

COUNTY MANAGER
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PITT COUNTY
Agenda Abstract

BOARD OF COMMISSIONERS

Tom Coulson
Ann Floyd Huggins
Benji Holloman
Melvin McLawhorn
Christopher W. Nunnally
Mark C. Smith
Beth B. Ward
Lauren White
Mary Perkins-Williams

Meeting Date/Time: 06/26/2023 6:00 PM

Agenda Section: Items for Decision

Agenda Title: Farmers Market Rules of Procedure and Policies/Standard Operating Procedures

Presenter: Rhodes, James

Summary of Information: Over the past year, County staff have assumed direct oversight of management and operations of the Leroy James Farmers Market. In addition to several physical improvements to the facility, staff has worked with the Market's Policy Committee and vendors to update and revise existing policies to better align with the Market's mission and County policies.

Listed below are the major highlights of the updated documents (see Attachments 1 & 2), as recommended by the Policy Committee on April 11, 2023:

General

- The existing Constitution and Bylaws documents have been reformatted as Rules of Procedure and Policies/Standard Operating Procedures.
- The recommended policy structure is aligned with other County appointed boards and committees.

Rules of Procedure

- The document contains policies and procedures relating to Committee's operations.
- The document acknowledges the Committee's role as advisory, instead of policy-making, and renames the group as the Advisory Committee.

Policies/Standard Operating Procedures

- The document includes the policies and guidelines for the Market Manager to enforce and follow.
- The name and purpose section was updated to better reflect the current goals of the market.
- An application packet, including all necessary forms, will be due annually along with fees.
- Farm inspections will be conducted by staff to ensure a majority of products are produced on local farms.
- Market-certified vendors will be accepted from those counties surrounding Pitt (Martin, Edgecombe, Beaufort, Craven, Lenoir, Greene, and Wilson). An exception is made for seafood vendors, provided the products are locally grown, caught, and produced within the coastal counties of North Carolina.
- Overall market percentages (the balance of agricultural producers, home baked goods, and artisans) must include a minimum of 70% agricultural producers/home baked goods vendors.

Submitter Recommendations/Motions: Adopt the Rules of Procedures for the Farmers Market Advisory Committee and the Policies/Standard Operating Procedures for the Market with an effective date of July 1, 2023.

Reviewed By:

Gallagher, Janis -- **Not Reviewed**
Gibson, Matt -- **Reviewed**
Andrews, PJ -- **Not Reviewed**
Stevens, Matt -- **Not Reviewed**

Number of Attachments: 1

LEROY JAMES FARMERS MARKET ADVISORY COMMITTEE
RULES OF PROCEDURE

SECTION 1.0 **PURPOSE**

The Leroy James Farmers Market Advisory Committee is responsible for advising on the operation of the Leroy James Farmers Market, hereinafter referred to as "Market." Specific duties of the Advisory Committee, as delegated by the Pitt County Board of Commissioners, include: recommending to the Board the operating procedures for the Market; recommending to the Board an annual budget to support Market operations; receiving, considering and regularly acting upon reports from the public, vendors and the Market Manager.

The purpose of these guidelines is to establish rules of procedure for conducting the business of the Leroy James Farmers Market Advisory Committee, hereinafter referred to as the "Advisory Committee."

SECTION 2.0 **MEMBERSHIP**

The Advisory Committee shall consist of five members who are Market vendors, three being active farmers and two at-large members. Vacancies shall be filled by the Board of County Commissioners. The Advisory Committee is subject to Pitt County's General Policy for Appointments to Boards, Commissions and Committees.

SECTION 3.0 **OFFICERS AND DUTIES**

3.1 **Election of Officers**

The Advisory Committee shall annually elect a Chairman and Vice Chairman from its membership at the first meeting of the calendar year. The Vice Chairman shall succeed the Chairman, unless the Advisory Committee chooses to elect another member as Chairman. Officers shall serve for no more than two (2) consecutive years.

3.2 **Chairman**

The Chairman shall preside at all meetings and public hearings; shall decide on all matters of order and procedure; shall vote on matters before the Advisory Committee (except as prohibited by Sec. 4.7 Conflict of Interest); and shall appoint any subcommittees deemed necessary to investigate matters before the Advisory Committee.

3.3 **Vice Chairman**

The Vice Chairman shall assume the duties of the Chairman in the Chairman's absence. The Vice Chairman shall also assist the Chairman with tasks, as needed.

3.4 Acting Chairman

In the absence of both the Chairman and the Vice Chairman, the longest serving member in attendance shall serve as Acting Chairman.

3.5 Executive Secretary

The Assistant County Manager for Planning and Environment, or designee, shall serve as Executive Secretary to assist with the administrative functions of the Advisory Committee. The Executive Secretary shall prepare meeting agendas in cooperation with the Chairman, supervise the recording and maintenance of the minutes; carry on routine correspondence; maintain files and records; prepare staff reports and recommendations for the Advisory Committee; and shall represent the Advisory Committee at meetings of the Board of County Commissioners, when needed.

SECTION 4.0 MEETINGS

4.1 Regular Meetings

Regular meetings of the Advisory Committee shall be held on the second Tuesday of January, April, July and October. The meetings shall be held at the Community Schools and Recreation Building in Greenville, North Carolina and shall begin at 6:00pm. Meetings may be held at alternate locations as approved by the Chairman, provided the alternate meeting location is properly noticed as required by North Carolina Open Meeting Laws.

4.2 Special Meetings

Provided written notice of the time and place is given at least 48 hours in advance, special meetings of the Advisory Committee may be called at any time by the Chairman.

4.3 Quorum

A quorum shall consist of a majority of members. Vacant seats shall not count towards calculating a quorum. Where a quorum does not exist, the meeting may be held, but no vote shall be taken. Official action shall occur at the next meeting where a quorum is present.

4.4 Attendance

Members shall faithfully attend all meetings. Any member not meeting the standards set forth in the policy of the Pitt County Board of County Commissioners in General Policy for Appointment to Boards, Commissions and Committees Board may be replaced. Members shall notify the Executive Secretary if attendance at a meeting will not be possible.

4.5 Conduct of Meetings

All meetings shall be open to the public and shall be conducted following Robert's Rules of Order Newly Revised, "Informal Procedure for Small Boards" except that all motions must be seconded, and except when such rules conflict with these rules of procedure.

4.6 Vote

Except as otherwise specified, a majority vote shall be sufficient to decide matters before the Advisory Committee. A majority vote is one which receives the vote of more than half of the members present. In the event of a tie vote, a motion before the Advisory Committee fails for lack of a majority vote. All members of the Advisory Committee have voting rights and responsibilities, including the Chairman and Vice Chairman. A member who fails to vote, excluding absent members or members with a conflict of interest, shall be counted as voting in the affirmative.

4.7 Conflict of Interest

No member of the Advisory Committee shall vote on or preside over any issue involving his/her own financial interest or official conduct.

4.8 Cancellation of Meeting

In the event that there is no business to conduct, the Executive Secretary may, with 24 hours' notice and with approval of the Chairman, cancel a regular meeting.

4.9 Initiation of Matters

Matters initiated by the Board of County Commissioners, the Executive Secretary, and the Advisory Committee shall be scheduled for the next meeting when received at least 14 days prior to meeting. Agenda items proposed by Advisory Committee members are subject to the consent of the Chairman.

4.10 Public Addresses to the Advisory Committee

The Advisory Committee welcomes public input pertinent to the operation of the Leroy James Farmers Market. Prior to the start of the meeting, each citizen or group that wishes to speak at Advisory Committee meeting must sign up on a sign-up sheet, giving their name, the organization they represent (if any), mailing address and the subject matter they wish to discuss. Only the persons listed on the sign-up sheet may speak, unless otherwise permitted by the Chairman. The Chairman may recognize any citizen to speak to the Advisory Committee during the course of any meeting if deemed appropriate. Each citizen shall be allowed three (3) minutes for his presentation unless the Advisory Committee, by consensus, grants a greater amount of time. All citizens are expected to follow proper decorum and shall not use profanity or defamatory speech. The public is

expected to remain seated except when leaving the room, or unless specifically requested by the Chairman of the Advisory Committee to approach the podium.

SECTION 5.0 RECORDS

5.1 Public Records

All records of the Advisory Committee, including correspondence between Advisory Committee members about Advisory Committee business are public records and subject to disclosure under Chapter 132 of the North Carolina General Statutes, unless otherwise exempted by some provision of law.

5.2 Files

The Executive Secretary shall maintain a file of all studies, plans, reports, recommendations, minutes, and other materials generated by the Advisory Committee in the conduct of its activities.

SECTION 6.0 STAFF

6.1 County Staff

Pitt County staff shall serve as the technical staff of the Advisory Committee.

6.2 Other Departments

The County Attorney, Public Health Director, Planning Department and other County officials and staff shall also be available for technical information and advice.

SECTION 7.0 CHANGES TO RULES OF PROCEDURE

7.1 Initiation

All proposed amendments to these rules of procedure shall be presented in writing at a regular meeting before the meeting at which the vote is taken.

7.2 Vote

No changes shall be made without the affirmative vote of a majority of members of the Advisory Committee.

SECTION 8.0 REPEAL AND EFFECTIVE DATE

These Rules of Procedure take effect on _____.

Chairman

Executive Secretary

LEROY JAMES FARMERS MARKET
POLICIES AND STANDARD OPERATING PROCEDURES

SECTION 1.0 NAME AND PURPOSE

As established by the Pitt County Board of County Commissioners, the Pitt County Farmers Market is named the Leroy James Farmers Market. The purpose of this Market is to provide area farmers, producers, and artisans with a storefront for retail sales of their products.

SECTION 2.0 MANAGEMENT

Pitt County Government is responsible for the management of the Market and will employ appropriate staff to fulfill this responsibility.

SECTION 3.0 VENDOR MEMBERSHIP AND MEETINGS

At least one annual meeting of the vendors who have paid the current year's dues shall be held. Special or emergency meetings for vendors may be held provided required notice is given.

Interested vendors will receive an application packet that includes all necessary forms. This application packet along with required fees is due annually, prior to the beginning of the market season in order to participate in the market.

SECTION 4.0 POLICY CONFLICTS

If at any time the policies of the Market conflict with those of Pitt County, the policies of the County shall prevail.

SECTION 5.0 VENDOR CERTIFICATIONS & DESIGNATIONS

1. All vendors must achieve "market-certification," documenting that they actually grow, produce, or create their items per market policy. "Market-certified" vendors are accepted from those counties surrounding Pitt County (Martin, Edgecombe, Beaufort, Craven, Lenoir, Greene, and Wilson). The exception is seafood products, provided the products are locally grown, caught, and produced within the coastal counties of North Carolina.
2. The Market Manager and/or County staff will conduct on-farm inspections and/or verifications as needed to monitor compliance by market-certified vendors and designated sellers. Willful abuse of the market-certification procedures may result in suspension of an individual's market participation for the remainder of the market season.

3. Vendors must be the original producer of a majority of agricultural products (i.e. vegetables, fruits, field crops, honey, etc.) sold in their booth space. Items not produced by the vendor must be documented by a sign in the vendor's booth space, stating where the product was produced and by whom. All vendors should have an in-depth knowledge of all products sold at their booth.
4. Vendors selling food items prepared or cooked off-site are required to provide evidence of satisfying food and safety requirements of the Food and Drug Protection Division, N.C. Department of Agriculture & Consumer Services (NCDA&CS). For most baked goods, a certificate of home kitchen inspection is required. Vendors preparing pickled foods must successfully complete an FDA approved "Better Process Control School." All food items must be labeled with the vendor's name and their ingredients as required by the NCDA&CS. The sale of foods that require refrigeration should follow guidelines set by the NCDA&CS.
5. The Leroy James Farmers Market permits artisans who handcraft their items. Examples of such artisan products include, but are not limited to: pottery; woodwork; stained glass; all-natural soaps; farm raised spun yarns; and basketry. Handcrafted, uniquely made items constructed with raw materials such as plants, animals, or forest products will be considered.
 - a. Preference will be given to vendors with locally sourced materials. The product must show evidence of manual skill obtainable only through a significant period of experience and dedication.
 - b. Market artisans are encouraged, if possible, to actively demonstrate their handmade craft while participating at the Market.
6. Vendors who sell unprocessed agricultural products are not required to collect sales tax from their customers. **However, vendors who sell items other than unprocessed agricultural products they themselves produce must provide the Market manager a copy of their NC Department of Revenue "Certificate of Registration." A vendor failing to provide this documentation will not be permitted to sell at the market.**
7. The Market Manager will categorize vendors as agricultural, baked goods, or artisans according to observation and judgment that a majority of a vendor's sales activity is in one of these categories. Overall market percentages must stand at 70% agricultural products/homemade baked goods to 30% artisans. **The Leroy James Farmers Market does not impose any other limitations on vendors, other than those cited in this document or related County policies.**

SECTION 6.0 SPECIFIC PRODUCT PROMOTIONS & LIMITATIONS

1. The sale of agricultural products is encouraged at the Leroy James Farmers Market. Agricultural products include vegetables, fruits, farm raised meats, dairy products, eggs, honey, plants, nuts, seafood, and fiber.

2. The sale of homemade baked goods, candy, jelly, jams, preserves, homemade ice cream, and specialty food items produced by the vendor is generally allowed, provided required inspections and certifications are satisfied.
3. The sale of artisan products includes, but is not limited to; pottery, woodwork, stained glass, all-natural soaps, farm raised spun yarns, and basketry. Handcrafted, uniquely made items constructed with raw materials such as plants, animals, or forest products will be considered.
4. The sale of ready-to-eat items such as snow cones, cotton candy, sandwiches, hotdogs, popcorn, beverages, etc. are not generally permitted, but may be allowed by the Market Manager during special events.

SECTION 7.0 VENDOR REQUIREMENTS

To ensure the purpose of the Market is fulfilled and to provide a safe, pleasant, and responsible Market for customers, vendors must:

1. Adhere to the requirements, policies, and code of ethics of the Leroy James Farmers Market, as agreed upon with the completion and return of the vendor application packet.
2. Be present at the market and ready for customers by 8:00 a.m. for the daily sale. If not, the vendor shall notify the Manager prior to 8:00 a.m. **Failure to do so will result in the loss of booth space and constitute a violation of these policies.** If a vendor elects not to sell during the week but intends to sell on Saturdays, he/she should contact the Manager.
3. Not misrepresent any products as to quality, price, origin, variety or amount. Vendors are expected to stand behind the sale of their product.
4. Indicate their acceptance of SNAP/EBT and Double Bucks tokens as a form of payment for eligible food items at the Leroy James Farmers Market.
5. Be responsible for the disposal of unsold products, containers, or waste to their farms or homes. Vendors are also responsible for cleaning and sweeping their booth space at the end of each market day.
6. Empty booths of product at the end of each market day. Requests for exception must be submitted in writing for review and approval by County staff. The Leroy James Farmers Market is not responsible for any items left by the vendor at the close of the market day.
7. Not approach customers while they are at the location of another vendor. No loud calling out of prices or hawking is permitted. It is the responsibility of the vendor to promote the Leroy James Farmers Market and all vendors in a positive way to market customers. Failure to do so may result in the vendor losing market certification and suspension of their market participation.

8. Must agree to booth assignment by the Market Manager. Each vendor may rent one booth. A second booth may be rented if space is available and the required fee is paid. A booth space is considered occupied only when both the vendor or vendor's employee and products are present. Transfer of market space assignments by and among vendors is prohibited.
9. Reserve a space of fifteen inches on each side of each booth (inside of the market area), to allow customers to walk between each booth for better viewing of products.
10. Not sale flea market items within the facility or grounds while it is in operation.
11. Not deface or alter the Market building or grounds. Any alterations must be approved by the Market Manager.
12. Must display a sign that includes their name or business name, location and telephone number. Minimum size will 8 ½ X 11 inches. A sign will not be larger than 6 square feet.
13. Be responsible for any and all taxes, insurance, adherence to all local, state and federal laws, rules and regulations, including all laws, rules and regulations regarding food safety. A certificate of liability insurance and workers' compensation coverage, if required by law, shall be provided by the vendor to the Market Manager upon request.
14. Serve as an independent contractor, be responsible for his or her own actions, and agree that Pitt County, its agents, and/or employees are in no way responsible for his or her acts or omissions. Further, each vendor agrees to sign a release and waiver releasing Pitt County employees and agents, from any liability, whatsoever, arising from the use of the Farmers' Market space. This release includes, but is not limited to, claims of adulterated food, damage to food or property, stolen items, and any third-party claims.

SECTION 8.0 GENERAL REQUIREMENTS

To ensure Market's long-term viability and sustainability, the following management and operational policies are established.

1. No alcoholic beverages will be permitted on the Market premises, except those approved by County staff upon review of the application package.
2. No profanity, abusive language, disruptive or loud noise, is permitted. Live music, bands, etc. are limited to special market events with prior approval from Market Manager.
3. No dogs or animals will be allowed in the market building, *except for service dogs*.
4. No washing of vegetables will be allowed in the building.
5. Thermostats will be controlled by the Market Manager. The use of electrical devices at the market will be permitted only upon consent of the Market Manager.

6. Children are welcomed but must be supervised and not allowed to interfere with customers and/or vendors within the Market.
7. No persons or corporations shall sell any goods at the Farmers' Market, including on its parking area or grounds, without an approved application.
8. The Market Manager will not accept gifts from vendors, nor attempt to influence product pricing.
9. The Market Manager may ask vendors or customers to leave the market building and grounds, if it is determined they are disruptive to the atmosphere or purpose of the market.
10. The Market Manager will use discretion to address situations not specifically described by these published standard operating procedures.
11. Use of the Market for other functions shall be based upon the discretion of the Pitt County Board of Commissioners.

SECTION 8.0 AMENDMENTS

Modification of these policies must be approved by the Board of Commissioners, upon recommendation of the Advisory Committee. These policies shall be published and a copy made available to each vendor in good standing of the market.

The Policies and Standard Operating Procedures were approved by the Board of Commissioners on _____.