



FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: Chairman and Members
Park Authority Board

FROM: Kirk W. Kincannon, Director

DATE: March 19, 2015

Agenda

Administration and Board Management Committee

Wednesday, March 25, 2015 – 5:45 p.m.

Boardroom – Herrity Building

Chairman: Frank S. Vajda

Vice Chair: Faisal Khan

Members: Harold L. Strickland, Grace H. Wolf, Kala Leggett Quintana, Ken Quincy

1. Commercial Use - Photography Fees – Discussion*

*Enclosures



If accommodations and/or alternative formats are needed, please call (703) 324-8563. TTY (703) 803-3354

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DISCUSSION

Commercial Use - Photography Fees

In 2010, Park Authority staff developed a process to manage the photo activity taking place in parks. Staff developed the process after reports of as many as 150 unscheduled and unpermitted wedding and large photo shoots primarily at Green Spring Gardens, but also impacting other lakefront and historic sites, and the process included a fee. The agency was already informally working with movie companies and commercial photo shoots to manage those activities and this activity seems to be the next logical step in an attempt to manage the site impacts. Commercial Use Permits for movies/ large fashion/photo shoots start at \$350 per day and increase based on the unique needs/locations of the applicants.

The photographer's fee is an example of the Business Activity License Fee practice, which the Park Authority Board established to charge for commercial activities in parks. This practice is premised on the notion that public parkland exists for the benefit of the residents of Fairfax County, not to enable commercial businesses to profit. Fees are developed which support this precept as well as to manage activity at our parks. Some examples include fees charged to vendors, food trucks, non-profits conducting races, and events, tennis teachers and boot camps, among others. Approximately \$50,000 is collected per annum through these Business Activity fees.

The Park Authority conducted a survey of 14 sites, primarily gardens, to ascertain their policy/procedures relevant to this activity and to determine what they were charging. Based on that survey staff determined that the average fee per hour was \$62. A two-hour minimum was a common requirement. Some sites charged a per session fee of just over \$100. Six of those gardens offered commercial photographers the opportunity to purchase an annual permit. These ranged in price with the average \$300.

Meadowlark Gardens, a public facility operated by the Northern Virginia Regional Park Authority, was considered at the time as a good comparative. In 2010 they charged a \$20 permit fee and per person admission charges. Today they require admission fees for all (including the photographer) plus a photography fee of \$25 with reservation and \$50 without an advance reservation. All wedding and bridal photographers must pay \$250 per session. Even those who are not professional photographers must now register and pay the fees for use of the space.

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Based on the results of the survey, knowledge of similar fees across the region and nation, and discussions with the sites and our staff photographer, a fee of \$100 per two-hour session and an annual \$500 permit were established. No distinction was made between types of photographic endeavors. The proposed fees were included in the annual fee packet in 2011 and passed with minimal Board discussion and no public comment received on that matter. Permits and a website were developed. Staff developed a method for permit approval generally within three days. Sites were also developing staff awareness of the permit requirement.

The Public Information Office began working with sites to gently educate photographers about the fees, and to be particularly sensitive to wedding photography pursuant to the Board's direction. Over the years dozens of permits were issued and a few annual permits were also purchased. Collectively, 61 permits have been issued since the fee's inception for a total amount of \$8,335 in revenues. Although our annual permit holders do not receive new permits with each new shoot, sites are contacted. The actual number of photo shoots for those in the system is undoubtedly higher. Since 2011 Park Authority staff worked to streamline the process so that permits were available online, applicants could email or fax their applications, payment could be made via credit card on the phone and that the entire process from application to approval was accomplished in a timely manner. (The recently revamped website stated five days but on average permits are generally issued within three days or less.) In 2014 based on feedback received from site staff, the agency created a new, more informative and attractive web presence; reminders about the permit were placed on web pages of likely shoot sites, and also created a brochure for staff to hand out to photographers. Signs were also placed at the prime photography locations. A public service announcement was issued that detailed the need for a permit and only then, did we begin to receive concerns from the public. Three times as many permits were issued in 2014, a total of 38, than in 2013 – attributable to the new emphasis on compliance and the public outreach efforts noted above.

In late 2014 a local photographer spoke to the Park Board and requested that "family" photographers be exempted from the fees. She sought this action through the annual fee process and lobbied members of the Board of Supervisors as well as Park Authority Board members. Two dozen photographers attended the fee meeting and testified against the existing fee. She has since appeared before the Park Board once again and has requested more time in front of the Administration and Board Management Committee.

Park Authority staff has created a Photographer's Roundtable group comprised of agency leadership, local photographers, site managers, and representatives from the business office. The group has met twice to explain the impacts on the sites, to better

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understand the expectations and concerns of local photographers and to come forward with a proposal that would satisfy all concerned parties. The proposal will provide enhanced management of the process and reduction of impacts. To the extent that the photographers have raised legal questions about the fee structure, staff has consulted with the Office of the County Attorney, and any final fee policies will be reviewed by that Office.

FISCAL IMPACT:

Fiscal impacts will be minimal as total program revenues are \$8,335 since inception of the fee.

ENCLOSED DOCUMENTS:

Attachment 1: Portrait Photography Rules for Meadowlark Botanical Gardens, Updated
January 2015

Attachment 2: Photography Comparisons – 2014

STAFF:

Kirk W. Kincannon, Director
Sara Baldwin, Deputy Director/COO
Aimee Vosper, Deputy Director/CBD
Barbara Gorski, Administrative Assistant

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Portrait Photography Rules for Meadowlark Botanical Gardens *Updated January 2015*

Fees: Regular admission fee for all party members including the Photographer and associated staff. Garden Memberships may be used toward admission. A \$25.00 photo fee is also collected to use the garden for photography. If you arrive without a reservation you will not be admitted.

Reservations and sign-in: Reservations are required. You will not be admitted without a reservation. We allow five (5) sessions a day. Reservations fill quickly. Call 703-255-3631 X 0 between 10am and 5pm to make a reservation. You are required to sign-in, pick up a red photo pass and review these rules upon arrival. The photo pass must be visible at all times and turned in when you leave.

Registration: If you intend to work at Meadowlark more than once you will need to register with us and provide proof of insurance. Registered photographers are eligible for admission discounts, priority booking, late sessions and professional referrals from Meadowlark. Please fill out the form at the bottom of this page. Leave your card with us. Not a professional photographer? All fees and registration apply to any portrait photography group.

Time Limit: All photographers are allowed a two hour time limit per party, only one party per day per photographer. Photographers meeting more than one party will be asked to leave and lose the privilege of working at Meadowlark. All reservation periods end one hour before the Garden closes, failing to depart on time will restrict your ability to work in the garden.

Video filming of any kind must be approved in advance by the Garden administration.

Garden etiquette: Stay off trails and out of planted beds. Feel free to use the grass areas. Tripods are currently allowed. Please do not impede walkers or block trails, gazebos or bridges at any time. Small props are allowed, no balloons or animals. No portrait photography at or around the Atrium during events.

Wedding and Bridal Photography: All wedding and bridal photography is handled exclusively through the Atrium, 703-255-3631 X 105. The is fee \$250.00

Photographer Registration

Name _____ Email _____

Phone _____

Photography Insurance Company _____

Type of Vehicle and License Number _____

Rules and fees may be changed or updated without notice.

Garden and Visitor Center hours:

June – August - 10 a.m. – 8 p.m. (Admissions close at 7:30 p.m.)

September - 10 a.m. – 7 p.m. (Admissions close at 6:30 p.m.)

October - 10 a.m. – 6 p.m. (Admissions close at 5:30 p.m.)

November – December – 10 a.m. - 4:30 p.m. (Admissions close at 4 p.m.)

January – February - 10 a.m. - 5 p.m. (Admissions close at 4:30 p.m.)

March - 10 a.m. - 6 p.m. (Admissions close at 5:30 p.m.)

April - 10 a.m. - 7:00 p.m. (Admissions close at 6:30 p.m.)

May - 10 a.m. - 7:30 p.m. (Admissions close at 7 p.m.)

REGIONAL

Garden	Permit application required/ Schedule/drop in	Fee	Per hour	Per session	Per year	Restrictions
Brookside Gardens	Yes, get badge at Visitor Center	Less than 10, no fee; 11 or more	350	350		Has guidelines similar to GSG
Meadowlark Gardens	All individuals pay admission avg. \$4/person	\$25, \$50 without advance reservation	\$25	\$25		
Northern VA Regional Park Authority						
Museum Shen Valley	Req. advance reservation	\$100 plus admission per person in group	100			All wedding photography requires fee
Woodlawn Grounds			25	500		Req. liability insurance
Woodlawn House			100	750		Adv. Arr. Must have staff accompany
Lewis Ginter Botanical Garden	For portraits, req. admission for groups over 6	\$300 for 1.5 hours, \$100/ add'l hour	200	300		A non-profit organization, Lewis Ginter Botanical Garden uses rental income to support its educational mission.
Lewis Ginter Botanic Garden	For commercial photography	\$400/half day, \$800 full day, \$100 each add'l hour	100	400		\$100/hour before or after regular hours
Lee Fendall House	Included with wedding rental	\$50/hour outside of a rental	50			Staff must be present.
Oatlands Plantation (Leesburg VA)						
Cylburn Arboretum (Baltimore MD)	All sessions req. permit,	Less than 10 people, no fee, one hour, 10-19 req. fee, over 20 call site.	75	150		
Edith Carrier Arboretum (JMU, Harrisonburg, VA)	Req. permit for fee photography		25	50		Waived for wedding rentals
Boxerwood (Lexington Va)	Req. annual permit or sustaining level membership				100	
REGIONAL PRICES		TOTAL	\$1,050.00	2525	100	
Regional PRICES/averages		AVG	\$105.00	316		

NATIONWIDE

Olbrich BG	Yes, must be scheduled	\$25 for one hour session, no refunds	25			Typical do not disturb
South Carolina BG	Yes,	\$250/year unlimited; \$100/single session		100	250	Photographers must be members and registered as photographer
Reynolda Gardens	Yes, Reservation 24 hrs in advance	\$40/session		40		
Denver BG	Yes, schedule 5 days in advance	\$250 for wedding, Model, Professional and Commercial Engagement, family groups, portfolio with professional photographer \$75/session		75	250	Only during open hours, must pay admission for addition people in groups over 5
City of Boston	Yes, 10 days in advance,.	\$50/residents, \$100 non-residents, one hour max	50			
			100			
Chicago BG	No reservations required or permitted, on day of arrival only	\$125/session		125		Must pay parking fee, can't used previously reserved areas
Hatcher Garden	Yes,	\$25/half hour, \$50/hour,\$250/year, double for video photography	50		250	
Lauritzen Gardens	Written request	\$125/session, included with facility rental		125		
Red Butte BG	Written request, advance schedule	\$100/day, plus admission for all members of the group; \$500/year for photo studio plus \$25/photographer		100	500	
Columbus BG	Schedule 48 hrs in advance	Become member, min \$100, or \$35/hour	35		100	
Dixon BG	Must be member	\$500 annually, \$150/2 hours	75		500	
Frederick Meijer Gardens	Schedule in advance, may need to pay for staff to accompany	\$300/2 hrs, no add'l fee with room rental, \$500 for commercial	150			
Norfolk BG	Schedule in advance, waive fee with room rental	\$75/2 hours and four people,\$100/2 hours for 10 people	50			
Missouri BG	Schedule in advance	Family level membership at \$150, one photography use per year, during open hours		150		
		Total	535	715	1850	
Nationwide average			67	102	308	

Commercial Photography Discussion

Administration and Board
Management Committee
March 25, 2015



Business Activity Licenses & Fees



- Authorized by Virginia Code 15.2-5704. Powers of Authority and;
- 15.2-5709. Rates and Charges
- Fees Offset Cost, Maintenance and Operational Impacts



Business Activity Fees:

 Vending

 Classes

 Camps

 Film Production

 Tennis Lessons



Background

- 2010 Green Spring Garden and other sites
- Over 150 unscheduled wedding and portrait photography shoots at Green Spring Garden
- Burke Lake, Sully, Colvin Run Mill, E.C. Lawrence
- Management and Site Impacts



Impacts

Commercial Photography:

- Damage to Flora
- Interruption of Planned Programming
- Parking Issues
- Removal of Park Furnishings
- Blocking Fire exits
- Trespassing
- Blocking Entrance Road
- Inappropriate Actions
- Staff Time



Initial Process to Establish Commercial Photography Fee

- Established a team – PIO, site staff, RMD leadership
- Conducted survey of similar sites –mostly gardens
- 14 sites (Primarily gardens)
 - **2010 Results**
 - Average fee per hour was \$62
 - Annual permits average was \$300
 - **2014 Results**
 - Similar survey -- regional average \$105 per hour, annual \$316
 - Nationally \$67 per hour, annual \$102



Initial Process

- Established draft fee that called for \$100 for each two hour session, with \$50 per hour after that and annual unlimited permit of \$500
- Included in 2011 fee packet
- No public comment received
- Implemented in 2011



Existing Process and Fees

- \$100 for two hours, plus \$25 per additional hour
- \$500 annual unlimited permit
- Online application
- Photographer fills in, emails or faxes
- PIO checks with site
- Payment over phone via credit card
- Issues permit
- Average Three-Day Turnaround
- Annual Permit Holders Only Register Once, Unlimited Shoots

Getting the Word Out

Fairfax County VIRGINIA

Home Living Here Doing Business Visiting Departments & Agencies

FAIRFAX COUNTY PARK AUTHORITY

Contact/Directions
ParkInfo ONLINE
Park News/Hearings/Meetings
Athletic Field Status
Weather-Related Closures
Planning / Development
PARKS SCOUTS
Needs Assessment
Media Relations
Press Releases
Photography Permit
Commercial Use Permit
Resources Online
Podcasts
Subscribe to E-News
Support Your Parks
Internship Opportunities
Volunteer Opportunities
Find us on Facebook
Follow @fairfaxparks

homepage > parks and recreation
Fairfax County Park Authority

Say "Arrr"
Pirate Fest
Fairfax
day
everyone
a pi

Portrait and Professional
Photography
in Fairfax County Parks

www.fairfaxcounty.gov/parks/press/photography-permit.htm

- Website
- Signs
- Brochures
- Staff dialogue
- Gentle approach
- Educational
- Non-confrontational

Interested in photographing or filming in beautiful Fairfax County Parks? Find out more about **Professional Photography** and **Commercial Use Permits for Filming** in Fairfax County Parks.

Permit Information: 2011 - 2015

- Total permits issued: 61 permits
- Total Revenues: \$8,335
- Outreach Efforts to Enforce and Educate
- Concerns Raised
- Feedback From Community – Comments via Parkmail, Social Media
- Formed Team to Review Management and Practices
- Comparable Sites Reviewed Again
- Information Reviewed with Team



What Others Are Doing



Meadowlark Gardens



- ❏ Permits for Two-hour Slots are \$25 plus Admission with Required Reservation
- ❏ Five Photo Sessions Total Per Pay. One Per Photographer
- ❏ Photographers Who Shoot More Than Once Per Year Must Register, Provide Insurance Cert
- ❏ Fees Apply to All Photographers- Commercial and Non-commercial
- ❏ Wedding and Bridal Photography \$250 fee



What Others Are Doing



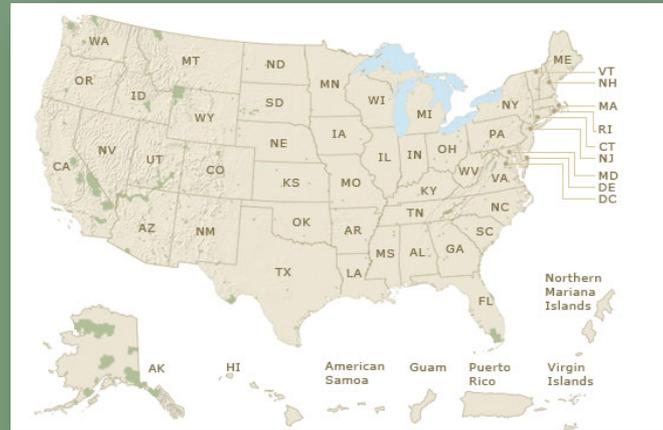
National Park Service



-  \$100 Non-refundable Application fee
-  \$80 Administrative Fee
-  \$50 Hourly Management fee
-  Charge per Tripod
Zero - \$250 Per Day



What Others Are Doing



- San Francisco, CA - \$100 Per Day – Four Days for Permit
- San Mateo County, CA - \$250 Per Day
- Chicago, IL - \$35 Application Fee and \$35 Per Hour
- Oak Park, IL - \$10 Application Fee, \$50 Per Hour Resident; \$100 Per Hour Non-resident

Minneapolis, MN – 10 Day Permit Process, \$300 Per Day or 1 ½ hour Portrait Shoot \$45; Group Portrait \$300

Washington State Parks -WA \$100 Per Day with Seven Day Advance Purchase; \$200 Without Advance



Concerns Raised by Commercial Photographers

- Fall 2014 – Photographers ask for relief from current fees – address Park Board
- Traditional and social media cover issue
- Photographers offer comment at annual fee comment meeting, lobby officials.
- There are 28 speakers; 187 comments
- Board agrees to review fees through Committee
- Staff team meets to discuss options
- Staff meets with photographers twice to develop proposal



Proposal Highlights, Options

Consideration of the following options regarding fees:

- Option 1 - Maintain existing fees
- Option 2 - Adopt new fee schedule with:
 - \$25 annual permit for all commercial photographers
 - Require Group Reservations at ECL, GSG, Sully, Colvin
 - Group fees (12 -19) Two hour minimum = \$50 and \$25 per additional hour
 - Large Groups (20-74) Two hour minimum = \$100 and \$50 per additional hour

Proposal Highlights, Options

- Commercial permits may be purchased online by credit card – temporary permit let immediately
- Permits must be displayed
- Permits required only for those conducting business in parks
- Reservations required due to impact at; E.C. Lawrence Park, Sully, GSG and Colvin Run
 - Payments will be made at the site level
 - Online site calendars will provide date specific guidance, limitations



If Fee Changes - Implementation

 Retain current fees and permitting until implementation of new process and fees on July 1

OR

 Retain current permit requirement and waive existing fees until July 1 implementation of new process and fees



Ambassadors Program

- Establish Photography Ambassador Program
- Explore options for greater engagement between the agency and commercial photographers
- Create e-newsletter or blog



Potential Next Steps

- Board Action on Commercial Photography Fee – (Business Activity Fee) at April 8, 2015 meeting.

