

**STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
JUNE 11, 2015**

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Thursday, June 11, 2015, was called to order 7:01 p.m. by Chairman Marty McClevey in the ABC Conference Room of the George L. Gordon, Jr. Government Center.

Members Present: Marty McClevey, Gail Clark, John Howe, Jeff Adams,
Craig DeBenard

Members Absent: Benjamin Rudasill

Staff Present: Jeff Harvey, Joe Fiorello, Sylvia Dyson

Guests Present: Vanessa Griffin Paul, Lester R. Long, Robin Long,
Catherine A. Adams, Jeffrey Connelly, Jeanette Moler,
Michele Manning, Tracy DeBenard

1. Call to Order

The Chairman, Mr. McClevey, called the meeting to order at 7:01 PM.

Mr. Adams informed the Committee that he would be recusing himself from the public presentations portion of the meeting, as well as the discussions regarding the regulations regarding dogs, and the Stafford Farmers Market Cooperative application.

The Chairman asked if there was a desire to amend the agenda and move up the agenda item regarding the no-dog rule for Stafford County Farmers Markets. The Committee agreed to amend the agenda to better accommodate the guest present.

2. Public Presentations

The Chairman opened the floor for public presentations.

Ms. Vanessa Griffin Paul introduced Robin and Lester Long as the new owners of the Stafford Farmers Market as of the end of the month. She stated that they were currently in the process of doing the turnover.

Ms. Tracy DeBenard introduced herself as the owner of C&T produce and stated that she had been a member of markets in the area for 25 years. She stated that she had previously been on the fence regarding dogs at the market and explained that her opinion was based solely on the fact that dogs could damage products. She further pointed out that produce was being destroyed quite regularly by dogs at the market. She explained that at markets where dogs are

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allowed she puts out a sign herself asking customers to mind their dogs and that if a dog still damages a product she asks the owner to pay for the product. Ms. DeBenard confirmed that her sales figures have not significantly changed since the dog ban was established and that there was always a 10% fluctuation rate due to weather, product quality, or events in the area. She stated that the vendor comradery however did in fact change and it was no longer a friendly market. Ms. DeBenard felt that the market could do well with or without dogs, but as a small business owner and in the best interest of small businesses at the Stafford County Farmers Market she asked that the dog ban be lifted.

With no one else coming forward, the Chairman closed the Public Presentation portion of the meeting.

3. New Business

➤ North Stafford Farmers Market – Regulation Regarding Dogs

Mr. McClevey stated that he met with Mr. Harvey (Director of Planning and Zoning), Mr. Keith Dayton (Assistant County Administrator), Ms. Kathy Baker (Assistant Director of Planning and Zoning), and Ms. Vanessa Griffin on June 4th, 2015 to discuss the appeal that had been brought forth to the Economic Development Committee of the Board of Supervisors regarding the dog ban. At the meeting, the Ag/PDR committee was asked to take another look at the regulations and see if they could come up with a compromise. Mr. McClevey stated that several options were discussed during that meeting including dog zones within the market and distances around human consumables. He further stated that he and Ms. Baker consequently came up with potential language to be put into the farmer's market regulations.

The suggested language read as follows:

Virginia Code Section 3.2-5115 states that "no animal shall be permitted in any area used for the manufacture or storage of food products. A guard or guide animal may be allowed in some areas if the presence of the animal is unlikely to result in the contamination of food, food contact surface, or food packaging materials". To ensure compliance with this code, all dogs and any other animal, with the exception of service and guide animals, must be kept no less than six feet from any area containing human consumable goods. Market managers must ensure that customers and vendors are informed of this rule on site through signage and taping/markings. Market managers are responsible for the visual enforcement of this guideline. Vendors desiring to operate in an area free of animals shall be provided with a location in an animal free zone. This zone shall be delineated by signage and taping/markings.

The Chairman asked the Committee for discussion on the suggested language.

Ms. Clark stated that the purpose of the market was to bring fresh, safe, wholesome food from agricultural venues. She stated that she was disappointed in the behavior of all involved parties, vendors and market manager, and hoped that it hadn't done irreparable harm.

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Regarding the suggested language she felt it was unmanageable and was afraid that vendors who didn't want dogs would be penalized by being placed at the far end.

Mr. Howe also stated that he had difficulty with the proposed language. He was not sure how the rules could be enforced and regulated. Mr. Howe also felt that vendors who did not want animal at the market would be segregated and that may cause a disadvantage for those vendors.

Mr. McClevey asked Mr. Harvey what the consequences would be if the markets did not follow the rules. Mr. Harvey explained that the PDR/Ag Committee establishes the rules for the market, and that the market was required to get a zoning permit which the established rules were part of. Mr. Harvey stated that if there was a complaint to the Department of Planning and Zoning regarding dog incidents, an inspector would be sent out to observe any violation and take appropriate documentation. He further stated that at that point the market manager would be notified and asked to comply. Mr. Harvey explained that if the incident occurred again, the manager would be cited and given 30 days to resolve the violation. He further explained that the County was also able to take Court action as was the process for any zoning violation.

Mr. Fiorello pointed out that dogs in close proximity of food were a health risk as they could spread parasites. He stated that although the likelihood of spreading a parasite was small, he still felt that it was a risk that shouldn't be taken. He felt that the Committee in their decision was simply trying to protect vendors and customers at the market and asked for everybody's understanding. Mr. Fiorello also pointed out there was also a chance that pets could injure people at the market.

Mr. McClevey agreed that there were many issues. He proceeded to address the Committee to get their opinions on the suggested language.

Ms. Clark insisted that she did not feel the new rules if approved were manageable. Mr. Howe stated that if the language was to be approved, a written plan showing the exact market layout along with a written policy should be a requirement for each market. Mr. McClevey stated that he went to the market last Sunday to get an idea of the setup. After seeing the market he felt that it would be rather hard to do as well.

Mr. McClevey asked for final thoughts and/or a motion. Mr. Howe made a motion to amend Section h. of the Farmers Market Regulations to read: "Agricultural Best Management Practices recommend that animals are excluded from fields where crops are grown, processing facilities and retails establishments. Additionally Virginia Code Section 3.2-5115 states that no animal shall be permitted in any area used for the manufacture or storage of food products. Therefore it is appropriate to exclude dogs from farmers markets since they are retail locations. Farmers markets that elect to allow dogs at their market are required to establish procedures to protect market products intended for human consumption from potential contamination by dogs or

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other animals. The market should have a written policy, including exemptions for service animals, that establishes and communicates the expectation that dog owners maintain control of their dogs at all times and requires owners to keep dogs from being in contact with market products intended for human consumption.”

Mr. Howe explained that he was the extension agent for Spotsylvania County where he implemented a no-dog policy for markets. He felt that that was the most appropriate venue to minimize any risks. He stated that when the no-dog rule was first implemented there had been some push-back, but the market has since thrived and done well.

Ms. Clark asked if the County had any liability should there be any incidents at the market following the approval of the proposed language. Mr. Harvey stated that although he was not an attorney, he felt that the market was privately operated business on a private property, and the County did not have any liability.

Ms. Griffin Paul stated that she did have insurance for the market. Ms. Clark inquired whether her insurance specifically covered dog bites, since they generally didn't. Ms. Griffin Paul stated that she could verify with the insurance. Ms. Clark further asked if there had ever been discussions with the hospital administrator regarding dog liability. Ms. Griffin Paul replied that there had not been a discussion regarding the liability, and that the hospital administrator had specifically requested for dogs to be allowed in the market.

Ms. Clark asked if the hospital was aware that on March 23rd a no-dog rule had been instated. Ms. Griffin affirmed and stated that the no-dog signs had been up since then. Ms. Clark pointed out that the signs had recently been taken down. Ms. Griffin Paul stated that in anticipation of this meeting she asked her vendors to not alienate any more customers by prohibiting dogs.

Mr. McClevey asked for discussion on dog zones and distances. He felt that it all came down to assurance meaning that market managers had to ensure safe goods for customers. Mr. Howe did not feel that splitting up vendors in different “zones” was a good solution.

Ms. Griffin Paul stated that her plan was to have one side of the market designated as a dog-free zone separated from the other side with a cut-off line or however it needed to be enforced. She ensured that she would work with any vendor to make it comfortable for them. Ms. Griffin Paul inquired if there was a requirement for a certain distance between the two zones. Mr. McClevey stated that the Committee was at this point considering several options and did not have an answer at the time.

Ms. Clark stated that looking at Best Management Practice she did not understand how dogs could be allowed in the market. She further stated she did agree with neither the suggested language nor the motion made by Mr. Howe. She felt that the Committee did the right thing when they implemented the no-dog rules.

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Since there was no second to Mr. Howe's motion, the Chairman asked if there was a motion to accept the previously suggested language or retain the original language.

Mr. Howe stated that having setbacks within the market were not enforceable and unmanageable on a day to day basis. He did understand that Farmers Markets were social events, but American farmer's goal was to provide wholesome, safe food to consumers, that's why the Best Management Practices were in place. Mr. Howe did not see a difference between store produce aisles and farmers market produce aisles. He felt that dogs should not be allowed in either. He further added that animals added an unnecessary level of risk due to their unpredictability and there was also a sanitation issue with dog feces and urine. Mr. Howe stated that he preferred not having dogs at the markets.

Ms. Griffin Paul felt that vendors and customers were competent enough to follow any rules established by the Committee and asked for a chance to prove it. She did admit that there was always a risk of customers not paying attention, but ensured the Committee that they would do what they needed to do to make sure everybody stays happy and safe at the market.

Mr. McClevey stated that there had been a history of non-compliance with this particular market. He stated that dogs were on site even after the no-dog rule was implemented. He felt that there had been a sense of "it doesn't really matter".

Ms. Griffin Paul stated that she had been yelled at by customers for asking them to remove their dogs.

Nevertheless, Mr. McClevey felt that watching several dogs at the same time is impossible to do. He further pointed out that the Committee had done everything to accommodate the market in so many ways to ensure it was viable and a success. Mr. McClevey felt that the market was a great success and would continue to be successful.

Ms. Clark made a motion to retain the original language. The motion was seconded by Mr. Howe. Mr. McClevey asked if there was any further discussion on the motion.

Ms. Clark stated that although she understood how much people loved their dogs, she did not feel that having dogs at the market was the right thing to do. She explained that the Committee looked at the issue very carefully and their decision had nothing to do with disrespecting any vendors. Ms. Clark felt that as long as fresh produce was being offered at the market, people would still come with or without dogs.

Ms. Griffin Paul stated that a lot of her customers had gone to Fredericksburg which hurt the Stafford based vendors. She further stated that she had multiple vendors reporting a 50% drop in profits from last year. Ms. Griffin further added that the market has become a completely different place than it had been a year ago as far as the atmosphere at the market, and that she would like to get it back to where it was and grow this year.

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Ms. Clark pointed out that the dog issue was not the only issue. She stated that there was a constant back and forth regarding whether the market was going to be sold or not, and whether it was going to be closed or not.

Ms. Griffin Paul denied that she ever intended to close the market and that she had always been very open with her vendors. She stated that they had a good opening day. She further stated that the conflicts didn't start until people found out about the dog ban and that the market had slowly been going downhill every single weekend since then.

The Chairman reminded that there was still a motion and a second on the floor and asked for the vote. The motion passed 3-0. Mr. Adams and Mr. DeBenard abstained.

4. Approval of Minutes

➤ June 22, 2015

Page 5, line 177: "...there was a no-dog rule" was changed to "...there wasn't a no-dog rule" as requested by Mr. Adams. With no further discussion, Mr. Howe made a motion to approve the minutes as amended. Ms. Clark seconded the motion. The motion passed 5-0.

5. Staff Update

Mr. Harvey stated that on March 19th the Board of Supervisors authorized staff to proceed with negotiations with the Jones and Harris families regarding potential easements on their properties. He further explained that as of earlier this year there was close to \$600,000 available in funds. Mr. Harvey stated that there had been a reduction in rollback funds and that that there had been a little over \$73,000 collected so far, but they were still finalizing collection till the end of the month. He stated that to date there was about \$665,000 available. Mr. Harvey pointed out that the proposed purchase price of the Harris and Jones properties including matching funds would be approximately \$1.3 million. Mr. Harvey stated that staff would proceed with going to VLCF and VDACS for additional funding requests. He added that staff has met with both parties to negotiate the terms of the easements. Mr. Harvey stated that there had also been discussions between staff and the Economic Development Committee of the Board of Supervisors regarding the REPI program. He stated that there were two properties in the County that might qualify for the REPI program and the landowner expressed their interest. He stated that one of the properties was Jenkins which was an 8-acre, agricultural property located off of Garrisonville Road near the Apple Grove neighborhood, and the other property was the Sterne Farm off of Poplar Road near the intersection with Mountain View Road. Mr. Harvey explained that for the REPI program the County would have to put forth a potential property and Quantico will then evaluate the property along with properties that come in from Prince William and Fauquier. He further explained that properties would be prioritized and recommended to one of the federal agencies for further review and that the process generally

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took about 2 years. He stated that the County would be responsible for half the cost and that it was a long process.

6. New Business - Continued

➤ Stafford Farmers Market Cooperative Application

Mr. McClevey asked what the process was for having a farmers market on a VDOT owned property. Mr. Harvey replied that VDOT had a permit process, however in discussion with VDOT, VDOT staff stated that they would like for the County to weigh in first to see whether this was an appropriate market location. Mr. Harvey stated that the Ag/PDR Committee would have to take the issue up first to determine whether it was appropriate for a farmers market in that location pursuant to the rules and regulations that have been put forward. He further stated that following that determination staff would convey the information to VDOT, the applicant would apply for a permit with VDOT, and the County would issue a zoning permit.

Ms. Clark inquired whether there was already a market at that location on Saturdays. Mr. Harvey explained that it was his understanding that there was a vendor present, but he was not sure that it was an official market. Ms. Clark pointed out that if it was a market, it certainly had never come before the Committee.

Mr. McClevey inquired about the hours of operation. The applicant, Mr. Jeff Adams, stated that the actual hours were 8 AM to 1 PM, but also pointed out that vendors would have to be able to go set up and clean up before and after the designated hours.

Mr. McClevey pointed out that the hours would be overlapping with the North Stafford Farmers Market hours and he was wondering if there was a large enough customer base for two markets. Mr. DeBenard felt that there was a big enough customer base for both markets.

Mr. McClevey also pointed out that the Woodstream HOA was also still trying to establish a farmers market. Ms. Clark stated that they did not intend to have a Sunday market. Mr. Howe reminded the Committee that they had approved another application back in March for Mr. and Mrs. Kim.

Ms. Clark was concerned that there could be a conflict by approving two markets for the same days. Mr. Adams stated that he was not able to provide hard facts, rather anecdotal information. He stated that the nearest Sunday market to the north was Dale City and was in a commuter lot about twice the size of the lot than the one where he was planning on setting up the market. He further stated that on a good Sunday there were about 7,000 to 8,000 people at that market. Mr. Adams further explained that his market would get a lot of foot traffic since across from the market there was Lowe's, Best Buy and Target amongst other stores, and people might stumble across his market by accident.

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Ms. Clark asked if the applicant had already had discussion with VDOT. Mr. Adams stated that he could not apply for a permit and that Stafford County would have to apply for the permit on his behalf. He stated that to his knowledge he would have to speak with Amy Taylor, who works for Stafford County Transportation Office. He further pointed out that he would not be able to get a permit without the affirmative vote from the PDR/Ag Committee. Mr. Adams stated that he had provided his market rules which met the County guidelines. His rules included no pets; producer only; 100 mile radius; list of vendors as soon as it was available; on-site market manager; Committee, VDACS, and others had the right to inspect the market. Mr. Adams further stated that the vendors in his market would be by invitation only.

Mr. McClevey asked if there were enough vendors for all markets. Mr. Adams stated that he did six markets per week and had access to a large list of potential of vendors as well as a waiting list of vendors from Ms. Elisabeth Borst.

Ms. Clark was still concerned that they would create a problem for the existing market if they approved another for the same day. Mr. Adams stated that people who lived north of the Courthouse tended to only shop in North Stafford and people south of the Courthouse would only shop in South Stafford/Fredericksburg. He felt that since one of the markets was south of the Courthouse and the other was north, there would not be an issue. Mr. Harvey agreed that there had always been some sort of location identity.

Mr. Adams pointed out that the market would be located across from the busiest shopping center on Garrisonville Road. Ms. Clark stated that the Committee had always felt that this location would be ideal, but was unfortunately limited to weekend hours. She agreed that having the market on a Sunday was the only logical decision, but she was still not convinced that it would not be in total competition with the other market. Mr. DeBenard felt that the customer bases would be completely different.

Ms. Clark asked the applicant not to entice customers away from the existing market, although she was not sure if that was within the Committee's scope. Mr. McClevey added that it was the Committee's responsibility to make sure all markets were viable and that he needed some more time to think about the application. He felt that if there were any impacts, the application probably shouldn't be approved.

Ms. Clark admitted that she was having the hardest time separating the committee's former action and the current action due to the perception outside of this meeting. Mr. McClevey suggested deferring action on the Farmers Market Cooperative. Mr. Adams stated that he had filed his permit prior to the no-dog rule being implemented and had nothing to do with the current situation at the existing market.

Mr. McClevey asked if there would be a conflict between the Farmers Market Cooperative and the Woodstream Farmers Market due to the close proximity. Ms. Clark did not feel that there

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was a conflict since there were a lot of people on the North Stafford Corridor. She also reminded that the Woodstream market was supposed to be a community market only and just provide a service for their residents.

Mr. Howe made a motion to accept the application for the Stafford Farmers Market Cooperative. Mr. DeBenard seconded the motion.

Mr. Howe asked for clarification what the term "at will market" meant. Mr. Adams explained it just meant that there wouldn't be several steps that had to be taken to remove a vendor from the market and that it would be at the market manager's discretion to invite vendors to the market and to remove them if necessary.

Ms. Clark asked if the market would be up and running this summer? Mr. Adams affirmed. He further added that at this point he had a salad dressing vendor, a vendor selling dill pickles, dilly beans, Chow Chow, mango salsa, and things of that nature, as well as three produce vendors, baked goods vendors, and a goat cheese vendor lined up.

Mr. Adams further explained that he was proposing a Sunday market simply due to the fact that he was already managing a market on Tuesdays in Tackett's Mill, on Wednesdays he attended a market in Fairfax County, on Thursdays he attended the market in Manassas, and on Fridays he had to butcher chickens to sell them on Saturday and Sunday, which only left him with the option to host a market on Sundays and Mondays. He stated that a Monday market was not possible since vendors had to go to the bank, meet with their suppliers, etc. which really only left him with the option to do a Sunday market. He further explained that due to his product being frozen the hours from 8-1 simply worked out better for him than 12-5 due to the heat.

Mr. McClevey called for the vote.

The motion passed 3 to 1 (Mr. McClevey voted nay, and Mr. Adams abstained).

➤ Stafford County Fall Festival

Ms. Clark felt that the Fall Festival would probably be a reconstruction of the 350th celebration. She stated that the Century Farms exhibit was already there and would be easy to set up, the PDR display, a display of Stafford County Farms, as well as a retrospective of 65 years of 4-H. Ms. Clark was however not able to provide live animals like she did at the 350th due to the time frame. Mr. McClevey felt it would be a good idea to participate but preferred to discuss participation at a future meeting. The Committee agreed.

7. Next Meeting

The next meeting will take place July 27, 2015.

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8. Adjournment

Mr. Adams made a motion to adjourn which was seconded by Mr. DeBenard. The motion passed 5-0.

The meeting adjourned at 8:54 p.m.