

**AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
June 27, 2016**

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, June 27, 2016, was called to order at 7:09 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, Benjamin Rudasill, Marty McClevey

Members Absent: Craig DeBernard and Jeff Adams

Staff Present: Kathy Baker, Joe Fiorello, Denise Knighting

Guests Present: Marshall Locklear, Lester Long

1. Call to Order

Mrs. Long called the meeting to order and asked Ms. Knighting to call the roll.

Ms. Knighting stated there was a quorum with 4 members present.

Mrs. Long asked the Committee members to review the revised agenda provided tonight. The Rock Hill seat has been vacated and a new Vice-Chairman would have to be elected.

2. Organization of Committee

- Election of Vice-Chairman

Mr. McClevey stated he would like to nominate Mr. Rudasill.

Mr. Rudasill stated he would accept the nomination if no one else wanted the position.

Mr. Howe seconded the motion.

Mrs. Long asked if there were any other nominations. Hearing no additional nominations she asked if there was any discussion. Hearing none she called for the vote.

The motion passed 4-0 (Mr. Adams and Mr. DeBernard were absent).

3. Public Comment

Mrs. Long opened the floor for public comment, explaining that each member of the public would be allotted 3 minutes to speak.

Mr. Marshall Locklear introduced himself. He stated that at last Saturday's farmers market there had been a BBQ vendor present. According to Mr. Locklear a few of his customers were bothered by the smoke. He added that upon confronting the BBQ vendor he had been informed that the vendor was authorized to be at the market. Mr. Locklear asked for an explanation as to why the vendor was permitted and why he had been moved downwind from Mr. Locklear's booth as he felt it had been done intentionally. Mr. Locklear added that he had to seek medical attention as his throat was still

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irritated from the smoke inhalation. One of his customers also sought medical attention. He explained that he would pay for the customer's medical treatment but was asking who was the responsible, insured party in this case so he could seek reimbursement. Mr. Locklear stated that the market manager was absent and that the lady in charge of the market on that day laughed at his complaint. Mr. Locklear insisted that there be no more incidents like this in the future; otherwise, he would get the fire department as well as the health department involved.

Ms. Baker asked for clarification on whether the BBQ was part of the farmers market. Mr. Locklear replied that according to the vendor he was.

Ms. Baker explained that food vendors were obligated to obtain a Health Department permit. She stated that she would contact the Health Department to find out whether such permit had been issued to the vendor. Ms. Baker inquired about the name of the vendor, but Mr. Locklear was uncertain.

Mr. McClevey stated that he had looked into the issue and contacted the food division of the Stafford County Environmental Office who were involved in inspections on restaurants and mobile units. Ms. Baker stated she would look into the issue and provided information to Mr. Locklear.

Mrs. Long asked if there were any further comments from any member of the public.

Mr. Lester Long introduced himself as a market manager and encouraged the Committee to contact the market managers if there were any question especially concerning the new market rules. Mr. Long stated that the managers were the voice of the customers. He further invited the Committee to come to the markets to get a feel for the markets. He felt that too many restrictions would hurt the small businesses present at the markets. He further asked the Committee to trust the market managers with doing the right thing.

4. Approval of Minutes – April 25, 2016

Mr. Howe made a motion to approve the minutes. Mr. Rudasill seconded the motion. The motion passed 4-0 (Mr. Adams and Mr. DeBernard were absent).

5. Staff Update

- PDR Program Update

Ms. Baker stated she did not have any updates on rollback funds. She explained that the end of the fiscal year was the following Thursday, which meant that the auditing would happen within the next three to four weeks. She was hopeful that she would have a better idea by the end of July how much money would be available for the PDR program.

Ms. Baker reiterated that some of this year's PDR funds would go towards the REPI program. She further stated that there had been a 400,000 dollar donation through the Courthouse Manor developer back in May which had to be used towards properties within the Aquia district. Ms. Baker explained that since there were currently no PDR applications for that district, she was working with Supervisor Milde in finding properties. She added that potential properties close to Crow's Nest would be introduced to the Board of Supervisors at their July 6th meeting. The Committee was supportive of this proposal.

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Ms. Baker stated that grant rounds for matching funds were coming up and would be presented to the Committee at their next meeting to discuss how to proceed.

Ms. Baker stated that the Harris property was still in the process of finalizing the deed which would also be discussed at the Board of Supervisors' July 6th meeting. She was anticipating a finalization by the end of August which would officially close out the 2013 round of applications. Ms. Baker opened the floor for questions.

Mr. Howe felt that the deeds should be pretty standard. Ms. Baker explained that the County had been using the same standard template since 2009. She explained that changes had been made to incorporate changes made at State level and/or changes made by the PDR managers group. Ms. Baker informed the Committee that the Harris family had a lawyer who was very in tune to conservation easements. She explained that he added certain definitions due to the possible changes of the Zoning Ordinance as well as other regulations. She further stated that he also added information spelling out things that would allow the Harris family to go after tax credits. Ms. Baker stated that the deed still included buffers for perennial streams and still recommended Farm and Forestry Management Plans be put in place. Ms. Baker offered to bring in the template for review.

Ms. Baker explained that there had also been some disagreement regarding building area and setbacks, but both parties finally came to an agreement.

Mr. Howe inquired what the name of the lawyer was. Ms. Baker stated that the Harrises were represented by Mr. Tim Lindstrom who also handled the deed for Shelton.

6. New Business

- Recognition for Gail Clark's service to the Committee

Mr. McClevey felt that the Committee should recognize Mrs. Clark for her service and being a dedicated supporter of agriculture in the community.

The Committee decided to add this item to the next agenda for discussion.

7. Unfinished Business

- Farmers Market Rules and Regulations – Review

Mrs. Long stated that the County Attorney provided feedback and asked the Committee to review said feedback.

Mr. Howe pointed out the comment made by the County Attorney regarding definitions. They should be consolidated in one definition section which he explained did not exist at this point. Mrs. Long asked if it was the Committee's desire to have a definition section added to the market rules. Mr. Howe was in favor of adding definitions for producer, market manager, and vendor. Mrs. Long stated she would make the changes accordingly.

Ms. Baker suggested incorporating the definitions into the rules at the very beginning rather than having an addendum to the rules.

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The Committee decided to go over each item individually. The following was discussed:

1. Zoning Ordinance Requirements

Ms. Baker asked if it was the Committee's wish to add a copy of the zoning requirement to the rules. After a brief discussion the Committee decided not to and that stating the Code section would suffice.

2. Process for Review

No changes were made to this item.

3. Producer-only Requirement

Mr. McClevey asked for clarification on the term "primary business location". Mrs. Long stated that she had been approached by a vendor at her market regarding not being able to sell certain items at the market. Mrs. Long felt that the 80% rule, which stated that 80% of the produce had to have been grown within the 125 mile radius, was reasonable and asked for the Committee's opinion. Mr. Howe felt that whichever way the rules were written, the Committee would have to rely on the vendor's integrity. Mr. Rudasill felt that item 3. was worded well and had no objections. Mr. Howe suggested removing the section referring to the Addendum. Mrs. Long agreed.

4. Market Manager

a. Rules and Regulations

No changes were made to this item.

b. Vendors

No changes were made to this item.

c. Vendor Map

This item was removed.

d. (new c.) Hours of operation

No changes were made to this item.

e. (new d.) Sanitation/trash

No changes were made to this item.

f. (new e.) Business documentation

No changes were made to this item.

g. (new f.) Compliance with Federal, State and local laws

No changes were made to this item.

(new) g. Dogs in Farmers Markets

Mr. Rudasill reiterated that there was a previous discussion that it was state law that dogs were not allowed on a market. Ms. Baker clarified that the state law was unclear as it only referred to dogs being kept away from food storage. She further added that it was difficult for one person to enforce the dog rule.

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Mr. Howe preferred for dogs not to be allowed, except for service dogs, in the market due to health and safety reasons. He agreed that monitoring dogs in the market would be near impossible. Mr. Rudasill and Mr. McClevey agreed.

Mr. Howe was confident that not allowing dogs would not adversely impact the markets. He expected pushback from customers at first, but he believed customers would nevertheless return to the markets, as they did at the Spotsylvania market.

5. Inspections

This item was removed based on the County Attorney comments.

Mr. McClevey inquired how the Committee would ensure that vendors were complying with the market rules. Mr. Howe stated that it was up to the market manager to enforce. Ms. Baker added that if there was a violation it could still be called in to the Zoning office, as long as the violation was something enforceable by the Zoning office.

Addendum

The sections regarding “producer only” and “non-produce items” were moved to definitions. Mr. McClevey preferred having some examples of non-produce items for clarification purposes. After a brief discussion, the examples were stricken from the addendum and “locally roasted coffee beans” was added to the previous section for clarification. Mrs. Long also offered that if any issues arose, the Committee could have this discussion again.

Hot and Cold Food Vending

Some language was removed in accordance with the County Attorney’s comments. Mrs. Long further simplified the language.

Mr. Howe felt that the term “bulk soft drinks” could be misunderstood. After a brief discussion the language regarding the sale of beverages was added back into the regulations clarifying that vendor produced beverages as well as resale soft drinks in individual containers, e.g. 20 oz. bottles or cans, may be sold on site.

The language regarding hot and cold food vendors not being in conflict with sales of other vendors was stricken since the following section already explained that hot and cold food vendors should not detract from the market’s core purpose.

Non-Profit Organizations

The language “only one non-profit organization should be allowed on site at any given time” was stricken in accordance with the County Attorney’s comments regarding limiting of free speech. Mrs. Long clarified that at her market non-profits were not allowed to sell.

Mrs. Long stated she would make the suggested changes and asked Ms. Baker to have the County Attorney do another review.

- Annual Work Plan

There were no updates on the annual work plan.

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Mrs. Long reiterated that Ms. Sikora, Tri-County's education coordinator, intended to join a Ag/PDR meeting and explained that it had been rescheduled for August.

Mr. Rudasill stated that in his water bill he received an insert advertising the Fredericksburg farmers market. He felt that that might be a good idea to bring awareness to markets. Mrs. Baker stated that she would look into what Utilities was allowed to be put inside water bills and bring the information back to the Committee.

8. Next Meeting

- July 25, 2016

Mr. Howe and Ms. Baker stated that they would not be present at the next meeting.

9. Adjournment

Mr. Howe made a motion to adjourn.

Mr. McClevey seconded.

The motion passed 4-0 (Mr. Adams and Mr. DeBernard were absent).

With no further business to discuss the meeting adjourned at 8:28 p.m.