

Jackie Henderson

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2-21-15

From: Alex Dambach
Sent: Thursday, February 19, 2015 3:45 PM
To: Jackie Henderson
Subject: FW: Comment ? on SUP

Jackie. This is an e-mail I just received about one of the hearing items for this Saturday.

Alex Dambach, AICP
Division Chief – Land Use Services
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From: FRED A KJOLHEDE [mailto:fkjohede@hotmail.com]
Sent: Thursday, February 19, 2015 3:15 PM
To: Alex Dambach
Subject: RE: Comment ? on SUP

Hi Mr. Dambach,

Thank you for the quick response. I want to share my experiences with and concerns about the Farmer's Market at Southern Towers (henceforth called "Farmer's Market") that operates on Saturdays and Sundays in the Southern Towers Apartments parking lot. I was a customer of the Farmer's Market off and on between its first weekend of operation in 2013 through May 2014.

Potential Environmental Hazards and Southern Towers Apartments Image Degradation

1. During 2013, I observed empty Farmer's Market produce boxes causally left beside each trash receptacle on the loading docks of the Monticello Building nearly every weekend of Farmer's Market operation.
 - a. Why did Mr. Nicholson choose not to store the empty boxes in his trucks and take them with him when he left on Sunday nights? Or why did Mr. Nicholson choose not to make an arrangement with Southern Towers Management to use the large dumpsters/refuge areas alongside the Southern Towers various buildings?
2. During 2013 and 2014, Mr. Nicholson did not provide any (including portable) toilet facilities for his staff and Farmer's Market customers.
3. Is it legal for Mr. Nicholson's staff to sleep in produce trucks overnight in the parking lot of Southern Towers Apartments?
4. During 2013 and at least part of 2014, Mr. Nicholson gerry-rigged a cable into the nearest power supply (an estimated 100 feet \leq).
 - a. Was this legal? Did Mr. Nicholson have permission from Dominion Virginia Power or Southern Towers to syphon power? Who paid for the power?
 - b. Was the power connection safe for all persons in the adjacent Farmer's Market area?

5. During 2013, Mr. Nicholson had multiple garden hoses criss-crossing the parking lot with continuously running and dripping water. The purpose was unclear.
 - a. At least initially, the hoses connected with the closest Southern Towers building. Who paid for the water? Did Southern Towers Management allow this?

Consumer Pricing - Non-Disclosure of Credit Card Surcharge

6. In May 2014 I purchased produce using a credit card for the first and only time. Upon checkout I understood "Jimmy," son of Mr. Jim Nicholson, the Applicant/Operator, to tell me the total charge was \$21.50. However, I noticed the non-itemized receipt was \$22.00. I questioned Jimmy about the discrepancy between the total amount he had orally stated and the written receipt.
 - a. I understood Jimmy to respond that the \$.50 difference was a credit card surcharge.
 - b. I asked Jimmy why the Operator chose not to post a full disclosure notice of the charge. I understood Jimmy to reply that he had suggested it to his father, the Operator, who refused to do so.

Consumer Pricing – Lack of Posted Prices

7. In 2013, the Farmer's Market used 8 1/2 " X 11" sheets of paper listing the prices of produce. On two Saturdays in April and May 2014, I requested produce price lists and I understood Mr. Nicholson's staff to say that "the wind blew them away" despite the fact that the wind ranged from 1 – 4 mph each day. Another Saturday in May 2014, prices were listed on the ends of about one-half of the boxes of produce. Consequently, the consumer did not know what the prices of many items were until checkout.

Terms of Agreement with Southern Towers LLC vs City of Alexandria Requirements

8. Does the Farmer's Market have a written, formal agreement, lease or contract with Southern Towers LLC?
 - a. If an agreement exists, for what duration is Southern Towers LLC allowing the Farmer's Market to do business at its location? Does such an agreement have its own stipulations regarding refuse disposal and clean-up, toilets, power and water usage, space usage, etc?
 - b. If an agreement exists, are the terms in conflict or in-line with the requirements of the City of Alexandria?

Alexandria Transit Company (ATC) and WMATA

9. Has Mr. Nicholson consulted with ATC and WMATA regarding the Farmer's Market location and Metro and Dash bus rights-of-way? Has it made any provisions necessary?

City of Alexandria Taxes

10. Is Mr. Nicholson paying taxes on the estimated average of several thousand dollars of revenue that the Farmer's Market grosses each weekend?
11. Since 2013, I have tried six times to find the answer to this question. Four times I inquired through the city of Alexandria's citizen portal, "Call.Click.Connect" and never received a response. The fifth time I received a response from the Planning & Zoning Department that it was not their responsibility. The sixth time I received a response from the Finance Department/Treasury Division stating something to the effect that it assumes a Farmer's Market is comprised of many independent vendors and that these individual Farmer's Market vendors do not pay city of Alexandria taxes.
 - a. Mr. Nicholson operated, based on my observation, the entire Farmer's Market as a single vendor in 2013. In late Spring 2014 he brought in a couple "of friends who operated a bakery" at another location. I observed this couple to sell bread and dinner rolls from a small table set up outside of the tented area where all other Farmer's Market items were sold and which had been unloaded from Mr. Nicholson's trucks.

Alleged Discrimination

12. On one Saturday in April 2014 there was only one checkout line and one cashier and I was the fourth person in an orderly and clearly demarcated line of eight people.

13. On one Saturday in May 2014 there was only one checkout line and one cashier and I was the sixth person in an orderly and clearly demarcated line of 13 people.
14. On another Saturday in May 2014 there was only one checkout line and one cashier and I was the eighth person in an orderly and clearly demarcated line of 11 people.
15. In each of these three instances, when it was my rightful turn in line to be checked out, the cashier motioned for the person who was either directly behind me or two persons behind me to proceed directly to the checkout table.
 - a. None of the persons who were taken ahead of me had previously been at the checkout table, gone to search for another item, and then returned (similar to what happens at the US Post Office).
16. When I eventually got to the checkout table and inquired why people behind me were called to check out ahead of me, the cashier avoided answering my question. Coincidentally, the people, who were taken ahead of me in line to check out, spoke the same native language and appeared to be of the same ethnicity as the cashier. My native language and ethnicity is different than that of the cashier and of those people who were taken ahead of me in line to check out.
17. I was inconvenienced by the Farmer's Market providing only one checkout line and one cashier. I also felt blatantly discriminated against based on my native language and ethnicity. Therefore, my household stopped shopping at the Farmer's Market.

Respectfully submitted,
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(703) 845-8599

From: Alex Dambach [<mailto:alex.dambach@alexandriava.gov>]
Sent: Monday, February 16, 2015 11:50 AM
To: FREDA KJOLHEDE
Subject: RE: Comment ? on SUP

This item will be heard by City Council on February 21 at its 9:30 AM public hearing. You can still submit comments for the record or attend the hearing if you wish. Can you please let me know what your concerns are about this project?

Thanks

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From: FREDA KJOLHEDE [<mailto:fkjolhede@hotmail.com>]
Sent: Sunday, February 15, 2015 3:49 PM

To: Alex Dambach
Subject: RE: Comment ? on SUP

Hello Mr. Dambach,

I saw your name listed as the Staff Reviewer for Special Use Permit #2014-0113, 5055 Seminary Road – Southern Towers Farmers' Market.

Although the Planning Commission voted on February 3, 2015 to recommend approval of Special Use Permit #2014-0113, is it still possible for an Alexandria citizen to submit written comments on the subject? I recognize that such comments would have no impact on the decision.

Regards,
Freda Kjolhede

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