STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
APRIL 27, 2015

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, April 27, 2015, was called to order 7:00 p.m. by Marty McClevey, Chairman, in the Board of Supervisors Chambers of the George L. Gordon, Jr. Government Center.

Members Present:	Marty McClevey, Gail Clark, John Howe, Jeff Adams, Benjamin Rudasill, Craig DeBenard
Members Absent:	N/A
Staff Present:	Kathy Baker, Joe Fiorello, Sylvia Dyson
Guest Present:	N/A

1. Call to Order

The Chairman, Mr. McClevey, called the meeting to order at 7:00 PM.

2. Public Presentations

The chairman reminded members of the public of the public presentation guidelines explaining that each member of the public who chose to speak was to state their name and address clearly into the microphone and would have 3 minutes to speak.

Ms. Sam DeJager stated that were only very few places in Stafford County that were dog friendly and she was surprised that the farmers market was no longer one of them. She felt that the decision to not allow dogs on the market after three seasons would be a disservice to the County. Ms. DeJager inquired if there had been an incident that brought about the change.

Ms. Katie Stewart stated that she was against banning dogs from the market. She felt that it had been part of the culture of the market for several seasons and she did not see a reason to discontinue. Ms. Stewart asked if the Committee considered the number of customers that would no longer come to the market because of the change.

Ms. Robin Long stated that she agreed with the two previous speakers. She further stated that she was a vendor at the market selling baked goods, and she had gotten response from customers expressing their dislike of the change and indicating that they would be going to a different market. She did, however, not know of any other markets that would allow dogs. Ms. Long explained that as a small business owner she was worried about her profit margin since the market was her biggest selling place for the year.

Ms. T. J. Walding stated that she was on the Board with S.E.R.V.E., an organization that picks up the unsold produce from the market and gives it away. She further stated that she was at the market nearly every weekend and quite enjoyed interacting with the animals. Ms. Walding stated that she had never experienced any issues with any of the dogs. She also felt that since a lot of people liked to visit the market with their dogs, the decision to ban dogs would certainly affect the profit.

Ms. Michele Manning stated that she was a dog treat vendor at the market. She felt that the dogs not being at the market would not impact her business. She was, however, bothered by the decision as she had established close relationships with her customers and their pets. Ms. Manning stated that the market would allow for interaction between pets and children that are unable to have pets of their own due to the parent's allergies. Ms. Manning asked the Committee to reconsider unless there was a legal issue with dogs on the markets.

Mr. Steven Hofford stated that he and his family were loyal customers at the market and this had been the only place where he could buy his produce and bring the whole family, including the dog. He felt that the market gave them opportunity to get out of the house. He also stated that he had never experienced any issues with the animals and did not understand what triggered the change in regulations. Mr. Hofford felt that if there was nothing legally preventing it, there should be a vote on the new regulations.

Ms. Tracy DeBenard stated that she could see both sides being a vendor at the market and being a pet owner. She stated that pets at the market had never been a problem, but pets in the stalls were. She stated that just this week she had a dog urinate on a basket. She felt that customers failed to realize that produce that has come in contact with dog urine could no longer be sold. She stated that she did understand that there was a possibility that produce got urinated on out in the field. She also agreed that the produce could surely be washed off, but she did not feel comfortable with selling it and it would therefore become a loss. Ms. DeBenard would be okay with pets in the market if there were designated areas for vendors and pets.

Ms. Virginia Adams stated that she was also a vendor in the market, and that she and her daughter also enjoyed their dog friends, but informed that she had seen some dogs that were not well behaved. She stated that she supported the Committee's decision to ban dogs from the market, as she has seen produce get damaged.

With no more speakers coming forward the Chairman closed the public presentation portion of the meeting at 7:15 PM.

Following the public presentation the Committee decided to proceed with agenda item number 5, and then they would take up the other agenda items after that.

5. New Business

- North Stafford Farmers Market – Regulation Regarding Dogs

The chairman asked Vanessa Griffin, the Stafford Market Manager, to come to the podium.

Ms. Griffin recapped her last conversation with the Committee stating that she was asked if she would consider changing the dog policy, which she had no issues with if there was a legal obligation. She stated that the Health Department had been present at the market almost weekly for inspections. She stated that she was surprised that she did not get any feedback from the Committee before the ruling was made. Ms. Griffin informed the Committee that there were a few people that wanted to do a petition, but she would not be part of that. She stated that if the no-dog rule was revoked she would be happy to implement different policies to keep animals away from vendor areas. Ms. Griffin further stated she has had a lot of negative feedback from customers. She stated that the Stafford market had been known as the dog of the week market and customers were cleaning up after their pets. Ms. Griffin asked the Committee for an explanation on how the decision came about, as she felt that a major decision like this should have been hers to make.

The Chairman explained that he had personally been doing the research on this matter. He explained that besides the research he had done, there were also experienced vendors on the Board, as well as a market manager and it had made the decision fairly easy. Mr. McClevey mentioned the Virginia Food Law and stated that the Food Safety and Security Office of the Virginia Department of Agriculture and Consumer Services (VDACS) had oversight for farmers markets. He stated that he had started his research by contacting the local Health Office which he found out did not handle any farmers market issues. He stated that he was referred to several different offices before he was able to make contact with an individual at the Food Safety and Security Office. Mr. McClevey read his inquiry to the Food Safety and Security Office where he asked the individual to clarify Section 3.2-5115 of the VA Food Law which stated that animals were not permitted in the proximity of food. The Chairman then read the response which stated that Section 3.2-5115 was not a voluntary prohibition per each individual manager, but rather a regulatory prohibition across the board for all markets. The response also stated that in general terms they required pets to be restrained/controlled at the market and kept away from sales booths. The Chairman explained that the Committee did in fact consider distances from vendors, splitting up market in different zones, etc., however they ultimately came to the unanimous decision to ban dogs from the market to give market managers a tool to better manage their markets and take the burden off of their shoulders of having to determine whether a dog was too close to a vendor, or whether there was any contamination issue. The committee felt that it was too difficult of an issue to be thrown into the hands of market managers. Addressing Ms. Griffin's inquiry regarding the sudden change in regulations, Mr. McClevey explained that the Committee was trying to be considerate of her permit request so that she could get her market approved as quickly as possible. He further reminded her that at during the last conversation the Committee had with Ms. Griffin, she had indicated that she

would go along with whatever decision was made, and that in all actuality it was the hospital administrator that wanted the dogs at the market.

Ms. Griffin stated that she may have miscommunicated that statement. She stated that the decision impacted a lot of her vendors, and that she was more than willing to have "no dogs beyond this point" signs.

Ms. Clark stated that she had been a vendor at markets and that she had her own market. Ms. Clark pointed out the food safety act implemented by the federal government, which enforced best management practices for producers. She explained that at the moment farmer's market types of produce vendors are exempt from the substantial protocols put in place, and that she was concerned if there was just one incident the federal government would come down on farmers markets. Ms. Clark also pointed out that customers at the markets touch the animals and then go touch the produce which was also a health concern. Ms. Clark felt that just because there have not been any issues so far didn't that there wouldn't be any in the future.

Ms. Griffin stated that things would get on the produce regardless and that produce would have to be washed before consumption anyway.

Ms. Clark argued Ms. Griffin's statement and mentioned that children put produce in their mouths at the market all the time.

The Chairman emphasized that the Committee was protecting the vendors by providing an environment to sell without any risks. Mr. McClevey felt that that was a common sense ruling.

Ms. Griffin felt that she obviously wasn't on the same page with the committee when they last spoke, and still felt that the decision should have been hers to make. She asked the Committee to reconsider.

Mr. Howe stated that human/dog interaction was a safety issue, especially when dealing with children and dogs, even if there haven't been any incidents so far. According to Mr. Howe another issue was possible contamination of produce directly or indirectly, as well as a sanitation issue regarding the cleaning up of feces and urine. Mr. Howe felt that it was not realistic to think that signs would keep dogs away from produce.

Mr. Adams pointed out page 4, section 5, paragraph j. of the 2013 rule which stated that producers would not sell to any customer who has an animal on the premise, unless it was a service animal and asked Ms. Griffin why she changed that rule.

Ms. Griffin admitted that she should have emphasized that animals would not be allowed in the booths. She stated that generally when customers brought their dogs to the market, there were two people, one person would walk the dog while the other was shopping for produce. She further stated that the rules had not changed at all from last year.

Mr. Adams agreed that the rules did not change from last year, because he had voted "no" to approve because there wasn't a no-dog rule. He further stated that he also voted "no" this year because of that.

Ms. Griffin argued that Mr. Adams was not allowed to vote due to a conflict of interest, because he was a vendor in the market.

Mr. Adams stated that in 2013 he voted "yes" because the no dog rule was in place then.

Ms. Griffin stated that she seemed to remember Mr. Adams abstaining both years.

The Chairman stated that he had great respect for Mr. Adam's and Mr. Howe's experience. He further stated that Mr. Howe's market in Spotsylvania was also a no-dog market.

Mr. Howe made a motion to uphold the no dog rule which was seconded by Ms. Clark.

The motion passed 5-0 (Mr. Adams abstained).

3. Approval of Minutes

- March 23, 2015

Mr. Adams made a motion to approve the March 23, 2015 minutes as written. Mr. Howe seconded the motion. The motion passed 6-0.

4. Staff Update

- PDR grant funds

Ms. Baker stated that there still weren't any rollback funds yet since the 80,000 dollar budget limit had not been reached.

Ms. Baker stated that on May 5th the Board of Supervisor's Community and Economic Development Committee (CEDC) would be meeting at 12 PM, and one of the items on the agenda would be overall land conservation. She further stated that questions kept coming up whether PDR funds could be used for other properties as well. Ms. Baker stated that there would be a discussion whether there should be two separate pots of money or just one with designated PDR funds and other funds set aside for other lands in general.

Ms. Baker also stated that the Jones and the Harris property would be considered as well since an official resolution from the Board of Supervisors was required to move forward with the

negotiations. She reminded that some grant funds had already been earmarked for the two properties and in October would be the next opportunity to apply for additional VDACS funds as well as funds from the Virginia Land Conservation Trust.

Mr. Adams inquired whether the Board could demand to close an application round and start a new round. Ms. Baker affirmed. Ms. Baker added that it was the Board's ultimate decision if they did not want to proceed with the next two properties on the list. She added that there was nearly enough money from the County share to cover the cost of the two properties, and with matching funds both properties could be purchased. Ms. Baker explained that once new rollback tax money became available the PDR committee would have to decide whether they wanted to continue down the list or open up a new round.

Ms. Baker stated that she would be attending the Virginia United Land Trust Conference the upcoming Thursday and Friday. She mentioned that VDACS paid a stipend for PDR managers who attended.

Ms. Baker informed the Committee that the Department of Agriculture and Consumer Services was creating a working group and she had been asked to sit in on that. She explained that only 6 localities had applied for their prior PDR funds, which is why they were surveying different localities to find out why they didn't and how they could incentivize localities to apply in the future. Ms. Baker assumed that localities didn't have the money to put up, which many PDR managers had indicated at the meeting.

Mr. Adams inquired of Ms. Baker how much other localities had in funds. Ms. Baker replied that at the quarterly PDR managers meeting they would usually talk about how much money they had available and what direction their PDR programs were going in, but there hasn't been a meeting since December, so it should probably get discussed at the upcoming meeting. Ms. Baker added that generally it depended on the approved annual budget.

Mr. McClevey asked Ms. Baker to clarify what would be discussed on May 5th. Ms. Baker explained that the Board of Supervisors had the Community and Economic Development Committee which holds monthly meetings. She stated that they were currently discussing the Quantico program for conservation easements. Ms. Baker explained that based on some of the requests that had been coming in about using PDR funds for other lands, and also because of the recent donation of money towards the PDR program there had been a lot of discussion about using the funds for other properties, particularly for the REPI program. She stated that the money for the REPI program came down from the Department of Defense. Ms. Baker stated that property owners who have applied to the PDR program would have to meet eligibility requirements to have an easement through the REPI program. She stated that at the moment there was no designated way of purchasing other properties, and that was what started the discussion of having more of an umbrella program for land conservation rather than just the PDR program. Mrs. Baker added that Northern Virginia Conservation Trust was trying to be more active in the County rather than just in northern Virginia and had agreed to assist the

county in looking at a more comprehensive land conservation program.

Mr. Adams inquired whether the Committee would be able to have a preliminary discussion with Harris regarding the number of development rights, since there had been a disagreement on how many development rights there were. Ms. Baker replied that the number of development rights had been calculated based on the methodology established by the committee, which the property owner was aware of.

Mr. Adams stated that he had been contacted by Mr. Kim and was looking to find vendors for the Produce and More farmers market. Mr. Adams stated that he suggested going to farmers markets and talking to vendors directly.

Ms. Baker stated that she had also been contacted by Mr. Kim who was looking for some direction. She stated that she referred him to Leanne Dubois at the Department of Agriculture and Consumer Services as they worked directly with farmers, producers, and vendors. She felt that he would be able to get some suggestions from them.

Ms. Clark inquired if Mr. Kim had been provided with the Spotsylvania market managers contact information. Mr. Howe affirmed, but stated that he didn't know if Mr. Kim had contacted her yet.

Mr. Adams asked what the status was on the Woodstream farmers market and whether it got voted on by the Board. Ms. Baker replied that the matter would go to the Board on May 5th.

Ms. Clark gave an update on the farm day for schools. She stated that Mr. Howe provided her with several schedules that had been used by different counties for their 4th graders. Ms. Clark stated that she contacted Alyssa who was the 4-H extension person in Stafford to set up a meeting. Ms. Clark stated that she was waiting to hear back from Alyssa. Ms. Clark felt that once that meeting took place they could proceed and meet up with the school board to talk to the science coordinators. Mr. Howe stated that in the meantime the Commission should at least come up with a tentative location. Ms. Clark agreed and suggested some of the Ag/PDR commissioner's farms, as well as Curtis Park. Ms. Baker suggested going to some of the High Schools.

Ms. Clark stated that most of the elementary schools in Stafford had between 5 and 6 sections of 4th graders at a time in 17 different elementary schools. Mr. Howe estimated that the school population in Stafford and Spotsylvania were similar.

Mr. Rudasill inquired about the cluster program and wanted to make sure that the criteria used for the PDR program regarding lot sizes was accurate. Mr. Adams stated he was comfortable with the number of development rights he received on his property. Ms. Baker explained that the cluster ordinance allowed for agricultural zoned properties to have 1.5 acre lots as long as 50% open space was being maintained. She further explained that there was also the option to

go through a conditional use permit to achieve a higher density on cluster properties. She suggested that if the Commission decided to change the criteria at some point, the cluster ordinance could be taken into consideration. Ms. Baker reminded that the current methodology was based on the 5 previous years of approved preliminary subdivision plans which were used for direct comparison of lot sizes and numbers of lots.

- Mt. View Road Farmers Market

There was still no update on the Mt. View Road Farmers Market.

6. Next Meeting

Mr. Adams made a motion to cancel May's meeting due to the Memorial Day holiday. Ms. Clark seconded the motion. The Commission voted 6-0 to cancel May's meeting. The next regular meeting will take place on June 22, 2015.

7. Adjournment

Mr. Adams made a motion to adjourn which was seconded by Mr. Rudasill. The motion passed 6-0.

The meeting adjourned at 8:14 p.m.