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March 5, 2015

**STATEMENT TO THE COMMITTEE ON ECONOMIC
DEVELOPMENT, AGRICULTURE AND PLANNING ON BILL
NO. 31-0022**

**The Honorable Senator Janette Millin-Young
Members of the Committee
Legislature of the Virgin Islands
St. Thomas, U.S. Virgin Islands 00804**

Good Day Madame Chairwoman, Committee Members, other Senators present and fellow testifiers.

On behalf of **DOWNTOWN REVITALIZATION INC. [DRI]**, my name is David A. Bornn and I am President of DRI and appear on behalf of the Board of Directors and the Members of DRI. We would like to thank the Chairman and Committee Members for inviting DRI to participate in this hearing.

DRI is an umbrella organization comprised of numerous interested individuals; property owners; business owners and business associations; neighborhood associations; taxi organizations; community organizations; and churches and synagogue. DRI and the St. Thomas-St. John Chamber of Commerce have partnered on this and other critically important downtown initiatives. Appearing with DRI and the St. Thomas-St. John Chamber of Commerce today are some of those member organizations and groups, namely: the St. Thomas Historical Trust; the VI Territorial Association of Realtors; the India Association; the USVI Hotel and Tourism Association; and representatives of multiple Property Owners and retailers in Downtown Charlotte Amalie.

DRI seeks to facilitate discussion and action between the private and public sectors in an effort to move forward with action plans, as well as initiate new efforts with respect to the revitalization of our Charlotte Amalie Downtown [from Frenchtown to Havensight and the Harbor to the foothills].

DRI Statement to Committee on Economic Development, Agriculture and Planning
Re: Bill No. 31-0022
March 5, 2015
Page 2 of 5

It is with a sense of urgency that we appear before you today to ask you to support the prompt passage of Bill No. 31-0022 for a complete ban on barking in downtown Charlotte Amalie and all public property as defined in the Bill. This is not the first time we have come before this body to urge action on a barker ban.

Let us be very clear as to our starting point: There is currently no enforceable law or regulation regarding barking or solicitation in the Territory. Further, the enforcement agencies: VI Police Department, Department of Licensing and Consumer Affairs, Taxi Commission, and Department of Planning and Natural Resources, have advised that they have insufficient enforcement officers to enforce any regulatory scheme other than a total ban on barking or solicitation.

The Government of the Virgin Islands is in the process of investing much capital into remaking the face to Main Street and its side streets; by burying utilities underground; and transforming its harbor front boulevard. There has been a call *to refresh the Virgin Islands as a destination and to improve our overall infrastructure and environment in order to remain competitive.* [See PowerPoint Slides 1-7]

We only need to look to our Caribbean neighbors to the east, southeast and west to see that our "competitor" islands have undertaken or are undertaking major infrastructure projects and downtown facelifts that give them a strategic advantage as a more attractive travel destination. [See articles attached to the written testimony submitted.] Included in these destinations is Havana, Cuba which is revitalizing its historic townscape and reviving its waterfront and tourism product. (See attached article and PowerPoint Slide 8). Those who have visited these other islands and seen first-hand the impact of those investments generally acknowledge that, by comparison, downtown Charlotte Amalie has become "stale".

To protect this significant capital investment and to combat this very real challenge, the Virgin Islands must refresh and enhance the "look and feel" our residents and visitors experience from the deep history, culture and image of our community.

The concerns we, as a collective group, raise today come from and require **COMMUNITY ACTION** to ensure our economic survival and the enhancement of a tranquil and appealing destination for residents and visitors. We ask you to look at the big picture of the enhancement of the overall town. This is not just about survival of a few merchants; but of the survival of our town and Territory.

The Bill successfully addresses the concerns of merchants on side-streets and passages and the taxi and tour operators by:

- Implementing provisions for directional signage to points of interest and shopping throughout the town...including side-streets and alleys/passageways.
- Implementing a system of informational kiosks throughout the town area. [See *sample of possible locations and design of kiosks for consideration by the Advisory Committee per the terms of the Amendment. See PowerPoint Slides 9-11*]
- Implementing a system of taxi dispatch stands at multiple points throughout town [See *sample of possible locations for consideration by the Advisory Committee per the terms of the Amendment. See PowerPoint Slide 11*]

Let us be clear: **We support Bill No. 31-0022 because it prohibits barking or off-premises business promotion solicitation entirely with the following limited exceptions and accommodations:**

- **Traditional cultural businesses which are individual single proprietors who have traditionally sold locally grown or made products or produce edibles on the street. So, for instance: the pate man can still sell pates, the coconut man can still sell coconut water, and the peanut lady can still sell her nuts and candies.**
- **Taxi Dispatch Stands to be established as determined by representatives of the taxi industry.**
- **Alternative means to profile businesses, services and places of interest in an organized manner via informational kiosks and signage options.**

The Amendment also seeks to extend certain existing provisions of law relating to vagrancy, indecency, violence, and loitering enforceable if they occur on private property....currently only applicable on public property.

Succinctly...why?

- **Reports from other Caribbean Islands with barker legislation show that even with regulatory legislation, continuing, consistent and effective enforcement is still a major problem. The VI Government has made it very clear that enforcement of anything less than a total ban is not practical or feasible given manpower restraints.**

- There has been an increasing escalation of foul and flagrant aggressive, violent and disrespectful incidents in the Downtown involving barkers.
- In the last several years, even as tourism numbers increase, many well-known luxury brands have departed or will no longer consider Downtown as a viable location because of the damage the area will do to their brand – barking is mentioned as a major reason for their decision.
- The use of informational kiosks provide creative solutions to small businesses “off the beaten path” and provide a “human touch” to information inquiries and an opportunity to promote tourism, businesses and attractions throughout the VI, not just on St. Thomas or downtown Charlotte Amalie.
- Barking is banned at Havensight and Crown Bay docks and private shopping malls. Why should it be permitted in our premier historic shopping town?
- Restructuring the location of taxi and tour solicitation creates increased efficiency and inherent fairness at designated taxi stand queues and elimination of sidewalk congestion and solicitations by freelance drivers.

Every day we delay the implementation of a barker ban we do more damage to downtown by alienating the visitors we spend millions of dollars trying to attract. No one visiting downtown is charmed or made to feel welcome when they visit the area. By contrast, we do everything we can to drive people out of town...from the honking horns, to the nonstop calls of “back to the ship” to barkers telling people what to avoid. The atmosphere in town has become desperate. Charlotte Amalie has so much incredible potential if we just make a few minor changes to the way we treat our guests and residents. Banning barking is such a natural first step.

We would also like to reference the need for two (2) technical corrections to the Bill in Section 42(a): 1) on page 3, line 22 the word “or” should be changed to “in” and on page 4, lines 1 and 2 the phrase “which includes the Virgin Islands Historic Site, as created in Chapter 5 of title 32 of the Virgin Islands Code” should be deleted so it reads:

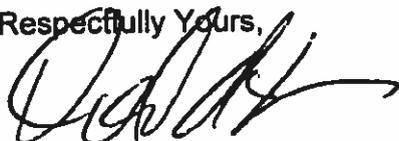
Except as otherwise provided in this chapter, it is unlawful for any person to engage in off-premises barking or solicitation on publicly owned property including, but not limited to, any corner, street corner, street and right-of-way in the “Historic and Architectural Control Districts” of the Virgin Islands as designated by the Virgin Islands Historic Preservation Commission pursuant to Chapter 3 of title 29 of the Virgin Islands Code.

DRI Statement to Committee on Economic Development, Agriculture and Planning
Re: Bill No. 31-0022
March 5, 2015
Page 5 of 5

Each of the following presenters will delineate an area of information that you should be aware of in considering the Bill and the Amendment. We have sought to be as factually accurate and compelling as possible.

Upon completion of our joint presentation, we look forward to being responsive to your questions.

Respectfully Yours,



David A. Bornn,

President

For the Board of Directors

Downtown Revitalization, Inc.