

AN ORDINANCE AMENDING THE TOWN CODE TO PROHIBIT PERSONS FROM
REMAINING OR LINGERING WITHIN A SPECIFIED AREA OF THE TOWN'S
RIGHT-OF-WAY AT THE INTERSECTION OF JONES FERRY ROAD AND DAVIE
STREET

Section 1. Chapter 5 of the Town Code is amended by adding a new Section 5-20 to read as follows:

Section 5-20 Limitation on Use of Designated Right-of-Way.

(a) Findings.

1. The provisions of this section are intended to respond to the issues raised at a community meeting attended by approximately 30 residents and 9 Carrboro staff on July 26, 2007. This meeting was requested by neighbors to discuss issues associated with the daily gathering of significant numbers of individuals at or near the intersection of Davie Road and Jones Ferry Road. Additional input was received by the Board of Aldermen at a public hearing held on October 23, 2007.
2. A substantial number of day laborers assemble within the area described in subsection (d) in the morning hours seeking work or waiting to be picked up for work. The problems described in subsection (a)(3) of this section do not typically occur during the morning hours. Rather, these problems tend to occur after 11:00 a.m. when individuals who are not looking for work gather in this area.
3. The following problems are directly associated with the congregation of individuals in the area described in subsection (d) between the hours of 11:00 a.m. and 5:00 a.m. and would be greatly reduced or eliminated if compliance with the provisions of this section is achieved:
 - a. The accumulation of litter and trash, which then is blown into the streets and neighboring properties;
 - b. Public consumption of alcohol;
 - c. Public urination and defecation;
 - d. Trespassing on neighboring properties;

- e. Verbal harassment or intimidation of females in the area;
 - f. Diversion of police resources (police responded to roughly 60 complaints in the area of the intersection of Davie Road and Jones Ferry Road between May 1 and September 18, 2007).
4. The problems identified in subsection (a)(3) cannot practically be resolved by enforcement of existing statutes or ordinances.
- (b) Purpose and Intent. The purpose of this section is (i) to ensure that the right-of-way area specified in subsection (d) remains open and unobstructed so that it can serve its principal function, i.e. to allow for the safe and convenient passage of motor vehicle, pedestrian, and bicycle traffic, and (ii) to eliminate the threats to the public health, safety, and welfare that have occurred as described in subsection (a) of this section arising out of the use of this area by persons for purposes unrelated to its principal function.
 - (c) Except as provided herein, no person may stand, sit, recline, linger, or otherwise remain within the area designated in subsection (d) between the hours of 11:00 a.m. and 5:00 a.m. This prohibition shall not apply to persons occupying motor vehicles, riding on bicycles, walking, or otherwise moving through such area, while such persons are actually engaged in the process of moving from a point outside such area, through such area, to another point outside such area.
 - (d) The area covered by this section shall be (i) that area within the public street right-of-way of Davie Road beginning at the intersection of the right-of-way of Jones Ferry Road and running in a westerly direction down Davie Road a distance of 200 feet; and (ii) that area within the northern half of the Jones Ferry Road right-of-way (i.e. north of the centerline of Jones Ferry Road) that begins at a point 200 feet east of the point where the centerline of Davie Road meets the right-of-way of Jones Ferry Road and that extends to a point that is 200 feet west of the point where the centerline of Davie Road meets the right-of-way of Jones Ferry Road.
 - (e) To the extent practicable, signs shall be posted along the areas covered under this section that provide notice of the provisions of this section.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption but shall not be enforced until signs are erected as provided herein.

REPORT ON ISSUES AT THE INTERSECTION OF DAVIE/JONES FERRY ROADS

The purpose of this item was for town staff to present the issues raised at a community meeting held on Thursday, July 26, 2007. This meeting was requested by neighbors to discuss issues associated with the presence of large groups of people, many of them day laborers, at or near the intersection of Davie Road and Jones Ferry Road.

James Harris, the town's Community and Economic Development Director, made the presentation.

Chief Carolyn Hutchison was present and answered Board questions.

The following resolution was introduced by Alderman Randee Haven-O'Donnell and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION RECEIVING THE REPORT ON ISSUES AT THE
INTERSECTION OF DAVIE/JONES FERRY ROADS
Resolution No. 17/2007-08

WHEREAS the Board of Aldermen has expressed interest in the problems occurring at and near the corner of Davie Rd. and Jones Ferry Rd., and

WHEREAS the Town staff have met with neighbors in this area to discuss their issues, and

WHEREAS Town staff have prepared a report pursuant to those discussions,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board of Aldermen does hereby receive said report.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 18th day of September 2007:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Randee Haven-O'Donnell, Jacquelyn Gist, John Herrera, Alex Zaffron

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Randee Haven-O'Donnell.

A RESOLUTION APPROVING AN ACTION PLAN FOR THE AREA SURROUNDING
THE INTERSECTION OF DAVIE AND JONES FERRY ROADS
Resolution No. 16/2007-08

WHEREAS the Board of Aldermen hears the complaints of the neighbors in the area surrounding this intersection, and

WHEREAS the Board of Aldermen wish to do all they can to keep all parts of Carrboro as safe, clean, and hospitable as possible, and

WHEREAS the Board of Aldermen also wish to assist different segments of the population in co-existing as happily as possible,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board hereby approves the following action plan regarding the following issues in the area of the intersection of Davie and Jones Ferry Roads:

- 1. **Loitering** – Continue increased police presence and set public hearing to consider adoption of anti-littering ordinance. Look at the option of attempting to move the day-laborer pick-up spot.
- 2. **Trash/litter accumulation** – Continue with additional trash container at the day laborer pick-up location on a trial basis. Work with El Centro Latino and other non-profits to raise awareness of those using this intersection about the need to keep it clean.
- 3. **Public urination** – Work with El Centro Latino and other non-profits to raise awareness of those using this intersection about the need to halt unacceptable and illegal behavior.
- 4. **Public consumption of alcohol** – Work with El Centro Latino and other non-profits to raise awareness of those using this intersection about the need to halt unacceptable and illegal behavior. Talk with owner of Kangaroo as well as ABC Board to see what other solutions might be available.
- 5. **Trespassing** – Encourage residents to call 911 if someone is trespassing on their property. Look into town’s authority to enter into “act-as-agent” agreements with residential property owners.
- 6. **Increased potential for crime** – Continue with increased police presence.
- 7. **Speeding traffic** – Inform neighbors of the process for studying whether traffic calming devices are appropriate for that area.
- 8. **Harassment / intimidation** – Work with El Centro Latino and other non-profits to raise awareness of those using this intersection about the need to halt unacceptable and/or illegal behavior. Get a legal opinion regarding the applicability of existing hate crime laws to some of the things being said to (primarily female) passersby at that intersection.
- 9. **Contact with Contractors** – Contact local homebuilders associations to see what informal influence they might try to have on some of the negative behaviors being exhibited by some of those lingering at this intersection.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 18th day of September 2007:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Randee Haven-O’Donnell, Jacquelyn Gist, John Herrera, Alex Zaffron

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Randee Haven-O'Donnell.

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER AN ANTI-LINGERING
ORDINANCE FOR THE AREA SURROUNDING THE INTERSECTION
OF DAVIE ROAD AND JONES FERRY ROAD
Resolution No. 18/2007-08

WHEREAS the Carrboro Board of Aldermen wish to keep all of the town safe and clean for the enjoyment and use of all, and

WHEREAS there have been long-standing and well documented concerns based on the lingering of individuals at the corner of Davie Road and Jones Ferry Road beyond the hours specified in the draft ordinance.

WHEREAS a time-limited anti-lingering ordinance is one of the tools the Board wishes to consider using to make sure this area stays safe and clean,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board sets a public hearing for October 23, 2007 to consider the implementation of an anti-lingering ordinance for the area surrounding the intersection of Davie and Jones Ferry Roads.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 18th day of September 2007:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Randee Haven-O'Donnell, Jacquelyn Gist, John Herrera, Alex Zaffron

Noes: None

Absent or Excused: None

PUBLIC HEARING TO CONSIDER ADOPTION OF A TIME LIMITED ANTI-LINGERING ORDINANCE FOR THE AREA AROUND THE INTERSECTION OF DAVIE ROAD AND JONES FERRY ROAD

The purpose of this agenda item was for the Board to consider adopting a limited anti-lingering ordinance in response to the issues raised at a community meeting held on July 26, 2007, and at the Board of Aldermen meeting on September 18, 2007, both of which were attended by numerous members of the neighborhood surrounding the intersection in question.

This ordinance would be in effect daily in a circumscribed area near the intersection of Davie Rd. and Jones Ferry Rd. from 11:00a.m. through the afternoon and night until 5:00a.m. the next morning. The purpose of the ordinance is to reduce the trash and behavior problems occurring near the intersection without unduly restricting the right of people to seek work at that location.

James Harris, the town's Community and Economic Development Director, made the staff presentation.

Mike Brough explained the draft ordinance.

Lucy Baldwin said she was hoping the lingering would be eliminated altogether.

John Neville stated that there has been improvement in the situation at the Davie/Jones Ferry Road intersection, but the problem has not been solved. He stated that he feels the draft ordinance is a band aid--it will not solve the problem. He stated that he thought the town should find a central place for these people to gather.

Robin Griffield, a Davie Road resident, stated that drinking and trash are problems and asked if the town could help with trash cleanup. She stated that she was glad that the day workers will not be prohibited from waiting at the Davie/Jones Ferry Road intersection.

Cynthia Cowen, resident of W. Main Street, said there is a Latino presence at Johnny's Sporting Goods on West Main Street and does not want the Davie Road problem to be moved to West Main Street. She stated that she feels the proposed ordinance will result in people being arrested. Feels there is a deeper problem than the ordinance being proposed can solve

Carol Brook stated that she works with immigrant workers and encouraged the Board to think about the root of the problem, which tends to be the day labor system (high rates of injuries, nonpayment of wages, workers compensation), and expressed concern about the problem moving elsewhere if the draft ordinance is adopted. She encouraged the town to provide an alternate location for day laborers that has some oversight. It would give protection to the day laborers and moves the people out of unwanted areas. She stated that she would work with the town or other groups to provide an alternate location for day laborers.

Mr. Cruz stated that he agreed with Ms. Brook's comments.

Emily Scarborough, a resident of 806 Davie Road, stated that she has been considering the installation of a security system on her house and the installation of a security fence around her property because there are constantly people walking through her yard. She stated that she thinks the draft ordinance will help, but a police presence will continue to be needed to enforce the ordinance.

Mike Brough stated that the Board's previous discussions about the draft ordinance could be included when making the findings of fact for the draft ordinance.

Alderman Coleman asked for the Town Attorney's additional analysis of the two cases cited in the letter from the ACLO regarding the draft ordinance – Morales v. City of Chicago and Kent v. Dulles. He also asked that the town staff look into the possibility of moving the day labor area to the Town Commons on an interim basis.

Alderman Haven-O'Donnell commented that one of the problems with moving the day labor pickup to another area would prevent the quick pick up possible now because of the pick-up spot's proximity to the 54 Bypass.

Alderman Zaffron stated that day laborers are not the problem. It is those individuals that are involved in the behaviors that are disturbing the neighborhood, and those individuals are not going to come to the Town Commons.

Alderman Broun asked for the staff response to the Board's question about prohibiting the sale of alcohol at the convenience store.

Mr. Stewart stated Police Department has been in contact with the management at Kangaroo about serving alcohol on premises and underage drinking.

Chief Hutchison stated that Kangaroo had been very responsive to the Police Department and this store was in compliance with the recent sting operation involving the Coalition for Alcohol and Drug Free Teenagers, where four other stores in Carrboro were not in compliance.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN-O'DONNELL TO REFER THESE COMMENTS TO THE TOWN ATTORNEY AND THAT THIS MATTER BE CONSIDERED BY THE BOARD AT ITS NEXT REGULAR MEETING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

Mr. Neville expressed concern about the pick up of day laborers at the Davie/Jones Ferry Road intersection because children catch the school bus in this same area.

Report on Issues at Davie Rd.
and Jones Ferry Road

**Prepared by Town Staff
for the
9-18-07
Meeting of the
Carrboro Board of Aldermen**

Issue #1 – Loitering

Description of Issue: As noted in the agenda item, day laborers and others continue to gather at the intersection of Davie Rd. and Jones Ferry Rd. Many appear to be looking for work and many are picked up for jobs at some point during the morning. Some of the people at the location, however, either aren't looking for work or do not get picked up for work. In the past, some of these people have continued to linger at the location through much or all of the day. The loitering is associated with many of the other problems addressed in this report, including uncontrolled trash / litter, public urination / defecation, public consumption of alcohol, intimidation and fear of crime.

There have also been reports of homeless camps in the woods behind the stores and also in the neighborhood of Morningstar Storage and Willow Creek Shopping Center. Though it is possible and even likely that from time to time people sleep in the woods in these areas, police have not found anything that appears to be a permanent encampment. With the passing of the Orange County 10 Year Plan to End Homelessness, the Town will have more resources available to help homeless people find the resources they need.

Other Information: Carrboro currently has no general anti-loitering ordinance except for the specific areas within bus shelters. The town attorney has indicated that anti-loitering ordinances have to be written very carefully if they are to pass constitutional muster (and in fact the word “lingering” is used in the draft ordinance and interchangeably used in this report as well). In general, they must be written to counter specific problems at specific times or places.

Many citizens have stated that they don't want to prevent anybody from getting work, and ideas have ranged from attempting to move the pick-up site to anti-loitering ordinance that might not be in effect during the prime pickup hours.

Ben Balderas of El Centro Latino and several others have engaged some of the day laborers in discussions about the problems at the pick-up site. There may be a possibility for more of these conversations to take place.

Recommendation – Increased police presence (already under way):

Town staff have come to the general conclusion that people still lingering at this location at 11am are either not looking for work or not likely to get it. The Carrboro Police Department has been going by around this time every day to encourage those still hanging around outside to move on. Most move on quickly, and since adopting this strategy there have rarely been any loiterers when the police check back around 2pm. This strategy seems to be working fairly well but has required some regular redeployment of Police investigators and community services officers.

Additional Option 1 – Anti-lingering ordinance:

An ordinance, presumably with a time limit on it as noted above, would essentially add enforcement authority to the strategy outlined in Option 1. The town attorney has included a draft anti-lingering ordinance for the Board of Aldermen to consider. Action could be taken tonight, though if the Board is inclined to take action on this item, town staff would recommend taking the matter to a public hearing.

Additional Option 2 – Trying to move the day-laborer pick-up spot:

This option was suggested by some of those attending the community meeting. The consultant that studied the day laborer issue determined that the current pick-up location is ideal for most of them because it is near where they live. It is also ideal for the contractors because it is close to the highway. Amenities or needed services might draw some day laborers to another site, and contractors might follow, though the board might consider the costs and other consequences of adding amenities or services for day laborers in other parts of town.

Issue #2 – Trash / Litter Accumulation

Description of Issue: The people who hang out at the corner, looking for work or not, create a fair amount of trash on a daily basis. Some of this trash may end up in appropriate containers, but a lot of it ends up on the public right-of-way, on the property of the stores there at the corner, and on other private property in the neighborhood. The closest permanent trash receptacle is the private dumpster next to the stores across the street from where most of the people are hanging out. Not much of the trash seems to find its way into the dumpster, and in any case it is a private dumpster.¹ Representatives of the businesses there occasionally send someone out to pick up trash on their property, but not across the street near Ridgewood Apts.

On the side of the street where the fence separates public right-of-way from the Ridgewood Apartments property, there are occasionally trash bags or other receptacles put out. Often these containers are not there but are quickly filled when they are present.

Other Information:

Public Works currently does a litter patrol in this area twice a week and, in the past week, has put out a trash container on a trial basis to see what effect this has on the overall level of trash in the area. They will be emptying the container regularly and monitoring effectiveness, and unintended consequences, and the overall situation as well. Public Works employees and Police Capt. Daryl Caldwell conducted a large cleanup in the area on July 27th.

Recommendation 1 – Continuing with town-provided trash containers on trial basis

Recommendation 2 – Education / raising awareness:

The Town, non-profits, neighbors, and other concerned individuals can increase their efforts to convey to the day laborers that littering is illegal and a major problem identified by neighbors.

¹ There have been complaints within the last year about the trash and the cardboard dumpsters at the stores overflowing. Town staff have worked with the owners of the property and the business operators to find a solution to those problems. Odor is still a complaint, though this is not an issue where citizens would currently have recourse through the town.

Issue #3 – Public Urination

Description of Issue: There have been a number of reports of public urination in this area and also the discovery of human waste on one neighboring property.

Other Information: Residents have been encouraged to call 911 if they see this happening.

It is the Town's understanding that there are no public restrooms at any of the businesses at the corner of Davie Rd. and Jones Ferry Rd.

Recommendation – Education / raising awareness:

The Town could work through El Centro Latino to address the issue of public urination / defecation with the day laborers through education.

Issue #4 – Public Consumption of Alcohol

Description of Issue: There have been steady reports of alcohol being consumed in public at the day laborer pick-up site. The bottles and cans that are good circumstantial evidence are also part of the trash problem.

Other Information:

Drinking seems to be more of a problem later in the day and also among a segment of the population who like to hang out with the day laborers but may not necessarily be looking for work. In short, the public drinking may be occurring among a larger and perhaps mostly separate group of people.

Neighbors have been encouraged to call 911 if they see public consumption of alcohol in this area.

Recommendation 1 - Education / raising awareness:

The Town could work through El Centro Latino to address this issue with the day laborers. As most of those serious about getting work will not be drinking alcohol, it may be possible to impress upon them the likelihood of the drinkers negatively impacting the workers' livelihood and the necessity of (the workers) encouraging the drinkers to drink elsewhere.

Additional Option – Anti-lingering ordinance:

If it is true that more of the drinking is going on in the afternoons and evenings at and near this location, then an anti-lingering ordinance in effect in the afternoons and evenings might substantially reduce the drinking taking place at this site.

Issue #5 – Trespassing

Description of Issue: Several residents of Davie Rd. expressed concern that members of the group who gather at the corner are fairly bold about walking on / using the property of others in the area. The trespassing in itself is an issue, as is an increased fear of crime.

Other Information: Trespassing occurs when someone violates a posted “No Trespassing” sign or violates a request of a property owner to leave that property. One particular issue is that property owners aren’t always at home when the trespassing occurs, and this kind of trespassing raises a slightly different set of concerns than trespassing when the owners *are* at home.

Recommendation 1 – Encourage residents to call 911 to report trespassing:

As with other concerns arising in this area of town, it is hard for police doing regular patrols to see everything or know the extent of problems in one area unless residents register their general and specific concerns. At the community meeting, the Carrboro Police Department encouraged residents to call 911 as soon as they witness someone trespassing on their property. In the presence of a police officer, the property owner may “trespass” any unwelcome person. Town legal staff are reviewing the town’s “act-as-agent” authority (authority given by to the police by a property owner to trespass anyone without the presence of the owner) for residential properties as well as commercial properties where we currently have a number of such agreements.

Issue #6 – Increased Potential for Crime

Description of Issue: This issue is directly connected to having people lingering near this intersection for many hours over the course of every day. They are able to see when some residents come and go (i.e. they know when no one is home), and these residents have expressed a fear that crime will follow. As far as we know, no property crime has followed to this point.

Other Information: Potential for crime is not the same as crime, and the Town cannot arrest people for watching or for having their eyes open. At the same time, it is important for the Town to realize that this fear is real and that the increased likelihood of crime, notwithstanding the difficulty of measuring it, may also be real.

Recommendation – Increased police presence:

Increased presence of uniformed police (which is already happening) may make neighbors feel safer and may also discourage anyone who might think of committing a crime of any sort in the area. Town staff encouraged any resident to call 911 any time they witness suspicious or possibly criminal behavior.

Additional Option – Anti-lingering ordinance:

If people are not allowed to sit around at the intersection all day long, they won't see as much of the comings and goings of the neighbors. Whatever the actual decrease in the likelihood of crime, this may make the neighbors feel more comfortable.

Issue #7 – Speeding Traffic

Description of Issue: Neighbors complained of speeding traffic on Davie Rd., including Police (w/o lights or sirens) and Public Works vehicles.

Other Information: Town employees in both departments have already been reminded to drive safely and at or below posted speed limits unless responding to an emergency.

Recommendation 1 – Increased Enforcement:

Town police have often discovered, following complaints of speeding in a neighborhood, that the main culprits are people who live in that neighborhood. Increased enforcement of speed limits in the area, however, is certainly possible.

Additional Option – Study possibility of traffic calming devices:

Some of the residents expressed an interest in seeing at least whether Davie Rd. would qualify for traffic calming.

Issue #8 - Harassment / Intimidation

Description of Issue: There have been a number of specific reports of harassment (mostly of women) by the largely male group of people who gather at the day laborer pick-up spot. Others report, on behalf of their children or themselves, a sense of intimidation when going on foot through this area when numbers of people are hanging out there.

Other Information: Like numerous of the other issues present at this location, harassment can be difficult for the police to pursue successfully unless the person being harassed reports it as soon as it happens and is willing to go back with the police to identify the harasser, provided that person is still there.

Recommendation - Education / raising awareness:

The Town could work through El Centro Latino to educate and impress upon the day laborers that not only is such behavior unacceptable but will also drastically decrease public support for their efforts to seek work at this location. Town staff encouraged any resident to call 911 any time they experience or witness any harassment or intimidation anywhere in town.

Overview of Issues With Attempting to Re-Locate the Day Labor Pick-Up Spot to Carrboro Town Commons on an Interim Basis

1. We are unsure of the willingness of day-laborers, contractors, and those just hanging out (but not seeking work) to move locations, *which is precisely what will determine how much success we have at removing the problem from the corner of Davie and Jones Ferry.*
 - a. Some will be willing to come and some, perhaps particularly those just interested in hanging out, will not be interested. Town staff are working with El Centro to determine the workers' feelings on this matter.
 - b. We are uncertain of the Town's ability to entice the workers to come to Town Commons with services or amenities that they don't have at the current location.
 - c. We are uncertain of the power that anti-lingering or anti-solicitation ordinances, which are commonly used alongside official pick-up spots, will have to move the workers, contractors, and those just hanging out up to this location. The last group may cause most of the problems at the intersection of Davie and Jones Ferry and might cause just as many at Town Commons.
2. There are potential conflicts within the neighborhood(s) around Town Commons.
 - a. The area around Town Commons is also residential and includes a school.
 - b. Whereas the Town did not *put* the pick-up spot where it currently exists, the Town *would* perhaps bear more responsibility for any negative side-effects at a location of the Town's selection.
3. There are potential conflicts with regular business at Town Hall.
 - a. Town Hall would potentially need to be opened early for the workers and be available to them during some or all of the day. This would likely create some issues inside the building that would need to be addressed.
 - b. While the lower parking lot is not always fully utilized, on many occasions all of that parking is needed for trainings and other official gatherings at Town Hall. Thus there is real potential for conflict with a new use that would create significant traffic and some parking in the same lot.
 - c. Would problems arise similar to those which led BOA to pass an ordinance in 2003 banning loitering at, among other locations, Town Commons and town-owned parking lots?
4. There are potential conflicts with other scheduled and unscheduled activities on the Town Commons, including the Saturday Farmers' Market, many activities involving young children, and regular use of the playground. Day laborer activity is heavier during the week but also occurring on Saturdays and Sundays.

Recommendation

Town staff do not recommend trying to relocate the day laborer pickup spot to the Town Commons.

Town staff recommend trying the proposed anti-lingering ordinance to see if the situation at Davie and Jones Ferry continues to improve. Town staff also recommend that the town investigate relocating the day laborer pick-up spot to Town property along Jones Ferry near Willow Creek Shopping Center.

AN ORDINANCE AMENDING THE TOWN CODE TO PROHIBIT PERSONS FROM
REMAINING OR LINGERING WITHIN A SPECIFIED AREA OF THE TOWN'S
RIGHT-OF-WAY AT THE INTERSECTION OF JONES FERRY ROAD AND DAVIE
STREET

Section 1. Chapter 5 of the Town Code is amended by adding a new Section 5-20 to read as follows:

Section 5-20 Limitation on Use of Designated Right-of-Way.

(a) Findings.

1. The provisions of this section are intended to respond to the issues raised at a community meeting attended by approximately 30 residents and 9 Carrboro staff on July 26, 2007. This meeting was requested by neighbors to discuss issues associated with the daily gathering of significant numbers of individuals at or near the intersection of Davie Road and Jones Ferry Road. Additional input was received by the Board of Aldermen at a public hearing held on October 23, 2007.
2. A substantial number of day laborers assemble within the area described in subsection (d) in the morning hours seeking work or waiting to be picked up for work. The problems described in subsection (a)(3) of this section do not typically occur during the morning hours. Rather, these problems tend to occur after 11:00 a.m. when individuals who are not looking for work gather in this area.
3. The following problems are directly associated with the congregation of individuals in the area described in subsection (d) between the hours of 11:00 a.m. and 5:00 a.m. and would be greatly reduced or eliminated if compliance with the provisions of this section is achieved:
 - a. The accumulation of litter and trash, which then is blown into the streets and neighboring properties;
 - b. Public consumption of alcohol;
 - c. Public urination and defecation;
 - d. Trespassing on neighboring properties;

- e. Verbal harassment or intimidation of females in the area;
 - f. Diversion of police resources (police responded to roughly 60 complaints in the area of the intersection of Davie Road and Jones Ferry Road between May 1 and September 18, 2007).
4. The problems identified in subsection (a)(3) cannot practically be resolved by enforcement of existing statutes or ordinances.
- (b) Purpose and Intent. The purpose of this section is (i) to ensure that the right-of-way area specified in subsection (d) remains open and unobstructed so that it can serve its principal function, i.e. to allow for the safe and convenient passage of motor vehicle, pedestrian, and bicycle traffic, and (ii) to eliminate the threats to the public health, safety, and welfare that have occurred as described in subsection (a) of this section arising out of the use of this area by persons for purposes unrelated to its principal function.
 - (c) Except as provided herein, no person may stand, sit, recline, linger, or otherwise remain within the area designated in subsection (d) between the hours of 11:00 a.m. and 5:00 a.m. This prohibition shall not apply to persons occupying motor vehicles, riding on bicycles, walking, or otherwise moving through such area, while such persons are actually engaged in the process of moving from a point outside such area, through such area, to another point outside such area.
 - (d) The area covered by this section shall be (i) that area within the public street right-of-way of Davie Road beginning at the intersection of the right-of-way of Jones Ferry Road and running in a westerly direction down Davie Road a distance of 200 feet; and (ii) that area within the northern half of the Jones Ferry Road right-of-way (i.e. north of the centerline of Jones Ferry Road) that begins at a point 200 feet east of the point where the centerline of Davie Road meets the right-of-way of Jones Ferry Road and that extends to a point that is 200 feet west of the point where the centerline of Davie Road meets the right-of-way of Jones Ferry Road.
 - (e) To the extent practicable, signs shall be posted along the areas covered under this section that provide notice of the provisions of this section.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption but shall not be enforced until signs are erected as provided herein.