could not sell mass produced items. Mr. Adams had no objections. Mr. Rudasill asked Mr. Gregory to strike "(i.e. girl scout cookies, etc.)". Mr. Gregory agreed.

- 2. Process for Review

Mr. Adams did not agree with the statement herein regarding non-approval in case of a violation because in some cases the only way a vendor could come into compliance was to obtain for a permit. Mr. Gregory stated that the intent of the statement was that potential applicants could not be in violation of the Stafford County Zoning Ordinance. Ms. Baker noted that most likely the language would be in direct conflict with the existing Zoning Ordinance since the Zoning Ordinance did not discriminate but rather encourage people to come in and rectify the violation. Mr. Gregory stated that that was his intent, but he would attempt to reword the language. He did also offer that he had no objections to striking the language from "No applicant shall be approved..." since it seemed to be the consensus. Mr. Howe inquired about the different time frames, 30 days vs. 60 days, for new and renewed markets. Mr. Gregory explained that his rationale was that if one was already in possession of a permit previously and was anticipating renewal, one should be able to do so within 60 of opening day. He felt it would give the Zoning Office as well as the Committee sufficient time for review. He further stated that new applicants would probably not want to wait 60 days to get started which is why he recommended 30 days. Ms. Baker commented that the Zoning Department did not

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put minimum timeframes on when applications could be submitted since the County was trying to encourage applicants to get their permits. She understood that there was a review process, but she felt setting a time limit would be counter to the County's intent. Mr. Gregory stated that if staff felt it was unnecessary to have a time frame then he would be okay with removing those numbers.

- 1.e.

Mr. Adams felt that it was not within the County's scope to oversee sales tax certificates or insurances of vendors unless the market was on County property. Mr. Gregory felt the language should remain as is since sales tax certificates had always been in the County Ordinance as a requirement for operating a farmers market. He further stated that it was prudent to have liability insurance whether it was on private property or County property and he felt that the Committee as a body was obligated to let market owners know that they needed to have those documents. Ms. Baker noted that the Zoning Office would not be able to enforce the requirement. Mr. Adams stated that since it was a VDOT lot, VDOT would be able to ask for those documents.

- 1.g.

Mr. Adams suggested adding "by opening day" at the end of the sentence since the market managers wouldn't be able to provide that this early in the process. Mr. Gregory agreed to change the language, but felt that it would be helpful to know the scope of the market ahead of time. Mr. McClevey suggested that simply asking the applicant would suffice. Ms. Baker added that the Zoning permit required the area to be designated on a sketch plan which would indicate the size of the market.

- 1.h.

Mr. Adams felt that it was not necessary for market owners to disclose their fees to the Committee. Mr. Gregory concurred, but added that the Committee should be able to, upon inquiry from potential market operators, inform them what the average cost was. He did not feel that that was a viable functionality but was okay with striking the requirement.

- 4.e.

Mr. Adams referred to 1.e. regarding the tax certificate and insurance issue.

- 4.h.

Mr. Adams did not see how a market manager could stop customers from smoking. Mr. Gregory explained that the Commonwealth of Virginia had restricted smoking in all public places. He further stated that other markets enforce the same rule and felt that the requirement should remain in the market rules.

- 2. Market Rules

Mr. Howe felt that the difference between market rules and Ag/PDR regulations needed to be defined. Mr. Gregory agreed and added that the PDR rules were the rules and regulations and the market rules were those specific to one market set forth by the owner/manager. Mr. Gregory stated that he would re-write the rules and resubmit for approval. He felt that the rules should be in effect upon approval since they wouldn't adversely affect the existing markets. Mr. Gregory made a motion at 8:35 to adjourn for 5 minutes. Mrs. Long seconded.

The Committee resumed the meeting at 8:37.

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Mrs. Long asked if there were any other comments.

Mr. Howe stated he had question regarding the 45 days for rules and regulations submittal as well as submittal of payment receipts. (2. Market Rules). He further pointed out that inspections were mentioned in two different spots (2. Market Rules, b. and 5. Inspections).

Mr. Adams commented regarding payment receipts that fees were due at application submittal.

Mr. Gregory asked Mr. Howe to provide him with his suggestions via email. Mr. Howe agreed.

Mr. Adams stated that it would be difficult to inspect the markets as well as the farms. Mr. Gregory stated that it was nevertheless prudent for the Committee to inspect each farm at least once a year as he felt it would convey the seriousness that the County takes concerning their farmers markets. He further stated that Committee members, if they came across a violation, should not only inform the market manager but there should also be a mechanism in place to give notice to the Chair of the Committee or a designee to keep track of violations.

Mr. Adams stated that there should be a regional inspection, but he understood that there was no such cooperation. Mr. Howe responded that there was some cooperation between Fredericksburg and Spotsylvania. Mr. Gregory felt that it was possible to get some further cooperation amongst the markets if the Committee reached out to them.

Mr. Gregory stated that he would re-write the rules and regulations and the Committee could vote on it at the next meeting. Mr. McClevey felt it might be premature to assume the Committee would vote on it next meeting. Mr. Howe stated that he would not be able to attend next month's meeting.

6. Unfinished Business

- Staffordboro Boulevard Commuter Lot Farmers Market

This item was moved up in the agenda and discussed after the Public Comment portion of the meeting.

- Annual Work Plan

Mrs. Long stated that she spoke with Ms. Sikora regarding coming in to speak with the Committee. According to Mrs. Long she was tentatively scheduled for June or July to come in and share some information on education.

Mrs. Long stated she had the opportunity to go out with the Farm Bureau to a couple of Elementary Schools the previous week for literacy week to read a story about breakfast foods and where they came from. She added that she had gotten lots of good feedback and got the sense that the children really enjoyed it. Mrs. Long stated she would continue to participate with these kinds of activities with Mrs. Gail Clark.

Mrs. Long asked if there were any other items to be discussed. Mr. Gregory stated that doing the research for the new rules and regulations he visited a couple of markets and spoke with several members as well as a couple of customers. He further stated that he felt Stafford County had fairly

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robust farmers markets but at the same time they were not what he would consider to be one of the largest markets in the area. In working towards growing the markets, Mr. Gregory suggested the Committee formally request for Economic Development to develop a survey to be conducted amongst members of the public to find out what products were most sought after and needed. Mr. Gregory explained that the reason he suggested Economic Development was that he did not want to further burden the Zoning Office and because they were very instrumental in developing the economy of Stafford County.

Mr. Gregory made the motion for the Committee to request Economic Development assist the Committee as previously stated and for the survey to be presented to patrons and vendors no later than July 1st. Mr. Howe seconded the motion. Mrs. Long asked for discussion.

Mr. McClevey was uncertain about the purpose of the survey. Mr. Gregory responded that he had been going to the markets the previous year as well as the this year and in talking with members of the public just recently he felt that all the information should be gathered for Stafford County to be able to fulfill those needs and requirements.

Mr. McClevey felt that the survey would be unnecessary because it was the Committee's goal to oversee the markets and ensure that markets were available to provide fresh produce to the public. He felt that asking the public would lead to unreasonable requests outside of what the markets were initially intended for. Mr. McClevey stated that market manager could informally talk to customers to get feedback.

Mr. Gregory clarified that he suggested simply asking Economic Development for assistance in developing a survey with the goal to enhance the Stafford markets. He further stated that the Ag/PDR Committee had pretty much had the same members for years and that some of their ideas were stagnant.

Mr. McClevey felt that it would be more sufficient to ask Economic Development to help with the stimulation of the local production of produce. Mr. Adams agreed that some of the products that customers were asking for could simply not be offered in sufficient amounts if they could be offered at all.

Mrs. Long called for the vote. The motion passed 5-1 (Mr. McClevey against the motion).

7. Next Meeting

- May 23, 2016

8. Adjournment

Mr. Howe made a motion to adjourn. Mr. Gregory seconded the motion. The motion passed 6-0.

With no further business to discuss, the meeting adjourned at 9:00 p.m.