



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

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TITLE:

Discussion of Town Commons Use Policy

PURPOSE: The purpose of this item is for the Board of Aldermen to discuss the current policies in place regarding the use of Town Commons and provide Staff with direction on what, if any, changes the Board would like to make in those policies.

DEPARTMENT: Town Manager's Office /Recreation & Parks/Economic & Community Development/Public Works

CONTACT INFORMATION: Matt Efird, 918-7314; Anitta JonesMcNair, 918-7381

INFORMATION:

General Rules

General regulations on the use of Town property are located in Chapter 14 of the Town Code. Town Code Section 14-5 allows for the Town Manager or designee to establish a reservation system for town property and facilities including, but not limited to the Town Commons. The Town Commons is available for use during regular hours on a first-come first-serve basis.

The following activities are generally prohibited on Town Property, including Town Commons: horseback riding, hitting golf balls, model airplane flying, archery, overnight camping or other recreational activities that may tend to damage or disrupt the use of town property or pose a hazard to other occupants, and fires (except in areas authorized or intended for picnicking, and then only in grills or fireplaces designed to accommodate such fires).

Commercial activity is restricted on Town property, except for certain circumstances. Commercial activity is defined as any activity conducted by any person (other than the Town of Carrboro) for the purpose of collecting admission charges or fees of any kind in excess of the costs of the activity, as well as any sale, attempted sale, or advertisement of sale of any goods, merchandise, equipment or services. The definition does not include the solicitation of donations at or in connection with any activity conducted on town property by a nonprofit organization. Sales of goods, merchandise and services are authorized at town sponsored events such as the annual Fourth of July celebration and at approved farm and craft markets operated by or on behalf of the Town or by nonprofit organizations that contract with the Town to operate farm and craft markets. Non-profit

organizations are permitted to sell goods, merchandise, equipment, or services, or perform other fundraising activities so long as such activities are otherwise consistent with the rules applicable to the use of town property that is subject to a reservation system. Alcohol is currently banned on Town property, subject to certain exceptions noted in Section 5-18 of the Town Code.

Legislative History

January 6th, 1998- The Board of Aldermen approved the reservation of the Town Commons by Grass Roots Arts on the first Sunday of each month for an Arts and Crafts Market for one year. The market was required to carry sufficient liability insurance and list the Town as an additional insured, provide a market manager instead of paying for a facility supervisor, pay a maintenance fee be of \$50 per use, and agree that that no activity of the market would conflict with the use of the Town Commons for a Town sponsored event. The Town agreed to take reasonable steps to make as much parking as possible available in Town Common lots unless needed to provide Town services or programs, and amended Section 14-20 of the Town Code to allow the Arts and Crafts Market to operate.

September 13th, 2005- The Board of Aldermen held a work session to discuss the use of Town Property for fundraisers. Section 14-20 of the Town Code was amended to allow for commercial activity by non-profit organizations as described above.

June 5th, 2007- Section 5-18 of the Town Code was modified to allow for sampling of malt beverages or unfortified wines at the Town Commons during the Farmers' Market, so long as the samples offered do not exceed one ounce; the samples are offered by a market vendor that either produced the malt beverages or wine or grew the grapes that made the wine; the samples are offered in connection with the sale of such malt beverages or wine by the bottle; malt beverages or unfortified wines are not sold by the glass for consumption on site; and the vendor has all appropriate ABC licenses or permits authorizing this activity.

June 19, 2007- The Board of Aldermen discussed the insurance requirements for Facility Reservations. The Board upheld the requirements that high-risk events (defined as events that include major physical activity and moderate/severe exposure to participants; have an expected attendance of over 500; include bringing large amounts of cash (\$1000+) or quantities of merchandise onto Town Property; and food being served, sold and/or given to the general public) provide at least \$1 million general liability coverage endorsed to name the Town as an additional insured and provide a certificate for documentation to Town staff.

June 26, 2007- The contract between the Town and the Carrboro Farmer's Market was modified to set the hours for the Farmer's Market as follows:

“... every Saturday from the last Saturday in March until approximately the third Saturday in December at the Carrboro Town Commons. The Market will be open from 7 o'clock a.m. until 1:30 pm. The Market may begin set up at 5:30 a.m. and will be off the site by 2:30 p.m. ...the Wednesday market...will operate from 5 p.m. to 7 p.m. This Market shall begin to set up at 4 o'clock p.m. and will be off the site by 8 o'clock p.m.”

June 3, 2008- The Board approved a change in the miscellaneous fees and charges schedule so that the Town Commons may be reserved for free if: town staff does not work during the event; no

public access to Town Hall bathrooms is provided; no money is exchanged during the event; no electricity is used; the event is open to the public; reservations limited to no more than once per month by any one group and subject to insurance guidelines.

November 20, 2007- The Board of Aldermen approved extending the use of the Town Commons for a year-round Farmer's Market, and set the hours as January to December on Saturdays from 5:30am until 2:30pm and on Wednesdays, April through October, from 2:30pm until 7:30pm.

February 12, 2013- The Board of Aldermen approved a Use Agreement with the Wild Food and Herb Market that included the following: "The Attendant shall operate and manage a Wild Food and herb market on the following dates: March 10, April 7, May 12, June 2, July 7, August 4, September 1, October 6 and November 3. The market will be open from 1:00 p.m. until 4:00 pm. The market may begin setting up at 11: 30 a.m. and will be off the site by 5:00 p.m. The market will not operate on nor interfere in the set-up of the town events of Carrboro Day and July 4th."

Current Administrative Policies

The current Town Policy governing the use of Town Commons is Administrative Policy 420-19 (Attachment C). In general, the policy states that the intent of the Town Commons is to provide a community meeting place for recreation activities, community events and markets, but only to the extent that such activities and events can be held during times that do not interfere with the normal operation of

Town Hall and under circumstances (in time of frequency of use and manner of operation) that do not impose an unreasonable burden upon adjoining businesses and neighborhoods.

The policy defines Town Sponsored Events generally as those events for which the Town expends town funds for the planning and/or staging of the event; the Town anticipates receiving revenue from the staging of the event; the Town makes a substantial in-kind contribution toward the planning and/or staging of the event; or the Town exercises substantial managerial control over the planning and/or staging of the event. Events conducted by the Recreation and Parks Department or other town departments are considered to be Town Sponsored Events.

The policy includes the specific hours for the Farmers Market as set in 2007, with the addition of the statement that the "market will not operate on July 4th or October 31st nor interfere in the set-up of Town events." The policy also sets aside time for a Craft Market as described in the January 6, 1998 Agenda Item, and sets the hours for a Craft Market as the second and fourth Sundays of April through December, and the third Sunday of December, from 1:00 to 5:00 pm.

The policy requires that electronically amplified sound shall be directed, and the volume controlled, such that the audience within the Town Commons can be reached without creating a disturbance beyond the boundaries of the Town Commons.

The policy states that no reservation is required for "spontaneous gatherings". If however, an individual or group would like to ensure the exclusive use of The Town Commons for activities or events, a reservation is recommended.

The Town Commons may be reserved on a first-come first-served basis by any person or organization who resides or any organization that has a place of business in Orange County. The reservation fee for the Town Commons is set at \$100 for 0-4 hours and \$150 for 4 or more hours. An additional fee of \$25 is charged if the event is approved to sell goods and services. Organizers

of events expected to draw more than 100 vehicles to the area of the Town Commons may be required to provide parking attendants to protect adjoining properties from improper parking. The person or organization reserving the facility may request, and the Town may provide at the requesting party's expense, off duty police officers to assist in crowd and traffic control. If an event involves contractors who do not have a Town of Carrboro privilege license and receive a fee for services provided on town property a site license fee of \$25.00 is assessed to the event sponsor that covers the contractors to comply with Town of Carrboro Privilege License requirements.

Current Planned Reservations

The following time periods are currently "reserved" for use by the Town or other entity during the year.

- Farmers Market - Every Saturday 5:30am-2:30pm, Wednesdays April - October 2:30pm -7:30pm
 - Except for July 4th or October 31st
- Really Really Free Market - 1st Saturday of each month 2:30pm - 5:30pm
- Craft Market - 2nd and 4th Sundays April - December, and 3rd Sunday of December 1:00 pm to 5:00 pm
- Wild Food and Herb Market - 1st Sunday March - November (2013 only) 11:30am - 4:00 pm
- Carrboro Day - 1st Sunday in May
- July 4th
- Carrboro Music Festival - Last Saturday in September
- Halloween Carnival - October 31st

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FISCAL & STAFF IMPACT: There is no fiscal or staff impact associated with the discussion of this item. Should the Board of Aldermen direct changes to the Town Commons reservation fees, there may be an impact on the Town's revenue from facility rentals.

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RECOMMENDATION: Staff recommends that the board consider the information provided and provide Staff with direction on how to move forward on any revisions to existing Town policy.