

**Downtown Boone Development Association
Special Board Meeting – June 13, 2023
8:30 am – Webex Virtual Meeting**

Board Members Present: Denise Lovin, Kendra Sink, Megan Kevorkian, Renee Boughman and Suzanne Livesay

Ex-Officio's Present: Edie Tugman

MSD Members/Guests present: Patricia Parish, Chad Hicks and Morgan Murray

Town Staff Present: Amy Davis, Allison Meade, Lane Moody, Geoff Hayes, Jon Houck and Mark Freed

Call to Order

Denise called the meeting to order at 8:35 am.

Discussion of Downtown Vendor Policy

At the direction of the Board Chair Town Attorney Allison Meade began the discussion by inquiring how the Board would like to move through the ordinance. Denise stated that she would like to start from the beginning of the draft ordinance. Allison then reviewed the beginning sections and pointed out that the effective date could be altered. Lane mentioned that it might be a good idea, given the turnaround time to reduce the effective date to 30 days or less. There was general consensus among the Board to reduce the effective date. Allison went on to review section 115.01 regarding special events and section 115.02 regarding permits. She continued to section 115.03 regarding the types of merchandise prohibited. She stated that per the last discussion, she had changed the language to be less restrictive but also acknowledged that the goal is to eliminate the "flea sale" or "yard sale" feel to street vending. There was a brief discussion regarding regulating what items can be sold.

Allison inquired about the preference of the Board regarding the heating of food at a stand. Megan stated that she believed that having to get a permit would likely reduce the amount of vending downtown and continued that she was uncomfortable regulating what people could or could not sell while vending. Allison stated that permitting would be discussed more in-depth in later sections of the proposed ordinance. Kendra noted the need to protect the integrity of our downtown sidewalks and discourage the flea market sales. There was a short discussion about the regulation of items for sale, how the ordinance should be worded, and the importance of communicating those expectations. The Board then returned to discussing the heating of food at a stand. Renee inquired about the wording of food being "heated" and suggested that it might be helpful to be clear about what that meant. After a short discussion, Allison reworded the ordinance regarding how and where food will be prepared and sold.

The Board then confirmed that due to various concerns, the only areas available for vending would be in front of the post office, with an exception for special events.

The Board then moved on to discuss possible site assignments and the potential permitting process. Allison stated that she thought that the site assignment might not be necessary with proper regulations. Lane stated that she has concerns that the site assignment could be a time-consuming process. Allison agreed and stated that she thought it would be wise, to begin with less regulation and add in site

assignments, if needed, in the future. Denise stated that she also likes the idea of less regulation. Kendra and Megan also voiced their support for beginning with less regulation.

Allison then moved on to the permitting process and associated details. She noted that she had scaled back the language regarding the requirement of insurance and inquired with the Board about the language change. The Board was supportive of the language change removing the requirement of insurance.

Lane then inquired about charging less for the permit fee and increasing the amount of the penalty fee. Allison stated that was an option and encouraged the Board to be thoughtful about the permit fee so as to not discourage any potential small business entrepreneurs. She also asked about having graduated fees for people who are repeat violators. The Board was supportive of reducing the permitting fee and adding a graduated fee scale for repeat violators.

Allison quickly reviewed the prohibited conduct section. There was a short discussion about the requirement for a trash can. Allison then added language to give the Town Manager more discretion regarding trash receptacles.

Allison then asked if there were any questions or comments regarding the last few sections. The Board did not have any additional questions or comments.

Allison then inquired about the next steps in moving the ordinance forward, noting an email Lane sent about possibly holding a public comment forum for the public. After a general discussion, the Board thought it would be a good idea to develop a bullet list summary of the significant points to accompany the draft ordinance, distribute both documents and schedule a meeting for public input on Tuesday, June 20, 2023 at 8:30am in the Community Room of the Appalachian Theater.

With no other business to discuss, Kendra made a motion to adjourn. The motion was seconded by Suzanne and had a unanimous vote.