

BOARD OF ALDERMEN

ITEM NO.D(2)

AGENDA ITEM ABSTRACT

MEETING DATE: November 22, 2011

TITLE: Follow-up report on the limited anti-littering ordinance for the area near the intersection of Jones Ferry Road and Davie Road

DEPARTMENT: Police	PUBLIC HEARING: NO
ATTACHMENTS: A. Resolution; B. Table (2000-2011 crimes in area); C. Map showing ROW on Davie Road	FOR INFORMATION CONTACT: Carolyn Hutchison, 918-7412

PURPOSE

At the Board of Aldermen meeting on September 13, 2011, staff presented a follow-up report on the limited anti-littering ordinance for the area near the intersection of Jones Ferry Road and Davie Road. Following their discussion, Board members directed staff to provide additional information related to this issue. The purpose of this item is to provide the requested information to the Board of Aldermen.

INFORMATION

Board members requested the following information: gather 2003 – 2007 records related to complaints in the area; research cost of additional outreach personnel on-site; research use of a no-stopping zone to encourage contractors to adhere to current hours (i.e. no stopping 11 a.m. – 5 a.m.); provide police department presence at Justice United meetings; research Orange County's role in addressing the concerns of the area; and provide a map showing the current right-of-way along both sides of Davie Road.

Gather 2003 – 2007 records related to complaints in the area

Staff presented the following information at the September 13, 2011 meeting:

From May through December 2007, there were 17 complaints of loitering at the intersection of Jones Ferry Road at Davie Road. (Statistics for the period January through April are not available as the Department changed our records management system.) Town-wide, there were 23 complaints of loitering during this time period. Seventy-four percent (74%) of all loitering complaints occurred in the Jones Ferry Road/Davie Road area.

In 2008, there were 90 loitering complaints town-wide; 69 occurred in the Jones Ferry Road/Davie Road area (77% of all loitering complaints).

In 2009, there were 17 loitering complaints town-wide; 5 occurred in the Jones Ferry Road/Davie Road area (29% of all loitering complaints).

In 2010, there were 9 loitering complaints town-wide; 4 occurred in the Jones Ferry Road/Davie Road area (44% of all loitering complaints).

Through August 12, 2011, CPD has responded to only one complaint of loitering, and it occurred at the Jones Ferry Road/Davie Road intersection.

The Board directed staff to make every effort to gather additional records related to loitering complaints in the area from 2003 to 2007. In May 2007, the Police Department began using a new records management system. The new system allows staff to track specific complaints of loitering. The records management system used prior to May 2007 did not recognize loitering as a specific incident; therefore, staff is not able to extract that specific information.

Throughout the years, residents and business owners/operators in the area have reported other crimes considered to be related to loitering. Among the other crimes reported are specific complaints related to disturbance, fighting, disorderly conduct, drunk and disruptive, trespassing, public urination/defecation, littering, and other town ordinance violations. Police Department staff has gathered information related to these incidents for the period from January 2000 through October 2011. (Attachment B)

From 2003 through 2007, on average, 24.3% of all town-wide reports related to disturbance, fighting, disorderly conduct, drunk and disruptive, trespassing, public urination/defecation, littering, and other town ordinance violations occurred in the area of Jones Ferry Road and Davie Road. Of course, the incidence of such crimes in the area fluctuated each year during that time period, with a low incidence of 14.9% of such calls occurring there in 2006 to a high incidence of 37.5% in 2007.

From 2008 through October 2011, on average, 21.4% of all such reports occurred in this area, with a low incidence of 15.4% of such calls in 2009 and a high incidence of 30% in 2010.

The "Report on Loitering in the vicinity of Davie Road at Jones Ferry Road," prepared by staff for the Board of Aldermen on August 26, 2003 stated the following: *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.*" Since 2000, in an effort to enhance safety and quality of life in this area, police officers have spent significant time there answering calls for service; initiating contact with many people, including business and other property owners and day laborers; and taking enforcement action when possible and warranted. While the anti-loitering ordinance has reduced the incidence of loitering at the corner, the incidence of other crimes in the area has remained fairly constant for the past 10 years.

During their shifts, Patrol Officers are responsible for protecting and serving the entire Town, including all neighborhoods, business districts, schools, and the streets between them. They provide 24 hour service and emergency response; answer and initiate calls for service; conduct preliminary criminal investigations and initiate arrests; provide necessary traffic control and enforcement; investigate traffic accidents; and provide basic business and residential security checks. As calls for service and other patrol duties allow, they conduct directed patrols in neighborhoods that are experiencing problems; however, they are *never* able to provide direct service in one area for any extensive period of time. The incidence of crime in the Davie Road at Jones Ferry Road area continues to demand intensive and prolonged police attention. If we were able to dedicate Community Outreach (Police) Officers to this area to answer calls for service there; to meet with residents, day laborers, business owners/operators, and other service providers; to identify specific problems and focus efforts on problem-solving; to proactively address the root causes of those problems; and to take enforcement action when necessary, then we may be able to effect positive change in the area.

The Police Chief has spoke with Lynn Cruz, director of the Day Labor Research Institute, about the Town's attempts to address the issues at this intersection. As described on their website:

"established in 1997, the Day Labor Research Institute consults with cities and counties, American Indian Nations, law enforcement, business, and day laborers themselves to find solutions that fit each community, and conducts academic research into topics related to day laborers... The Day Labor Research Institute has had thirteen years of experience in research and practical application with day labor in multiple cities across the U.S., giving us unique and expert knowledge.... {the institute} includes police officers experienced in day labor and community policing solutions, researchers, mediators and organizers with years working with day laborers, and lawyers with expertise in day labor law and day laborer rights... The Day Labor Research Institute has fielded over 6000 inquiries regarding day labor issues since 1997."

Ms. Cruz expressed the belief that training police officers to work with day laborers is both an effective and humane way to improve conditions near the day labor site. Their experience shows that when police and day laborers work together, the unorganized day labor situation improves, resulting in fewer complaints and calls for service and an organized method of handling legitimate complaints. This person will provide initial explanations and information at no cost to the police department and will consult with us and facilitate program development for a fee.

The Police Chief has also spoken with Human Rights Center (HRC) staff members, who work closely with residents of Abbey Court and with day laborers. The Zoning Division has granted a 'Home Occupation Permit' to the HRC at Abbey Court. In short, this allows for very limited use of what should, first, be an active rental apartment. Further information and details about the limitations associated with a Home Occupation Permit may be found in the flyer available on the Town's website at <http://www.townofcarrboro.org/pzi/PDFs/forms/HomeOccupationPermits.pdf>. Staff has received some communication regarding an expanded resource center/workers' center from Professor Blau via email. Additional details would need to be provided describing precisely how the space would be used before staff could formally determine how the use would be classified and whether it can be permitted in the R-7.5 zone. If it is determined that the use does not fit, then a LUO text amendment would be needed before such use of residential property would be acceptable (again, use of the residential property beyond what is allowed as a Home Occupation). A modification to the existing conditional use permit (CUP) for the Old Well/Abbey Court development would need to be approved before any version of a center (beyond what the Home Occupation Permit currently allows) could be established and the Abbey Court Homeowners' Association (HOA) would need to submit evidence of a vote or similar action authorizing Professor Blau to move such an application forward. Staff is aware, via email references, that Professor Blau has been in communication with some residents of the apartments near the unit(s) under consideration, about the concept of a workers' center, however all of the owners, via the HOA, must approve of the application moving forward, rather than the residents or owners of units near the proposed workers' center.

In addition to their efforts to open a workers' center, HRC personnel have already developed relationships with the day laborers who wait for work at the corner of Jones Ferry Road and Davie Road. They have worked with many day laborers to write a preliminary Workers' Code of Conduct, which they have shared with the police chief. Fifty-two (52) day laborers have signed the Code of Conduct. They have agreed that they will not treat women passing by the corner disrespectfully (by shouting or by other actions); will neither bring beer to the corner nor arrive drunk; and will behave in such a way that "may help to assuage the fears of the city of Carrboro." This is an important step toward building a more positive relationship between and among day laborers, residents, and business owners/operators.

Enforcement efforts alone do not work. We have heard from many people throughout the years that the police should take enforcement action and in so doing, the problems in the area will disappear. Police officers have enforced the laws and ordinances in this area yet the problems persist despite enforcement efforts. When police officers are on-site or nearby, the people in the area do not generally commit crimes, but when the police leave the area, some people engage in unlawful activity. If we want to effect real, lasting change in this community, we need to provide intensive police presence for the purpose of enforcing laws and ordinances and providing outreach to residents, day laborers, and contractors. We also need to collaborate with other human service providers so that we all may address the root causes of the problems that plague this area.

Research cost of additional outreach personnel on site

From a salary and benefits perspective, the total cost of an entry-level police officer position is \$52,533. This cost includes the base salary and benefits. Of course, there are other costs associated with this position, to include: uniforms, equipment, vehicle, and training. The estimated cost of equipment, etc. is \$42,300, for a total estimated cost per officer of \$94,833.

If we provide Community Outreach Officers on site, we will have to add positions to the Police Department. At a minimum, in order to provide consistent and intensive police presence, we will need to add two such positions to the Community Services Division. It is important to note that two officers cannot provide “24-7-365” service in the area, but with the addition of officers dedicated to the area, the Department should be able to provide consistent and intensive presence and service there. The estimated cost of two officers is \$189,666.

If the Board’s intention is to provide “24-7-365” coverage in the area, we would need to add, at a minimum, one police officer per patrol platoon, for a total of four officers. The estimated cost of four officers is \$379,332.

Research use of a no stopping zone (for contractors)

Staff was directed to research the issue of adopting an ordinance that prohibits stopping, standing (meaning remaining stationary in a vehicle) or parking on Davie Road and Jones Ferry Road near the intersection of those two streets during the hours of 11:00 a.m. to the following 5:00 a.m. The Town Attorney has expressed that he is comfortable that the Town can adopt such an ordinance, so long as the focus is on restricting what the vehicles do and not on what may be said. However, it is not clear what the purpose of such an ordinance would be. The premise of the hours chosen for the lingering ordinance was that, after 11:00 a.m., hiring of day laborers is done, and those who remain in the proscribed area after that time are not seeking work. If contractors are seeking workers after that time, then perhaps the anti-lingering ordinance should be revised to extend the hours when it would not in effect, since the intent of the anti-lingering ordinance is not seeking to interfere with the employment of day laborers.

In short, a ban on stopping, standing, or parking would have one of two effects. If the ban is in effect during hours when day laborers are seeking work, then the ban would interfere with their opportunity to do so. If the ban is in effect when day laborers are not seeking work, then it would have no impact on the problem the anti-lingering ordinance is designed to address.

If the Board decides to repeal the anti-lingering ordinance and create a ban on stopping, standing, or parking in an effort to encourage contractors to adhere to a certain timeframe for pick-up of day laborers,

local supporters of day laborers may argue that such action will interfere with the day laborers' ability to seek work.

Provide Police Department presence at Justice United meetings

The police chief contacted Molly DeMarco and Mauricio Castro, members of Justice United, and asked to participate in future meetings. The last task force meeting was August 30th. During that meeting, Justice United members formed two subcommittees, one to address possible locations for a workers' center and the other to consider best practices, funding, and operations. The subcommittees have not yet met. Both Ms. DeMarco and Mr. Castro have invited the police chief to participate in future meetings and will inform her of dates, times, and locations. Mr. Castro and Ms. DeMarco also offered to meet with the police chief before the subcommittees and/or task force meet. That meeting is scheduled for November 29, 2011.

Research Orange County's role in addressing the concerns of the area

The Economic and Community Development Director met with the Assistant (Orange) County Manager, and they visited the day labor pick-up site. The Assistant County Manager said that Orange County does not have resources that would address the needs of the day laborers.

Staff also checked with El Centro Hispano staff to inquire about their ability to assist the Town in addressing the concerns of this area. At this time, El Centro Hispano is not able to provide direct assistance.

Staff also investigated the possibility of renting space at Willow Creek Shopping Center for a police substation and/or workers' center (possibly operated by El Centro Hispano staff), but management there is not interested in pursuing this option.

Provide map showing current ROW along both sides of Davie Road

Public Works staff consulted the survey completed by Freehold Land Surveys and confirmed that the area on the east side of Davie Road, where the workers stand between the edge of the road and the fence, is the Town's right-of-way. The survey shows that the property line approximately follows the existing chain-link fence on the east side of the street.

The Town has no survey information for the west side of Davie Road. The only information for the right-of-way line on the west side is the GIS which shows the line to be at the approximate edge of the pavement.

FISCAL IMPACT

The Board's actions will determine fiscal impact.

STAFF RECOMMENDATION

Staff recommends that the Board considers the attached resolution.