

1 Public Market Advisory Commission Minutes – November 3, 2009

2 Minutes

3 Meeting Agenda

4 1. Call to Order

5 The meeting was called to order at 5:35 p.m.

6 2. Roll Call

7 Members Present: (3) S. Brines, P. Pollack, D. Black, D. Barkman

8 Members Absent: G. Service

9 Staff Present: (1) M. Notarianni

10 Guests: (0)

11 3. Approval of Agenda

12 4. Special Presentations

13 5. Public Commentary (Agenda Items Only, 3 minutes per speaker)

14 L. Vasquez: I'm here to talk about policy and the continuation of my complaints. I want
15 to read to you an email sent by city market inspector Matt Demmon to a vendor who had
16 an inquiry about baked goods, dated June 23, 2008: "As of yet I haven't inspected any
17 bakery locations where they did not bake everything from scratch. If and when I do, I am
18 sure this question will be answered."

19 Then I want to read what Demmon reports in the Kapnick Orchards inspection report
20 dated July 25, 2008: "donuts and breads are from mix and baked, some products from
21 frozen dough, shaped and fillings added, pies are frozen whole then baked, fudge from
22 basic mix and then they add flavorings."

23 I find this to be distressing that your own inspector would give this report and then you
24 tell me that Kapnick Orchards has been found to be in compliance with market rules and
25 my complaint dismissed. Jayne Miller in a letter to me dated August 3rd said "This letter
26 is to serve as a final communication is regards to this issue. We will not continue to
27 respond to repeated inquiries unless specific new facts are presented, as this will be
28 interpreted as interference with the operations of the Ann Arbor farmers market."

29 How can I be interfering with something that's not being done in the first place, in regards
30 to the complaint I have raised? Furthermore I note on Kapnick's inspection report that
31 they claim to store apples at a controlled atmosphere storage room at Glee Orchards.
32 There is no Glee Orchards listed as a licensed storage room on the MDOA website.
33 Someone is lying here, I think.

34 Every vendor signs an affidavit stating they are complying with market operating rules.
35 I'm going to continue to raise this issue again and again until I get some kind of
36 resolution. Be looking for a community group to start up in this area that will have legal
37 standing to possibly bring suit against this market and the city for not applying its own
38 rules.

39

40 G. Thompson: For many decades the market has operated under a structure of one set of
41 rules for all vendors. Now we have a proposal to create specific detailed rules for one
42 group of vendors. I urge you ask if this is in the best interest of the market. There is the
43 basic issue of fairness. For example, the roast coffee vendor simply buys a product, heats
44 it and sells it. Is roasting considered sufficient to make your product acceptable, while
45 baking is not? What is the logic in that decision? Should we tell the coffee vendor he is
46 no longer welcome, or that he can only sell brewed coffee and not whole beans? But now
47 what do we do with ground coffee? Is it the act of grinding that makes it acceptable, or
48 the combined acts of roasting and grinding? And if grinding is not adequate this
49 eliminates vendors who sell ground grains. I'm not suggesting any of these vendors be
50 asked to leave or be restricted, I am only illustrating the difficulties encountered in
51 having detailed rules for all vendors. Instead, I think you should focus on the long term
52 health of the market, with a balance between redundancy and diversity: diversity to
53 maintain interest and to test new products and redundancy to provide selection among
54 products, and to maintain product quality. In general the market is functioning well.
55 This is in the best long term interest of the market and should remain.

56

57 6. Approval of Minutes

58 a. Meeting of October 6

59 7. Commission Business

60 a. Old business

61 (1) Special Events

62 M. Notarianni: None on the calendar at the moment. Despite the weather the Halloween
63 festival went well and many pumpkins were carved.

64 b. New business

65 (1) New vendor discussion

66 M. Notarianni: A vendor who wants to sell mini pies, brownies and mini bread; one who
67 wants to sell primarily fruit and cut herbs; a hot dog vendor; roasted corn on the cob;
68 French pastries; all-purpose seasoning. Any thoughts?

69

70 P. Pollack: Do you have any feeling about any of these, Molly?

71

72 M. Notarianni: I like the sound of more fruit at the market; I'm not sure that we need
73 more baked goods. Since we only have four spots for food cart vendors I'd prefer ones
74 who offer more than one kind of food.

75

76 P. Pollack: Wednesday is a high priority day right now, so it seems more appropriate to
77 focus on someone who is interested in both days.

78

79 M. Notarianni: The last vendor application I want to address is a bit more complicated.
80 Solomon Jost who is a current vendor at the market selling primarily greens has a unique
81 situation: the land he is farming on is on the site of Al-Mar Orchards a large organic
82 apple orchard in Flushing. In return for helping at the orchards he gets his land rent free,
83 so he is actively involved in both his own growing and in apple and cider production,
84 though there is no official agreement between him and Al-Mar. He wants to re-apply
85 under Al-Mar Orchards and bring their apples and cider and also bring his own produce.
86 I'm curious for your input on this.

87

88 D. Barkman: It seems okay to me, as he's only been here a year he won't relinquish much
89 seniority. He starts over as a worker for the new entity.

90

91 M. Notarianni: Do you think bringing in one more apples and cider vendor during the
92 winter is going to be too much for demand? It's a third or a quarter of the vendors in the
93 winter.

94

95 P. Pollack: If they're going to be here Wednesdays and Saturdays that would be
96 beneficial, so I would not dismiss them too quickly.

97

98 D. Barkman: Since we've let him in once before, it doesn't seem like a problem as long
99 as we understand the relationship there.

100

101 P. Pollack: There has to be some part of the application form that verifies the relationship
102 between Jost and the Orchard, since the orchard is the name on the application. As long
103 as that's legal and clear we can get past that hurdle.

104

105 8. Reports and Communications

106 a. Quarterly Financial report

107

108 M. Notarianni: The bulk of the revenue is going to come from vendor stall rental.
109 Money-wise we are up slightly on annuals paying daily but lower percentage-wise as

110 compared to last year. The annual yearly money comes in at the end of the fiscal year,
111 which is in June so right now we are showing at zero right now, but that is normal.
112 Dailies paying daily is up from last year 14%. Dailies paying yearly is also slightly up.
113 Inspection is going to be up significantly because we didn't charge anyone for
114 inspections in 2009. Investment income hasn't come in yet. Merchandise is also up
115 because we hadn't sold much merchandise in previous years. The "operating transfer" is
116 going to be the money we get from the DDA for parking. The "park use fee" is money
117 for rentals, there should be money in there but they don't have the October report done
118 yet. Parking fee from vendors is down a bit.

119

120 P. Pollack: The "park use fee" is for non-market activities? Weddings and festivals and
121 other events?

122

123 M. Notarianni: Yes, and the Artisan Market.

124

125 P. Pollack: It might be helpful to organize the list so that the Farmers market specific
126 income and events were all together, and then the other incomes and expenses were
127 separated.

128

129 S. Brines: So for clarification, this park use fee includes everything else? The artisan
130 market, every Sunday from April to December is renting this?

131

132 M. Notarianni: It does include that. The money isn't in there yet on this report, but that's
133 the section it will go in a month from now.

134

135 P Pollack: In the activity leading up to the increase in fee for vendors we discussed the
136 need for clarity between the expenses for farmers market activities vs. maintenance and
137 staff for non market events.

138

139 M. Notarianni: As far as expenses go, that first line is going to be the money that was
140 coming from Jeff and now is coming from Colin and the rest is operating expenses, and
141 that is down 10% from last year.

142

143 b. Market Manager Report

144

145 M. Notarianni: No vendors were inspected this month. The promotional and educational
146 events included a sauerkraut making workshop, Halloween festival, and this is the final
147 week of a three week long educational apple history museum. I'm in the process of
148 planning a festival called Kindfest with other businesses in the Kerrytown
149 neighborhood. It will take place in the market space though it has no affiliation with the

150 farmers market; we're inviting vendors to come and sell their items. It will take place
151 December 4th during the city's Midnight Madness event.

152

153 P. Pollack: The Apple History project could be an opening to a whole host of other
154 history projects about types of food or growers in Washtenaw County.

155

156 D. Black: Is there any way to link up the Washtenaw County Historical Society with a
157 project like this?

158

159 M. Notarianni: Definitely. It could be a great idea for this time of year, because we have
160 the extra space.

161

162 S. Brines: Perhaps the outreach subcommittee or the commission could put the call out
163 for local history buffs to submit ideas.

164

165 M. Notarianni: The MI Farmers Market Association did a rapid market assessment on
166 Wednesday Oct 7 focusing on EBT usage and they are currently writing up a report.
167 Vendors are still taking Project Fresh coupons, EBT usage is going well. We are
168 beginning to work with various U of M students on volunteering and special events and
169 eventually trying to create a Farmers Market specific token that customers could purchase
170 with credit cards in the office. Exciting news: I had a meeting with some folks from the
171 library and they've agreed to host our Oral History project on their website and help clean
172 up and edit the raw recordings. The last bit of information is that Colin Smith will now be
173 my supervisor as opposed to Jeff Straw.

174

175 b. Related Boards, Commissions, Committees, and Task Forces

176 P. Pollack: The outreach subcommittee met Wednesday of last week, is there a report
177 from that?

178 S. Brines: We brainstormed about ways to attract and organize volunteers in a structure.
179 It's still in an exploratory phase.

180 P. Pollack: The policy and procedure subcommittee met as well and we have a couple of
181 tasks that we have assigned to ourselves. One is to look through the rules and application
182 and inspection forms to assure consistency in the language. A larger task is to take all of
183 the enabling legislation and commission bylaws to make sure all of those are in line with
184 each other as well. The other was going through the rules to see where we may need to
185 clarify, expand or restructure the language. Another aspect is making sure that there's a
186 piece of information that goes along with the application form that describes the key
187 points to be looking for as one fills out the application, which will be key points of the

188 inspection. The long term goal of this subcommittee would be to hold a meeting mid-
189 winter with the vendors and the public to be able to explore any suggestions we would
190 eventually bring.

191 c. Items from Commissioners

192 d. Transmittals/communications received

193 9. Public Commentary – General (3 minutes per speaker)

194 L. Vasquez: First I want to say I would support Al-Mar Orchards' application. I
195 think Ann Arbor deserves to have more organic vendors, especially to fill the market in
196 the winter. I am curious whether you have a timeline for getting a new set of rules in
197 place, and I want to warn the commission that Jayne Miller may be setting this
198 commission on a fool's errand to come up with rules that will not be applied or enforced.
199 When I served on the commission prior to this one we did something similar only to have
200 the commission tossed aside when we crossed Jayne Miller. I think yes, you do want to
201 maintain the integrity of the producers' only market. if you do want to compare this
202 market's rules with other markets there are dozens of markets that use the words "from
203 scratch", "no commercial goods", "no mixes", etc. If Kapnick's is continued to allow to
204 sell goods not of his own making, how will other vendors regard the rules? Also,
205 regarding my complaints about Island gardens and J&T Gracia, I was informed by the
206 MDOA that they are not licensed growers; they are only licensed nursery plant markets,
207 which expired on October 31 of this year. I hope that the market management will look
208 into making sure that all vendors have proper licensure, so that they are not buying and
209 selling nursery plants from another vendor at the market and violating the producer only
210 rule.

211 G. Thompson: I'd also like to put in a plug for Al-Mar Orchards. Growing
212 organic apples is a hard thing to do east of the Mississippi. I enjoy their cider as it
213 reminds me of the cider I remember as a child, because they grow a greater variety of
214 apples. They are a certified organic grower, and there may be many vendors who use
215 organic practices but are not certified. I believe if you advertise that you are organic you
216 should be certified. Michigan law states this. I'd like to point out there was one vendor a
217 year or so ago who advertised certified organic and was not. One more point, Al-Mar
218 also makes a great hard cider, though that may be difficult to get around with market
219 regulations.
220

221 10. Adjournment

222 The meeting was adjourned at 6:36 pm.