

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**Country Mill Farms, LLC and Stephen
Tennes,**

Plaintiffs,

v.

City of East Lansing,

Defendant.

Case No. 1:17-cv-00487-PLM-RSK

Honorable Paul L. Maloney

Declaration of Stephen Tennes In Support of
Plaintiffs' Motion for Preliminary Injunction

Oral Argument: September 13, 2017

I, Stephen Tennes, hereby declare as follows:

1. I am competent to testify, and in addition to my sworn testimony in the Verified Amended Complaint, make this declaration based on my personal knowledge.
2. On or about June 28, 2017, after both the Verified Amended Complaint and Motion for Preliminary Injunction were filed, I read the following news article: Evan Carter, *City Emails: Christian Farmer's Facebook Post Led to Ban From East Lansing Market*, MICHIGAN CAPITOL CONFIDENTIAL, June 28, 2017, <https://www.michigancapitolconfidential.com/city-emails-christian-farmers-facebook-post-led-to-ban-from-east-lansing-market>.
3. Within that article, Mr. Carter included a link to emails from East Lansing city officials about Country Mill Farms that Mr. Carter "received in response to a Freedom of Information Act request." *See id.*
4. Attached as Exhibit A are true and correct copies of excerpts from these emails.

Dated 10 day of August, 2017,

By: 
Stephen Tennes

EXHIBIT A

Tim McCaffrey - Fwd: Re: Farmers market

From: Amy Schlusler
To: Stone, Jane
Date: 8/25/2016 4:02 PM
Subject: Fwd: Re: Farmers market

Hi Jane,

In follow-up to our discussion a moment ago, below please find my email correspondence with Mayor Meadows. I will share with the Mayor that I have forwarded this on to you and Tim McCaffrey for further discussion. Please just let me know if I can do anything further.

Thanks,
Amy

Amy Schlusler
City of East Lansing
Community Development & Engagement Manager
410 Abbot Rd.
East Lansing, MI 48823
(517)319-6931-Office Phone
(517)337-1607-Fax

>>> Mark Meadows <mmeadows@cityofeastlansing.com> 8/25/2016 3:49 PM >>>

Well, they host weddings at their orchard and there was just a story on them where they indicate they will not allow same sex couples to marry there because of their religious beliefs. We need to find out if our ordinance is implicated. And we should expect a demonstration in opposition to their participation if they continue to sell at our market. Might be better to have them not come until all this can be straightened out.

Mark

Sent from my Verizon 4G LTE Droid

On Aug 25, 2016 3:40 PM, Amy Schlusler <aschlus@cityofeastlansing.com> wrote:

Hi Mayor Meadows,

Yes! They do.

Let me know if you need any additional information. Heather Surface actually administers the market, but I know that they were a vendor this year. I'm happy to look into anything you may need.

Amy

>>> Mark Meadows <mmeadows@cityofeastlansing.com> 8/25/2016 3:32 PM >>>

Does Country Mill in Charlotte have a space at the farmers market?

Mark

Sent from my Verizon 4G LTE Droid

From: Shanna Draheim
To: George Lahanas
Date: 8/27/16 10:04 AM
Subject: Re: Fwd: EL Farmer's Market Concern

Yes I concur.

>>> George Lahanas 08/27/16 9:54 AM >>>
Council,

Please see Mr. McCaffrey's email below regarding the EL Farmer's Market vendor, The Country Mill. We intend to withdraw our request that they refrain from participating in the market tomorrow unless I hear otherwise from Council (please contact me individually by phone or email if you would like to discuss this further).

George

>>> Tim McCaffrey 08/27/16 8:59 AM >>>
George:

As you are aware, on Thursday afternoon we received an email concern from Dr. Sara Dupuis regarding the "Country Mill" vending at our EL Farmer's Market. The Country Mill had not allowed a same sex couple to book a wedding at their venue in Charlotte, Michigan. Dr. Dupuis was concerned that we would permit a business that discriminates against the LGBT community at our Market and this would conflict with our Human Relations Ordinance.

We had contacted the Country Mill and requested that they voluntarily agree to not vend this coming Sunday, August 28th at our Market. This would provide us the opportunity to involve our appropriate city officials in any longer term determinations regarding the Country Market's status as a vendor. As of last evening, the Country Mill had not let us know whether or not they would voluntarily agree to our request.

This morning, WILX reported that the Country Mill will no longer host any weddings at their Charlotte venue (see the WILX website). I contacted Dr. Sara Dupuis and advised her of what WILX had reported. Dr. Dupuis agreed that the Country Mill's new position was acceptable and that her concern was resolved.

With your concurrence, I intend to withdraw our request of the Country Mill regarding this weekend's Market.

Please advise if you prefer a different course of action.

Thank You.

Tim

Mikell Frey - RE: EL Farmer's Market Concern

From: Mark Meadows <mmeadows@cityofeastlansing.com>
To: George Lahanas; Ruth Beier; Shanna Draheim; Erik Altmann; Susan Woods
Date: 8/27/16 10:14 AM
Subject: RE: EL Farmer's Market Concern

As Tim knows, DuPuis was not the only inquiry about this. I am not sure whether not hosting any weddings actually addresses the issue which is a public statement that their religion does not permit them to allow same sex couples to be married at their farm. Do their religious beliefs permit them to sell apples to a same sex couple at the farmers market? Can they sign an assurance that they will provide service to all persons, regardless of sexual orientation? I think we can expect a demonstration at the farmers market and we should get some guidance from Tom on what our options are.

Sent from my Galaxy Tab@ A

----- Original message -----

From: George Lahanas <glahana@cityofeastlansing.com>
Date: 8/27/16 9:54 AM (GMT-05:00)
To: Mark Meadows <mmeadows@cityofeastlansing.com>, Ruth Beier <rbeier@cityofeastlansing.com>, Shanna Draheim <sdraheim@cityofeastlansing.com>, Erik Altmann <Erik.M.Altmann@gmail.com>, Susan Woods <susanw.woods@gmail.com>
Subject: Fwd: EL Farmer's Market Concern

>>> "George Lahanas" 08/27/2016 09:55 >>>

Council,

Please see Mr. McCaffrey's email below regarding the EL Farmer's Market vendor, The Country Mill. We intend to withdraw our request that they refrain from participating in the market tomorrow unless I hear otherwise from Council (please contact me individually by phone or email if you would like to discuss this further).

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With your concurrence, I intend to withdraw our request of the Country Mill regarding this weekend's Market.

Please advise if you prefer a different course of action.

Thank You.

Tim

Mikell Frey - Re: EL Farmer's Market Concern

From: Erik Altmann <erikmaltmann@gmail.com>
To: George Lahanas <glahana@cityofeastlansing.com>
Date: 8/27/16 10:48 AM
Subject: Re: EL Farmer's Market Concern

If this vendor was in fact recently discriminating, and we've just discovered this, then I'd prefer maintaining the request not to vend until we get more direct assurances.

On Aug 27, 2016, at 9:54 AM, George Lahanas <glahana@cityofeastlansing.com> wrote:

Council,

Please see Mr. McCaffrey's email below regarding the EL Farmer's Market vendor, The Country Mill. We intend to withdraw our request that they refrain from participating in the market tomorrow unless I hear otherwise from Council (please contact me individually by phone or email if you would like to discuss this further).

George

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With your concurrence, I intend to withdraw our request of the Country Mill regarding this weekend's Market.

Please advise if you prefer a different course of action.

Thank You.

Tim

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George Lahanas - Farmer's Market

From: George Lahanas
To: council
Date: 8/27/2016 10:58 PM
Subject: Farmer's Market

Council,

After further discussions with Tim McCaffrey and Tom Yeadon we decided to maintain our request that Country Mill voluntarily elect not to attend the market tomorrow. We heard from their attorney that they plan on attending. We have spoken with ELPD and will have officers available in the event that they are needed. Tim McCaffrey will communicate with the other vendors about the possibility of protesters.

George

Mikell Frey - Re: Fwd: Charlotte orchard

From: Tim McCaffrey
To: Lahanas, George
Date: 8/29/16 10:26 AM
Subject: Re: Fwd: Charlotte orchard

George:

Yes, they have assured us that they will serve all customers regardless of sexual orientation. To our knowledge, they have always served any customer at our farmer's market.

In my conversation with Diana Tennes the above answer also applies to the Orchard Barn Event Venue, where they will continue to host special events but not weddings.

Thanks, Tim.

>>> George Lahanas <glahana@cityofeastlansing.com> 8/29/2016 10:01 AM >>>

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Mark Meadows <mmeadows@cityofeastlansing.com>
Date: 8/29/16 7:59 AM (GMT-05:00)
To: George Lahanas <glahana@cityofeastlansing.com>
Subject: Fwd: Charlotte orchard

>>> "Mark Meadows" 08/29/2016 08:05 >>>

I haven't answered this yet. Did they assure us that they will service every customer, regardless of sexual orientation?

Mark

>>> Danielle Marie Salisbury <DQUISENB@mlive.com> 08/29/16 6:49 AM >>>

Hello Mayor Meadows,
I am a reporter for MLive and I wrote a story over the weekend about The Country Mill in Charlotte refusing to host a same-sex wedding. There was some subsequent talk on Facebook about whether the orchard should be allowed or would be allowed to do business at the East Lansing farmer's market because if you could please contact me here or by calling the cell phone number below, I would appreciate it.
Thank you.
Danielle

Danielle Salisbury
MLive Media Group
Reporter

mobile 517.262.0026
email danielle_salisbury@mlive.com
address 100 E. Michigan Ave., Suite 100, Jackson, MI, 49201

Ruth Beier - The Country Mill

From: Eilis Seide
To: Council Group
Date: 3/8/17 10:03 AM
Subject: The Country Mill

Council,

Tim McCaffrey and Heather Surface will be sending a letter to the Country Mill this week. They will not be invited back as a vendor for the Farmer's Market this year. Please let me know if you have concerns.

Eilis

Eilis A. Seide
Assistant to the City Manager
City of East Lansing
410 Abbot Road
East Lansing, MI 48823
phone: (517) 319-6920

Mikell Frey - Re: The Country Mill

From: Erik Altmann <erikmaltmann@gmail.com>
To: Eilis Seide <eseide@cityofeastlansing.com>
Date: 3/8/17 10:15 AM
Subject: Re: The Country Mill

No concerns. I think this is the right move.

On Mar 8, 2017, at 10:03 AM, Eilis Seide <eseide@cityofeastlansing.com> wrote:

Council,

Tim McCaffrey and Heather Surface will be sending a letter to the Country Mill this week. They will not be invited back as a vendor for the Farmer's Market this year. Please let me know if you have concerns.

Eilis

Eilis A. Seide
Assistant to the City Manager
City of East Lansing
410 Abbot Road
East Lansing, MI 48823
phone: (517) 319-6920

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Mark Meadows - Fwd: Re: The Country Mill

From: Eilis Seide
To: Mark Meadows
Date: 3/8/17 10:20 AM
Subject: Fwd: Re: The Country Mill

Eilis A. Seide
Assistant to the City Manager
City of East Lansing
410 Abbot Road
East Lansing, MI 48823
phone: (517) 319-6920

>>>

From: Tim McCaffrey
To: Eilis Seide
Date: 3/8/2017 10:18 AM
Subject: Fwd: Re: The Country Mill
Eilis:

They filled out an application so we are responding to their application.

Tim.

>>> Eilis Seide 3/8/2017 10:13 AM >>>
Do you want to answer this?

Eilis A. Seide
Assistant to the City Manager
City of East Lansing
410 Abbot Road
East Lansing, MI 48823
phone: (517) 319-6920

>>>

From: Mark Meadows
To: Eilis Seide

Date: 3/8/2017 10:10 AM
Subject: Re: The Country Mill
Why send a letter then?

>>> Eilis Seide 03/08/17 10:03 AM >>>

Council,

Tim McCaffrey and Heather Surface will be sending a letter to the Country Mill this week. They will not be invited back as a vendor for the Farmer's Market this year. Please let me know if you have concerns.

Eilis

Eilis A. Seide
Assistant to the City Manager
City of East Lansing
410 Abbot Road
East Lansing, MI 48823
phone: (517) 319-6920

Mikell Frey - Re: Fwd: Re: The Country Mill

From: Mark Meadows <mmeadows@cityofeastlansing.com>
To: "Seide, Eilis"
Date: 3/8/17 10:45 AM
Subject: Re: Fwd: Re: The Country Mill

OK.

Sent from my Verizon 4G LTE Droid

On Mar 8, 2017 10:20 AM, Eilis Seide <eseide@cityofeastlansing.com> wrote:

Eilis A. Seide
Assistant to the City Manager
City of East Lansing
410 Abbot Road
East Lansing, MI 48823
phone: (517) 319-6920

>>>

From: Tim McCaffrey
To: Eilis Seide
Date: 3/8/2017 10:18 AM
Subject: Fwd: Re: The Country Mill
Eilis:

They filled out an application so we are responding to their application.

Tim.

>>> Eilis Seide 3/8/2017 10:13 AM >>>
Do you want to answer this?

Eilis A. Seide
Assistant to the City Manager
City of East Lansing
410 Abbot Road
East Lansing, MI 48823
phone: (517) 319-6920

>>>

From: Mark Meadows
To: Eilis Seide
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Eilis

Eilis A. Seide
Assistant to the City Manager
City of East Lansing
410 Abbot Road
East Lansing, MI 48823
phone: (517) 319-6920

Tim McCaffrey - Fwd: East Lansing Farmer's Market: Response proposal

From: Heather Surface
To: Tim McCaffrey
Date: 3/13/2017 2:08 PM
Subject: Fwd: East Lansing Farmer's Market: Response proposal
Attachments: Country Mill comment 2.docx; 2017 Guidelines (2).doc; Appendix B_Chapter 22.docx

What do you think about this Tim?

Hi Steve,

We appreciate your inquiries. It was brought to our attention this winter that your facebook post on December 12, 2016 violates East Lansing's Civil Rights ordinances and the public policy against discrimination contained in Chapter 22 of the East Lansing City Code. I've attached a time stamped copy of this facebook post. I've also attached the Farmer's Market Guidelines in which the Civil Rights requirements are outlined under 6.m. Finally, I've attached Chapter 22 of the Civil Rights ordinance (otherwise referred to as "Appendix B" in the Market Guidelines).

Heather Surface

City of East Lansing
Stewardship & Community Events Specialist
410 Abbot Rd East Lansing MI, 48823
[517-319-6888](tel:517-319-6888)

Be brave and be kind

>>> Steve Tennes <steve.tennes@gmail.com> 3/13/2017 1:12 PM >>>

Heather,

My sister-in-law, Diana, and I received your letter regarding our attendance at the ELFM. I am hoping to clarify whatever misunderstanding may have happened. I reviewed our application that we sent you and was not able to see what you might be referring to regarding our general business practices. Could you be more specific on why we are prohibited from continuing to attend the ELFM? We are not aware of any complaints from our ELFM booth or customers there. Have you received any?

We have always enjoyed coming to the ELFM and look forward to doing so in the future.

Thank You,

Steve Tennes
Owner
Country Mill
4648 Otto Road
Charlotte, MI 48813
[517-543-1019](tel:517-543-1019)
www.CountryMill.com

Mikell Frey - Additional paperwork for Market

From: Heather Surface
To: George Lahanas
Date: 5/30/17 12:26 PM
Subject: Additional paperwork for Market
Attachments: 2017 Guidelines (2).doc; 2017 Vendor License Agreement 125.docx

See attached for Market Agreement and Guidelines

Sundays from 10 a.m. - 2 p.m.
June 4 to Oct. 29, 2017
280 Valley Court Park

East Lansing Farmer's Market 2017 Vendor Guidelines

1) PURPOSE

The East Lansing Farmer's Market (ELFM) is an open-air, outdoor market that enhances community life by bringing residents, local growers and producers together. The market provides residents the opportunity to purchase a variety of fresh, farm-grown Michigan produce and products.

The ELFM features only Michigan growers and Michigan producers. Wholesale, farmer direct, manufactured products, arts and crafts and non-Michigan produce and products are prohibited.

2) OPERATIONS

- a. Days of Operation: The East Lansing Farmer's Market will operate on Sundays from June 4 to Oct. 29, 2017.
- b. Hours of operation: The market will be open to the public from 10 a.m.-2 p.m.
- c. Location: The market will be located in Valley Court Park, 280 Valley Court, East Lansing, MI 48823.

3) APPLICATION AND REVIEW PROCESS

- a. Submission of a vendor application is required to participate in the ELFM. Applications are reviewed by the ELFM Market Planning Committee, which is comprised of vendors, residents and City staff.

Applications are reviewed on an annual basis and open stalls will be offered to applicants based on 1) the type of produce and products sold and 2) the date of application. Prior participation does not guarantee a spot in the market, with the exception of Invitational Vendors (see #4d)

4) TYPES OF VENDORS

- a. Annual Vendors are selected by the ELFM Planning Committee and will attend each of the 22 market days.
- b. Part-time Annual Vendors are selected by the ELFM Planning Committee and commit to attend a limited number of market days (i.e. every other Sunday).
- c. Daily Vendors are selected by the ELFM Planning Committee and participate on a limited basis. Vendors who sell seasonal products or items not already offered at the market will be given preference. Daily vendors will be contacted by the market manager the Wednesday prior to market day.
- d. Invitational Vendors are selected by the ELFM Planning Committee on an annual basis. These vendors have consistently adhered to the ELFM Vendor Guidelines and embodied the spirit of the market. An invitation does not guarantee selection for participation in the following year's market.

5) PRODUCE AND PRODUCTS

- a. The following products are permitted for sale in the market.
 - a. Michigan Growers-Only Produce: grown by the vendor in Michigan.
 - b. Michigan Value-Added / Producer-Only Products: created or produced by the vendor in Michigan, with as many Michigan ingredients/products as possible.
 1. Value-Added products are defined by the USDA as having:
 - a. A change in the physical state or form of the product (such as milling wheat into flour or making strawberries into jam).
 - b. The production of a product in a manner that enhances its value (such as organically produced products).
 - c. The physical segregation of an agricultural commodity or product in a manner that results in the enhancement of the value of that commodity or product (such as an identity preserved marketing system).
- b. The following produce and products are NOT permitted for sale in the market.
 - wholesale
 - farmer direct
 - manufactured
 - arts and crafts
 - non-Michigan
- c. Product Additions: Vendors are not permitted to add additional product lines (outside the produce or products described on their annual market application) without approval. Any subsequent additions to an initial product line need to be reviewed and approved by the market manager and/or ELMF Planning Committee.
- d. Organic Produce: Organic produce must be registered with the USDA. Growers should label organic produce in accordance to FDA regulations and display their updated "Certified Organic" certificate.
- e. State Law: Vendors are required to comply with all Michigan Department of Agriculture, Cottage Food Law and Ingham County Health Department rules and regulations.
- f. Dairy: The sale of non-pasteurized milk is prohibited.
- g. Alcohol: The sale of alcohol is prohibited.

6) VENDORS WILL EMBODY THE SPIRIT OF THE MARKET BY:

Multiple factors that affect the success of every vendor are considered.

- a. Merit high quality produce and presentation
- b. Convincing amount of produce
- c. Attending the market each and every week.
- d. Offering a diversity of fresh products.
- e. Creating an inviting atmosphere for customers.
- f. Displaying products in a thoughtful and creative way (i.e. use of table clothes, unique signage, three-dimensional displays).
- g. Pricing products fairly
- h. Being friendly and courteous to, and interacting with customers.
- i. Building relationships with customers.
- j. Participating in marketing initiatives and special events.
- k. Adhering to market guidelines including attendance, parking, safe food handling, signage, etc.

- l. Following the *MDA Guidelines for Providing Safe Food Samples* (Appendix A).
- m. Complying with the City of East Lansing's Civil Rights ordinances and the public policy against discrimination contained in Chapter 22 of the East Lansing City Code while at the ELMF and as a general business practice. (Appendix B)
- n. Having fun!

7) INSPECTIONS

ELFM officials or their designee may conduct one or more random on-site visits of any farm or business. The purpose of an inspection is to assure adherence to the ELMF growers-only philosophy. Failure to allow an inspection is grounds for immediate revocation. ELMF's ability to inspect any farm or business shall not be considered the City's approval of any particular farming or business method. The ELMF makes no warranty as to the fitness of any particular procedures or products.

8) ATTENDANCE AND PENALTY FEES

- a. Vendors are expected to attend each market day that they have committed. If the vendor is not present by 9:30 a.m., the market manager may fill the stall with another vendor or activity.

If there are extenuating circumstances, vendors are required to contact the market manager by the Wednesday prior to market day if they will not be attending the market for any reason. This will allow the market manager time to fill the vendor stall.

- b. Vendors will be required to provide a \$50 stall deposit, which will accompany the vendor registration fees and forms. Vendors who are absent, without prior notification, will forfeit the \$50 stall deposit. Vendors will be required to pay an additional \$50 stall deposit before returning to the market and will be charged \$50 for each subsequent absence during the current season. If the vendor has more than three absences at the end of the current season they will not be invited to participate in future markets. The forfeited \$50 stall deposit will be added to the general operating fund of the market. The \$50 stall deposit fee will be returned to each vendor, who has attended each market day, at the end of the current season.

9) VENDOR FEES

- a. **Annual Fee:** The cost of the market is \$275 per stall for nonresidents and \$265 for residents (22 market days). Fees must be paid in full by May 12, 2017.
- b. **Daily Fee:** The cost of a daily stall rental is \$25 per market day, regardless of sales. Daily stalls will be assigned by the Market Manager the Wednesday prior to the specific market day.
- c. **Stall Deposit Fee:** A stall deposit fee of \$50 will be collected, if accepted into the market, at the start of the season and will be returned at the end of the season if vendor has not violated the Attendance Policy (See #8b).

10) REQUIRED LICENSES AND INSURANCE

- a. Vendors must provide a certificate of insurance naming the City of East Lansing as additionally insured (\$500,000.00).
- b. If selling produce or products that require a license, the vendor must submit a copy of the license with the market contract.

- c. All vendors must follow Michigan Department of Agriculture and Ingham County Health Department food handling and sanitation rules.
- d. Organic growers must label produce in accordance to FDA regulations and display their updated "Certified Organic" certificate in their stall.
- e. Products falling under the Cottage Food Law must adhere to *all labeling requirements* and practices. More information may be found at www.michigan.gov/cottagefood.

11) DISPLAY AND SIGNAGE

- a. Products: All produce/products must be displayed within the assigned stall space.
- b. Pricing: The vendor is responsible for pricing goods sold at a reasonable market value. Pricing needs to be clearly visible.
- c. Organic growers: Organic produce/products must be labeled in accordance to FDA regulations and display their updated "Certified Organic" certificate.
- d. Cottage Food Law: Products that are made under the Cottage Food Law must adhere to labeling guidelines.
- e. Booth Signage: Vendors are required to display a sign that states the vendor's name and location of their farm on the front of the booth/tent.
- f. Product Signage: Signage should be clear, appealing and keeping in character of the market.

12) STALLS

- a. Annual assignment: Vendors who participate as an annual vendor will be assigned to a specific stall. Permission to move out of a designated stall must be made in writing to the Market Manager. The vendor can not sublet its space. If vendor is absent on any given market day the market manager may place either a seasonal or daily vendor in that assigned stall.
- b. Part-time Annual assignment: Vendors who participate, on a limited basis, may or may not be assigned a specific stall. Permission to move out of designated stall must be made in writing to the Market Manager. The vendor cannot sublet its space. If vendor is absent on any given market day the market manager may place either a seasonal or daily vendor in that assigned stall.
- c. Daily Vendor stall assignment: There will be daily stalls available to encourage availability of seasonal produce and products (i.e. berries, perennials) to participate in the market. Daily vendors will be contacted by the Market Manager the Wednesday prior to market day. Daily vendors must submit an application and all required paper work, licenses and proof of insurance prior to participation. Preference will be given to vendors who sell seasonal products or items not already offered at the market.
- d. Size of Stall: The size of a vendor stall is 11 feet wide and includes space for one vehicle.
- e. Tents, tables, chairs: Due to Ingham County Health Department guidelines, tents must be used at all times during the market. Vendors must provide their own tents (maximum size 10 X 10), tables, chairs and other equipment as needed. Tents or coverings must be anchored by heavy weights to ensure safety during windy conditions.
- f. Cleanliness: Each vendor is expected to keep their vendor stall clean and attractive during the duration of the market and clean their stall at the end of each day. *No garbage, boxes and other items should be left behind.*

- g. **Set-up and take-down:** Vendors will be allowed to set up their stall between 8 a.m. and 9:30 a.m. Vendors arriving later than 9:30 a.m. may be assigned to another stall space or may lose their stall space. Vendors must be ready to sell by 10 a.m. Vendors arriving after 9:30 a.m. are not guaranteed the ability to drive into their stall.
- h. Vendors must remain in their stall until the close of the market.

13. SITE

- a. **Parking for Vendors:** One vendor parking spot will be located within the stall space. Additional parking is prohibited in the parking spaces reserved for or commonly used by customers. Free vendor parking is available in downtown parking ramps. A vendor's second vehicle must be parked as far away as possible from the market to allow for customer parking.
- b. **Dogs:** Vendors will not be allowed to bring dogs to the market.
- c. **Smoking:** The market and the East Lansing City Code prohibit smoking in the market area.
- d. **Restrooms:** Restrooms will be available to vendors only.
- e. **Electricity:** Electricity is available to all vendors *if needs are previously discussed* with the Market Manager.
- f. **Trash:** Dumping of produce and/or trash in garbage cans is prohibited (vendors are required to take away everything they brought with them).
- g. **Cash:** Vendors are responsible for bringing their own cash box to the market and providing change to customers.
- h. **Other forms of Payment:** The ELMF uses a token system for SNAP benefit customers and participates in the Double Up Food Bucks program.
- i. **Sales Tax:** Sales tax is the responsibility of the vendor.
- j. **Marketing:** Marketing for this event is a joint effort between the City of East Lansing and vendors. The City of East Lansing will market the event using available resources. Vendors are encouraged to help promote the market by word-of-mouth, distribution of flyers, creating links to the ELMF from their website, etc.

Vendors are also encouraged to help promote the market by helping to create a charming market by setting up attractive stall displays and selling quality items, as well as, being respectful and engaging with customers.

14. GRIEVANCES

Grievances should be directed to the Market Manager in writing. If the Market Manager cannot settle the grievance, it will be brought to the Planning Committee for discussion and a vote.

15. MARKET MANAGER RESPONSIBILITIES

- a. Recommending seasonal vendors to Farmer's Market Committee and registering daily vendors
- b. Assigning stalls at market
- c. Collecting seasonal and daily fees
- d. Handling day-to-day administrative duties
- e. Enforcing market regulations
- f. Answering customer and vendor inquiries
- g. Promoting the market
- h. Ensuring the market complies with applicable local, state and federal regulations

- i. Administering the financial and business affairs of the market
- j. Authority to deny or remove vendors from the market
- k. Authority to impose disciplinary action
- l. Authority to grant exceptions and accommodations on an individual basis

16. CONTACT

East Lansing Farmer's Market

410 Abbot Road

East Lansing, MI 48823

Office: (517) 319-6888

Email: hsurfac@cityofeastlansing.com

Web page: <http://www.cityofeastlansing.com/FarmersMarket>



2017 East Lansing Farmer's Market Vendor License Agreement

Contact Name: _____

Farm, Business or Name: _____

Business Address: _____

Mailing Address: _____

Cell: _____ Phone: _____

E-Mail _____ Website: _____

Emergency Contact Name & Number: _____

What type of vehicle will you have at the ELFM?

- car standard size truck/van oversized truck standard size truck and trailer

Will you require the use of electricity? Yes No

If yes, how many watts? _____

License Requirements

Each vendor must furnish the City of East Lansing a current and valid copy of any and all licenses and permits necessary for operation during the 2017 season from June 4-Oct. 29. All food shall be from sources approved or considered satisfactory by the local health officials and the Department of Agriculture, and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption.

Vendors are required to comply with all Michigan Department of Agriculture (MDA) Rules and Regulations. Contact the MDA for questions at (800) 292-3939 (processed food) or (517) 373-1087 (plants). A copy of the appropriate State license must accompany the vendor application for items such as perennial plants, baked goods, meat, poultry, fish, shellfish, dairy products, lettuce and leafy greens, sauces that contain

potentially hazardous foods and maple syrup, as well as other potentially hazardous and/or processed foods.

Are you required by the State of Michigan to be licensed? Yes No
 If so, please attach copies of current licenses.

If you are a grower, are you certified organic? Yes No
 If so, please attach a copy of your certification.

Do your value-added, producer-only products fall under the Cottage Food Law? Yes No

If you have value-added products please describe your process of adding value.

Vendor License Agreement

The East Lansing Farmer’s Market (hereafter ELFM), as coordinated through the City of East Lansing, (hereafter City), 410 Abbot Road, East Lansing, MI 48823 and Licensee agree as follows:

1. GRANT OF LICENSE. Subject to the terms and conditions of this Agreement and the ELFM 2017 Vendor Guidelines (hereafter “Guidelines”), the City grants Licensee a license to use a designated stall at the designated location for the ELFM in the City.

2. TERM OF AGREEMENT. A seasonal license is valid for all the remaining dates and times set forth in the guidelines. A daily license is valid for the dates herein specified.

___ Annual Vendor License - \$265 for residents \$275 for non-residents (all market days below)

___ Part-Time Vendor License - \$25 per day (check dates that apply)

___ Daily Vendor License - \$25 per day (check dates that apply)

- | | | | | |
|----------------------------------|----------------------------------|------------------------------------|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> June 4 | <input type="checkbox"/> July 2 | <input type="checkbox"/> August 6 | <input type="checkbox"/> Sept. 3 | <input type="checkbox"/> October 1 |
| <input type="checkbox"/> June 11 | <input type="checkbox"/> July 9 | <input type="checkbox"/> August 13 | <input type="checkbox"/> Sept. 10 | <input type="checkbox"/> October 8 |
| <input type="checkbox"/> June 18 | <input type="checkbox"/> July 16 | <input type="checkbox"/> August 20 | <input type="checkbox"/> Sept. 17 | <input type="checkbox"/> October 15 |
| <input type="checkbox"/> June 25 | <input type="checkbox"/> July 23 | <input type="checkbox"/> August 27 | <input type="checkbox"/> Sept. 24 | <input type="checkbox"/> October 22 |
| | <input type="checkbox"/> July 30 | | | <input type="checkbox"/> October 29 |

3. APPLICATION AND LICENSE FEE. Licensee shall pay the City a non-refundable application fee of \$265 for residents, \$275 for non-residents (Annual Vendor License) or \$25 per market day (Part-Time Vendor or Daily Vendor License).

4. USE OF SPACE. Licensee may use the Space only to sell Goods in compliance with the Guidelines.

5. EXPENSES. The license is for space only. Licensee is responsible for any and all other expenses incurred by licensee in using the designated stall.

6. ALTERATIONS. No alterations may be made to the Space or the Location by Licensee without the prior consent of ELFM officials.

7. INSPECTION. The City and/or ELFM officials may, at their option, conduct an on-site visit of the farm, business or organization at reasonable times. Failure to allow an inspection is grounds for immediate revocation of the license. ELFM's ability to inspect and or inspection of any farm, business or organization shall not be considered the City's approval of any particular farming or business method. The City and ELFM make no warranty as to the fitness of any particular procedures or products.

8. NON-ASSIGNABILITY. This license is personal to the licensee and the licensee's agents and employees and may not be assigned or transferred to any other person or business entity.

9. RELEASE OF LIABILITY. Licensee, on behalf of itself and its employees, volunteers and agents, releases all rights of recovery against the City and its officers, employees, volunteers and insurers from any claims, liability and costs (including for personal injury or property damage) arising out of the this Agreement of the License.

10. TAXES. Licensee remains responsible for any and all taxes from the sales of products resulting from this license.

11. HOLD HARMLESS/INDEMNITY AGREEMENT. The City and the ELFM is not responsible for product liability or the paying of sales taxes by individual licensees. Licensee agrees to indemnify and hold harmless the City of East Lansing its agents employees and insurers from and against all liability, claims, demands, losses, damages, levies and causes of action of suits of any nature whatsoever, arising out of or related to Licensees activities at the ELFM. The City and ELFM is not responsible for any loss or damage of licensee property or products. Licensee operates at their own risk.

12. REVOCATION. In addition to immediate revocation for failure to allow an inspection, any license may be revoked by the City for failure to comply with the guidelines or any other term of this license agreement. The City reserves the right to discontinue the ELFM program in which case all licenses are automatically revoked.

13. INSURANCE. Vendors are required to obtain general liability insurance. All vendors must provide proof of liability insurance for \$500,000, naming the City of East Lansing as an additionally insured.

Insurance Agent: _____ Phone: _____

Attach copies of insurance that is valid June 4-Oct. 29, 2017

By signing this agreement, I agree that:

- 1) I have read, understood and agree to the ELFM 2017 Vendor Guidelines and the 2017 East Lansing Farmer's Market Vendor License Agreement.
- 2) I have obtained or will obtain all applicable permits and licenses from local, state and federal regulatory agencies by May 31, 2017.
- 3) The City of East Lansing reserves the right to discontinue participation in the market.
- 4) All produce and/or products sold at the ELFM are grown and/or produced by me in Michigan.

Signed: _____ Date: _____
Vendor Signature

Signed: _____ Date: _____
City Manager

Signed: _____ Date: _____
Market Manager

ELFM REGISTRATION CHECKLIST

The following materials must be returned in conjunction with this agreement.
Please make checks payable to the City of East Lansing.

- ELM Application enclosed
- Signed EBT Form enclosed
- 2017 Vendor License Agreement enclosed
- Annual Vendor stall fee (\$265 for residents, \$275 for non-residents) enclosed

OR

- Daily or Part-Time stall fee (\$25 X ___#of market days = \$___) enclosed
- Stall Deposit Fee (\$50) enclosed
- Proof of Liability Insurance (\$500,000), naming the City of East Lansing as additionally insured, valid June 4-Oct. 29, 2017 enclosed
..... not available at this time
- All required licenses valid June 4-Oct. 29, 2017 enclosed
..... not available at this time
- Vendor Biography for Promotional Use enclosed emailed
- Digital Vendor Photo for Promotional Use emailed
- Any other required licenses enclosed

* The DUFEB form will be provided at the beginning of the market season.

Heather Surface / East Lansing Farmer's Market / 410 Abbot Road, East Lansing, MI 48823
(517) 319-6888 / hsurfac@cityofeastlansing.com / www.cityofeastlansing.com/213/Farmers-Market