



Market Policies

Reference Guide for Market Vendors

(revised 9/5/2019)

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Fast Facts

Date of Incorporation: May 3, 2010

EIN: 80-0567359

Organization DUNS: 9621189440000

An Abbreviated Market History

By the early 2000's, interest in the local food movement was beginning to grow in Cleveland County. Local farmers having to travel to farmers' markets in neighboring counties to sell their produce began petitioning local leaders for a market of their own. This grassroots movement, coupled with the closure and eventual sale of the city-owned Farmers Market Building on Warren Street in Uptown Shelby, provide the impetus for change. NC Cooperative Extension, Uptown Shelby Association and Cleveland County Travel & Tourism joined forces to organize a trial seasonal tailgate farmers' market in Uptown Shelby with 16 vendors in 2008.

A task force comprised of vendors, customers and local agency representatives was appointed to evaluate the success of the trial market and to establish a plan for moving forward. Their work led to the creation of "Foothills Farmers' Market", which officially began operations in 2009. Cleveland County Farm Bureau endorsed the new market, and County Commissioners demonstrated their support by allocating funds to provide a paid part-time market manager. The organization was officially incorporated and designated a charitable non-profit corporation in May 2010.

Foothills Farmers' Market initially operated under tents on busy Washington Street in Uptown Shelby. Steadily increasing its base of products, vendors and customers, the Market soon gained recognition as the cornerstone of Cleveland County's rapidly growing local food movement. We established credibility as a certified local market that provided access to farm-fresh food grown within 50 miles of Cleveland County. Benefiting from federal grants that aided in financing promotional activities and market operations, Foothills Farmers' Market grew quickly and soon launched a strategic plan that identified the need for a permanent market facility.

Strong collaboration between the City of Shelby and Cleveland County, supported by an aggressive architectural design and fundraising effort, led to construction of beautiful City Pavilion on W. Marion Street. The Market moved into this facility in May, 2015. Our main Uptown Market in City Pavilion functions to help Cleveland County derive the economic, health, social and environmental benefits of local foods.

A peak season satellite market was also established at the former Cleveland County Health Department building on Grover Street in 2013, and it continues to operate at its new location at the Cleveland County Public Health Center located at 200 S. Post Road.

Market Managers

2008-2009	Willie Murray
2010-2011	Jonathan Dyer
2012-2013	Donald Eslick
2014-2016	Angie Zon Smith
2016-present	Carol Maxwell

Major Grants Received

2010 USDA FMPP	\$45,746 (Market Promotion)
2012 USDA FMPP	\$44,768 (Market Promotion)
Kate B. Reynolds Charitable Trust	\$88,769 (EBT Card Services & Low Income Outreach)
2015 USDA FMPP	\$99,704 (Market Promotion)

Major Contributors to City Pavilion Construction Project

City of Shelby
County of Cleveland (\$100,000)
USDA Farmers Market Promotion Program (\$33,052)
Eaton Corporation (\$25,000)
Cleveland County Farm Bureau (\$20,000)
USDA Rural Development (\$124,000)
Weathers Family Foundation (\$2,000)

Dover Foundation (\$10,000)
Raper-Roark Trust Fund (\$5,000)
Uptown Shelby Association (\$7,500)
Carolina Farm Credit (\$5,000)
Foothills Farmers' Market (\$7,000)
NC Cooperative Extension (\$15,250)
Cleveland Association of Governing Officials (\$10,000)
ElectriCities (\$4,000)
Town of Mooresboro (\$500)

Foothills Farmers' Market Mission

Foothills Farmers' Market is a grower-certified market that provides community access to the freshest, best quality foods available anywhere. We value family farms, endorse sustainable production practices and innovation, contribute to the health and prosperity of the local community and support the creation of a local food economy.

Market Goals

- Create a viable retail market for locally-grown fruits, vegetables, ornamentals and value-added products;
- Create opportunities for small and mid-size family farms to engage profitably in production agriculture;
- Improve public health through increased availability and consumption of fresh fruits and vegetables;
- Reduce hunger and food insecurity in Cleveland County;
- Strengthen the social fabric of the community by building awareness and appreciation for local agriculture;
- Enhance tourism and retail trade in Uptown Shelby through spillover of market shoppers;
- Foster entrepreneurial opportunities for small home-based business owners and youth.

Market Policies

Market Locations

1. The **Uptown Shelby Market** is located in City Pavilion located at 126 W. Marion Street, Shelby, NC 28150. This market operates on Saturday mornings from April through November. A Wednesday morning market operates from late May through October.
2. The **Health Department Satellite Market** operates near the entrance the Cleveland County Public Health Department located at 200 S. Post Road, Shelby, NC 28152. This satellite market operates on Tuesday mornings during June through August.
3. A **Winter Market** operates one Saturday morning each month during December through March at Newgrass Brewing Company, 213 S Lafayette St, Shelby, NC 28150.

Once their Vendor Application is approved, vendors are eligible to sell at any of these markets, provided they pay any applicable market day stall fees. Operations at all three market sites are governed by these Market Policies. Market Manager(s) may impose additional requirements and guidelines specific to their assigned market location.

Eligible Products

Foothills Farmers' Market is a 100% growers market. Every product sold at the market must be locally grown or produced by an approved Vendor within a 50-mile radius of Cleveland County. For clarity, locally grown or produced shall mean the following:

"All production, harvesting, construction, processing, preparation, and packaging of products offered for sale at Foothills Farmers' Market is undertaken by the Vendor Member within 50 miles of Cleveland County."

Products that may be sold at the Foothills Farmers' Market include:

- Any vegetable grown by the vendor from seeds, sets or seedlings
- Any fruits, nuts or berries grown by the vendor from trees, bushes or vines
- Any plant grown by the vendor from seed, seedlings, transplants or cuttings
- Bulbs propagated by the vendor
- Honey and/or hive products produced by the vendor's bees
- Eggs produced by the vendor's hens ^a
- Cheese or milk products derived from the vendor's animals ^b
- Cut or dried flowers grown by the vendor
- Dried fruits grown and processed by the vendor
- Firewood owned and cut by the vendor
- Preserves, jams and jellies made by the vendor ^c
- Acidified foods (pickled cucumbers, beets, tomato salsa, etc.) ^d
- Straw baled by the vendor
- Baked goods made by the vendor in an approved kitchen facility ^e
- Meats and poultry from animals raised by the vendor ^f
- Packaged foods prepared by the vendor (wrapped and labeled for consumer purchase) subject to health and safety regulations
- "Ready to eat" food items, including those sold by an approved food truck
- Beverages such as coffee, herbal teas and all natural fruit juices roasted and/or prepared by the vendor
- Beer, wine or spirits manufactured by the vendor ^g
- Soaps and herbal products hand produced by the vendor; and
- Quality items hand-crafted by the vendor requiring skilled use of the hand to create (subject to Board approval)

^a The NCDA&CS Marketing Division regulates the sale of eggs. Visit www.ncagr.gov/fooddrug/food/egglaw.htm for details on grading requirements, approved cartons, required labeling, and holding temperatures.

^b The sale of Grade A milk and cheese is regulated by both the NCDA&CS Food & Drug Protection Division. Raw (unpasteurized) milk must be registered as a commercial pet food and labeled accordingly. Cheese and

butter manufacturers must be licensed. Information on NC Milk Law is available at <https://www.ncagr.gov/fooddrug/food/milk/>

- c Preserves, jams and jellies can be produced in a home kitchen, provided it passes inspection by the NCDA&CS Food & Drug Protection Division. The *Certificate of Home Kitchen Inspection* must accompany the Vendor Application. For questions or to schedule an inspection, call 919-733-7366. Products to be sold to consumers must be properly packaged and labeled. Details are available at <https://www.ncagr.gov/fooddrug/food/homebiz.htm>
- d Vendors processing acidified foods in rigid glass or plastic containers and offering them for sale are required to complete the NC State University Acidified Food Processing & Packaging School and pass required exams. Information about this School is available at https://fbns.ncsu.edu/pdf/Acidified_foodsQ&A.pdf
- e Most baked goods offered for sale can be produced in a home kitchen, provided it passes inspection by the NCDA Food & Drug Protection Division. The *Certificate of Home Kitchen Inspection* must accompany the Vendor Application. For questions or to schedule an inspection, call 919-733-7366. Products to be sold to consumers must be properly packaged and labeled. Details are available at <https://www.ncagr.gov/fooddrug/food/homebiz.htm>
- f The NCDA&CS Meat & Poultry Inspection Division regulates large animal and poultry production and processing. Visit www.ncagr.gov/meatpoultry for specific information on laws and regulations.
- g Beer, wine and spirits must be manufactured in a commercial facility permitted by the NC Alcoholic Beverage Control Commission. **Sale of alcoholic beverages is not permitted at the Health Department Satellite.**

Products that cannot be sold include:

- Low acid canned foods such as green beans, corn, carrots, etc.
- Raw milk for human consumption (at present)
- Products purchased for resale or produce outside the local area
- No live animals may be sold or given away at the Foothills Farmers' Market.
- Except as specifically provided above, no "ready-to-eat" food product may be sold at the Foothills Farmers' Market without the consent of the Market Manager.

Sales Tax Requirements

Some products eligible for sale at our markets are subject to sales tax (including farm products grown by another farmer and purchased for resale, processed meats or fish, cheese, value-added or ready-to-eat foods, skin care products, and/or crafts) while others are not (raw fruits and vegetables, including shelled, mixed and bagged products). Some vendors are required to obtain a Certificate of Registration from the NC Department of Revenue, while others are not. NC tax laws affecting farmers' market vendors and managers are constantly changing. The Appalachian Sustainable Agriculture Program (ASAP) offers an informative *Guide to Compliance with N.C.G.S. § 66-255 For Farmers Market Managers and Vendors* at <https://asapconnections.org/uncategorized/north-carolina-sales-tax-laws-impacting-farmers-farmers-markets/>

Food Safety & Other Requirements

- All goods sold at the Foothills Farmers' Market must comply with all applicable federal, state and local laws, including, without limitation, all applicable health regulations as well as the North Carolina Department of Agriculture's general guidelines regarding products exhibited for sale at farmers' markets and curb markets. To the extent that any vendor is selling any product that requires the member to obtain and maintain any license or certification, that member shall have and maintain such license or certification. Vendors must have copies of these documents in their possession while selling at the Foothills Farmers' Market and shall make them available for inspection by consumers, the market manager and/or the Board of Directors or its designated representative.

- All foods prepared by the vendor for sale must meet sanitation and food safety regulations set forth by the Environmental Health Division of the Cleveland County Health Department, the North Carolina Department of Environment and Natural Resources, and the North Carolina Department of Agriculture and Consumer Services.
- All product samples provided to consumers at the market site must comply with regulations established by the Environmental Health Division of the Cleveland County Health Department for distribution of foods to consumers for immediate consumption.
- Only NCDA&CS Certified Meat Handlers are permitted to sell meat products. See <http://ncagr.com/meatpoultry/meathandlers.htm>
- Any vendor using the term “organic” must meet the requirements of the National Organic Program and submit a copy of their organic certification as part of the Vendor Application packet.
- Vendors must use scales approved/stamped as “Legal for Trade” by the Weights & Measures Division of the North Carolina Department of Agriculture. Foothills Farmers’ Market coordinates an annual scale certification day at no cost for its Vendor Members.

Who Can Sell

Only approved vendors may sell at the Foothills Farmers’ Market. An approved vendor is defined as anyone actively engaged in the production of eligible farm products or handcrafted goods for direct sale within a 50-mile radius of Cleveland County and who submits a Vendor Application and is formally approved by the Board of Directors.

Guests of Foothills Farmers’ Market who are providing programming during market operation hours are able to sell their products at that time with prior approval by the Board of Directors. This approval does not grant the guest status as an approved vendor, nor does it imply that guests will be approved as vendors for future markets. Programming may include, but is not limited to, Chef’s Corner demonstrations and educational activities for POP Club. Any items sold must

comply with market policies, such as those listed under Food Safety & Other Requirements.

CSA's may become members of the market provided they submit the appropriate paperwork and fees, and all the farmers within the CSA meet the Foothills Farmers Market requirements.

Our Carrying Provision

Foothills Farmers' Market has a carrying provision that allows vendors to sell a limited supply of products that they did not produce. The purpose of this provision is to offer customers an adequate supply and diverse selection of locally-grown products at the market.

- These "carried" products must be produced by another vendor who has submitted a complete Vendor Application Packet and has been approved by the Board of Directors.
- Carried products must meet all requirements for Eligible Products.
- Total carried products should comprise no more than one-half of the carrying vendor's total daily inventory.
- Carried items should be labeled with the farm of origin such that they can be easily distinguished from those items grown by the vendor.

Applying as a New Vendor

We solicit vendors during a specified window prior to our Grand Opening each season, but will consider applications from prospective new vendors any time of year. Applications received after the stated deadline are subject to an additional late fee. The late fee portion of payment is non-refundable should the applicant not be approved as a vendor.

Prospective vendors that have not been previously approved by the Board must submit a complete "Vendor Application Form" and all required documentation, plus

the application fee in order to be considered. The form is available on the Organization's website, from the Market Manager (info@foothillsfarmersmarket.com), and at the Cleveland County Extension Center (130 S. Post Road, Suite 1, Shelby, NC 28152).

Applications and payment (cash or good check made payable to "Foothills Farmers' Market") may be delivered in person or by mail, or submitted online (electronic payment).

If the applicant is not approved as a new vendor by the Board of Directors, the application fee will be returned. Applications received after the market season has started will be considered for approval in a timely manner as possible by the Market Manager and the Board of Directors.

Newly-approved vendors are subject to one or more site visits by Extension Agents and/or management of the Foothills Farmers' Market during the market year. The purpose of this site visit is to certify that the vendor is producing what he/she sells.

Preference is given to Cleveland County producers, but prospective vendors within 50 miles of Cleveland County are encouraged to apply. Prospective new vendors receive special consideration if they make some new commodity available that helps diversify and expand the market's product line.

Applying as a Returning Vendor

Vendors in good standing who are seeking to renew their membership may be permitted to submit an abbreviated application at the discretion of the Market Manager and the Board

Requirements of All Vendors

- Vendors/representatives must abide by all Market Policies and any additional operational procedures established by the Market Manager.
- Vendors must identify the products they intend to sell at the time of annual application, and notify the Market Manager if those plans change.
- Vendors must keep the Market Manager advised of any/all person(s) authorized to represent their products at the market.

Designating a Representative

Vendors may designate persons to assist them in selling their products if the representative is knowledgeable about the products and the Market Manager is made aware of the arrangement. The individual should be at least fifteen years of age and knowledgeable about market policies and procedures. Any individual who does not have the appropriate paperwork or signage or who is unfamiliar to the Market Manager will be asked to leave.

Daily Stall Fees

Where applicable, stall fees will be collected and receipted by the Market Manager or their representative each market day. Stall fees are set by the Board of Directors in consultation with the vendor representatives who are seated on the Board. Presently, daily stall fees are as follows:

- Uptown Shelby Market on Wednesday: \$5 per assigned space
- Uptown Shelby Market on Saturday: \$15 per assigned space
- Cleveland County Health Department Market on Tuesday: free
- Winter Market on designated Saturdays: \$15 per assigned space

Space Assignment

Vending spaces are assigned by Market Manager. There are reserved spaces and "first come, first served" spaces at City Pavilion in Uptown Shelby. Reserved spaces are designated for vendors who attended the market regularly.

Vendors have the opportunity to earn a reserved space for the next season based on their attendance. The Market Manager will devise and administer a system whereby those who attend regularly and consistently qualify for a reserved space the following season.

No vendor may occupy/rent more than 2 spaces at the market unless pre-approved by the Market Manager.

Tables & Equipment

Vendors and their designated representatives are responsible for providing their own tables, chairs, scales, signs and other equipment.

The vendor's display may **not** exceed the width of their assigned space.

Vendors are encouraged to display their products in an attractive and eye-catching manner.

Since dogs on leash are permitted at the market, vendors are advised not to store or display merchandise (especially food items) at ground level.

Required Signage

Vendors are required to provide signage indicating the name and location of their farm or business.

Products that are being carried for another approved vendor must be properly identified with the names and location of the farm of origin.

Posting Prices

The price of all items offered for sale each market day must be posted. Prices may be posted on a chalkboard, dry erase board, or in sheet protectors and must be clearly visible to the consumer.

Failure to post prices invokes a \$5 fine on the first offense; successive offenses may be grounds for additional fines and/or termination from market participation at the discretion of the Market Manager and the Board of Directors.

Displaying Required Certificates & Licenses

Vendors and/or their approved representatives are strongly encouraged to have any relevant licenses, permits or certifications and/or inspection documents available for immediate inspection by customers and/or the market manager. These may be kept in a binder or folder, and do not have to be displayed on the table.

Clean-Up & Sanitation

Each vendor/representative is responsible for leaving his/her assigned space clean at the end of the market day. This includes hauling away any trash or garbage that is generated in or around the market space and sweeping up any debris left on the ground.

Vendors/representatives may not deposit food waste into trash receptacles, but are encouraged to direct that material to the Compost Collective that operates at City Pavilion on Saturdays.

No water or ice that comes into contact with milk products may be deposited or allowed to drain onto the market site.

City of Shelby and/or the Cleveland County Health Department and Market Manager(s) may impose additional sanitation requirements, and all vendors are required to comply.

SNAP/EBT and Credit/Debit Card Services

Foothills Farmers' Market provides SNAP/EBT and Credit/Debit Card Services as a convenience to shoppers. This service improves community access to local food and increases vendor sales.

Individual vendors may choose to accept credit cards on their own devices.

Customers wishing to use their SNAP/EBT or bank-issued debit cards come to a centrally located table and swipe their card in exchange for wooden SNAP/EBT (\$1) or Debit (\$5) tokens to use while shopping. **All vendors are required to participate in our Card Services Program by accepting wooden tokens from these shoppers.**

→ **SNAP/EBT tokens have a \$1 value and may be used to purchase:** breads and cereals; fruits and vegetables; meats, fish and poultry; dairy products, and; seeds and plants which produce food for the household to eat.

SNAP/EBT tokens may not be used to purchase: alcoholic beverages; non-

food items (including flowers, crafts, soaps, lotions, etc.); pet foods, and; hot foods.

Vendors are not permitted to make change for these \$1 tokens, but are encouraged to add more product to make up any difference (giving customers full value for their tokens).

→ **Debit card tokens have a \$5 value and may be used to purchase any and all items offered for sale.** Customers can receive change for these debit card tokens.

Vendors will be reimbursed each market day for tokens received. To eliminate the need to write numerous small checks, vendors may choose to hold their tokens until they possess a volume of them.

General Premise Requirements

Arrival & Departure Time

Vendors/representatives may have access to their assigned spaces 45 minutes before the market opens to the public, and must clean and vacate the space by no later than 30 minutes after the market day ends. Except as expressly permitted by the Market Manager, all vendors/representatives must be in their assigned spaces no later than 15 minutes prior to opening of the market on each market day.

Failure to arrive on time may result in reassignment of the vendor's space. Habitual tardiness may result in loss of market privileges.

For safety reasons, the Market Manager must approve early takedown and departure before closing time.

Vending spaces

Vendors/representative will honor the Market Manager's assignment of market spaces without controversy. Vendors/representatives may not infringe upon another's assigned space. No marketing outside the designated market space is permitted.

Vendor with less frequent attendance (e.g., those selling only seasonal products and crafts) will be assigned available spaces upon arrival at the market site.

Parking

Vendors/representatives will park in spaces designated by the Market Manager prior to the opening of the market. Vehicles may not be parked where they will obstruct traffic or take up space necessary for the orderly operation of the market. Vendors/representatives should make every attempt to make prime parking available for customers.

General Expectations of Vendors

Vendors/representatives may not allow their children or pets to run unattended in the market area. All pets at the market must be leashed **and** under owner control. The Market Manager may ban vendors' pets that cause any disturbance.

The Market Manager is authorized to require a vendor/representative to immediately remove any low-quality or ineligible merchandise from their display.

If a vendor/representative uses cups or toothpicks for sampling purposes, they must supply their space with a small trash can or attach a garbage bag to their space for their customers.

All vendors/representatives must dress appropriately, including shoes and shirts at all times. Hair must be tied back or restrained while the individual is serving any food items, and food handling gloves should be worn.

Vendors/representatives are encouraged to recycle packaging materials (e.g. produce boxes). All recycled materials must obscure the previous logo or brand name of the original contents.

Vendors will support Foothills Farmers Market marketing and promotional efforts by notifying the Market Manager whenever they expect to have new products available for sale.

Vendors wishing to sell a new category of product that was not listed on their approved Vendor Application must have that product pre-approved by the Market Manager before offering the product for sale.

Vendor Conduct

The Foothills Farmers' Market seeks to sustain positive relationships among members and consumers at all sanctioned market sites and sponsored events. Vendors are required, as part of their signed contract, to abide by the following points in their participation in Foothills Farmers' Market activities:

- All vendors/representatives should conduct themselves in a professional and courteous manner in their interactions with consumers, other members, market representatives and the general public.
- **No smoking** by vendors/representatives at the market sites. Smoking is absolutely prohibited under City Pavilion.
- Vendors/representatives should attempt to assist customers with heavy or bulky items whenever possible to encourage consumer use of the market.
- Profane language and discourteous actions are prohibited. Such instances should be reported immediately to the Market Manager and will lead to expulsion from the market that day. Should this behavior continue and be documented by the Market Manager, the Board of Directors may terminate the member's participation in the market. Should termination occur, the vendor/representative forfeits all fees paid to the market prior to termination.
- Any concerns about unfair pricing, production of items offered for sale, or member or consumer conduct should be made in writing to the Market Manager for review by the Board of Directors. When possible, the concerns should be reported immediately upon observation for action at the next Board of Directors meeting.

- Members are responsible for satisfying consumer complaints in an appropriate and professional manner. If numerous written complaints are received about a member or their representative's conduct or products from consumers, the Market Manager may suspend the market privileges of the member pending review and action by the Board of Directors.
- Any written complaints about Market Policies, enforcement of policies, member activities or market actions will be reviewed and acted upon by the Board of Directors in accordance with a grievance procedure adopted by Board action (see below). Resolution of complaints under this procedure is binding upon all parties in the complaint action and not subject to further appeal.

Filing & Resolution of Grievances

It is the policy of Foothills Farmers' Market that all staff, volunteers, members and customers be treated in a fair and equitable manner and that members adhere to established policies and procedures. We also expect market participants to conduct themselves in ways that do not harm Foothills Farmers' Market.

All market participants are encouraged to resolve difficulties in private on a one-on-one basis. The Market Manager may facilitate and mediate a discussion if needed. If the dispute continues, the grievance should be documented in writing and shall specify with particularity the basis of the grievance, including the identity of all persons involved, a detailed description of the cause of the grievance, the time frame in which it occurred, where it occurred, and all other facts and explanations forming the basis of the grievance, as well as a description of the proposed remedial or other action which the aggrieved party wishes to Foothills Farmers' Market Board or its representatives to grant.

Written grievances must be lodged with the Market Manager with fourteen (14) business days of the occurrence and accompanied by a check in the amount of \$20 made payable to Foothills Farmers' Market. If the Market Manager validates the claim, the check will be returned and the written complaint forwarded promptly to the chair of the Foothills Farmers' Market Board for immediate distribution to all Board members. Within five (5) days of distribution, the FFM chair shall convene a

meeting of the grievance committee (comprised of the Market Manager and all Board officers). In the sole discretion of the FFM chair, the aggrieved party and one (1) guest may also be allowed or attend all or any part of said meeting at which he or she may make an oral presentation in support of his or her position not to exceed fifteen (15) minutes. The purpose of the meeting shall be to discuss the grievance and reach a determination as to its disposition. The disposition shall be determined by a majority vote of the committee members and shall be communicated to the aggrieved party within two (2) weeks of submission of the written complaint.

If the aggrieved party is not satisfied with said disposition, he or she may appeal to the full FFM Board within fourteen (14) days of receiving a response from the grievance committee. Said appeal shall include a copy of the original written grievance and shall also include any additional facts and arguments the party may wish to present to support its position that the initial disposition was in error. In its sole discretion during a regularly scheduled Board meeting, the FFM Board may: a) affirm or modify the initial disposition based on that written submission, or; b) hold a second hearing to receive further evidence and arguments to relating to the appeal. A final written Board decision on the grievance shall be issued within thirty (30) days of the date the written appeal was lodged with the Board.

If a grievance or appeal is not initiated within the time sets set forth herein, it shall be waived.

The Market Manager is authorized to fine, deny or restrict a vendor or their representative's access to the market for failure to follow Market Policy. During the grievance process, the violator must adhere to the original penalty with no right to restitution for any losses.