

**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 Chairman, Committee Members, other Senators present and fellow
testifiers.

On behalf of the St. Thomas-St. John Chamber of Commerce ("Chamber"), my name is
Sebastiano Paiewonsky Cassinelli and I am President of the St. Thomas-St. John
Chamber of Commerce and appear on behalf of the Board of Directors and the
Membership. We would like to thank the Chairman and Committee Members for inviting
the Chamber to participate in this hearing.

Imagine getting off your ship and deciding to visit Charlotte Amalie to do some shopping
with your family. You make your way down Main Street looking for interesting shops or
perhaps finding a nice place to have lunch. Before you have finished walking the first
block of Main Street, you've been accosted 4 or 5 times on the sidewalk by people telling
you to avoid the "rip-offs on Main Street" and trying to entice you to only shop at their
stores; people telling you not to shop at Royal Caribbean or to avoid Cardow because
their stores are better or more affordable. "Just who are these people and why are they in
my face?" one might ask.

because they are not held accountable by their employers or by the law enforcement community. With barkers anything is fair game.

The Chamber estimates that there are roughly 15-20 merchants in the downtown area -- perhaps as few as 5-10% of the total merchant population -- that employ 20-30 barkers year-round swelling to 50 barkers in peak season. Single stores have had as many as 6 or 7 barkers drifting through town. These roaming barkers use public sidewalks and street corners as their "sales floor" despite possessing no license to operate a promotional business or to solicit. How can we allow stores that are licensed to operate in a designated retail space the right to hire salespeople to work on our streets and sidewalks? The only thing preventing even more barkers from inundating our streets is the overwhelming majority of ethical retailers and downtown property owners who refuse to send their employees on the street and are working hard to have them banned once and for all. Moreover, we learned at the last barker hearing that barkers are independent contractors who have no valid VI business licenses and are being paid under the table. The Government is starving for tax revenue, yet everything associated with barkers is undeclared and illegal.

Commercial retail activity in the Charlotte Amalie Historic District has declined dramatically. Well-known retailers have seen annual sales drop by as much as 60-75%. In the last few years, stores with multiple downtown locations employing hundreds of employees have downsized or simply closed altogether. Once thriving commercial properties like International Plaza, Royal Dane Mall, Trompeter Gade, Raadets Gade, Back Street and Garden Street, are now empty or literally on the edge with limited retail activity and long-term vacancies that are impossible to fill.

The decline is, in part, attributable to the way we treat our guests. Visitor surveys and discrete complaints found that the practice of barking is one of the primary reasons why shopping and dining downtown is simply not a pleasant experience. **Barkers are driving our visitors and local customers away.**

Downtown property owners, store employees, taxi drivers, realtors, hotel operators, historic preservationists, tourism officials and government licensing personnel; the broadest cross section of our community has responded to the call for a BARKER BAN. This community wants to put an end to barking forever.

The Charlotte Amalie Historic District has a long and well-earned reputation as one of the premier duty-free shopping destinations in the Caribbean. World-class brands including Rolex, Tiffany, Cartier and H.Stern occupy retail shops alongside smaller, local brands that help to make our downtown a unique and special place for locals and visitors to shop and dine. When combined with the long history of Charlotte Amalie as an historic port and our incredible architecture, we live and work in arguably the most beautiful and unique harbor town in the Caribbean. But, as you are all well aware the decline of downtown has been going on for the last 20 years and it's accelerating. We need to do everything possible to clean-up the area. Fortunately, with the recent DPW Main Street and Waterfront enhancement projects we're moving in the right direction, but in order to make the transformation complete we need to simultaneously improve the quality of life for our residents and our guests. The harassment of our guests must stop. Please pass Bill No. 31-0022 so we can finally end the ugly practice of barking before it drives more people away.

One might ask: well, what about their jobs and the ability to earn a living? We are protecting a handful of barkers at the expense of the hundreds of individuals who used to work at Cardow, Tropicana, Venetian, Bernard Passman, Omni, Dynasty, H. Stern, Caribbean Surf, most of Royal Dane Mall and International Plaza, all of whom have closed their doors or downsized. The right to make a living has been denied to the hundreds who have lost their jobs or been laid off as stores have closed or downsized. **WHAT ABOUT THESE EMPLOYEES AND THEIR FAMILIES?** Right now TOPA Properties, Ltd. cannot fill Raadets Gade vacancies, thereby creating jobs and gross receipts for the general fund, because no one wants to lease space with so many barkers in the area. That is a fact. If barkers are eliminated jobs would be created by new tenants leasing available space on Raadets Gade.

Downtown Charlotte Amalie is at a critical juncture. Beautification projects will soon transform the face of Charlotte Amalie with much needed infrastructure improvements and amenities for residents and visitors. The Chamber, in partnership with Downtown Revitalization Inc., and numerous other groups and organizations, supports the **TOTAL** ban on “barking” in downtown Charlotte Amalie as proposed in Bill #31-0022. The VIPD and DLCA have emphasized on many occasions that they simply do not have the manpower to actively enforce solicitation on a daily basis. The only way to solve the problem forever and to eliminate law enforcement confusion is to ban the practice completely. Anyone barking or soliciting on public property is in violation of the law and the solicitor and the business should be penalized. Research indicates that other Caribbean islands that permit barking have the same problems. The problems disappear when barking is banned outright.

The Chamber has joined alongside numerous groups to urge the VI Senate to respect and recognize the wishes of the downtown business community and residents of the island and immediately **BAN** barking in the Historic District.

These organizations -- who are unanimous in their support of a TOTAL BARKER BAN -
- collectively represent over 650 island businesses and 25,000 island residents.