

A RESOLUTION RECEIVING THE FOLLOW-UP REPORT ON  
THE LIMITED ANTI-LINGERING ORDINANCE FOR THE AREA NEAR  
THE INTERSECTION OF JONES FERRY ROAD AND DAVIE ROAD  
Draft Resolution No. 16/2011-12

WHEREAS the Board of Aldermen has expressed interest in the problems occurring at and near the corner of Davie Road and Jones Ferry Road; and

WHEREAS the Board of Aldermen has expressed interest in receiving a follow-up report on the limited anti-lingering ordinance for the area near the intersection of Jones Ferry Road and Davie Road; and

WHEREAS, Town staff have prepared a report;

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

Section 1: They receive the follow-up report and discussed the issues presented; and,

Section 2: The Board recommends the following action(s):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Section 3: This resolution becomes effective immediately upon adoption.

An analysis of loitering complaints reveals the following:

Year	Town-Wide Complaints	Davie/Jones Ferry Complaints	% of Complaints Related to Davie/Jones Ferry
2007*	23	17	73.91%
2008	90	69	76.67%
2009	17	5	29.41%
2010	9	4	44.44%
2011**	1	1	100%

\* Statistics for the period January through April are not available due to change in records management system

\*\* Through August 12, 2011

An analysis of complaints of disturbance, fighting, disorderly conduct, drunk and disruptive, trespassing, and other ordinance violations reveals the following:

Year	Town-Wide Complaints	Davie/Jones Ferry Complaints	% of Complaints Related to Davie/Jones Ferry
2007*	203	78	38.42%
2008	420	91	21.67%
2009	254	39	15.35%
2010	313	94	30.03%
2011**	200	41	20.50%

\* Statistics for the period January through April are not available due to change in records management system

\*\* Through August 12, 2011

### The impact of the limited anti-lingering ordinance

Currently, on any given day before 11:00 a.m., there are 10 to 30 people who gather along the roadside at Jones Ferry Road/Davie Road. There are also people who gather in the convenience store parking lot and some who wait near the bus stop across the street on Jones Ferry Road.

Since 2008, the number of loitering complaints in this area has decreased each year, from 69 to 5 to 4 to 1. The number of complaints of disturbance, fighting, disorderly conduct, drunk and disruptive, trespassing, and other ordinance violations have not followed the same downward trend; however, each year since 2008, the percentage of such calls occurring in this area has remained far below the percentage that occurred during 2007 (before adoption of the limited anti-lingering ordinance).

Physical conditions in the immediate area have improved. The neighborhood and the corner appear cleaner. In 2007, Public Works placed a trash can on-site at the corner, and staff regularly empties the contents. Public Works and Police Department staff also periodically pick up trash left on the ground or in the street. Police officers conduct directed patrols in the area as time and resources allow, and when the officers are present, the people in the area do not engage in nuisance and/or

criminal behavior. After 11 a.m., people do not linger along the roadways in the area designated by the limited anti-lingering ordinance, and as a result, the intersection is safer for both pedestrians and drivers.

**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.<sup>1</sup> 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 27<sup>th</sup>.

**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.

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<sup>1</sup> 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.

Related Section of 8/26/2003 Board of Aldermen Meeting Minutes

**A REPORT ON LOITERING IN THE VICINITY OF DAVIE ROAD AT JONES FERRY ROAD**

During morning hours, day laborers hoping for contractual work congregate along the roadside on Davie Road at Jones Ferry Road. Contractors arrive to pick up those seeking work from this site and stop in the street to do so, which is potentially dangerous to both pedestrians and drivers. The people who are not picked up often loiter in the area throughout the day, sometimes committing crimes and/or causing nuisance complaints. The purpose of this item was for the Board to receive a report on the experience of the community and the Police Department as all of us deal with this issue and to receive direction from the Board about possible solutions to this persistent problem.

Chief Hutchison made the presentation.

Alderman Gist suggested that the Bim Street parking lot be used as an area for people to wait for pick up from 6:00 – 9:00 a.m. on weekdays.

Alderman Herrera suggested that a shelter, trash receptacle and bench be installed for citizens waiting to be picked up.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

**A RESOLUTION ACCEPTING A REPORT ON LOITERING  
IN THE VICINITY OF DAVIE ROAD AT JONES FERRY ROAD  
Resolution No. 11/2003-04**

WHEREAS, the Board of Aldermen has received a report from the Town staff on loitering in the vicinity of Davie Road at Jones Ferry Road; and

WHEREAS, the Board of Aldermen authorizes the Administration to collaborate with the affected property owners and leaders within the Hispanic/Latino community to help the town identify a solution;

NOW THEREFORE, the Board of Aldermen directs Town staff to: organize a safe alternative, seeking the advice of employers, contractors, and community leaders.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of August, 2003:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: Mark Dorosin

## BOARD OF ALDERMEN

ITEM NO. E(4)

## AGENDA ITEM ABSTRACT

MEETING DATE: August 26, 2003

TITLE: A Report on Loitering in the vicinity of Davie Road at Jones Ferry Road

DEPARTMENT: Police	PUBLIC HEARING: YES ___ NO <input checked="" type="checkbox"/>
ATTACHMENTS: A. Resolution	FOR INFORMATION CONTACT Carolyn Hutchison 918-7412

PURPOSE

During morning hours, day laborers hoping for contractual work congregate along the roadside on Davie Road at Jones Ferry Road. Contractors arrive to pick up those seeking work from this site and stop in the street to do so, which is potentially dangerous to both pedestrians and drivers. The people who are not picked up often loiter in the area throughout the day, sometimes committing crimes and/or causing nuisance complaints. The purpose of this item is for the Board to receive a report on the experience of the community and the Police Department as all of us deal with this issue and to receive direction from the Board about possible solutions to this persistent problem.

INFORMATION

One of the goals of the Police Department is to promote safety in all neighborhoods, and it follows that "hotspot" areas require intensive police services. The area of Davie Road at Jones Ferry Road has long been a hotspot. Business owners in this area have spoken with us about people who loiter on and around their private property during the day and at night; this private property includes both buildings and wooded areas. We have worked with these property owners to obtain trespass authority. We have also responded to many incidents involving people who loiter on public property (along the roadside on Davie Road). Some who loiter along Davie Road are actually waiting for work. While many are picked up, others are not. As a result, they remain in the area—sometimes very close to the roadway (on public property) or on private property—for hours. Sometimes, they cross the street and hang out in the bus shelter at 501 Jones Ferry Road.

Officers from the Patrol and Community Services Divisions, as well as from the Investigative and Administrative Divisions, are involved with the Davie Road hotspot daily. We have had to expend more resources and time in the area and are closely watching activity there in an effort to encourage a safer environment for everyone. At this point, conditions are ripe for increased numbers of incidents as more people loiter in the area, at all hours, with nothing to do. Already, we routinely respond to reports of intoxicated persons, drug activity, fights, harassment, and other crimes/nuisances in this area. Currently, we have no specific authority to prohibit loitering on public property adjacent to Davie Road at Jones Ferry Road.

It is not the intent of the Police Department to deprive people of the opportunity to work. We do think, however, that congregating on public property alongside Davie Road is dangerous and that such congregation contributes to the chaos and crime in the area. We suggest that the Town designate a

convenient and safe pick-up area during some designated time in the morning, for example, from 6:30 a.m. until 9:00 a.m. We may want to consider a designated pick-up area that is within walking distance from Davie Road so that it would not represent a terrible inconvenience for pedestrians. People should be able to wait for their rides in a safe area off the street and those providing rides should be able to pull off the street into a safe area to pick them up. Of course, we would need to closely monitor activity at any designated area to promote a safe atmosphere. The Board may want to suggest possible pick-up locations.

Should we decide to formally designate a pick-up area, we would need to draft and adopt an ordinance prohibiting loitering in a specifically defined area along Davie Road at Jones Ferry Road. In addition, we would need to notify those seeking work and contractors of the new pick-up area and permissible hours of operation. We anticipate that we can do this successfully by meeting with various affected property owners and with leaders within the Hispanic/Latino community to help us design an effective "educational" campaign that would explain the need for creating an official pick-up location.

#### ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board receive the report and authorize the Administration to work with affected property owners and leaders within the Hispanic/Latino community to help the town identify a solution.

Abstract - August 26, 2003