

**Downtown Boone Development Association
Special Board Meeting – June 20, 2023
8:30 am – Appalachian Theater Community Room**

Board Members Present: Denise Lovin, Kendra Sink, Renee Boughman, Wayne Miller, Suzanne Livesay, and Austin Northern arrived at 9:10 am.

Ex-Officio's Present: Edie Tugman

MSD Members/Guests present: Patricia Parish, Vanessa Parish, Fulton Lovin, Bob Snead, Jessie Snead, Rosie Bentley, Laurance Turner, Jim Marsh, Kaitlin O'Daniel, Chad Hicks, Kelly Mosenfelder (virtually), Allison Kincaid (virtually), Taylor Oakey (virtually), Joelle Justiz (virtually) and Madalyn Edwards.

Town Staff Present: Allison Meade (virtually), Lane Moody, and Geoff Hayes

Call to Order

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

Public Comment Downtown Vendor Policy

Lane began the meeting by asking everyone to go around the room and introduce themselves. Lane started and stated that she was the Downtown Development Coordinator, Denise Lovin is the Vice President of DBDA and owns White Fence Farm in addition to being a practicing psychologist, Kendra Sink is the General Manager of Mast General Store, Suzanne Livesay is the Executive Director of the Appalachian Theater, Renee Boughman is the Director of Community Engagement with F.A.R.M Café, Laurance Turner is with Lemonade Lips lemonade stand, Amber Batemen is the Executive Director of the Watauga Arts Council, Wayne Miller is with Footsloggers, Bob Snead is with Dancing Moon, Jessie Snead is also with Dancing Moon, Kaitlin O'Daniel local vendor, Rosie Bentley is with Shoppes at Farmers, Jim Marsh is with the Daniel Boone Condos, Vanessa White is with Highway Robbery, Pat Parish is also with Highway Robbery, Downtown Sargent Geoff Hayes with the Town of Boone Police Department, Chad Hicks is with Sunset Slush, Fulton Lovin is with Pads for Grads, Madelyn Edwards is with the Appalachian Newspaper, Taylor Oakey is a street vendor with Distant Daydreams Designs, Allison Kincaid is a Watauga County Citizen, Allison Meade is the Town of Boone attorney, Kelly Mosenfelder is a street vendor with Barefoot and Brazen Designs and Joelle Justiz who works at Appalachian State.

At the direction of Board Vice-Chair Denise Lovin Town Attorney Allison Meade began the discussion by asking if everyone in attendance is familiar with the proposed ordinance and if there are any questions. Kelly inquired if music buskers are included in this ordinance. Town Attorney Allison Meade clarified that buskers are not regulated by the proposed ordinance and reviewed the past discussion for why that is. Amber Batemen inquired if there were any requirements that those allowed to vend must be local. Allison confirmed that there are no residency requirements in the proposed ordinance. Kelly stated that she had an additional question regarding the amount of space that vendors could utilize. Allison clarified that vending stands will only be allowed in front of the Post Office at spaces designated by the Town Manager (or designee) and added that property owners do not have the authority to trump the Town's authority over the public right of way.

The Board then moved to Public Comment. Lane opened by reading a letter from a downtown consultant who could not be in attendance. The letter was generally supportive of the arts vendors,

with the exception of people selling crystals and clothes, and expressed that they believe that food vendors should not be allowed downtown. The next was a letter submitted by Allison Kincaid, who was in attendance virtually but was unable to read her letter. Lane read the letter aloud and Ms. Kincaid expressed her concern that the language prohibiting vendors from cooking or preparing food using a heat source at a vending stand was overly restrictive and hinders business downtown. She continued that street vending is a growing industry and a more manageable way for people to open their own business. Finally, the letter stated that if the concern was with direct competition with downtown businesses then downtown businesses needed to better focus on marketing to their demographic. Pat Parish then spoke in favor of the ordinance, stating that it was long overdue, and encouraged the Board to vote in favor of the ordinance and get it before Town Council. Lane called on Benjamin Scarboro to speak but he was not in attendance. Chad Hicks spoke in favor of the ordinance and expressed that he agreed that parameters were needed. He also requested that the rock planter area be added as a vending space. Kelly Mosenfelder questioned why the downtown businesses were not being held to the same standard regarding taking up sidewalk space. She expressed that she felt the proposed ordinance was restricting business relationships and that the Post Office space was less than ideal. Taylor Oakey spoke and added that she thought the word “aesthetic” being used had a negative connotation associated with it and expressed that she believed that the vendors served as ambassadors to downtown businesses. She continued with her concerns that the Post Office space would not be accommodating. Bob Snead spoke next and stated that he appreciated the input that had been shared, he acknowledged that he pays a hefty fee to be downtown and would like for things to be fair. Rosie Bentley stated that she was frustrated with the direct competition and was concerned that the permit fee was too low in comparison to the rental rates downtown. She continued that she thought that the Post Office space was not the best place for vending. Lane then stated that was the end of her list and inquired if there were any additional comments. Amber Batemen added that she did feel that art vendors and food vendors are different but were willing to wait and see how the ordinance played out. With no additional comments, the Board closed the Public Comment period.

Discussion of Proposed Vendor Policy

Lane inquired with Allison M. about how to move forward. Allison M. suggested that it would be productive to have a discussion about the ordinance in light of comments made today. Kendra added that she felt the \$50 fee was too low and the Board might need to consider increasing that amount. Kendra also added that she thought the comparison of downtown businesses having sidewalk sales being the same as vending was not fair. Allison M. added that shop owners are also subject to regulations regarding sidewalk sales. Edie asked for clarification about what the sidewalk is downtown. Allison M. responded that for the large majority of sidewalks, the space being referred to goes from the building to the curb. Denise added in response to the pushback about limited foot traffic at the post office, she thought that there could be a communication plan put into place to encourage people to visit the vendors. Jim Marsh inquired about the alleyway next to Ben and Jerry’s and who is responsible for maintenance. Lane stated that she would research that and get back to him. Renee stated that she was thankful for the commentary, she acknowledged the collaborations that were occurring and encouraged people to see opportunity and not be fearful of the changes. Kendra then added that the reason the rock planter has been removed as a vending space was mainly due to safety concerns. There was a brief discussion about special events and Allison added that she thought it would be wise to add a clause adding the assignment of vending sites, at the Town Manager’s discretion, if there is excessive

competition. After a brief discussion of special events, Wayne Miller made a motion to adjourn. The motion was seconded by Austin and had a unanimous vote.